SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: —

DATE : 5/21/08

TO SPE OF : ART UNIT 2914

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/217863 Patent No: D558793

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: _____

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

ROYAL W. CRAIG
LAW OFFICES OF ROYAL W. CRAIG
10 N. CALVERT STREET
SUITE 153
BALTIMORE MD 21202

COPY MAILED

APR 0 4 2007

OFFICE OF PETITIONS

In re Application of	:	
Jeffrey Korber, et al	:	
Application No. 29/217,868	:	DECISION ON PETITION
Filed: November 24, 2004	:	TO WITHDRAW
Attorney Docket No.. KORBER et al –DPA-1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 1, 2006 and renewed petition dated March 22, 2007.

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 Royal W. Craig, the sole attorney of record. Royal W. Craig has been withdrawn.

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

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

There are no Office actions pending at the present time.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at 571-272-6735.

April Wise
Petitions Examiner
Office of Petitions

cc: JEFFREY KORBER
83 JACOBS ROAD
ROCKAWAY, NJ 07866

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
29/217,868	11/24/2004	Jeffrey Korber	

CONFIRMATION NO. 8293

OC000000023119166

Royal W. Craig
Law Offices of Royal W. Craig
10 N. Calvert Street
Suite 153
Baltimore, MD 21202

Date Mailed: 03/27/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/01/2006.

- 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.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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George R. McGuire
Bond Schoeneck & King, PLLC
One Lincoln Center
Syracuse, NY 13202-1355

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SEP 15 2006

OFFICE OF PETITIONS

In re Application of

:

Adrian Neil Bargh:

ON PETITION

Application No. 29/217,953

Filing Date: November 23, 2004

:

Attorney Docket No. 812D013

This is a decision on the petition under 37 CFR §1.137(b), filed July 17, 2006, in the above-identified application.

The petition is **dismissed**.

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

This application became abandoned for failure to respond in a timely manner to the Notice of Allowance and Issue Fee Due mailed April 6, 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 July 7, 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"

PTO/SB/63 (07-06)
Approved for use through 09/30/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to a collection of information unless it displays a valid OMB control number.

TERMINAL DISCLAIMER TO ACCOMPANY PETITION

Docket Number (Optional)

In re Application of:

Name:

Application Number:

Filed:

For:

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

Check either box 1 or 2 below, if appropriate.

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

_____	_____
Signature	Date
_____	_____
Typed or Printed Name	Telephone Number

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

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

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

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

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

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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Bond Schoeneck & King, PLLC
One Lincoln Center
Syracuse NY 13202-1355

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OFFICE OF PETITIONS

In re Application of

Adrian Neil Bargh:

Application No. 29/217,953

Filed: November 23, 2004

Attorney Docket No. 812D013

DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed September 25, 2006, to revive the above-identified application.

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

This application became abandoned for failure to respond in a timely manner to the Notice of Allowance and Issue Fee Due mailed April 6, 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 July 7, 2006. A petition under 37 CFR 1.137(b) was first filed on July 17, 2006, and dismissed by a decision mailed September 15, 2006.

The terminal disclaimer, filed September 25, 2006, is noted. The issue fee and Form PTOL-85B are noted as having been received on July 17, 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

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ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE-SUITE 101
ELLICOTT CITY, MD 21043

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JAN 3 1 2005

OFFICE OF PETITIONS

In re Application of: Ker-Wei Lin	:	
Application No. 29/217,986	:	NOTICE
Filed: November 26, 2004	:	
Attorney Docket No. MR3315-39	:	

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

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

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

This file is being referred to the Office of Initial Patent Examination for further processing.

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

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

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ELLICOTT CITY, MD 21043

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OFFICE OF PETITIONS

In re Application of: Ker-Wei Lin	:	
Application No. 29/217,987	:	NOTICE
Filed: November 26, 2004	:	
Attorney Docket No. MR3315-40	:	

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

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

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

This file is being referred to the Office of Initial Patent Examination for further processing.

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

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

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ELLICOTT CITY, MD 21043

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OFFICE OF PETITIONS

In re Application of: Ker-Wei Lin	:	
Application No. 29/217,988	:	NOTICE
Filed: November 26, 2004	:	
Attorney Docket No. MR3315-41	:	

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

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

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

The Office acknowledges receipt of a substitute Declaration along with the $130 surcharge filed on January 6, 2005.

This file is being referred to the Office of Initial Patent Examination for further processing.

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

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

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

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JUN 30 2008

OFFICE OF PETITIONS

In re Application of	:	
Barry S. Grant	:	
Application No. 29/217,994	:	ON PETITION
Filed: November 23, 2004	:	
Attorney Docket No. 10200-1301	:	

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

The petition is **GRANTED**.

The application became abandoned for failure to submit a new oath or declaration in a timely manner in reply to the Notice of Allowability, mailed September 20, 2006, which set a period for reply of three (3) months. Accordingly, this application became abandoned on December 21, 2006. The Notice of Abandonment was mailed February 13, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an oath; (2) the petition fee of $750; (3) an adequate statement of unintentional delay; and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d).

The terminal disclaimer is accepted and has been 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. 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 Terri Williams at (571) 272-2991.

The application file is being referred to the Office of Data Management for processing into a patent.

Chris Bottorff
Petitions Examiner
Office of Petitions

cc: **George M. Thomas**
100 Galleria Parkway, NW, #1750
Atlanta, GA 30339

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

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OFFICE OF PETITIONS

In re Application of Zahn et al. :
Application No. 29/218,001 :
Filing Date: November 24, 2004 :
Attorney Docket No. 23464/09016 :

Decision on Petition

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

The petition is **granted**.

The above-identified application became abandoned for failure to submit formal drawings in a timely manner in reply to the Notice of Allowability mailed April 18, 2006, which set a shortened statutory period for reply of three (3) months. The above-identified application became abandoned on July 19, 2006.

The instant petition requests revival of the application.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

The Office of Publications will be informed of the instant decision and will take steps to issue the application as a patent in due course.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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DEC 13 2004

CISLO & THOMAS, LLP
233 WILSHIRE BLVD
SUITE 900
SANTA MONICA CA 90401-1211

In re Application of	:	
Armin Arminak	:	
Serial No.: 29/218,005	:	**REQUEST FOR EXPEDITED EXAMINATION**
Filed: November 24, 2004	:	
For: Shroud	:	

This is in response to the Request for expedited examination applicant filed November 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 (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

STANLEY H. KREMEN
4 LENAPE LANE
EAST BRUNSWICK NJ 08816

In re Application of	:	
James G. Smith	:	
Serial No.: 29/218,006	:	**REQUEST FOR EXPEDITED EXAMINATION**
Filed: November 24, 2004	:	
For: Modular Bicycle Park and Lock	:	
Stand and Tree Guard	:	

This is in response to the Request for expedited examination applicant filed November 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 (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

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JAN 19 2007

OFFICE OF PETITIONS

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

In re Application of	:	
Walter Zahn et al.	:	
Application No. 29/218,010	:	DECISION ON PETITION
Filed: November 24, 2004	:	UNDER 37 C.F.R. §1.137(B)
Attorney Docket Number:	:	
23464/09015	:	
Title: DISPENSING CONTAINER	:	

This is a decision on the petition filed September 11, 2006, pursuant to 37 C.F.R. §1.137(b)[1], to revive the above-identified application.

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed April 18, 2006, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting issue fees[2]. Accordingly, the above-identified application became abandoned on July 19, 2006. A Notice of Abandonment was mailed on August 24, 2006.

With the present petition, Petitioner has submitted the petition fee, the issue fee, and the proper statement of unintentional

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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).

delay. Petitioner has further included the required terminal disclaimer and the associated fee.

As such, the petition under 37 C.F.R. §1.137(b) is **GRANTED**.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment and drawings that were received with the present petition can be processed.

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

---

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 Petitioner's further action(s).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION - WEST BLDG.
WINTON HILL BUSINESS CENTER - BOX 412
6250 CENTER HILL AVENUE
CINCINNATI, OH 45224

COPY MAILED
AUG 15 2007
OFFICE OF PETITIONS

In re Application of Houghton et al. :
Application No. 29/218,011 : Decision on Petition
Filing Date: November 24, 2004 :
Attorney Docket No. CD485 :

This is a decision on the petition under 37 CFR 1.181, filed February 27, 2007, to withdraw the holding of abandonment.

The petition is **granted.**

This application was held abandoned for failure to timely respond to the non-final Office action of July 12, 2006, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before October 12, 2006. Office records fail to indicate a reply was received. Therefore, a Notice of Abandonment was mailed on February 16, 2007.

Petitioner has provided a showing in compliance with 37 CFR 1.8(b) establishing a reply was timely filed on October 5, 2006. Therefore, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Technology Center Art Unit 2915 will be informed of the instant decision and the examiner will review the copy of the amendment filed February 27, 2007, 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
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CHARLOTTE NC 28280-4000

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JAN 2 5 2005

OFFICE OF PETITIONS

In re Application of	:	
Haraldsson et al.	:	
Application No. 29/218,035	:	ON PETITION
Filed: November 24, 2004	:	
Attorney Docket No. 031678/284576	:	

This is a decision on the petition filed January 3, 2005, requesting that the above-identified application be accorded a filing date of November 24, 2004, rather than the presently accorded date of November 18, 2004. The petition is properly treated as a petition under 37 CFR 1.10(c).

Applicant requests the earlier filing date on the basis that the application was purportedly deposited with the U. S. Postal Service (USPS) as Express Mail on November 24, 2004 pursuant to 37 CFR 1.10. In support, applicant has submitted a copy of Express Mail label No. EV519946298US showing an handwritten "date-in" of "November 24, 2004". The same Express Mail receipt number appears on the original "Transmittal for Patent Application," which includes the Express Mail label number. Additionally, the Express Mail label number appears on the Certificate of Mailing by "Express Mail" and includes a statement of express mailing dated November 24, 2004 on the cover page for the application papers.

To further substantiate petitioner's allegation that the application papers for this application were deposited on the requested filing date, a copy of the sales receipt, which includes the above-noted Express Mail label number, shows a date of "November 24, 2004."

In view of the all of the above, it is concluded that the application was deposited as "Express Mail" with the USPS on November 24, 2004.

The petition is **GRANTED**.

A petition fee is not required for a petition under 37 CFR 1.10(c). Petitioner submitted $130.00 and was also incorrectly charged $240.00. Accordingly, all $400.00 will now be credited to petitioner's deposit account.

This matter is being referred to the Office of Initial Patent Examination Division for further **processing with a filing date of November 24, 2004, along with a corrected filing receipt.** Thereafter, the matter will be referred to Technology Center 2900 for examination in due course.

Telephone inquiries concerning this matter may be directed Paralegal Liana Chase at (571) 272-3206.

Charles Steven Brantley
Petitions Attorney
Office of Petitions

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

JUN - 2 2005

In re Application of	:	
Eiichi Kono et al.	:	
Serial Number : 29/218,127	:	PETITION UNDER
Filed : November 30, 2004	:	M.P.E.P. 708.02 VIII
For: TYPE FONT	:	

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 refernces 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 Program Examiner

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

JUN - 2 2005

In re Application of	:	
Eiichi Kono et al.	:	
Serial Number : 29/218,128	:	PETITION UNDER
Filed : November 30, 2004	:	M.P.E.P. 708.02 VIII
For: TYPE FONT	:	

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 refernces 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 Program Examiner

UNITED STATES PATENT and TRADEMARK OFFICE
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WASHINGTON, D.C. 20231
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JUN - 2 2005

In re Application of Eiichi Kono et al. Serial Number : 29/218,129 Filed : November 30, 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 refernces 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 Program Examiner

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

JUN - 2 2005

In re Application of	:	
Eiichi Kono et al.	:	
Serial Number : 29/218,130	:	PETITION UNDER
Filed : November 30, 2004	:	M.P.E.P. 708.02 VIII
For: TYPE FONT	:	

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 refernces 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 Program Examiner

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

JUN - 2 2005

In re Application of Eiichi Kono et al. Serial Number : 29/218,131 Filed : November 30, 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 refernces 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 Program Examiner

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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JUN - 2 2005

In re Application of	:	
Eiichi Kono et al.	:	
Serial Number: 29/218,132	:	PETITION UNDER
Filed: November 30, 2004	:	M.P.E.P.708.02 VIII
For: TYPE FONT	:	

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

PTO/SB/27 (09-04)
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	29/218,182
Filing Date	November 29, 2004
First Named Inventor	Rheaume
Title	
Atty Docket Number	RHE003USPT01

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 2/8/05
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 63 Jewelry - Subclasses 3,4, and 23
Design Class 11 Jewelry, Symbolic Insignia, and Ornaments - Subclasses 3,14,24, and 30

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.

Elizabeth D. Lewen — Signature
December 22, 2004 — Date

Elizabeth D. Lewen — Typed or printed name
50,260 — Registration Number, if applicable

651-426-2400 — 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.

12/23/2004 AWONDAF1 00000069 29218182
01 FC:1802 900.00 OP

SPE: I. Simmons

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 8/2/07

TO SPE OF : ART UNIT 2916

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/218,323 Patent No.: D529531

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: See NOA 5/4/06

IAN SIMMONS
SUPERVISORY PATENT EXAMINER
SPE

2916
Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : September 12, 2006

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/218362 Patent No.: D,520,525 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: _____

SUPERVISORY DESIGN EXAMINER

SPE

2912

Art Unit

PTOL-306 (REV. 7/03)

U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

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KLEIN, O'NEILL & SINGH, LLP
43 CORPORATE PARK
SUITE 204
IRVINE CA 92606

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FEB 15 2007

OFFICE OF PETITIONS

In re Application of
Waedeled
Application No. 29/218,366
Filed: December 1, 2004
Attorney Docket No. 606-79-DA
For: CAMPING LAMP

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed November 14, 2006, to revive the above-identified application.

This application became abandoned for failure to timely submit corrected formal drawings within three (3) months of the mail date of the Notice of Allowability, mailed on June 15, 2006. Accordingly, this application became abandoned on September 16, 2006. A Notice of Abandonment was mailed on November 8, 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 June 15, 2006 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 consideration of the drawings filed on November 14, 2006.

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

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c/o Watchstone P+D, plc
1250 CONNECTICUT AVENUE, N.W.
SUITE 700
WASHINGTON DC 20036-2657

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MAY 2 8 2008

OFFICE OF PETITIONS

In re Application of	:	
R. Isaac Berg	:	
Application No. 29/218,381	:	ON PETITION
Filed: December 2, 2004	:	
Attorney Docket No. 2227.113	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 3, 2008, 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 a response in a timely manner in reply to the Requirement of Restriction/Election, mailed May 18, 2007, which set a period for reply of ONE(1) month. Accordingly, this application became abandoned on June 19, 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) number (4) in that no terminal disclaimer has been filed.

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 Ramesh Krishnamurthy at (571) 272-4914.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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c/o Watchstone P+D, plc
1250 CONNECTICUT AVENUE, N.W.
SUITE 700
WASHINGTON DC 20036-2657

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JUN 26 2008

OFFICE OF PETITIONS

In re Application of	:	
R. Isaac Berg	:	
Application No. 29/218,381	:	ON PETITION
Filed: December 2, 2004	:	
Attorney Docket No. 2227 - 113	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed June 4, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to respond on or before June 18, 2007, as required by the Requirement for Restriction/Election, mailed May 18, 2007. No extensions of time were timely obtained. Accordingly, the date of abandonment of this application is June 19, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Election; (2) the petition fee of $770; (3) a proper statement of unintentional delay; and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly the response to Requirement for Restriction/Election mailed May 18, 2007 is accepted as having been unintentionally delayed.

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 - 4914.

This application is being referred to Technology Center AU 2912 for further action on the reply received March 3, 2008.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
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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JUN - 2 2005

In re Application of	:	
Angela K. Butcher et al.	:	
Serial Number: 29/218,448	:	PETITION UNDER
Filed: December 3, 2004	:	M.P.E.P.708.02 VIII
For: ICON FOR A DISPLAY SCREEN	:	

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
www.uspto.gov

JUN - 2 2005

In re Application of	:	
Angela K. Butcher et al.	:	
Serial Number: 29/218,449	:	PETITION UNDER
Filed: December 3, 2004	:	M.P.E.P.708.02 VIII
For: ICON FOR A DISPLAY SCREEN	:	

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
www.uspto.gov

JUN - 2 2005

In re Application of	:	
Angela K. Butcher et al.	:	
Serial Number: 29/218,450	:	PETITION UNDER
Filed: December 3, 2004	:	M.P.E.P.708.02 VIII
For: ICON FOR A DISPLAY SCREEN	:	

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JUN - 2 2005

In re Application of	:	
Angela K. Butcher et al.	:	
Serial Number: 29/218,451	:	PETITION UNDER
Filed: December 3, 2004	:	M.P.E.P.708.02 VIII
For: ICON FOR A DISPLAY SCREEN	:	

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

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

JUN - 2 2005

In re Application of	:	
Margaret R. Clinton et al.	:	
Serial Number: 29/218,452	:	PETITION UNDER
Filed: December 3, 2004	:	M.P.E.P.708.02 VIII
For: PORTION OF A DISPLAY SCREEN	:	

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JUN - 2 2005

In re Application of	:	
Angela K. Butcher et al.	:	
Serial Number: 29/218,453	:	PETITION UNDER
Filed: December 3, 2004	:	M.P.E.P.708.02 VIII
For: SET OF ICONS FOR A COMPUTER	:	
SCREEN	:	

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

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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JUN - 2 2005

In re Application of	:	
Angela K. Butcher et al.	:	
Serial Number: 29/218,473	:	PETITION UNDER
Filed: December 3, 2004	:	M.P.E.P.708.02 VIII
For: ICON FOR A DISPLAY SCREEN	:	

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

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

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JAN 1 8 2006

OFFICE OF PETITIONS

In re Application of
Joel Tetreault et al.
Application No. 29/218,494
Filed: December 3, 2004
Attorney Docket No. 049159-0318

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

This is in response to the petition filed July 5, 2005 under 37 CFR 1.47(a).

The petition is **GRANTED**.

The above-identified application was filed on December 3, 2004, naming Joel Tetreault and Brian Demers as joint inventors but without a signed declaration. Accordingly, on January 4, 2005, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration.

In response, an oath or declaration executed only by joint inventor Tetreault, a four month extension of time request and the instant petition under 37 CFR 1.47(a) were filed. The petition argues that joint inventor Demers refuses to sign the oath or declaration and thus by his actions, to cooperate with the filing of the instant application.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The petition bears proof that the application papers were sent to Mr. Demers and that he has not yet returned an executed oath or declaration. Neither has the non-signing inventor indicated that he would return the oath or declaration or cooperate with the filing of the instant application.

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

Thus, as provided in Rule 1.47c, this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Please be advised that effective November 22, 2004, the petition fee has been increased to $200.00. Therein, deposit account no. 19-0741 has been charged in the amount of $70.00 to make up the difference between that which was paid and that which is due pursuant to 37 CFR 1.17(g). 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.

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

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
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Alexandria, VA 22313-1450
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FORT COLLINS, CO 80527-2400

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FEB 25 2005

OFFICE OF PETITIONS

In re Application of	:	
McEachern, et al.	:	DECISION DISMISSING
Application No. 29/218,496	:	PETITION
Filed: December 2, 2004	:	
Attorney Docket No. 1509-528	:	

This is a decision on the petition under 37 CFR 1.10(c), filed January 13, 2005, requesting that the above-identified application be accorded a filing date of December 1, 2004, rather than the presently accorded filing date of December 2, 2004.

The petition is **dismissed**.

Petitioners allege that the application was deposited in USPS Express Mail service on December 1, 2004. In support, the petition is accompanied by a copy of "Express Mail" mailing label no. EJ842194556US ("date-in" is blank), and a statement from Roseanna Kaplan, Intellectual Property Specialist, who states that she placed the Express Mail package in an Express Mail mailbox on December 1, 2004.

Paragraph (c) of 37 CFR 1.10 states:

> "Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Commissioner to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation, provided that:

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

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

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

A grantable petition under 37 CFR 1.10(c) must include "a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit."

The petition filed January 13, 2005, is accompanied by a true copy of the "Express Mail" mailing label, however, the "date-in" on the copy of the "Express Mail" mailing label submitted with the instant petition is blank. No other official notation by the USPS relied upon to show the date of deposit has been submitted in support of the instant petition. As such, the date of deposit cannot be determined from the documentary evidence submitted in support of the instant petition.

Furthermore, review of the "USPS Track & Confirm Shipment Details" for Express Mail Label No. EJ842194556US, obtained by this office, indicates the item was first accepted into USPS Express Mail service on December 2, 2004.

Please note, 37 CFR 1.10(b) provides that correspondence should be deposited directly with an employee of the USPS to ensure that the person depositing the correspondence receives a legible copy of the "Express Mail" mailing label with the "date-in" clearly marked, and that persons dealing indirectly with the employees of the USPS (such as by depositing correspondence in an "Express Mail" drop box) do so at the risk of not receiving a copy of the "Express Mail" mailing label with the desired "date-in" clearly marked. On petition, the failure to obtain an "Express Mail" receipt with the "date-in" clearly marked may be considered an omission that could have been avoided by the exercise of due care. While the Office strongly urges direct deposit of "Express Mail" correspondence in order to obtain a legible copy of the

"Express Mail" mailing label, parties are not precluded from using "Express Mail" drop boxes, **but do so at their own risk.** (Emphasis supplied). *See* MPEP 513.

Accordingly, the petition filed January 13, 2005, does not contain a true copy of the "Express Mail" mailing label showing the "date-in," or any other official notation by the USPS relied upon to show the date of deposit, as required by the rule, and is, therefore, dismissed.

The application is being returned to the Office of Initial Patent Examination for further processing with the presently accorded filing date of December 2, 2004.

Telephone inquiries should 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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P.O. Box 272400
Fort Collins, CO 80527-2400

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DEC 0 5 2006
OFFICE OF PETITIONS

In re Application of	:	
McEachern et al.	:	
Application No. 29/218496	:	DECISION DISMISSING
Filed: 12/02/2004	:	PETITION UNDER
Title of Invention:	:	37 CFR 1.47(b)
RADIO FREQUENCY TUNER	:	

This is in response to the Petition Under 37 CFR § 1.47(b), filed September 1, 2006, to allow a person to whom an inventor has assigned or agreed in writing to assign the invention, or who otherwise shows sufficient proprietary interest in the matter justifying such action, to make application on behalf of and as agent for all inventors.

The petition is **dismissed**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)", and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor(s). Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed December 2, 2004, without an executed oath or declaration. In response, this Office mailed a Notice to File Missing Parts of Nonprovisional Application ("Notice") on January 4, 2005, requiring, *inter alia*, a fully executed oath or declaration.

In response to the Notice, Applicant filed an executed oath/declaration on December 5, 2005; however, in a Notice of Allowability mailed June 1, 2006, the Office noted that the oath/declaration as-filed was defective.

Applicant files the present petition; corrected oath/declaration executed by an officer of Hewlett-Packard ("HP"); statement under 37 CFR 3.73(b); a copy of a civil action filed against the nonsigning inventors; copies of employment agreements executed by the nonsigning inventors, and a letter from counsel for the nonsigning inventors, apparently in response to a request that the nonsigning inventors execute the corrected oath/declaration. The letter notes that the

nonsigning inventors executed a declaration for this invention, and requests HP explain this second, subsequent request to execute another declaration for the invention.

Applicable Law

A grantable petition under 37 CFR 1.47(b) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; (4) a statement of the last known address of the non-signing inventor(s); (5) proof of proprietary interest; and (6) proof of irreparable harm. Applicant lacks items (1), (2) and (5) as set forth above.

As to item (1), where an express refusal to join in the application is alleged, the MPEP provides:

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

Here, as evidence of the nonsigning inventor's refusal to join in the application, Applicant has filed a copy of the letter from the nonsigning inventor's counsel, however, the letter fails to evidence a refusal to join in the application, but instead requests an explanation as to why Applicant has requested a second execution of the declaration.

As such, Applicant has failed satisfy item (1), and prove that the non-signing inventors refuse to sign the oath or declaration after having been presented with the application papers.

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

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

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

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

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAY 09 2007

OFFICE OF PETITIONS

In re Application of	:	
McEachern et al.	:	
Application No. 29/218496	:	DECISION GRANTING
Filed: 12/02/2004	:	PETITION UNDER
Title of Invention:	:	37 CFR 1.47(b)
RADIO FREQUENCY TUNER	:	

This is in response to the Request for Reconsideration of Petition Under 37 C.F.R. § 1.47(b), filed April 5, 2007, to allow a person to whom an inventor has assigned or agreed in writing to assign the invention, or who otherwise shows sufficient proprietary interest in the matter justifying such action, to make application on behalf of and as agent for all inventors.

The petition is **granted**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

Petitioner has shown that the non-signing inventors, Marc McEachern and Karl Kamb, refuse to join in the application.

As provided in Rule 1.47, this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the Petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being referred to Publishing Division for continued processing.

Telephone inquiries related to this decision may 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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C/O BRUCE K. KUNIMOTO
HALE LANE
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LAS VEGAS, NV 89169

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OFFICE OF PETITIONS

In re Application of	:	
McEachern et al.	:	
Application No. 29/218496	:	LETTER
Filed: 12/02/2004	:	
Title of Invention:	:	
RADIO FREQUENCY TUNER	:	

Dear Mr. McEachern:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3232. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Derek L. Woods
Attorney
Office of Petitions

cc: HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

UNITED STATES PATENT AND TRADEMARK OFFICE

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MR. MARC McEACHERN
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3930 HOWARD HUGHES PKWY, 4th FLOOR
LAS VEGAS, NV 89169

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MAY 09 2007

OFFICE OF PETITIONS

In re Application of	:	
McEachern et al.	:	
Application No. 29/218496	:	LETTER
Filed: 12/02/2004	:	
Title of Invention:	:	
RADIO FREQUENCY TUNER	:	

Dear Mr. McEachern:

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

As an 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.

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Derek L. Woods
Attorney
Office of Petitions

cc: HEWLETT-PACKARD COMPANY
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JUN 06 2007

OFFICE OF PETITIONS

In re Application of	:	
McEachern et al.	:	
Application No. 29/218496	:	DECISION GRANTING
Filed: 12/02/2004	:	PETITION UNDER
Title of Invention:	:	37 CFR 1.181
RADIO FREQUENCY TUNER	:	

This is in response to the Petition Under 37 CFR 1.181, filed April 5, 2007, to withdraw the holding of abandonment.

The petition is **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Decision on Petition, mailed December 5, 2006. The Decision set a two (2) month period for reply, and provided for extensions of time under 37 CFR 1.136(a). No response having been received, the application became abandoned on February 6, 2007. A Notice of Abandonment was mailed March 9, 2007.

The present petition

Applicant files the present Petition and asserts that a timely reply to the decision was filed, including a renewed petition and the appropriate extension of time/fee.

Analysis

Applicant filed with the present petition to withdraw the holding of abandonment, a request for reconsideration of petition under 37 CFR 1.47(a), and included with the rule 1.47 petition an authorization to charge the extension of time fee to Applicant's deposit account.

Conclusion

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn.

The extension of time fees have been charged to Petitioner's deposit account.

The application will be referred to Publishing Division for processing into a patent.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

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FEB 25 2005

OFFICE OF PETITIONS

In re Application of	:	
McEachern, et al.	:	DECISION DISMISSING
Application No. 29/218,497	:	PETITION
Filed: December 2, 2004	:	
Attorney Docket No. 1509-527	:	

This is a decision on the petition under 37 CFR 1.10(c), filed January 13, 2005, requesting that the above-identified application be accorded a filing date of December 1, 2004, rather than the presently accorded filing date of December 2, 2004.

The petition is **dismissed**.

Petitioners allege that the application was deposited in USPS Express Mail service on December 1, 2004. In support, the petition is accompanied by a copy of "Express Mail" mailing label no. EJ842194556US ("date-in" is blank), and a statement from Roseanna Kaplan, Intellectual Property Specialist, who states that she placed the Express Mail package in an Express Mail mailbox on December 1, 2004.

Paragraph (c) of 37 CFR 1.10 states:

> "Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Commissioner to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation, provided that:

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

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

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

A grantable petition under 37 CFR 1.10(c) must include "a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit."

The petition filed January 13, 2005, is accompanied by a true copy of the "Express Mail" mailing label, however, the "date-in" on the copy of the "Express Mail" mailing label submitted with the instant petition is blank. No other official notation by the USPS relied upon to show the date of deposit has been submitted in support of the instant petition. As such, the date of deposit cannot be determined from the documentary evidence submitted in support of the instant petition.

Furthermore, review of the "USPS Track & Confirm Shipment Details" for Express Mail Label No. EJ842194556US, obtained by this office, indicates the item was first accepted into USPS Express Mail service on December 2, 2004.

Please note, 37 CFR 1.10(b) provides that correspondence should be deposited directly with an employee of the USPS to ensure that the person depositing the correspondence receives a legible copy of the "Express Mail" mailing label with the "date-in" clearly marked, and that persons dealing indirectly with the employees of the USPS (such as by depositing correspondence in an "Express Mail" drop box) do so at the risk of not receiving a copy of the "Express Mail" mailing label with the desired "date-in" clearly marked. On petition, the failure to obtain an "Express Mail" receipt with the "date-in" clearly marked may be considered an omission that could have been avoided by the exercise of due care. While the Office strongly urges direct deposit of "Express Mail" correspondence in order to obtain a legible copy of the

"Express Mail" mailing label, parties are not precluded from using "Express Mail" drop boxes, **but do so at their own risk.** (Emphasis supplied). *See* MPEP 513.

Accordingly, the petition filed January 13, 2005, does not contain a true copy of the "Express Mail" mailing label showing the "date-in," or any other official notation by the USPS relied upon to show the date of deposit, as required by the rule, and is, therefore, dismissed.

The application is being returned to the Office of Initial Patent Examination for further processing with the presently accorded filing date of December 2, 2004.

Telephone inquiries should 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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OFFICE OF PETITIONS

In re Application of	:	
McEachern, et al.	:	DECISION DISMISSING
Application No. 29/218,498	:	PETITION
Filed: December 2, 2004	:	
Attorney Docket No. 1509-529	:	

This is a decision on the petition under 37 CFR 1.10(c), filed January 13, 2005, requesting that the above-identified application be accorded a filing date of December 1, 2004, rather than the presently accorded filing date of December 2, 2004.

The petition is **dismissed**.

Petitioners allege that the application was deposited in USPS Express Mail service on December 1, 2004. In support, the petition is accompanied by a copy of "Express Mail" mailing label no. EJ842194556US ("date-in" is blank), and a statement from Roseanna Kaplan, Intellectual Property Specialist, who states that she placed the Express Mail package in an Express Mail mailbox on December 1, 2004.

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> "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." (Emphasis supplied).

A grantable petition under 37 CFR 1.10(c) must include "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."

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Please note, 37 CFR 1.10(b) provides that correspondence should be deposited directly with an employee of the USPS to ensure that the person depositing the correspondence receives a legible copy of the "Express Mail" mailing label with the "date-in" clearly marked, and that persons dealing indirectly with the employees of the USPS (such as by depositing correspondence in an "Express Mail" drop box) do so at the risk of not receiving a copy of the "Express Mail" mailing label with the desired "date-in" clearly marked. On petition, the failure to obtain an "Express Mail" receipt with the "date-in" clearly marked may be considered an omission that could have been avoided by the exercise of due care. While the Office strongly urges direct deposit of "Express Mail" correspondence in order to obtain a legible copy of the

"Express Mail" mailing label, parties are not precluded from using "Express Mail" drop boxes, **but do so at their own risk.** (Emphasis supplied). *See* MPEP 513.

Accordingly, the petition filed January 13, 2005, does not contain a true copy of the "Express Mail" mailing label showing the "date-in," or any other official notation by the USPS relied upon to show the date of deposit, as required by the rule, and is, therefore, dismissed.

The application is being returned to the Office of Initial Patent Examination for further processing with the presently accorded filing date of December 2, 2004.

Telephone inquiries should be directed to the undersigned at (571)272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
United States Patent and Trademark Office

OIPE JC106
MAR 2 5 2005
PATENT & TRADEMARK OFFICE

IFW

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www.hp.com

Maria Carroll
Legal Administrator
Legal Department
Intellectual Property Administration

970.898.0429 Tel
970.898.0640 Fax
maria.carroll@hp.com

March 21, 2005

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

Dear Sirs:

The enclosed Decision letters were mailed to us on February 25, 2005. We can not find any record of the application number in our database. If you have any further information that you could provide us on this, please do so. Otherwise, we believe this was sent to us in error.

Please feel free to contact me if you have questions.

Thank you.

Sincerely,

Maria Carroll

Maria Carroll
Legal Administrator

RECEIVED
MAR 28 2005
OIPE/JCWS

UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of	:	
McEachern, et al.	:	DECISION DISMISSING
Application No. 29/218,498	:	PETITION
Filed: December 2, 2004	:	
Attorney Docket No. 1509-529	:	

This is a decision on the petition under 37 CFR 1.10(c), filed January 13, 2005, requesting that the above-identified application be accorded a filing date of December 1, 2004, rather than the presently accorded filing date of December 2, 2004.

The petition is **dismissed**.

Petitioners allege that the application was deposited in USPS Express Mail service on December 1, 2004. In support, the petition is accompanied by a copy of "Express Mail" mailing label no. EJ842194556US ("date-in" is blank), and a statement from Roseanna Kaplan, Intellectual Property Specialist, who states that she placed the Express Mail package in an Express Mail mailbox on December 1, 2004.

Paragraph (c) of 37 CFR 1.10 states:

> "Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Commissioner to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation, provided that:

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

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

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

A grantable petition under 37 CFR 1.10(c) must include "a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit."

The petition filed January 13, 2005, is accompanied by a true copy of the "Express Mail" mailing label, however, the "date-in" on the copy of the "Express Mail" mailing label submitted with the instant petition is blank. No other official notation by the USPS relied upon to show the date of deposit has been submitted in support of the instant petition. As such, the date of deposit cannot be determined from the documentary evidence submitted in support of the instant petition.

Furthermore, review of the "USPS Track & Confirm Shipment Details" for Express Mail Label No. EJ842194556US, obtained by this office, indicates the item was first accepted into USPS Express Mail service on December 2, 2004.

Please note, 37 CFR 1.10(b) provides that correspondence should be deposited directly with an employee of the USPS to ensure that the person depositing the correspondence receives a legible copy of the "Express Mail" mailing label with the "date-in" clearly marked, and that persons dealing indirectly with the employees of the USPS (such as by depositing correspondence in an "Express Mail" drop box) do so at the risk of not receiving a copy of the "Express Mail" mailing label with the desired "date-in" clearly marked. On petition, the failure to obtain an "Express Mail" receipt with the "date-in" clearly marked may be considered an omission that could have been avoided by the exercise of due care. While the Office strongly urges direct deposit of "Express Mail" correspondence in order to obtain a legible copy of the

"Express Mail" mailing label, parties are not precluded from using "Express Mail" drop boxes, **but do so at their own risk.** (Emphasis supplied). *See* MPEP 513.

Accordingly, the petition filed January 13, 2005, does not contain a true copy of the "Express Mail" mailing label showing the "date-in," or any other official notation by the USPS relied upon to show the date of deposit, as required by the rule, and is, therefore, dismissed.

The application is being returned to the Office of Initial Patent Examination for further processing with the presently accorded filing date of December 2, 2004.

Telephone inquiries should 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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HEWLETT-PACKARD COMPANY
INTELLECTUAL PROPERTY ADMINISTRATION
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FORT COLLINS, CO 80527-2400

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OFFICE OF PETITIONS

In re Application of McEachern, et al. Application No. 29/218,496 Filed: December 2, 2004 Attorney Docket No. 1509-528	: : : : :	DECISION DISMISSING PETITION

This is a decision on the petition under 37 CFR 1.10(c), filed January 13, 2005, requesting that the above-identified application be accorded a filing date of December 1, 2004, rather than the presently accorded filing date of December 2, 2004.

The petition is **dismissed**.

Petitioners allege that the application was deposited in USPS Express Mail service on December 1, 2004. In support, the petition is accompanied by a copy of "Express Mail" mailing label no. EJ842194556US ("date-in" is blank), and a statement from Roseanna Kaplan, Intellectual Property Specialist, who states that she placed the Express Mail package in an Express Mail mailbox on December 1, 2004.

Paragraph (c) of 37 CFR 1.10 states:

> "Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Commissioner to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation, provided that:

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

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

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

A grantable petition under 37 CFR 1.10(c) must include "a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit."

The petition filed January 13, 2005, is accompanied by a true copy of the "Express Mail" mailing label, however, the "date-in" on the copy of the "Express Mail" mailing label submitted with the instant petition is blank. No other official notation by the USPS relied upon to show the date of deposit has been submitted in support of the instant petition. As such, the date of deposit cannot be determined from the documentary evidence submitted in support of the instant petition.

Furthermore, review of the "USPS Track & Confirm Shipment Details" for Express Mail Label No. EJ842194556US, obtained by this office, indicates the item was first accepted into USPS Express Mail service on December 2, 2004.

Please note, 37 CFR 1.10(b) provides that correspondence should be deposited directly with an employee of the USPS to ensure that the person depositing the correspondence receives a legible copy of the "Express Mail" mailing label with the "date-in" clearly marked, and that persons dealing indirectly with the employees of the USPS (such as by depositing correspondence in an "Express Mail" drop box) do so at the risk of not receiving a copy of the "Express Mail" mailing label with the desired "date-in" clearly marked. On petition, the failure to obtain an "Express Mail" receipt with the "date-in" clearly marked may be considered an omission that could have been avoided by the exercise of due care. While the Office strongly urges direct deposit of "Express Mail" correspondence in order to obtain a legible copy of the

"Express Mail" mailing label, parties are not precluded from using "Express Mail" drop boxes, **but do so at their own risk.** (Emphasis supplied). *See* MPEP 513.

Accordingly, the petition filed January 13, 2005, does not contain a true copy of the "Express Mail" mailing label showing the "date-in," or any other official notation by the USPS relied upon to show the date of deposit, as required by the rule, and is, therefore, dismissed.

The application is being returned to the Office of Initial Patent Examination for further processing with the presently accorded filing date of December 2, 2004.

Telephone inquiries should 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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OFFICE OF PETITIONS

In re Application of	:	
McEachern, et al.	:	DECISION DISMISSING
Application No. 29/218,497	:	PETITION
Filed: December 2, 2004	:	
Attorney Docket No. 1509-527	:	

This is a decision on the petition under 37 CFR 1.10(c), filed January 13, 2005, requesting that the above-identified application be accorded a filing date of December 1, 2004, rather than the presently accorded filing date of December 2, 2004.

The petition is **dismissed**.

Petitioners allege that the application was deposited in USPS Express Mail service on December 1, 2004. In support, the petition is accompanied by a copy of "Express Mail" mailing label no. EJ842194556US ("date-in" is blank), and a statement from Roseanna Kaplan, Intellectual Property Specialist, who states that she placed the Express Mail package in an Express Mail mailbox on December 1, 2004.

Paragraph (c) of 37 CFR 1.10 states:

> "Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Commissioner to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation, provided that:

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

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

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

A grantable petition under 37 CFR 1.10(c) must include "a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit."

The petition filed January 13, 2005, is accompanied by a true copy of the "Express Mail" mailing label, however, the "date-in" on the copy of the "Express Mail" mailing label submitted with the instant petition is blank. No other official notation by the USPS relied upon to show the date of deposit has been submitted in support of the instant petition. As such, the date of deposit cannot be determined from the documentary evidence submitted in support of the instant petition.

Furthermore, review of the "USPS Track & Confirm Shipment Details" for Express Mail Label No. EJ842194556US, obtained by this office, indicates the item was first accepted into USPS Express Mail service on December 2, 2004.

Please note, 37 CFR 1.10(b) provides that correspondence should be deposited directly with an employee of the USPS to ensure that the person depositing the correspondence receives a legible copy of the "Express Mail" mailing label with the "date-in" clearly marked, and that persons dealing indirectly with the employees of the USPS (such as by depositing correspondence in an "Express Mail" drop box) do so at the risk of not receiving a copy of the "Express Mail" mailing label with the desired "date-in" clearly marked. On petition, the failure to obtain an "Express Mail" receipt with the "date-in" clearly marked may be considered an omission that could have been avoided by the exercise of due care. While the Office strongly urges direct deposit of "Express Mail" correspondence in order to obtain a legible copy of the

"Express Mail" mailing label, parties are not precluded from using "Express Mail" drop boxes, **but do so at their own risk.** (Emphasis supplied). *See* MPEP 513.

Accordingly, the petition filed January 13, 2005, does not contain a true copy of the "Express Mail" mailing label showing the "date-in," or any other official notation by the USPS relied upon to show the date of deposit, as required by the rule, and is, therefore, dismissed.

The application is being returned to the Office of Initial Patent Examination for further processing with the presently accorded filing date of December 2, 2004.

Telephone inquiries should 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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624 NINTH STREET, NW
SUITE 300
WASHINGTON DC 20001-5303

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APR 06 2007

OFFICE OF PETITIONS

In re Application of
Chasid et al.
Application No. 29/218505
Filed: 12/06/2004
Attorney Docket No. CHASID1

: DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed September 7, 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 March 31, 2006, for failure to properly and timely respond to the Notice of Allowability mailed on December 30, 2005. On August 24, 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.

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

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624 NINTH STREET, NW
SUITE 300
WASHINGTON DC 20001-5303

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In re Application of	:	
Chasid et al.	:	
Application No. 29/218505	:	DECISION ON PETITION
Filed: 12/06/2004	:	
Attorney Docket No. CHASID1	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed April 11, 2007, to revive the above-identified application.

This application became abandoned on March 31, 2006, for failure to properly and timely respond to the Notice of Allowability mailed on December 30, 2005. On August 24, 2006, the Office mailed a Notice of Abandonment.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply; (2) the petition fee; (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. Accordingly, the petition under 37 CFR 1.137(b) is **granted**.

This matter is being forwarded 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

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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2800 S.W. THIRD AVENUE
HISTORIC CORAL WAY
MIAMI, FL 33129

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APR 2 7 2005

OFFICE OF PETITIONS

In re Application of	:	
John J. Moser	:	
Application No. 29/218,568	:	ON PETITION
Filed: December 3, 2004	:	
Attorney Docket No. 1.315-A.04	:	

This is a decision on the petition filed March 4, 2005 requesting that the above-identified design application be accorded a filing date of December 3, 2004, including Figure 6, described in the specification.

The design application was filed on December 3, 2004. However, on January 4, 2005, the Office of Initial Patent Application (OIPE) mailed a "Notice of Omitted Item(s)in a Nonprovisional Application" (Notice) that stated the application had been accorded a filing date, but Figure 6 described in the specification appears to have been omitted.

In response, on March 4, 2005, the instant petition was submitted. Petitioner asserts that Figure 6 was submitted with the original drawings on December 3, 2004. Further, petitioner states, "A customer service representative of the PTO was contacted in the Initial Patent Examination Division and she indicated that the second sheet of drawings received by the PTO (whereon appears Figure 6) did, in fact, contain four figures, though the bottom figure was not labeled, which implied to her that when this document was scanned at the PTO, the words 'Figure 6' were inadvertently not picked up or were outside the margin during scanning."

A review of the application file indicates that Figure 6 was submitted with the application as filed on December 3, 2004, however, the Figure is not labeled on the drawing sheet. Furthermore, there is no indication in the application file of any scanning error with the drawing sheets.

As such, it appears that the drawing of Figure 6 was present on December 3, 2004, but not properly labeled by the applicants. Since it is now clear that Figure 6 was present on December 3, 2004, albeit not labeled, the Figure may be considered as filed with the application on December 3, 2004.

The petition is granted.

It is noted that Petitioner has submitted a replacement drawing sheet that correctly labels Figures 6.

Please note, the $400.00 petition fee is required, since a petition was necessary to correct applicants' filing error, and not necessitated by any error on the part of the Office.

This application will be returned to OIPE for further processing with a filing date of December 3, 2004.

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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Scott L. Harper
CARSTENS & CAHOON, L.L.P.
P.O. Box 802334
Dallas, TX 75380

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OFFICE OF PETITIONS

In re Patent of	:	
Jones et al.	:	
Patent No. D510,313	:	
Issue Date: October 4, 2005	:	Decision on Petition
Application No. 29/218,591	:	
Filing Date: December 3, 2004	:	
Attorney Docket No. CJOHN.00018	:	

This is a decision on the petition under 37 C.F.R. § 1.183, filed October 12, 2005, 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 **GRANTED**.

Effective June 25, 2004, the practice relating to issuance of a patent to an assignee was modified by requiring that, after payment of an issue fee, a request for a certificate of correction must be filed in order to obtain issuance of the patent to an assignee. Thus, where the assignment data is submitted after payment of the issue fee, the patent document will not include the assignment information. Therefore, as 37 CFR 3.81(b) was modified to provide for issuance of the patent to the assignee, the practice of waiving the rule (37 CFR 3.81(a)) under 37 CFR 1.183 is longer necessary and has been eliminated.

37 CFR 3.81(b), as modified, reads:

> 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 met the requirements set forth above. Therefore, the request is granted.

The fee for a petition under 37 CFR 1.183 is $400. Petitioner submitted $130. Therefore, petitioner's deposit account was charged $270. However, since the petition under 37 CFR 1.183 is dismissed as moot, the Office will credit the $270 back to petitioner's deposit account.

The file is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction replacing "LBJ Technologies, L.L.C." with "LJC Technologies, L.L.C.".

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

Charles Steven Brantley
Petitions Attorney
Office of Petitions

BEST AVAILABLE COPY

Atty. Docket No. 07144.P001

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Richard Sapper

Application No. 29/218,612

Filed: December 3, 2004

For: LIGHT GENERATING APPARATUSES

Examiner: Not yet assigned Heflin, Clare

Art Unit: 2911

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

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(c)

Sir:

Applicant hereby petitions that the present application be made special, thereby advancing examination, based on the grounds that the sole inventor, Richard Sapper, is more than 65 years of age, as established in the accompanying statement by Mr. Sapper.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: Aug 8, 2005

James C. Scheller, Jr.
Reg. No. 31,195

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025-1026
(408) 720-8300

CERTIFICATE OF TRANSMISSION
I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office on:

Date of Transmission August 8, 2005

Connie Thayer
(Typed or printed name of person transmitting paper)

Connie Thayer 8-8-05
(Signature of person transmitting paper)

PETITION GRANTED

Richard Crispino
Special Program Examiner
TC 1700 SEP - 8 2005

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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
29/218,643	12/06/2004	2914	175	02708	4	1	1

CONFIRMATION NO. 4393

CORRECTED FILING RECEIPT

OC000000015536334

000987
SALTER & MICHAELSON
THE HERITAGE BUILDING
321 SOUTH MAIN STREET
PROVIDENCE, RI 029037128

Date Mailed: 03/23/2005

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)

Carmela Max Ciatto Corso, Rehoboth, MA;

Power of Attorney: The patent practitioners associated with Customer Number **000987**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 01/05/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US29/218,643

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Earring

Preliminary Class

D11

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

OIPE JC35
JUN 2 1 2005
PATENT & TRADEMARK OFFICE

Atty. Docket No. 7075P001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:	
Ken Gholian	Art Unit: 2914
Application No.: 29,218,699	Examiner:
Filed: December 4, 2004	
For: BRACELET	

PETITION TO MAKE SPECIAL

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

Dear Commissioner:

Applicant hereby petitions to make the above-identified application special. Applicant submits that all claims contained in the application are directed to a single invention, as the application includes only one claim directed at the ornamental design of a bracelet.

A pre-examination search was made in the field encompassing all the designs entitled "bracelet" in the class of D11/3 under the U.S. classification. The search yields 32 prior art references. Applicant submits below a detailed discussion of the prior art references which points out with particularity how the claimed subject matter is patentable over the references. Applicant categorizes the 32 references into four prior art groups according to their ornamental features, and each of the groups is discussed below.

06/22/2005 JBALINAN 00000037 29218699
01 FC:1464 130.00 OP

PETITION GRANTED

Richard Crispino
Special Program Examiner
TC1700 JUL - 6 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

KLAUS J. BACH
4407 TWIN OAKS DRIVE
MURRYSVILLE PA 15668

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JAN 03 2008

OFFICE OF PETITIONS

In re Application of :
Harald Richter :
Application No. 29/218,703 : ON PETITION
Filed: December 6, 2004 :
Attorney Docket No. RI198-D :

This is a decision on the petition, filed December 8, 2007, to withdraw the holding of abandonment which is being treated under 37 CFR 1.181.

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

This application became abandoned June 7, 2007, for failure to file a timely response to the Office action in accordance with *Ex parte Quayle*,[1] mailed on April 6, 2007, which set the longer of two (2) months or thirty (30) days 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 November 27, 2007.

Petitioner argues however that a response was filed on May 14, 2007 and provides copies of the response filed with a copy of a post card receipt post marked on May 14, 2007 by the USPTO.

A search of the application file and the USPTO records reveals that in fact, a response was filed on May 14, 2007. As well, copy of the post-card receipt, date stamped by the USPTO on May 14, 2007 is of record with the instant petition.

Accordingly, the response was timely and the Notice of Abandonment mailed November 27, 2007 was mailed in error and is hereby withdrawn. No petition fee is due and none has been charged.

This matter is being referred to Technology Center 2915 for treatment of the response filed May 14, 2007 as appropriate.

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] 1935 C.D. 11, 453 O.G. 213.

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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CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.
11TH FLOOR, SEVEN PENN CENTER
1635 MARKET STREET
PHILADELPHIA PA 19103-2212

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FEB 18 2009

OFFICE OF PETITIONS

In re Application of
Phil Blank
Application No. 29/218,715
Filed: December 7, 2004
Attorney Docket No. C1000/20039

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed December 12, 2008, to revive the above-identified design application.

The petition 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 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 timely submit corrected drawings on or before November 12, 2008, as required by the Notice of Allowability, mailed August 12, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on November 13, 2008. A Notice of Abandonment was mailed on December 11, 2008.

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). A terminal disclaimer and the $65 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. Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03 (c)(III)(c) and (D).

As to item (4), a terminal disclaimer and terminal disclaimer fee is 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 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

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

Charlema 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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COHEN & POKOTILOW, LTD.
11TH FLOOR, SEVEN PENN CENTER
1635 MARKET STREET
PHILADELPHIA PA 19103-2212

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MAR 17 2009

OFFICE OF PETITIONS

In re Application of :
Phil Blank :
Application No. 29/218,715 : DECISION ON PETITION
Filed: December 7, 2004 :
Attorney Docket No. C1000/20039 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed February 25, 2009, to revive the above-identified design application.

The petition is **GRANTED**.

The application became abandoned for failure to timely submit corrected drawings on or before November 12, 2008, as required by the Notice of Allowability, mailed August 12, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on November 13, 2008. A Notice of Abandonment was mailed on December 11, 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 $820 issue fee, (2) the petition fee of $1620, (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 a new declaration as required by the Notice of Allowability 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.

Petitioner's deposit account no. 03-0075 will be charged the terminal disclaimer fee of $140.00 pursuant to 37 CFR 1.20(d).

This application is being referred to the Office of Data Management for further processing in accordance with this decision on petition.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

UTILITY P A T E N T

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John J. Imre et al. **Serial No.:** Unknown 29/218747 **Filed:** Herewith **Title:** FREEDOM REFRIGERATION DEVICE WITH TRANSPARENT DOORS **Art Unit:** Unknown **Examiner:** Unknown **Agent Ref:** TLR-5185 D	FIRST CLASS MAILING CERTIFICATE I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail under 37 C.F.R.§ 1.8 in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on _____ (Date) _____ (Print Name) _____ (Signature)

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102(c)

PETITION GRANTED

William Krynski
Special Program Examiner
TC 1700
2-10-05

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

Dear Sir:

This is a Petition to Make Special the above-identified design patent application. The grounds and conditions for granting this application special status are found in MPEP 708.02 IV entitled "Applicant's Age."

As provided under 37 C.F.R. 708.01(c), this petition to make special is filed without a fee.

UNITED STATES 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.

GIFFORD, KRASS, GROH,
SPRINKLE & CITKOWSKI, P.C
PO BOX 7021
TROY MI 48007-7021

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FEB 16 2007

OFFICE OF PETITIONS

In re Application of	:	
Erik Lipton	:	DECISION ON
Application No. 29/218,750	:	PETITION
Filed: December 7, 2004	:	
Atty Docket No. LIP-10317/03	:	

This is a decision on the "PETITION TO WITHDRAW HOLDING OF ABANDONMENT AND WAIVER OF PETITION FEE" filed June 23, 2006. This paper is being treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181.

The above-identified application became abandoned for failure to timely pay the issue fee within the three-month statutory period set in the Notice of Allowance and Fee(s) Due mailed January 20, 2006. This period is not extendable. No reply having been received, the above-identified application became abandoned on April 21, 2006. The instant petition precedes the mailing of a courtesy Notice of Abandonment.

The instant petition was filed on the basis that the attorney of record never received the Notice of Allowance. Applicant asserts that shortly after the above-referenced application was filed the applicant's representative moved to a new address and the Office was duly notified of the change shortly thereafter, but the Office failed to enter the change in the application file. In support thereof, petitioner submits a copy of the USPTO Transaction History showing entry of a change of address on April 24, 2006; a copy of the Notice of Allowance and evidence that the Notice was returned to the Office as undeliverable. Applicant did not submit a copy of the request

for change of correspondence address as they maintained it was timely filed.

Petitioner's arguments and evidence have been considered, but not found persuasive that withdrawal of the holding of abandonment is warranted. A review of the record reveals that the Notice of Allowance was mailed to the correspondence address of record properly in effect on the day of mailing. Petitioner has not submitted evidence establishing that as of the date of mailing of the Notice of Allowance, January 20, 2006, applicant had filed a change of correspondence address. The fact that the Office entered a change of correspondence address in April of 2006 does not establish when applicant filed the change.

In view thereof, abandonment for failure to timely respond to the Notice of Allowance mailed to the correspondence address of record was proper. Petitioner has not overcome the conclusion that non-receipt of the Notice of Allowance is properly attributed to the failure to timely file a proper change of correspondence address. To overcome this presumption, petitioner would need to submit persuasive evidence of timely and proper notification of their change of correspondence address. Under the circumstances, withdrawal of the holding of abandonment is not warranted.

The petition under § 1.181 is **DISMISSED**.

No fee is required on petition under § 1.181.

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 not permitted. See 1.181(f).

Alternatively, applicant may seek revival under the provisions of 37 CFR 1.137. Such a request should include a cover letter entitled "Petition under 37 C.F.R. § 1.137(a)" or "Petition under 37 C.F.R. § 1.137(b)," as appropriate. A terminal disclaimer and the terminal disclaimer fee are 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.

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 concerning 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

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Paper No.

GIFFORD, KRASS, GROH,
SPRINKLE & CITKOWSKI, P.C
PO BOX 7021
TROY MI 48007-7021

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OFFICE OF PETITIONS

In re Application of	:	
Erik Lipson	:	DECISION ON
Application No. 29/218,750	:	PETITION
Filed: December 7, 2004	:	
Atty Docket No. LIP-10317/03	:	

This is a decision on the "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)" filed April 24, 2007.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely pay the issue fee within the three-month statutory period set in the Notice of Allowance and Fee(s) Due mailed January 20, 2006. Prior to the mailing of a courtesy Notice of Abandonment, a petition to withdraw the holding of abandonment was filed. By decision mailed February 16, 2007, the petition filed June 23, 2006 was dismissed.

The initial petition filed June 23, 2006, included the required reply in the form of payment of the issue fee, payment of the petition fee, and the required statement of unintentional delay. However, the petition did not include the required terminal disclaimer (and fee).

On instant renewed petition, petitioner submitted a properly completed terminal disclaimer (and fee).

The terminal disclaimer is accepted and made of record.

It is noted that the name of the inventor is set forth on the terminal disclaimer as "Eric" Lipson. However, on the declaration for patent, his name is set forth as "Erik Lipson." Yet throughout the prosecution of this application, he has been referred to as "Erik Lipton." The name on the declaration for patent is controlling.

The undersigned has attempted without success to contact by telephone[1] attorneys of record in this application to verify that Patent Office records reflect the correct name of the inventor and to state that if not the appropriate supplemental ADS or declaration needs to be filed as soon as possible. The patent may not be reprinted if it issues in the wrong name. The only relief, if appropriate, would be by certificate of correction.

The Office of Patent Publication has been advised of this decision. The application is, thereby, forwarded to the Publishing Division for processing into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

[1] Left messages on August 30, 2007 and again on September 19, 2007.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JUN - 2 2005

In re Application of	:	
Susan L. Sokolowski	:	
Serial Number: 29/218,769	:	PETITION UNDER
Filed: December 8, 2004	:	M.P.E.P.708.02 VIII
For: ICON FOR A DISPLAY SCREEN	:	

This is in response to the petition filed March 8, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JUN - 2 2005

In re Application of	:	
Steven F. Smith	:	
Serial Number: 29/218,770	:	PETITION UNDER
Filed: December 8, 2004	:	M.P.E.P.708.02 VIII
For: ICON FOR A DISPLAY SCREEN	:	

This is in response to the petition filed March 8, 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

JUN - 2 2005

In re Application of	:	
Jean-Francois Fullum	:	
Serial Number: 29/218,771	:	PETITION UNDER
Filed: December 28, 2004	:	M.P.E.P.708.02 VIII
For: PORTION OF A SHOE UPPER	:	

This is in response to the petition filed March 1, 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

BANNER & WITCOFF
1001 G STREET, N.W.
SUITE 1100
WASHINGTON, D.C. 20001

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APR 21 2006

OFFICE OF PETITIONS

In re Application of :
Jean-Francois Fullum :
Application No. 29/218,771 :
Filed: December 8, 2004 :
Attorney Docket No. 015127.00428 :

ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed March 3, 2006, to withdraw the holding of abandonment. The petition was recently forwarded to this office for consideration.

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 1.181."

This application became abandoned for failure to timely pay the issue fee and publication fee, if applicable, on or before October 13, 2005. Accordingly, this application became abandoned on October 14, 2005. A Notice of Abandonment was mailed on February 21, 2006.

Petitioner states, in pertinent part:

> "Applicant timely submitted the issue fee payment on July 22, 2005. Attached hereto is a true copy of the issue fee transmittal (PTOL-85) submitted on July 22, 2005. Also attached is a copy of the return receipt postcard for the issue fee transmittal, which postcard clearly bears the stamp of the OIPE on July 22, 2005. In view of the foregoing, applicant submits that all the correct documents were timely and properly filed in the U.S. Patent and Trademark Office."

Review of the application file indicates applicant did, in fact, submit the Issue Fee Transmittal on July 22, 2005. However, finance documents found in the file indicate the $800.00 issue fee could not be charged to a deposit account because applicant failed to list a deposit account on the Issue Fee Transmittal form. A review of the Issue Fee Transmittal form, submitted July 22,

2005, confirms that a deposit account number is not found on the form, even though applicant checked the box requesting the charge be made to a deposit account. As such, the required issue fee was not submitted.

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

By mail: Mail Stop Petition
Commissioner for Patents
Box 1450
Alexandria, VA 22313

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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BANNER & WITCOFF
1001 G STREET, N.W.
SUITE 1100
WASHINGTON, D.C. 20001

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OFFICE OF PETITIONS

In re Application of	:	
Jean-Francois Fullum	:	
Application No. 29/218,771	:	ON PETITION
Filed: December 8, 2004	:	
Attorney Docket No. 015127.00428	:	

This is a decision on the petition under 37 CFR 1.137(b), filed June 21, 2006, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee and publication fee, if applicable, on or before October 13, 2005. Accordingly, this application became abandoned on October 14, 2005. A Notice of Abandonment was mailed on February 21, 2006.

The terminal disclaimer filed June 21, 2006 under 37 CFR 1.137(d) has been entered and made of record. 37 CFR 1.137(d)(1) states that a terminal disclaimer filed pursuant to this rule in a design application must dedicate to the public a terminal part of the term of any patent granted thereon equivalent to the period of abandonment of the application.

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JUN - 2 2005

In re Application of	:	
Marni L. Gerber	:	
Serial Number: 29/218,772	:	PETITION UNDER
Filed: December 8, 2004	:	M.P.E.P.708.02 VIII
For: PORTION OF A SHOE UPPER	:	

This is in response to the petition filed February 18, 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

LAHIVE & COCKFIELD
28 STATE STREET
BOSTON, MA 02109

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JUN 13 2006

OFFICE OF PETITIONS

In re Application of :
Glenn Bushee :
Application No. 29/218,830 :
Filed: December 8, 2004 :
Attorney Docket No. GBA-002 :

ON PETITION

This is a decision in response to the petitions filed June 1, 2006 and June 12, 2006, which are collectively being treated as a petition under 37 CFR 1.313(c) to withdraw the above-identified application from issue after payment of the issue fee.

The petitions are **DISMISSED**.

37 CFR 1.313(c) provides that:

Once the issue fee has been paid, the application will not be withdrawn from issue upon petition by the applicant for any reason except:

(1) Unpatentability of one of more claims, which petition must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;

(2) Consideration of a submission pursuant to 37 CFR 1.114; or

(3) Express abandonment of the application. Such express abandonment may be in favor of a continuing application.

See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865, 14873 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47, 54 (Apr. 11, 2000).

Petitioner requests that the application be withdrawn from issue since applicant did not execute the declaration, power of attorney, or other document authorizing the prosecution of this application. Petitioner explains that "both the Combined Declaration and Power of Attorney, and the assignment document, filed in connection with case were falsified and/or forged and filed

with the United States Patent and Trademark Office with fraudulent intent by other persons, without his knowledge or consent."

The U.S. Patent and Trademark Office does not have the authority to resolve issues of fraud or ownership. Since the circumstances of the above-identified application do not fall within any of the exceptions provided in 37 CFR 1.313, the petition must be dismissed.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to the Office of Patent Publication for further processing.

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

COOK, ALEX, MCFARRON, MANZO, CUMMINGS & MEHLER LTD
SUITE 2850
200 WEST ADAMS STREET
CHICAGO IL 60606

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OFFICE OF PETITIONS

In re Application of
BUSHEE
Application No. 29/218,830
Filed: December 8, 2004
Attorney Dck't. No. 0583-0003

: ON PETITION

This is a decision on the petition filed July 10, 2006, requesting under 37 CFR 1.183 waiver of the provisions of 37 CFR 1.97 which preclude consideration of an IDS submitted after payment of the issue fee.

The petition is **dismissed**.

Petitioner notes that he became aware of the information subsequent to payment of the issue fee on May 22, 2006, and as such seeks an extraordinary remedy.

The regulations pertaining to the submission of an information disclosure statement (IDS) do not require that an IDS be filed, but rather, set forth the circumstances and conditions under which the Office will consider information promptly brought to its attention by applicant(s). Further, these circumstances and conditions are linked to the stage of prosecution at the time of submission of the IDS, as it is necessary for the Patent and Trademark Office (Office) to balance its need and desire to consider all information relevant to an application with its need for an efficient operation and its capability to consider information at various stages in the prosecution of an application.

In any event, petitioner has a suitable remedy on hand for his predicament, that does not require the extraordinary remedy of invoking 37 CFR 1.183. It is brought to petitioner's attention that the PTO will not normally consider an extraordinary remedy, when the rules already provide an avenue for obtaining the relief sought. See Cantello v. Rasmussen, 220 USPQ 664, 664 (Comm'r Pat. 1982). As set forth in MPEP § 609, applicants wishing to have the PTO consider an untimely IDS, should consider the filing of a continuing application under 37 CFR 1.53(b), wherein the applicants may bring the information to the attention and consideration of the USPTO.

This allowed application is being referred to the Office of Publications for further processing.

Telephone inquiries relative to this decision should be directed to the undersigned at (571) 272-3217.

Brian Hearn
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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COOK, ALEX, MCFARRON, MANZO, CUMMINGS & MEHLER LTD
200 WEST ADAMS STREET, SUITE 2850
CHICAGO IL 60606

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NOV 24 2006
OFFICE OF PETITIONS

In re Application of	:
BUSHEE	: DECISION GRANTING PETITION
Application No. 29/218,830	: UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: December 8, 2004	:
Attorney Docket No. GBA-002	:

This is a decision on the petition under 37 CFR 1.313(c)(3), filed November 21, 2006, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on May 22, 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 November 21, 2006.

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

This matter is being referred to Technology Center AU 2911 for processing of the CPA and consideration of the concurrently filed Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

17157 U.S.PTO

PTO/SB/27 (11-03)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)		
	Application Number	
	Filing Date	
	First Named Inventor	CLEVELAND
	Title	IRON-TYPE GOLF CLUB HEAD
	Atty Docket Number	PD2175

17858 U.S.PTO 29/218839 120704

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

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

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

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

A preexamination search was conducted. The field of search was:
D21/747; D21/759; 473/324-331, 350

Related applications: N/A

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.

12/7/04	
Date	Signature
760-930-8493	MICHAEL A. CATANIA
Telephone Number	Typed or printed name

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

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

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

12/10/2004 AWONDAF1 00000007 500303 29218839
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139 Macquarie Street
Sydney, NSW 2000
AUSTRALIA

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OFFICE OF PETITIONS

In re Application of
David Davenport
Application No. 29/218,849
Filed: December 9, 2004
Title of Invention: Coffee Maker

ON PETITION

This is a decision on the petition filed November 23, 2006 and November 27, 2006 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 application became abandoned for failure to timely submit corrected drawings, as required by the Notice of Allowability which was mailed May 26, 2006. The Notice of Allowability set a three (3) month period for reply. Extensions of time were not available under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on August 27, 2006. A Notice of Abandonment was mailed on November 8, 2006.

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,

(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 items (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).

The general standard applied by the Office requires petitioner to establish that petitioner treated the patent the same as a reasonable and prudent person would treat his or her most important business.[2] However, " The question of whether an applicant's

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[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] The Commissioner is responsible for determining the standard for unavoidable delay and for applying that standard 35 U.S.C. 41(c)(1) states, "The Commissioner may accept the payment of any maintenance fee...at any time...if the delay is shown to the

delay in prosecuting an application was unavoidable [will] be decided on a case by case basis, taking all of the facts and circumstances into account."[3] Nonawareness of the content of, or misunderstanding of PTO statues, PTO rules, the MPEP or Official Gazette notices, do not constitute unavoidable delay.[4] The statue requires a "showing" by petitioner. Therefore, petitioner has the burden of proof.

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.[5]

Application of the unavoidable standard to the present facts

In the present case, petitioner argues that he submitted replacement drawings on July 11, 2006 via "regular mail". Petitioner contends that he can only conclude that the drawings failed to reach the USPTO through no fault or negligence on the part of the applicant of petitioner's office.

Petitioner's argument has been considered but it is not persuasive to establish unavoidable delay within the meaning of 37 CFR 1.137(a). It is noted the copy of the reply does not contain a certificate of mailing or certificate of transmission, pursuant to

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satisfaction of the Commissioner to have been unavoidable (emphasis added).

[3] Smith v. Mossinghoff, 671 F.2d 533,538, 213 U.S.P.Q. (BNA) 977 (1982).

[4] Id., 671 F.2d 533,538, 213 U.S.P.Q. (BNA) 977 (1982). (citing Potter v. Dann, 201 U.S.P.Q. (BNA) 574 (D.D.C. 1978) for the proposition that counsel's nonawareness of PTO rules does not constitute unavoidable delay)); Vincent v. Mossinghoff, 1985 U.S. Dist. Lexis 23119, 13 230 U.S.P.Q. (BNA) 621 (D.D.C. 1985) (Plaintiffs through their counsel's actions or their own must be held responsible for having noted the MPEP section and Official Gazette notices expressly stating that the certified mailing procedures outlined in 37 CFR 1.8(a) do not apply to continuation applications).

[5] 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).

37 CFR 1.8.[6] Further review of the record shows that neither a post card receipt within the meaning of MPEP 503[7] nor express mail label[8] were supplied as evidence to

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[6] Pursuant to 37 CFR 1.8(b):
In 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.
(c) The Office may require additional evidence to determine if the correspondence was timely filed.

[7] 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 a 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 no serve as prima facie evidence of receipt of those items.

[8] Pursuant to 37 CFR 1.10:
(1) Any correspondence received by the U.S. Patent and Trademark Office (USPTO) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) will be considered filed with the USPTO on the date of deposit with the USPS.
(2) The date of deposit with USPS is shown by the "date in" on the "Express

establish the response was timely submitted. See 37 CFR 1.10 and MPEP 503. The Office recognizes mail sent via first class mail with the use of a certificate of mailing or a certificate of transmission for correspondence sent via facsimile and mail sent via express mail.

The Office has a well publicized policy in which mail (with the exception of new applications) which is deposited with the U.S. Postal Service with a certificate of mailing pursuant to 37 CFR 1.8 well be considered filed in the Office the date it is deposited with the U.S. Post Office. [9] This does not include mail which is delivered by other means including Federal Express.

A "reasonably prudent person" would file papers or fees in compliance with 37 CFR 1.8 or 1.10 to ensure their timely filing in the USPTO, as well as preserve adequate evidence of such filing. A delay caused by an applicant's failure to file papers or fees in compliance with 37 CFR 1.8 and 1.10 does not constitute "unavoidable" delay. Krahn v. Commissioner, 15 USPQ2d 1823, 1824 (E.D. Va 1990).

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.

In sum, petitioner has failed to provide sufficient evidence, to establish a finding of unavoidable delay.

Alternative Venue

Mail" label or other official USPS notation. If the USPS deposit date cannot be determined, the correspondence will be accorded the USPTO receipt date as the filing date. See § 1.6(a).

[9] The Director may by rule prescribe that any paper or fee required to be filed in the Patent and Trademark Office will be considered filed in the Office on the date on which it was deposited with the United States Postal Service or would have been deposited with the United States Postal Service but for postal service interruptions or emergencies designated by the Director. See 35 USC 21.

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 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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OFFICE OF PETITIONS

In re Application of
David Davenport
Application No. 29/218,849
Filed: December 9, 2004
Title of Invention: Coffee Maker

ON PETITION

This is a decision on the petition filed April 4, 2007 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. **However, petitioner is entitled to a renewed petition with regards to this decision if desired. Thereafter, there will be no further consideration to a renewed petition under 37 CFR § 1.137 (a) which espouses the same arguments presented in the present petition and the petitions filed on November 23, 2006 and November 27, 2006.**

This application became abandoned for failure to timely submit corrected drawings, as required by the Notice of Allowability which was mailed May 26, 2006. The Notice of Allowability set a three (3) month period for reply. Extensions of time were not available under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on August 27, 2006. A Notice of Abandonment was mailed on November 8, 2006. A petition under 37 CFR 1.137(a) was be dismissed on March 22, 2007.

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,

(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).

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).

The general standard applied by the Office requires petitioner to establish that petitioner treated the patent the same as a reasonable and prudent person would treat

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[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.

his or her most important business.[2] However, " The question of whether an applicant's delay in prosecuting an application was unavoidable [will] be decided on a case by case basis, taking all of the facts and circumstances into account."[3] Nonawareness of the content of, or misunderstanding of PTO statues, PTO rules, the MPEP or Official Gazette notices, do not constitute unavoidable delay.[4] The statue requires a "showing" by petitioner. Therefore, petitioner has the burden of proof.

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.[5]

Application of the unavoidable standard to the present facts

In the present case, petitioner argues that he submitted replacement drawings on July 11, 2006 via "regular mail". Petitioner contends that he can only conclude that the drawings failed to reach the USPTO through no fault or negligence on the part of the applicant. On renewed petition, petitioner states that the facts and circumstances were not taken into consideration. Petitioner states that the provisions of 37 CFR 1.10 and

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[2] The Commissioner is responsible for determining the standard for unavoidable delay and for applying that standard 35 U.S.C. 41(c)(1) states, "The Commissioner may accept the payment of any maintenance fee...at any time...if the delay is shown to the *satisfaction of the Commissioner* to have been unavoidable (emphasis added).

[3] Smith v. Mossinghoff, 671 F.2d 533,538, 213 U.S.P.Q. (BNA) 977 (1982).

[4] Id., 671 F.2d 533,538, 213 U.S.P.Q. (BNA) 977 (1982). (citing Potter v. Dann, 201 U.S.P.Q. (BNA) 574 (D.D.C. 1978) for the proposition that counsel's nonawareness of PTO rules does not constitute unavoidable delay)); Vincent v. Mossinghoff, 1985 U.S. Dist. Lexis 23119, 13 230 U.S.P.Q. (BNA) 621 (D.D.C. 1985) (Plaintiffs through their counsel's actions or their own must be held responsible for having noted the MPEP section and Official Gazette notices expressly stating that the certified mailing procedures outlined in 37 CFR 1.8(a) do not apply to continuation applications).

[5] 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).

35 U.S.C. 21(a) provides that:

> The Director may by rule prescribe that any paper or fee required to be filed in the Patent and Trademark Office will be considered filed in the Office on the date on which it was deposited with the United States Postal Service or would have been deposited with the United States Postal Service but for postal service interruptions or emergencies designated by the Director.

The Director may, but is not required to, accept the mailing date as the filing date. The Director has determined that only the "Express Mail" procedure can be used for this purpose because the use of "Express Mail" provides very specific identifying information in advance which establishes both the date of mailing and the particular papers being filed.

An alternative method of delivery of mail was not provided for correspondence sent outside of the United States. So while the provisions of certificate of mailing and express mail were not available from Australia, contrary to petitioner's contention, the use of certificate of transmission and postcard receipt were viable options.

Ultimately provisions under 37 CFR 1.8, 1.10 and the use of a postcard receipt pursuant to MPEP 503 are the only mechanisms within which to establish the timely filing of correspondence in the USPTO. Applicant is unable to provide sufficient evidence to establish to the satisfaction of the Director that a timely reply to the Notice of Allowability was submitted but subsequently lost.

A "reasonably prudent person" would file papers or fees in compliance with 37 CFR 1.8 or 1.10 to ensure their timely filing in the USPTO, as well as preserve adequate evidence of such filing. A delay caused by an applicant's failure to file papers or fees in compliance with 37 CFR 1.8 and 1.10 does not constitute "unavoidable" delay. Krahn v. Commissioner, 15 USPQ2d 1823, 1824 (E.D. Va 1990).

In sum, petitioner has failed to provide sufficient evidence, to establish a finding of unavoidable delay.

Alternative Venue

1.8 were not available to applicant because applicant and applicant's representative reside in Australia. Petitioner further contends that submission of the drawings via facsimile would have been inappropriate. Thus petitioner concludes they utilized the only form of mail available to them.

Petitioner's argument has been considered but it is not persuasive to establish unavoidable delay within the meaning of 37 CFR 1.137(a). It is noted the copy of the reply does not contain a certificate of mailing or certificate of transmission, pursuant to 37 CFR 1.8. Further review of the record shows that neither a post card receipt within the meaning of MPEP 503[6] nor express mail label[7] were supplied as evidence to establish the response was timely submitted. See 37 CFR 1.10 and MPEP 503. The Office recognizes mail sent via first class mail with the use of a certificate of mailing or a certificate of transmission for correspondence sent via facsimile and mail sent via express mail.

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[6] 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 a 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 no serve as prima facie evidence of receipt of those items.

[7] Pursuant to 37 CFR 1.10:
(1) Any correspondence received by the U.S. Patent and Trademark Office (USPTO) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) will be considered filed with the USPTO on the date of deposit with the USPS.
(2) The date of deposit with USPS is shown by the "date in" on the "Express Mail" label or other official USPS notation. If the USPS deposit date cannot be determined, the correspondence will be accorded the USPTO receipt date as the filing date. See § 1.6(a).

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 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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OFFICE OF PETITIONS

In re Application of
David Davenport
Application No. 29/218,849
Filed: December 9, 2004
Attorney Docket Number: BRE0231S
Title of Invention: Coffee Maker

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed September 17, 2007, to revive the above-identified application.

This application became abandoned for failure to timely submit corrected drawings, as required by the Notice of Allowability which was mailed May 26, 2006 and set a 3 month period for reply. Extensions of time were not available under 37 CFR §1.136(a). Accordingly, this application became abandoned on August 26, 2006. A Notice of Abandonment was mailed on November 8, 2006. A petitions under 37 CFR 1.137(a) were dismissed on March 22, 2007 and August 20, 2007.

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

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

COPY MAILED

MAR 13 2007

OFFICE OF PETITIONS

In re Patent No. D525744	:	
Issued : July 25, 2006	:	
Application No. 29/218,880	:	ON PETITION
Filed: December 8, 2004	:	
Attorney Docket No. 102792-379	:	

This is a decision on the petition, filed August 21, 2006 (certificate of mailing date August 17, 2006), requesting that the Office issue a Certificate of Correction listing the correct name of the assignee. The petition will be treated under 37 CFR 1.181.

Petitioner timely filed a completed PTOL-85B listing Reckitt Benckiser (UK) Limited as the assignee. Unfortunately, the Office printed Reckitt Benekiser (UK) Limited as the assignee on the Letters Patent.

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

As the error in the Letters Patent was due to Office mistake, no fee will be charged.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3230. 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 181 and will be directed to issue the requested Certificate of Correction.

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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GERALD M. NEWMAN
222 S. RIVERSIDE PLAZA
SUITE 2100
CHICAGO, IL 60606

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FEB 28 2006

OFFICE OF PETITIONS

In re Application of :
Stephen Blackman :
Application No. 29/218,884 :
Filed: December 12, 2004 :
Attorney Docket Number: 04-1665 : ON PETITION

This is a decision on the Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action, filed January 14, 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 May 19, 2005. The Notice set a non-extendable three (3) month period for reply. No response having been received, the application became abandoned on August 20, 2005. A Notice of Abandonment was mailed December 12, 2005.

With the instant petition, Petitioner has demonstrated non-receipt of the Notice by a preponderance of the evidence.

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn.

No fee has been charged and none is due.

The application will be referred to Technology Center Art Unit 2911 for re-mailing of the Notice of Allowance.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Gerald M. Newman
222 S. Riverside Plaza, #2100
Chicago, IL 60606

COPY MAILED
MAR 21 2006
OFFICE OF PETITIONS

In re Application of :
Stephen Blackman :
Application No. 29/218,886 :
Filed: January 31, 2006 :
Attorney Docket Number: 04-1668 : ON PETITION

This is a decision on the Request for Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action, filed January 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, mailed July 27, 2005. The Notice set a non-extendable three (3) month period for reply. No response having been received, the application became abandoned October 28, 2005. A Notice of Abandonment was mailed January 19, 2006.

With the instant petition, Petitioner has demonstrated non-receipt of the Notice by a preponderance of the evidence.

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn.

No fee has been charged and none is due.

The application will be referred to Technology Center Art Unit 2911 for re-mailing of the Notice of Allowance.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

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JAMES K. POOLE, ESQ.
P.O. BOX 925
LOVELAND, CO 80539

COPY MAILED
JUL 1 0 2006
OFFICE OF PETITIONS

In re Application of	:	
Robert D. Williams	:	
Application No. 29/218,889	:	ON PETITION
Filed: December 7, 2004	:	
Attorney Docket No. RWDES-2	:	

This is a decision on the petition under 37 CFR 1.137(b), filed by facsimile transmission on March 28, 2006, to revive the above-identified application.

The application became abandoned for failure to timely respond to the Notice of Allowance and Fee(s) Due mailed December 12, 2005.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of $400 for payment of the issue fee and a Terminal Disclaimer with the $65 fee (2) the petition fee of $750; and (3) an adequate statement of unintentional delay. Therefore, the petition is **GRANTED**.

The Office also acknowledges receipt of $30 for ten (10) advance soft copies.

The Terminal Disclaimer under 37 CFR 1.137(d) filed March 28, 2006 has been accepted and made of record.

This application file is being referred to the Office of Publications to be processed into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

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	To be assigned
Filing Date	Concurrently herewith
First Named Inventor	Christjane BURG
Title	FOOTWEAR OUTSOLE
Atty Docket Number	63584-5133

14242 US PTO
29/218891
120804

ADDRESS TO:

MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

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

Approved 2/7/05
Jacqueline M. Stone, Director
Technology Center 1700

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 D2 - Subclasses 896, 897, 898, 902, 906, 907, 908, 909, 910, 911, 912, 915, 916, 917, 919, 920, 923, 925, 929, 930, 931, 932, 933, 934, 935, 937, 938, 939, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 957, 958, 959, 960, 962, 969, 972, 973, 974,975, 977, 978

Related applications:

12/13/2004 HTECKLU1 00000011 100440 29218891
04 FC:1802 900.00 DA

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.

Signature

December 7, 2004
Date

Steven R. Hansen
Typed or printed name

Reg. No. 39,214
Registration Number, if applicable

(310) 203-8080
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.

American LegalNet, Inc.
www.USCourtForms.com

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	To be assigned
Filing Date	Concurrently herewith
First Named Inventor	Christjane BURG
Title	FOOTWEAR UPPER
Atty Docket Number	63584-5132

ADDRESS TO:

MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

14242 U.S. PTO
29/218892
120804

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 1700

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

Class D2 - Subclasses 896, 897, 898, 902, 906, 907, 908, 909, 910, 911, 912, 915, 916, 918, 919, 920, 923, 925, 929, 930, 931, 932, 933, 934, 935, 937, 938, 939, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 957, 958, 959, 960, 962, 969, 972, 973, 974,975, 977, 978.

12/13/2004 HTECKLU1 00000010 100440 25218892
F 04 FC:1802 900.00 DA

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.

Signature: _____ Date: December 7, 2004

Typed or printed name: Steven R. Hansen

Registration Number, if applicable: Reg. No. 39,214

Telephone Number: (310) 203-8080

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.

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Edgar A. Zarins
Masco Corporation
21001 Van Born Road
Taylor MI 48180

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AUG 17 2006
OFFICE OF PETITIONS

In re Patent No. D511,961	:	
Issue Date: November 29, 2005	:	ON PETITION
Application No. 29/218,936	:	
Filed: December 9, 2004	:	
Attorney Docket No. 445-3125-D	:	

This is a decision on the petition filed March 6, 2006 requesting recordation of applicant's employment agreement under 37 CFR 1.182.

The petition under 1.182 is **DISMISSED**.

The patentee, Larry Jordan (Jordan), has refused to execute an assignment of the above-identified patent on behalf of his employer, Liberty Hardware Manufacturing Corporation (Liberty). Liberty requests the Office to accept and record Jordan's employment agreement "as evidence of his obligation to assign all rights to Liberty Hardware." The employment agreement is entitled, "Proprietary Non-Disclosure Agreement[,]" and is also referred to as an Invention Assignment Agreement in the petition.

The relevant portion of 37 CFR 1.182 states:

> [a]ll situations not specifically provided for in the regulations of this part will be decided in accordance with the merits of each situation by or under the authority of the Director, subject to such other requirements as may be imposed, and such decision will be communicated to the interested parties in writing.

37 CFR 3.11(a) states:

> [a]ssignments of applications, patents, and registrations, accompanied by completed cover sheets as specified in §§ 3.28 and 3.31, will be recorded in the Office. Other documents, accompanied by completed cover sheets as specified in §§ 3.28 and 3.31, affecting title to applications, patents, or registrations, will be recorded as provided in this part or at the discretion of the Director. (Emphasis added)

The filing of a petition under 37 CFR 1.182 is unnecessary because 37 CFR 3.11(a) specifically provides for recordation of other documents affecting title to an application or patent. MPEP 302.07 lists other types of interests conveyed or transactions that can be recorded. These include

contracts. Petitioner should, therefore, consider requesting recordation of the employment agreement pursuant to 37 CFR 3.28. Additionally, a cover sheet must accompany each document submitted. See 37 CFR 3.31 and MPEP 302.07 for more guidance. Finally, all requests to record documents must be accompanied by a fee. See 37 CFR 3.41.

A Recordation Form Cover Sheet (Form PTO-1595) has been provided for your convenience.

As authorized, the $400 fee for this petition will be charged to Deposit Account 13-1981.

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 should be directed to Denise Pothier at (571) 272-4787.

Brian Hearn
Petitions Examiner
Office of Petitions

enc: Form PTO-1595

Form PTO-1595 (Rev. 08/05)
OMB No. 0651-0027 (exp. 6/30/2008)

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

RECORDATION FORM COVER SHEET
PATENTS ONLY

To the Director of the U.S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.

1. Name of conveying party(ies)

Additional name(s) of conveying party(ies) attached? ☐ Yes ☐ No

2. Name and address of receiving party(ies)

Name: _____

Internal Address: _____

_____

Street Address: _____

_____

City: _____

State: _____

Country: _____ Zip: _____

Additional name(s) & address(es) attached? ☐ Yes ☐ No

3. Nature of conveyance/Execution Date(s):

Execution Date(s) _____

☐ Assignment ☐ Merger

☐ Security Agreement ☐ Change of Name

☐ Joint Research Agreement

☐ Government Interest Assignment

☐ Executive Order 9424, Confirmatory License

☐ Other _____

4. Application or patent number(s): ☐ This document is being filed together with a new application.

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☐ No

5. Name and address to whom correspondence concerning document should be mailed:

Name: _____

Internal Address: _____

_____

Street Address: _____

_____

City: _____

State: _____ Zip: _____

Phone Number: _____

Fax Number: _____

Email Address: _____

6. Total number of applications and patents involved: _____

7. Total fee (37 CFR 1.21(h) & 3.41) $ _____

☐ Authorized to be charged by credit card

☐ Authorized to be charged to deposit account

☐ Enclosed

☐ None required (government interest not affecting title)

8. Payment Information

a. Credit Card Last 4 Numbers _____
Expiration Date _____

b. Deposit Account Number _____

Authorized User Name _____

9. Signature:

_____ Signature

_____ Date

_____ Name of Person Signing

Total number of pages including cover sheet, attachments, and documents: ☐

Documents to be recorded (including cover sheet) should be faxed to (571) 273-0140, or mailed to:
Mail Stop Assignment Recordation Services, Director of the USPTO, P.O.Box 1450, Alexandria, V.A. 22313-1450

Guidelines for Completing Patents Cover Sheets (PTO-1595)

Cover Sheet information must be submitted with each document to be recorded. If the document to be recorded concerns both patents and trademarks separate patent and trademark cover sheets, including any attached pages for continuing information, must accompany the document. All pages of the cover sheet should be numbered consecutively, for example, if both a patent and trademark cover sheet is used, and information is continued on one additional page for both patents and trademarks, the pages of the cover sheet would be numbered from 1 to 4.

Item 1. Name of Conveying Party(ies).

Enter the full name of the party(ies) conveying the interest. If there is insufficient space, enter a check mark in the "Yes" box to indicate that additional information is attached. The name of the additional conveying party(ies) should be placed on an attached page clearly identified as a continuation of the information Item 1. Enter a check mark in the "No" box, if no information is contained on an attached page. If the document to be recorded is a joint research agreement, enter the name(s) of the party(ies) other than the owner of the patent or patent application as the conveying party(ies).

Item 2. Name and Address of Receiving Party(ies).

Enter the name and full address of the first party receiving the interest. If there is more than one party receiving the interest, enter a check mark in the "Yes" box to indicate that additional information is attached. Enter a check mark in the "No" box, if no information is contained on an attached page. If the document to be recorded is a joint research agreement, enter the name(s) of the patent or patent application owner(s) as the receiving party.

Item 3. Nature of Conveyance/Execution Date(s).

Enter the execution date(s) of the document. It is preferable to use the name of the month, or an abbreviation of that name, in order that confusion over dates is minimized. Place a check mark in the appropriate box describing the nature of the conveying document. If the "Other" box is checked, specify the nature of the conveyance.

Item 4. Application Number(s) or Patent Number(s).

Indicate the application number(s), and/or patent number(s) against which the document is to be recorded. National application numbers must include both the series code and a six-digit number (e.g., 07/123,456), and international application numbers must be complete (e.g., PCT/US91/12345).

Enter a check mark in the appropriate box: "Yes" or "No " if additional numbers appear on attached pages. Be sure to identify numbers included on attached pages as the continuation of Item 4. Also enter a check mark if this Assignment is being filed with a new application.

Item 5. Name and Address of Party to whom correspondence concerning the document should be mailed.

Enter the name and full address of the party to whom correspondence is to be mailed.

Item 6. Total Applications and Patents involved.

Enter the total number of applications and patents identified for recordation. Be sure to include all applications and patents identified on the cover sheet and on additional pages.

Block 7. Total Fee Enclosed.

Enter the total fee enclosed or authorized to be charged. A fee is required for each application and patent against which the document is recorded.

Item 8. Payment Information.

Enter either the last four digits of your credit card and expiration date or the deposit account number and authorized user name to authorize charges.

Item 9. Signature.

Enter the name of the person submitting the document. The submitter must sign and date the cover sheet. Enter the total number of pages including the cover sheet, attachments, and document.

This collection of information is required by 35 USC 261 and 262 and 15 USC 1057 and 1060. The information is used by the public to submit (and by the USPTO to process) patent and trademark assignment requests. After the USPTO records the information, the records for patent and trademarks, assignments, and other associated documents can be inspected by the public. To view documents recorded under secrecy orders or documents recorded due to the interest of the federal government, a written authorization must be submitted. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the form to the USPTO. 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 Manager of the Assignment Division, USPTO, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Assignment Recordation Services, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450.

Privacy Act Statement for Patent Assignment Recordation Form Cover Sheet

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with the above request for information. This collection of information is authorized by 35 U.S.C. 1, 2, 261 and E.O. 9424. This information will primarily be used by the USPTO for the recordation of assignments related to patents and patent applications. Submission of this information is voluntary but is required in order for the USPTO to record the requested assignment. If you do not provide the information required on the cover sheet, the assignment will not be recorded, and all documents will be returned to you.

After the information is recorded, the records and associated documents can be inspected by the public and are not confidential, except for documents that are sealed under secrecy orders or related to unpublished patent applications. Assignment records relating to unpublished patent applications are maintained in confidence in accordance with 35 U.S.C. 122. Records open to the public are searched by users for the purpose of determining ownership for other property rights with respect to patents and trademarks.

Routine uses of the information you provide may also include disclosure to appropriate Federal, state, local, or foreign agencies in support of their enforcement duties and statutory or regulatory missions, including investigating potential violations of law or contract and awarding contracts or other benefits; to a court, magistrate, or administrative tribunal in the course of presenting evidence; to members of Congress responding to requests for assistance from their constituents; to the Office of Management and Budget in connection with the review of private relief legislation; to the Department of Justice in connection with a Freedom of Information Act request; to a contractor in the performance of their duties; to the Office of Personnel Management for personnel studies; and to the General Services Administration (GSA) as part of their records management responsibilities under the authority of 44 U.S.C. 2904 and 2906. Such disclosure to GSA shall not be used to make determinations about individuals.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JUN - 2 2005

In re Application of	:	
Lorrie Gabrielle Vogel	:	
Serial Number: 29/218,999	:	PETITION UNDER
Filed: December 13, 2004	:	M.P.E.P.708.02 VIII
For: PORTION OF A SHOE UPPER	:	

This is in response to the petition filed March 8, 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

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CALDWELL & BERKOWITZ PC
5 CONCOURSE PARKWAY
SUITE 900
ATLANTA, GA 30328

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JAN 1 8 2006

OFFICE OF PETITIONS

In re Application of	:
Allan Hing Chuen Kwong et al	:
Application No. 29/219,042	: DECISION GRANTING PETITION
Filed: December 10, 2004	: UNDER 37 CFR 1.313(c)(3)
Attorney Docket No. 2170687-000027	:

This is a decision on the petition, filed January 17, 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 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 July 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 January 17, 2006.

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

This matter is being referred to Technology Center AU 2911 for processing of the CPA and for consideration of the Information Disclosure Statement.

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

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SUITE 3100 SIX CONCOURSE PARKWAY
ATLANTA GA 30328

COPY MAILED

OCT 03 2006

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Kwong et al :
Application No. 29/219,042 :
Filed: December 10, 2004 :
Attorney Docket No. 2170687-000027 :

This is a decision on the petition, filed September 22, 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 June 5, 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 September 22, 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 02/06/08

TO SPE OF : ART UNIT 2916

SUBJECT : Request for Certificate of Correction for Appl. No.: **29/219044** Patent No.: **D539014**

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.

- [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 — **Art Unit** 2916

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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www.uspto.gov

SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER, CO 80202

COPY MAILED
MAR 0 1 2006
OFFICE OF PETITIONS

In re Application of	:	
Masaaki Yamashita et al	:	
Application No. 29/219,048	:	ON PETITION
Filed: December 9, 2004	:	
Attorney Docket No. 2933YC-1	:	

This is a decision on the petition filed February 22, 2006, which is being treated as a petition under 37 CFR 1.313(c)(3), to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is 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 December 6, 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 February 22, 2006.

Telephone inquiries should be directed to the undersigned at (571) 272-3210.

This matter is being referred to Technology Center AU 2912 for processing of the CPA and consideration of the IDS.

Irvin Dingle
Petitions Examiner
Office of Petitions

SPE: G. Watson

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 11/16/06

TO SPE OF : ART UNIT 2915

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/219,051 Patent No.: D522,293

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: _____

Gary D. Watson — SPE

2913 — Art Unit

1807

20427 U.S. PTO
121304

PTO/SB/27 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	TBA
Filing Date	December 13, 2004
First Named Inventor	Sandra Choi
Title	SHOE (COOPER)
Atty Docket Number	JCHO 0422620

17858 U.S. PTO
29/219093
121304

ADDRESS TO:

MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

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

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

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:

Design Class 2, subclasses 925,927,928,929,930,931,932,933,934,935,936,937,938, 939, 940 and 941; Design Class 36, subclasses 7.5 and 11.5; USPTO systems EAST and WEST; internet search

Related applications: Two applications filed herewith (JCHO 0425465; JCHO 0425466)

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.

David I. Greenbaum
Signature

December 13, 2004
Date

David I. Greenbaum, Esq.
Typed or printed name

46,739
Registration Number, if applicable

212-813-5900
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.

2/16/2004 FFAHAIA2 00000025 29219093
01 FC:1802 900.00 DP

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
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ATTENTION: LAWRENCE E. APOLZON, ESQ.
FROSS ZELNICK LEHRMAN & ZISSU, P.C.
866 UNITED NATIONS PLAZA
NEW YORK NY 10017

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MAR 27 2007

OFFICE OF PETITIONS

In re Patent No. D509052 :
Issued: 09/06/2005 :
Application No. 29/219093 : ON PETITION
Filed: 12/13/2004 :
Atty Docket No.: JCHO 0422620 :

This is in response to the deficiency fee payment filed pursuant to 37 CFR 1.28(c) on 21 August, 2006.

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

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

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

Small entity status will no longer apply.

Telephone inquiries should be directed to the undersigned at (571) 272-3231.

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
www.uspto.gov

MARK H. PLAGER
PLAGER LAW OFFICES, PC
SUITE 207
16152 BEACH BOULEVARD
HUNTINGTON BEACH, CA 92647

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OFFICE OF PETITIONS

ON PETITION

In re Application of	:	
Sohn, Seung On	:	
Application No. 29/219,123	:	
Filed: December 13, 2004	:	
Attorney Docket No. 10048-002	:	

This is a decision on the petition under 37 CFR §1.102(d), filed August 15, 2006, to make the above-identified application special. The petition requests that the above-identified application be made special under the accelerated examination procedure set forth in M.P.E.P. § 708.02, Section II: Infringement.

The petition is **GRANTED.**

A grantable petition to make an application special under 37 CFR §1.102(d) and MPEP §708.02, Section II: Infringement, must be accompanied by the required fee pursuant to 37 CFR 1.17(h) and a statement by the applicant, assignee, or attorney/agent registered to practice before the office alleging:

(A) That there is an infringing device or product actually on the market or method in use;

(B) That a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and

(C) That he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.

Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

The petition complies with all the above stated requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 2912 for expedited prosecution.

Liana Chase 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

JUN - 2 2005

In re Application of	:	
Tracy L. Teague	:	
Serial Number: 29/219,139	:	PETITION UNDER
Filed: December 14, 2004	:	M.P.E.P.708.02 VIII
For: PORTION OF A SHOE UPPER	:	

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

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
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	TBA
Filing Date	December 13, 2004
First Named Inventor	Sandra Choi
Title	SHOE (CAIRO)
Atty Docket Number	JCHO 0425466

17858 U.S.PTO
29/219170
121304

ADDRESS TO:

MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 2/8/05
JMStone
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:

Design Class 2, subclasses 925,927,928,929,930,931,932,933,934,935,936,937,938, 939, 940 and 941; Design Class 36, subclasses 7.5 and 11.5; USPTO systems EAST and WEST; internet search

Related applications: Two applications filed herewith (JCHO 0422620; JCHO 0425465)

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.

David I. Greenbaum
Signature

December 13, 2004
Date

David I. Greenbaum, Esq.
Typed or printed name

46.739
Registration Number, if applicable

212-813-5900
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.

12/16/2004 HTECKLU1 00000090 29219170
04 FC:1802 900.00 OP

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

Fross, Zelnick, Lehrman & Zissu, PC
866 United Nations Plaza
New York NY 10017

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JAN 0 8 2007

OFFICE OF PETITIONS

In re Patent No. D510,653 :
Issue Date: October 18, 2005 :
Application No. 29/219,170 : NOTICE
Filed: December 13, 2004 :
Attorney Docket No. JCHO 0425466 :

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

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	TBA
Filing Date	December 13, 2004
First Named Inventor	Sandra Choi
Title	SHOE (COIN)
Atty Docket Number	JCHO 0425465

ADDRESS TO:

MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

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

17858 U.S. PTO
29/219171
121304

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:

Design Class 2, subclasses 925,927,928,929,930,931,932,933,934,935,936,937,938, 939, 940 and 941; Design Class 36, subclasses 7.5 and 11.5; USPTO systems EAST and WEST; internet search

Related applications: Two applications filed herewith (JCHO 0422620; JCHO 0425466)

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.

David I. Greenbaum
Signature

December 13, 2004
Date

David I. Greenbaum, Esq.
Typed or printed name

46,739
Registration Number, if applicable

212-813-5900
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.

12/16/2004 HTECKLU1 00000089 29219171
04 FC:1802 900.00 OP

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866 United Nations Plaza
New York NY 10017

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JAN 0 8 2007

OFFICE OF PETITIONS

In re Patent No. D512,210 :
Issue Date: December 6, 2005 :
Application No. 29/219,171 :
Filed: December 13, 2004 :
Attorney Docket No. JCHO 0425465 :

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
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Paper No.

Pearl Cohen Zedek Latzer, LLP
1500 Broadway
12th Floor
New York NY 10036

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APR 15 2008

OFFICE OF PETITIONS

In re Application of	:	
Chaucer Chiu et al.	:	
Application No. 29/219,184	:	DECISION ON PETITION
Filed: December 15, 2004	:	PURSUANT TO
Attorney Docket Number: D-0445-US	:	37 C.F.R. § 1.137(b)
Title: TELEVISION	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), to revive the above-identified application, filed on August 14, 2007.

This petition is **DISMISSED.**

The above-identified application became abandoned for failure to submit the issue fee and corrected drawings in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed April 6, 2007, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time are permitted for transmitting issue fees or corrected drawings[1]. Accordingly, the above-identified application became abandoned on July 7, 2007. A Notice of Abandonment was mailed on August 1, 2007.

A grantable petition pursuant to 37 C.F.R § 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R § 1.17(m);
(2) A statement that the entire delay in filing the

1 See M.P.E.P. § 710.02(e).

required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;

(3) Any terminal disclaimer (and fee as set forth in 37 C.F.R § 1.20(d)) required pursuant to paragraph (d) of this section.

37 C.F.R. § 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 C.F.R. § 1.137(b) was unintentional. Since the statement contained in this petition varies from the language required by 37 C.F.R. § 1.137(b)(3), the statement contained in this petition is being construed as the statement required by 37 C.F.R. § 1.137(b)(3) and Petitioner must notify the Office if this is not a correct interpretation of the statement contained in this petition.

With this petition, Petitioner has included the issue and petition fees, corrected drawings, and a statement that is being construed as the proper statement of unintentional delay.

Petitioner has met requirements (1) - (3) of Rule 1.137(b).

Regarding the fourth requirement, Petitioner has failed to provide the required terminal disclaimer and fee. See 37 C.F.R §§ 1.137(b)(4) and (d).

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.137(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].

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

---

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.

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[5]. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

Pearl Cohen Zedek Latzer, LLP
1500 Broadway
12th Floor
New York NY 10036

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SEP 29 2008

In re Application of	:	
Chaucer Chiu et al.	:	
Application No. 29/219,184	:	DECISION ON RENEWED
Filed: December 15, 2004	:	PETITION PURSUANT TO
Attorney Docket Number: D-0445-US	:	37 C.F.R. § 1.137(b)
Title: TELEVISION	:	

This is a decision on the renewed petition pursuant to 37 C.F.R. § 1.137(b), to revive the above-identified application, filed on June 6, 2008.

This renewed petition is **GRANTED**.

The above-identified application became abandoned for failure to submit the issue fee and corrected drawings in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed April 6, 2007, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time are permitted for transmitting issue fees or corrected drawings.[1] Accordingly, the above-identified application became abandoned on July 7, 2007. A Notice of Abandonment was mailed on August 1, 2007.

1 See M.P.E.P. § 710.02(e).

A grantable petition pursuant to 37 C.F.R § 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R § 1.17(m);
(2) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
(3) Any terminal disclaimer (and fee as set forth in 37 C.F.R § 1.20(d)) required pursuant to paragraph (d) of this section.

An original petition pursuant to 37 C.F.R. § 1.137(b) was filed on August 14, 2007, and was dismissed in a decision mailed on April 15, 2008.

The decision on the original petition indicated that Petitioner had included the issue and petition fees, corrected drawings, and a statement that was construed as the proper statement of unintentional delay. As such, Petitioner met requirements (1) - (3) of Rule 1.137(b). The petition was dismissed due to Petitioner's failure to include the required terminal disclaimer and fee, pursuant to 37 C.F.R §§ 1.137(b)(4) and (d).

With this renewed petition, Petitioner has included both the required terminal disclaimer and the associated fee.

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

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Office of Patent Publication in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Office of Patent Publication where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[2] All other inquiries

---

2 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is

concerning the status of the application should be directed to the Office of Patent Publication at 571-272-4200.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 6-15-07

Paper No.: _____

TO SPE OF : ART UNIT 2911

SUBJECT : Request for Certificate of Correction for Appl. No. 29/219213 (D) 538996

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**.

Should Priority be enter? Thanks

Ella James
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: The addition of the registration numbers to the patent is denied because the application numbers of the foreign priority documents ~~are~~ is the proper information that is required for the patent, not the registration numbers. See MPEP 1828.
A new Certificate of Correction must be filed to add the application numbers.

CATHRON C. BROOKS
PRIMARY EXAMINER SPE

2911
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 : 7-13-07

Patent No.: D538,996 S
Patent Issued : March 20,2007
Inventor(s): Gregory terreense Lonergan
Title: AERATOR FOR A COMPOSTING BIN
Docket No.: 79413.1500

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 1.322or 1.323.

The alleged errors on the title page, item [30] Priority, the addition of the registration numbers to the patent is denied because the application numbers of the foreign priority documents is the proper information that is required for the patent, not the registration numbers. See MPEP 1828.

A new certificate of correction must be filed to add the application numbers

In view of the foregoing, your request is hereby denied. However, further consideration will be given upon receipt of a request for reconsideration directed to Decisions & Certificates of Correction Branch.

Eva James
For Cecelia B. Newman
Certificate of Correction Branch
(703) 308-9390 ext. 124 or ext. 102

Baker & Hostetler
Washington Square, Suite 1100
1050 Connecticut Avenue, NW
Washington, DC 20036

ej

UNITED STATES 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 John D. Gugliotta, PE, Esq.
202 Delaware Building
137 South Main Street
Akron OH 44308

COPY MAILED

JAN 23 2007

OFFICE OF PETITIONS

In re Application of :
Molesky :
Application No. 29/219,214 :
Filed: December 15, 2004 :
Attorney Docket No. 1516 :
For: OUTDOORSMAN HAT

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed August 25, 2006 (certificate of mailing date August 22, 2006), to revive the above-identified application.

This application became abandoned for failure to timely submit corrected formal drawings within three (3) months of the mail date of the Notice of Allowability, mailed on February 22, 2006. Accordingly, this application became abandoned on May 23, 2006. A Notice of Abandonment was mailed on August 2, 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 February 22, 2006 Notice of Allowability, a terminal disclaimer and required fee, and the petition fee.

The petition is **granted**.

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.

This application is being forwarded to Publishing Division for consideration of the drawings filed on August 25, 2006 (certificate of mailing date August 22, 2006).

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

CC: JOHN D. GUGLIOTTA, ESQ.
430 WHITE POND DRIVE, SUITE 200
AKRON, OH 44320

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 07/03/06

TO SPE OF : ART UNIT 2916

SUBJECT : Request for Certificate of Correction for Appl. No.: **29/219299** Patent No.: **d514725**

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.

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: OK

Marcus Jackson
Primary Examiner

SPE

2916
Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 07/03/06

TO SPE OF : ART UNIT 2916

SUBJECT : Request for Certificate of Correction for Appl. No.: **29/219299** Patent No.: **d514725**

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.

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 07/03/06

TO SPE OF : ART UNIT 2916

SUBJECT : Request for Certificate of Correction for Appl. No.: **29/219299** Patent No.: **d514725**

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.

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: OK

IAN SIMMONS
SUPERVISORY PATENT EXAMINER

Marcus Jackson
Primary 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

DYKEMA GOSSETT PLLC
FRANKLIN SQUARE, THIRD FLOOR WEST
1300 I STREET, NW
WASHINGTON DC 20005

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MAR 06 2007

OFFICE OF PETITIONS

In re Application of :
Ishikawa :
Application No. 29/219,315 : ON PETITION
Filed: December 16, 2004 :
Attorney Docket No. 66386-354-7 :
For: CHILD'S CHAIR

This is a decision on the petition under 37 CFR 1.181, filed December 13, 2006, to withdraw the holding of abandonment in the above-identified application.

The petition is **dismissed**.

Any further reconsideration petition 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. This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The Office contended that this application became abandoned on October 27, 2006, for failure to submit the issue fee by October 26, 2006, as was required by the July 26, 2006 Notice of Allowance and Fee(s) Due. A Notice of Abandonment was mailed on December 7, 2006.

On August 24, 2006 applicant filed a PTOL-85 fee transmittal. Applicant authorized the Office to charge all required fees to applicant's deposit account. However, through inadvertent mistake, a deposit account number was not provided on the PTOL-85(B).

Where it is clear that an applicant actually intends to pay the issue fee and required publication fee, but the proper fee payment is not made, for example, an incorrect issue fee amount is supplied, or a PTOL-85B Fee(s) Transmittal form is filed without payment of the issue fee, a general authorization to pay fees or a specific authorization to pay the issue fee, submitted prior to the mailing of a notice of allowance, will be allowed to act as payment of the correct issue fee. 37 CFR 1.311(b); MPEP 1306

It is clear that applicant intended to pay the issue fee from a brief glance at the PTOL-85. However, the undersigned could **not** find a general authorization to pay fees or a specific authorization to pay the issue fee in the application file. Therefore, the Office did not have authorization to charge the issue fee to applicant's deposit account.

Accordingly, the holding of abandonment is proper and the petition under 37 CFR 1.181 is **dismissed**.

Pursuant to petitioner's authorization, as given in the present petition, the required $400.00 issue fee will be charged to deposit account no. 04-2223.

Petitioner is encouraged to file a petition to revive.

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 pertaining to this decision 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
www.uspto.gov

DYKEMA GOSSETT PLLC
FRANKLIN SQUARE, THIRD FLOOR WEST
1300 I STREET, NW
WASHINGTON DC 20005

COPY MAILED

APR 13 2007

OFFICE OF PETITIONS

In re Application of :
Ishikawa :
Application No. 29/219,315 : ON PETITION
Filed: December 16, 2004 :
Attorney Docket No. 66386-354-7 :
For: CHILD'S CHAIR

This is a decision on the petition under 37 CFR 1.137(b), filed March 8, 2007, to revive the above-identified application.

The petition is **dismissed**.

Any further reconsideration petition 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. This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The Office contended that this application became abandoned on October 27, 2006, for failure to submit the issue fee by October 26, 2006, as was required by the July 26, 2006 Notice of Allowance and Fee(s) Due. A Notice of Abandonment was mailed on December 7, 2006.

On August 24, 2006 applicant filed a PTOL-85 fee transmittal. Applicant authorized the Office to charge all required fees to applicant's deposit account. However, through inadvertent mistake, a deposit account number was not provided on the PTOL-85(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 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, petitioner is required to submit a terminal disclaimer.

The small entity petition fee of $750.00 will be charged to deposit account no. 04-2223.

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 pertaining to this decision may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DYKEMA GOSSETT PLLC
FRANKLIN SQUARE, THIRD FLOOR WEST
1300 I STREET, NW
WASHINGTON DC 20005

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MAY 17 2007

OFFICE OF PETITIONS

In re Application of :
Ishikawa :
Application No. 29/219,315 : ON PETITION
Filed: December 16, 2004 :
Attorney Docket No. 66386-354-7 :
For: CHILD'S CHAIR

This is a decision on the reconsideration petition under 37 CFR 1.137(b), filed April 17, 2007, 2007, to revive the above-identified application.

The Office contended that this application became abandoned on October 27, 2006, for failure to submit the issue fee by October 26, 2006, as was required by the July 26, 2006 Notice of Allowance and Fee(s) Due. A Notice of Abandonment was mailed on December 7, 2006.

Applicant has submitted a proper reply in the form of the issue fee and a completed PTOL-85(b), an acceptable statement of the unintentional nature of the delay in responding to the July 26, 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 pertaining to this decision 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
www.uspto.gov

Ladas & Parry
26 West 61 Street
New York NY 10023

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OCT 27 2008

OFFICE OF PETITIONS

In re Application of

Aheda Ann Zanetti

Application No. 29/219,319

Filing Date: December 14, 2004

Attorney Docket No. UD 051600-1

ON PETITION

This is a decision on the petition under 37 CFR §1.137(b), filed October 6, 2008, 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 *Ex Parte Quayle* action mailed February 12, 2008. The notice allowed a shortened period for reply of two months from its mailing date. No reply was received within the allowable period, and the application became abandoned on April 13, 2008. A Notice of Abandonment was mailed September 22, 2008.

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.

K.A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: "Terminal Disclaimer to Accompany Petition"

PTO/SB/63 (09-08)
Approved for use through 10/31/2008. 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.

UNITED STATES 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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MAY 07 2009

OFFICE OF PETITIONS

Ladas & Parry
26 West 61 Street
New York NY 10023

In re Application of

Aheda Ann Zanetti

Application No. 29/219,319

Filing Date: December 14, 2004

Attorney Docket No. UD 051600-1

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed November 5, 2008, 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 *Ex Parte Quayle* action mailed February 12, 2008. The notice allowed a shortened period for reply of two months from its mailing date. No reply was received within the allowable period, and the application became abandoned on April 13, 2008. A Notice of Abandonment was mailed September 22, 2008.

The terminal disclaimer, filed November 5, 2008, is noted.

The application is being forwarded to the Technology Center, GAU 2914 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

DELLETT & WALTERS
P. O. BOX 82788
PORTLAND, OR 97282-0788

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JUL 25 2006

OFFICE OF PETITIONS

In re Application of

Cheng Si Wang

Application No. 29/219,372

Filed: December 16, 2004

Attorney Docket No. T-1391

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed February 3, 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 August 5, 2005, which set a statutory period for reply of three (3) months from its mailing date. Accordingly, the application became abandoned on November 4, 2005. A Notice of Abandonment was mailed on February 1, 2006.

The terminal disclaimer filed February 3, 2006, is also noted.

The issue fee payment is noted as being received on February 3, 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

PET DEC IFW

PTO/SB/83 (03-02)
Approved for use through 10/31/2002. OMB 0651-0035

REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT

OIPE
DEC 0 5 2005
PATENT & TRADEMARK OFFICE

Application Number	29/219,447
Filing Date	12-16-2004
First Named Inventor	Sheryl Laukat
Group Art Unit	2916
Examiner Name	Aronovich, Adir
Attorney Docket Number	3181.CMI.DS

To: Assistant Commissioner for Patents

Washington, DC 20231

I hereby apply to withdraw as attorney or agent for the above identified patent application.

The reasons for this request are:

Applicant's Request

Approved 3/6/06
Jacqueline M. Stone, Director
Technology Center 1700

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

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

CORRESPONDENCE ADDRESS

☐ Customer Number [ ] → [ ]

OR

Place Customer Number Bar Code Label Here

☒ Firm or Individual Name	STARKWEATHER & ASSOCIATES				
Address	9035 SOUTH 1300 EAST, SUITE 200				
Address					
City	SALT LAKE CITY	State	UTAH	Zip Code	84094
Country	UNITED STATES OF AMERICA				
Telephone		Fax			

☒ This request is made on behalf of myself 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 26986

This request is enclosed in triplicate (including any attachments).

Name	Frank W. Compagni
Signature	
Date	11-30-2005

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.

PET DEC

PTO/SB/83 (03-02)
Approved for use through 10/31/2002. OMB 0651-0035

REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT

OIPE IAP62 DEC 0 5 2005 PATENT & TRADEMARK OFFICE

Application Number	29/219,449
Filing Date	12-16-2004
First Named Inventor	Sheryl Laukat
Group Art Unit	2915
Examiner Name	Aronovich, Adir
Attorney Docket Number	3180.CMI.DS

To: Assistant Commissioner for Patents

Washington, DC 20231

I hereby apply to withdraw as attorney or agent for the above identified patent application.

The reasons for this request are:

Applicant's Request

Approved 3/6/06
Jacqueline M. Stone, Director
Technology Center 1700

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

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

CORRESPONDENCE ADDRESS

☐ Customer Number [ ] → [ ]

OR

Place Customer Number Bar Code Label Here

☒ Firm or Individual Name	STARKWEATHER & ASSOCIATES				
Address	9035 SOUTH 1300 EAST, SUITE 200				
Address					
City	SALT LAKE CITY	State	UTAH	Zip Code	84094
Country	UNITED STATES OF AMERICA				
Telephone		Fax			

☒ This request is made on behalf of myself 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 26986

This request is enclosed in triplicate (including any attachments).

Name	Frank W. Compagni
Signature	
Date	11-30-2005

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.

PET DEC

PTO/SB/83 (03-02)
Approved for use through 10/31/2002. OMB 0651-0035

REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT

DEC 0 5 2005 PATENT & TRADEMARK OFFICE

Application Number	29/219,450
Filing Date	12-16-2004
First Named Inventor	Sheryl Laukat
Group Art Unit	2915
Examiner Name	Aronovich, Adir
Attorney Docket Number	3179.CMI.DS

To: Assistant Commissioner for Patents

Washington, DC 20231

I hereby apply to withdraw as attorney or agent for the above identified patent application.

The reasons for this request are:

Applicant's Request

Approved 3/6/06
Jacqueline M. Stone, Director
Technology Center 1700

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

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

CORRESPONDENCE ADDRESS

☐ Customer Number [ ] → [ ]
Place Customer Number Bar Code Label Here

OR

☒ Firm or Individual Name	STARKWEATHER & ASSOCIATES				
Address	9035 SOUTH 1300 EAST, SUITE 200				
Address					
City	SALT LAKE CITY	State	UTAH	Zip Code	84094
Country	UNITED STATES OF AMERICA				
Telephone		Fax			

☒ This request is made on behalf of myself 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 26986

This request is enclosed in triplicate (including any attachments).

Name	Frank W. Compagni
Signature	
Date	11-30-2005

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ADVANTIA LAW GROUP
9035 SOUTH 1300 EAST
SUITE 200
SANDY UT 84094

COPY MAILED

NOV 13 2007

OFFICE OF PETITIONS

In re Application of :
Laukat et al. :
Application No. 29/219,452 : DECISION ON PETITION
Filed: December 16, 2004 :
Attorney Docket No. 3341.2.33OP :

This is a decision on the petition, filed October 24, 2007, 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 pay the issue and publication fees on or before June 16, 2007, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed March 16, 2007.

Petitioner asserts that the Notice dated March 16, 2007 was not received.

A review of the written record indicates no irregularity in the mailing of the Notice, and, in the absence of any irregularity, there is a strong presumption that the Notice was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Notice was not in fact received. In this regard, the showing required to establish the failure to receive the Notice must consist of the following:

1. a statement from practitioner stating that the Notice was not received by the practitioner;
2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Notice was not received; and
3. a copy of the docket record where the nonreceived Notice would have been entered and docketed had it been received must be attached to and referenced in the practitioner's statement.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).
The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to the Technology Center AU 2916 technical support staff for **re-mailing** the Notice of Allowability and the Notice of Allowance and Fee(s) Due of . The period for paying the issue and publication fees and submitting corrected drawings will be reset to expire three (3) months from the date the Notices are re-mailed. This period is not extendable under the provisions of 37 CFR 1.136.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petition 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

Morriss O'Bryant Compagni, P.C.
734 East 200 South
Salt Lake City, UT 84102

MAILED

JUN 03 2009

OFFICE OF PETITIONS

In re Application of	:	
Sheryl Laukat et al.	:	
Application No. 29/219,452	:	DECISION ON PETITION
Filed: December 16, 2004	:	TO WITHDRAW
Attorney Docket No. TC-04-04	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 18, 2006.

The request is **moot because a revocation of power of attorney has been filed**.

A review of the file record indicates that the power of attorney to Frank W. Compagni and all attorneys/agents of record has been revoked by the applicant of the patent application on January 18, 2006 and resubmitted on February 22, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Advantia Law Group
9035 South 1300 East
Suite 200
Sandy, UT 84094

UNITED STATES PATENT AND TRADEMARK OFFICE

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

STROOCK & STROOCK & LAVAN LLP
180 MAIDEN LANE
NEW YORK, NY 10038

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OCT 0 5 2006

OFFICE OF PETITIONS

In re Application of	:	
Masanori Nakata et al	:	
Application No. 29/219,457	:	DECISION ON PETITION
Filed: December 17, 2004	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 000086/0002	:	

This is a decision on the petition under 37 CFR 1.137(b), filed May 16, 2006 and resubmitted on August 16, 2006, to revive the above-identified application.

The petition is **DISMISSED**.

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

This application became abandoned for failure to timely file corrected drawings on or before February 27, 2006, as required by the Notice of Allowability, mailed November 25, 2005.[1] A Notice of Abandonment was mailed on April 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). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c). The petition lacks item (4).

---

[1] The issue fee was timely received on January 18, 2006.

As stated in 37 CFR 1.137(d), any petition to revive a design application under 37 CFR 1.137 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. Revival of this application cannot be effected until a proper terminal disclaimer has been filed.

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

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

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

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3218.

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

STROOCK & STROOCK & LAVAN LLP
180 MAIDEN LANE
NEW YORK, NY 10038

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DEC 15 2006

OFFICE OF PETITIONS

In re Application of	:
Masanori Nakata et al	:
Application No. 29/219,457	: DECISION GRANTING PETITION
Filed: December 17, 2004	: UNDER 37 CFR 1.137(b)
Attorney Docket No. 000086/0002	:

This is a decision on the renewed petition under 37 CFR 1.137(b), filed October 26, 2006, to revive the above-identified application.

The petition is **GRANTED**.

As noted in the decision mailed October 5, 2006, this application became abandoned for failure to reply to the Notice of Allowability mailed November 25, 2005 to correct the drawings.

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; (3) the required statement of unintentional delay; and (4) a terminal disclaimer as required by 37 CFR 1.137(d) have been received.

The terminal disclaimer filed October 27, 2006 has been accepted and made of record.

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

This matter is being referred to Publishing Division.

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES 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 BOTTS L.L.P.
30 ROCKEFELLER PLAZA
44TH FLOOR
NEW YORK NY 10112-4498

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OCT 23 2008
OFFICE OF PETITIONS

In re Patent No.	:	
Timm Fenton	:	
Application No. 29/219,544	:	NOTICE
Filed: December 17, 2004	:	
Attorney Docket No. A36165-A-072841.0265	:	

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) 272-3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

SPE: S. Reid

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 6/6/06

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/219,545 Patent No.: D517824

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

2916

SPE **Art Unit**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 7-31-07

TO SPE OF : **Technology Center** 2912

29/2195605

SUBJECT : Request for Certificate of Correction on Patent No.: D522465 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COWAN, LIEBOWITZ & LATMAN, P.C.
Attention: PATENTS
1133 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

COPY MAILED

AUG 0 2 2005

OFFICE OF PETITIONS

In re Application of
Lion et al.
Application No. 29/219,609
Filed: December 10, 2004
Attorney Docket No. 25402-015

Decision on Petition

This is a decision in response to the paper filed March 7, 2005, which is being treated as a petition under 37 CFR 1.53(e)(2), to establish that sheets 4 and 5 of the drawings which were part of the originally filed application.

The application was filed on December 10, 2004. On February 11, 2005, a Notice was mailed stating that Figures 8 and 9 described in the specification did not appear to be included as part of the application filed.

The present petition alleges that Figures 8 and 9, which are on sheets 4 and 5 of the drawings, were deposited on December 10, 2004. In support, Petitioner has submitted a postcard receipt which acknowledges receipt of 5 sheets of drawings on December 10, 2004.[1]

The USPTO file for this application includes only 3 sheets of drawings and does not include the two drawing sheets containing Figures 8 and 9. However, based on the evidence submitted, the Office concludes the two missing sheets were part of the application but were later misplaced. Therefore, the petition is **granted.**

Since the petition proves the Office misplaced the drawing sheets, a petition fee has not been charted to petitioner's deposit account.

The Notice mailed February 11, 2005, was sent in error and is hereby vacated.

The Application is being returned to the Office of Initial Patent Examination for further processing with a filing date of December 10, 2004, using the application papers filed on December 10, 2004, and the copy of the two sheets of drawings containing Figures 8 and 9 filed on March 7, 2005.

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

Charles Steven Brantley
Petitions Attorney
Office of Petitions

---

[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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FASKEN MARTINEAU DUMOULIN LLP
2100-1075 WEST GEORGIA STREET
VANCOUVER V6E 3G2 CA CANADA

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APR 2 2 2008

OFFICE OF PETITIONS

In re Application of	:	
Bryn Peter Johnson, et al.	:	
Application No. 29/219,625	:	ON PETITION
Filed: December 21, 2004	:	
Attorney Docket No. 261160.00002	:	

This is a decision on the petition under 37 CFR 1.137(b), filed July 25, 2007, 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 $750; (3) an adequate statement of unintentional delay; and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d).

The terminal disclaimer filed July 25, 2007 is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

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) 272-3204.

This application is being referred to Technology Center AU 2915 for processing of the CPA.

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

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

COPY MAILED

AUG 15 2006

OFFICE OF PETITIONS

In re Application of	:	
Catherine Dalo	:	
Application No. 29/219,643	:	ON PETITION
Filed: December 21, 2004	:	
Attorney Docket No. 0541-1037	:	

This is a decision on the petition under 37 CFR 1.182, filed January 26, 2006, to change the last name of the inventor.

The petition is **Granted**.

A corrected Filing Receipt with the desired name change of the inventor accompanies this decision on petition.

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

This matter is being referred to patent publication.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

ATTACHMENT: CORRECTED FILING RECEIPT

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
29/219,643	12/21/2004	2914	215	0541-1037	4	1	1

CONFIRMATION NO. 7702
CORRECTED FILING RECEIPT
OC000000020017309
OC000000020017309

00466
YOUNG & THOMPSON
745 SOUTH 23RD STREET
2ND FLOOR
ARLINGTON, VA 22202

Date Mailed: 08/15/2006

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)

Catherine Dalo, Saint Arnoult En Yvelines, FRANCE;

Power of Attorney: The patent practitioners associated with Customer Number **00466**.

Domestic Priority data as claimed by applicant

Foreign Applications

EUROPEAN (EU) OFFICE FOR HARMONIZATION I DM/065 935 06/21/2004
If Required, Foreign Filing License Granted: 01/19/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US29/219,643

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

SHELTER

Preliminary Class

D25

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).

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FORD GLOBAL TECHNOLOGIES, LLC
SUITE 600- PARKLANE TOWERS EAST
ONE PARKLANE BLVD
DEARBORN, MI 48126

8/19/05

In re Application of
Andrew Mark Wheel
Serial No.: 29/219,728
Filed: December 21, 2004
Attorney Docket No.: 81107260

: PETITION DECISION

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(b), filed April 26, 2005, to revive an unintentionally abandoned application.

This petition is **DISMISSED** as being **MOOT**.

A history of the application shows that a Notice to File Missing Parts was mailed January 19, 2005, which set a two-month shortened statutory period to submit a signed declaration and surcharge. Applicant responded on April 26, 2005 by submitting a signed declaration, $130.00 surcharge, and two month extension of time. Therefore, as applicant properly responded, the application was never abandoned.

The Petition fee of $1500.00 will be refunded to applicant's Deposit Account 06-1510, as directed.

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

SCAN! **Please forward case and paper to address shown below.**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 9/23/07

TO SPE OF : ART UNIT 2912 Spe (Stella Reid)

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/219751 Patent No.: D521944

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

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

HENRY RANDALL
Certificates of Correction Branch
703-308-9390 ext. _____

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: _____

STELLA M. REID
SUPERVISORY PATENT EXAMINER
SPE

2912
Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 7-30-07

TO SPE OF : **Technology Center** 2912

29/219753

SUBJECT : Request for Certificate of Correction on Patent No.: D523402 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : June 02, 2008

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/219753 Patent No.: D523402 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: above correction is approved

/Selina Sikder/

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PAUL J. SUTTON, ESQ.
BARRY G. MAGIDOFF, ESQ.
GREENBERG TRAURIG, LLP
200 PARK AVENUE
NEW YORK, NY 10166

COPY MAILED

FEB 08 2007

OFFICE OF PETITIONS

In re Application of	:	
Alfred J. Lombardi et al	:	
Application No. 29/219,754	:	ON PETITION
Filed: December 20, 2004	:	
Attorney Docket No. 0267-001-1536(D) DES	:	

This is a decision on the petition under 37 CFR 1.137(b), filed September 5, 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 February 7, 2006, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on May 8, 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; (3) the required statement of unintentional delay have been received and (4) Terminal Disclaimer. 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 application is being forwarded to the Publishing Division for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Patent No. : D518741 S
Ser. No. : 29/219,817
Inventor(s) : MODOLO, DINO
Issued : 04/11/06
Title : **WRISTWATCH**
Docket No. : **Q85092**

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

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

LMN

UNITED STATES 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 BOTTS L.L.P.
30 ROCKEFELLER PLAZA
44TH FLOOR
NEW YORK NY 10112-4498

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OCT 09 2008
OFFICE OF PETITIONS

In re Patent No. D531,411	:	
Issued: November 7, 2006	:	
Application No. 29/219,826	:	NOTICE
Filed: December 22, 2004	:	
Attorney Docket No. A36440-072841.0264	:	

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.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

OIPE JC71
JAN 13 2005
PATENT & TRADEMARK OFFICE

20

DESIGN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	
Tinker HATFIELD	)	Group Art Unit: 2900
	)	
Serial No.: 29/214,911	)	Examiner: D. Simone
	)	
Filed: October 13, 2004	)	Attorney Docket No.: 015127.00380
	)	

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

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.

01/19/2005 DEMMMU1 00000064 190733 29214911
01 FC:1464 130.00 DA

PETITION GRANTED

Richard Crispino
Special Program Examiner
TC 1700 APR 12 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

LAW OFFICE OF L. JACK GIBNEY
8777 SAN JOSE BLVD.
SUITE 502
JACKSONVILLE, FL 32217

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SEP 29 2005

OFFICE OF PETITIONS

In re Application of :
Sheila Cohen :
Application No. 29/219,914 :
Filed: December 22, 2004 :
Attorney Docket No. :
04-231-PT-ISC :

This is a decision in response to the petition under 37 CFR 1.137(b), filed September 9, 2005, to revive the above-identified application.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice Regarding Drawings, mailed March 23, 2005. The Notice set a non-extendable three (3) month period for reply. No reply having been received, the application became abandoned June 24, 2005. A Notice of Abandonment was mailed on August 17, 2005.

With the instant petition, Applicant has submitted corrected drawings, which have been approved by the Examiner.

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 (703) 305-0014.

Derek L. Woods
Attorney
Office of Petitions

OIPE JC145
APR 1 2 2005
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Henry Young CHIN et al.

Serial No.: 29/219,954

Filed: December 22, 2004

For: **BOX FOR COSMETICS**

Art Unit: 2913

Examiner: To be Assigned

Atty Dkt: CD-487

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § .102 and M.P.E.P. §708.02 (II)

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

Sir:

Come now the applicants, by and through their undersigned attorney of record, and respectfully request by this Petition that the above-captioned application receive accelerated examination on the grounds of actual infringement.

The accompanying STATEMENT OF Perry J. Saidman indicates that: (1) there is an infringing product actually on the market; (2) a rigid comparison of the alleged infringing product with the application has been made and, in

04/13/2005 RFEKADU 00000010 29219954
01 FC:1464 130.00 OP

PETITION GRANTED

Richard Crispino
Special Program Examiner
Technology Center 1700
JUN - 1 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

Beyer Weaver & Thomas, LLP
P.O. Box 70250
Oakland CA 94612-0250

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MAR 2 0 2007

OFFICE OF PETITIONS

In re Application of
Andre et al.
Application No. 29/220,036
Filed: December 23, 2004
Attorney Docket No. APL1D357A/P3642

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(a), filed September 8, 2006, which is being treated as a request 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 the delay.

On September 9, 2005, the Office mailed a Notice of Allowance and Fee(s) Due and a Notice of Allowability, which set a three-month statutory period to pay the issue fee and to submit corrected drawings. On November 4, 2005, petitioners paid the issue fee and submitted an IDS and an amendment under 37 CFR 1.312. On December 29, 2005, the Office mailed a Supplemental Notice of Allowability, which noted the consideration of the IDS received November 11, 2005, and that the allowed claim was 1. On July 5, 2006, the Examiner mailed a Response to Rule 312 Communication, which stated that the amendment filed on November 4, 2005, under 37 CFR 1.312, had been considered, and had been entered as directed to matters of form not affecting the scope of the invention. Thereafter, on August 18, 2006, the Office mailed a Notice of Abandonment, indicating that the application was abandoned because applicants failed to file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability.

In the present petition, petitioners asserts:

> The Notice of Allowance mailed September 9, 2005 did request corrected drawings due to the Examiner's objections to Figures 2 and 4. However, the originally filed drawings were, in fact, correct and there was no inconsistency. This was explained to the Examiner, whom agreed that the drawings were not objectionable. In responding to the Notice of Allowance, on November 2, 2005 (received November 4, 2005), Applicants paid the issue fee and filed an Amendment under 37 CFR 1.312 to clarify the description of the drawings. The accompanying Remarks to that Amendment indicate that the earlier object to the drawings was resolved with the Examiner and that description of the

drawings for Figures 2 and 4 was being amended to further clarify the orientation of the drawings, which previously caused confusion by the Examiner. On July 5, 2006 the USPTO mailed a Response to Rule 312 Communication stating the Amendment filed on November 4, 2005 was entered as directed to matters of form not affecting the scope of the invention.

In a Supplemental Notice of Allowability mailed December 29, 2005, the Examiner noted consideration of an Information Disclosure Statement filed November 11, 2005. Additionally, the Notice of Allowability no longer indicated that corrected drawings were required (as did the original Notice of Allowability).

Petition dated 09/08/06, pps. 1-2.

The Office finds petitioners' assertions persuasive. As stated in the enclosed "Supplemental" Response to Rule 312 Communication, the Examiner indicated that the amendment filed on November 4, 2005, overcame the drawing objections in the Notice of Allowability mailed on September 9, 2005, and additional formal drawings were no longer required. The Response further stated that the original drawings were approved. A copy of the "Supplemental" Response to Rule 312 Communication accompanies this decision.

In view of above, the petition to withdraw the holding of abandonment is **GRANTED**. The application is hereby restored to pending status. The $500.00 petition fee and the $130.00 terminal disclaimer fee will be refunded to Deposit Account, as they are unnecessary.

The 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 concerning this matter may be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Response to Rule 312 Communication

Response to Rule 312 Communication	Application No.	Applicant(s)	
	29/220,036	ANDRE ET AL.	
	Examiner	Art Unit	
	Freda S. Nunn	2911	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☒ The amendment filed on 04 November 2005 under 37 CFR 1.312 has been considered, and has been.

a) ☐ entered.

b) ☒ entered as directed to matters of form not affecting the scope of the invention.

c) ☐ disapproved because the amendment was filed after the payment of the issue fee.
Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

d) ☐ disapproved. See explanation below.

e) ☐ entered in part. See explanation below.

The amendment filed on November 4, 2005 overcomes the drawing objections in the Notice of Allowability mailed on September 9, 2005, and additional formal drawings are no longer required; the original drawings are hereby approved.

Freda S. Nunn
Primary Examiner
Art Unit: 2911

UNITED STATES 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 H. Garrett
1864 Woodland Hills Ave.
Atlanta GA 30318

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FEB 2 0 2008

OFFICE OF PETITIONS

In re Application of
NORMAN HESSON GARRETT
Application No. 29/220,236
Filed: 12/28/2004
Title: GROUND ELECTRODE FOR SPARK PLUG

DECISION ON PETITION

This is decision on the "PETITION FOR RESETTING OF THE PERIOD FOR RESPONSE," filed November 15, 2007, which is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment.

This application became abandoned for failure to reply timely to the Notice of Allowance and Fee(s) Due or the Notice of Allowability mailed on November 15, 2006, which set a three (3) month statutory period to reply. In the absence of a timely filed reply, the Office mailed a Notice of Abandonment on July 31, 2007.

On November 15, 2007, pro se petitioner submitted the present petition, a corrected drawing sheet, a change of correspondence address, and payment for the issue fee and the petition fee in the amount of $1,150.00. Petitioner asserted that he did not receive the Notice of Allowance and Fee(s) Due or the Notice of Allowability ("Notices") mailed on November 15, 2006. Petitioner explained that he had moved from his former residence and the Office mailed the Notices to the wrong address. Petitioner explained that as a pro se applicant, he does not have a formal docket system. Petitioner averred that he searched his file folder of his copies of all communications from the USPTO for this application, but he did not find any copies of the Notice of Allowance and Fee(s) Due or the Notice of Allowability.

After reviewing the USPTO records, it appears that the address of record, where the Notice of Allowance and Fee(s) Due and the Notice of Allowability were mailed, differs from the address listed on the petition. The Office acknowledges the request to change the correspondence address submitted with the petition. However, there is nothing in the record to show that the applicant submitted a change of correspondence address with the USPTO prior to the mailing of the Notices of November 15, 2006.

As the record reveals that petitioner did not submitted a timely change of correspondence address, the USPTO mailed the Notice of Allowance and Fee(s) Due and the Notice of Allowability of November 15, 2006, to the correct correspondence address, as it existed on record at that time. Accordingly, the petition to withdraw the holding of abandonment is **dismissed**. Copies of the Notice of Allowance and Fee(s) Due and the Notice of Allowability accompany this decision for applicant's convenience.

Any request for reconsideration of this decision must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are permitted under 37 CFR 1.136(a). The request for reconsideration should include a cover letter entitled "Renewed Petition under 37 CFR 1.181."

The Office finance records reveal that petitioner submitted $400.00 for the issue fee and $750.00 for petition fee on November 15, 2007. Effective, September 30, 2007, the issue fee increased from $400.00 to $410.00. Applicant is required pay the fee in the amount due on the date the payment is submitted to the USPTO. As no petition fee is required for filing a petition to withdraw the holding of abandonment, the Office will apply $10.00 from the petition fee to met the amount due for the issue fee. Petitioner is entitled to a refund of the balance of the petition fee of $740.00.

Petitioner may wish to consider filing a petition under 37 CFR 1.137(b) to revive the application instead of filing a Renewed Petition under 37 CFR 1.181. 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 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) (currently $770.00 for a small entity);

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The 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 § 1.137(d).

A terminal disclaimer and 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 above-identified application equivalent to the period of abandonment of the above- identified application.

Petitioner may request that the Office apply the $740.00 previously paid on November 15, 2007, toward the balance of $30.00 due for filing a petition under 37 CFR 1.137(b) ($740.00 + $30.00 = $770.00). Additionally, any petition under 37 CFR 1.137(b) must be accompanied by a terminal disclaimer and a $65.00 fee in compliance with 37 CFR 1.137(d)(1).

A terminal disclaimer form (PTO/SB/63) and a petition for revival under 37 CFR 1.137(b) form (PTO/SB/64) accompany the decision for petitioner's 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 FAX: (571) 273-8300
Attn: Office of Petition

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

Correspondence regarding this decision may also be filed through the Electronic Filing System of the USPTO.

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

Enclosures: Copies of Notice of Allowance and Issue Fee(s) Due and Notice of Allowability; terminal disclaimer form (PTO/SB/63); and petition for revival under 37 CFR 1.137(b) form (PTO/SB/64)

PTO/SB/63 (01-08)
Approved for use through 02/29/2008. 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.

PTO/SB/64 (01-08)
Approved for use through 02/29/2008. 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

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 11/15/2006

Norman H. Garrett
460 Windship Place
Atlanta, GA 30327

EXAMINER	
BUI, DANIEL	
ART UNIT	PAPER NUMBER
2912	

DATE MAILED: 11/15/2006

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/220,236	12/28/2004	Norman Hesson Garrett		2142

TITLE OF INVENTION: GROUND ELECTRODE FOR SPARK PLUG

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$400	$0	$0	$400	02/15/2007

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 DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

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, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). 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. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

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. 07/06) 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 11/15/2006

Norman H. Garrett
460 Windship Place
Atlanta, GA 30327

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.
29/220,236	12/28/2004	Norman Hesson Garrett		2142

TITLE OF INVENTION: GROUND ELECTRODE FOR SPARK PLUG

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$400	$0	$0	$400	02/15/2007

EXAMINER	ART UNIT	CLASS-SUBCLASS
BUI, DANIEL	2912	D13-127000

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 submitted:
☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): **(Please first reapply any previously paid issue fee shown above)**
☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, 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).

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.
29/220,236	12/28/2004	Norman Hesson Garrett		2142

7590 11/15/2006

Norman H. Garrett
460 Windship Place
Atlanta, GA 30327

EXAMINER
BUI, DANIEL

ART UNIT	PAPER NUMBER
2912	

DATE MAILED: 11/15/2006

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. 07/06) Approved for use through 04/30/2007.

Notice of Allowability	Application No.	Applicant(s)	
	29/220,236	GARRETT, NORMAN HESSON	
	Examiner	Art Unit	
	Daniel D. Bui	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 1.

3. ☐ The drawings filed on _____ are accepted by the Examiner.

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All b) ☐ Some* c) ☐ None of the:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 11/10/2006.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S COMMENT /AMENDMENT

An examiner's amendment to the record appears below.

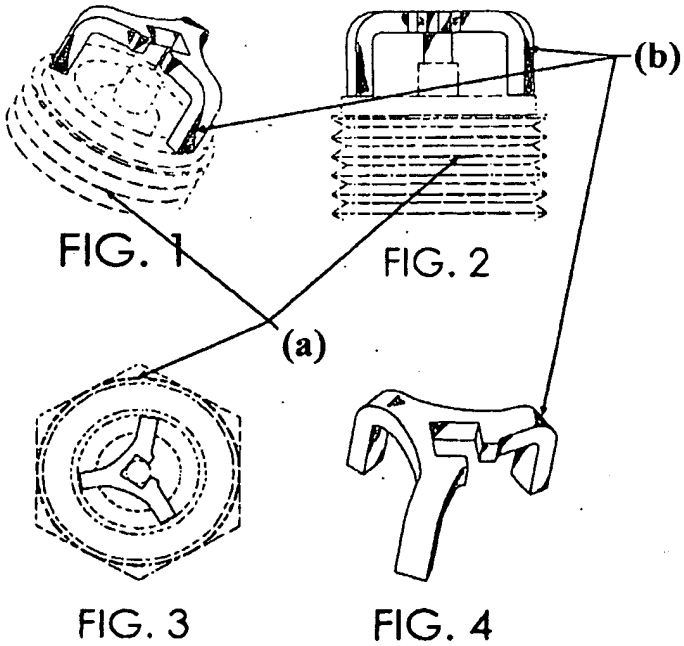
This application has been carefully examined and is allowed. No further correspondence with the examiner is needed unless the changes and/or additions are unacceptable to applicant. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Objections to the drawing

The drawing is objected for the reasons set forth below:

1. The line quality in all of the drawing views appears to be rough is objected as improper, 37 CFR 1.84(l). Specifically, all curved lines shown in the drawings appear to be jagged. In addition, broken lines (a) shown in FIGS. 1, 2 and 3 appear to be unreasonably darker than the rest. Applicant is advised that all lines in the drawings must be consistently clear and sharp.

2. Black areas (b) shown in FIGS. 1, 2 and 4 appear to be shade lines that are tightly placed and merged together and became black are objected to as being improper and not being of sufficient quality so that all details are reproducible in a printed patent, 37 CFR 1.84(l). Applicant is advised that solid black areas are not permitted in the drawing views except when used to represent the color black as well as color contrast. Therefore, black areas (b) shown in FIGS. 1, 2 and 4 must be replaced with proper shade lines therein.



Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. **The replacement sheet(s) should be labeled "Replacement Sheet" in the page header** (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures.

When preparing new drawings in compliance with the requirement therefor, care must be exercised to avoid introduction of anything which could be construed to be new matter prohibited by 35 U.S.C. 132 and 37 CFR 1.121.

Objections to the specification

1. For proper form, the preamble has been amended by **removing - - "The filing fee of $100 (small entity status), one sheet of drawings, a patent application declaration, fee transmittal form, and a return receipt postcard are attached." - -**

2. For accuracy, consistency and brevity, the figure descriptions have been amended to read:

- - "FIG. 1 is a top perspective view of a ground electrode for spark plug, showing my new design;
FIG. 2 is a side elevation view thereof;
FIG. 3 is a top plan view thereof; and
FIG. 4 is another top perspective view thereof.

The broken line showing of the environment is for illustrative purposes only and forms no part of the claimed design." - -

3. The feature description starting with - - "FEATURE DESCRIPTION: My spark plug . . . " - - and ending with - - " . . . spark plug base." - - is objected to as unecessary. Applicant is advised that as a general rule, the illustration in the drawing views is its own best description and any description of the design in the specification, other than a brief description of the drawing, is normally not needed and is required to be canceled. See MPEP § 1503.01, subsection II. **Therefore, the feature description starting with - - "FEATURE DESCRIPTION: My spark plug . . . " - - and ending with - - " . . . spark plug base." - - has been removed.**

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel D. Bui whose telephone number is 571-272-2618. The examiner can normally be reached on Monday to Friday from 10:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stella Reid, can be reached on 571-272-2656. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

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).

Daniel Bui
Design Examiner
Art Unit 2912

November 10, 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Norman H. Garrett
1864 Woodland Hills Ave.
Atlanta GA 30318

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MAY 13 2008

OFFICE OF PETITIONS

In re Application of
NORMAN HESSON GARRETT
Application No. 29/220,236
Filed: 12/28/2004
Title: GROUND ELECTRODE FOR SPARK PLUG

DECISION ON PETITION

This is decision on the petition under 37 CFR 1.137(b), filed April 21, 2008, to revive the above-identified application.

This application became abandoned for failure to reply timely to the Notice of Allowance and Fee(s) Due and the Notice of Allowability mailed on November 15, 2006, which set a three (3) month statutory period to reply. In the absence of a timely filed reply, the Office mailed a Notice of Abandonment on July 31, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a corrected drawing sheet and payment of the issue fee, (2) the petition fee, (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 matter is being forwarded to the Office of Data Management for processing into a patent.

Telephone inquiries concerning the issuance of the application into a patent should be directed to the Office of Data Management, 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

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600 ATLANTIC AVENUE
BOSTON, MA 02210-2211

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FEB 2 2 2006

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Michael Kent et al. :
Application No. 29/220,276 :
Filed: December 28, 2004 :
Attorney Docket No.: S1524.70001US00 :

This is a decision on the petition filed January 11, 2006 under 37 CFR 1.137(b),[1] to revive the above-identified application.

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

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

This application became abandoned January 7, 2006 for failure to timely pay the issue fee on or before January 6, 2006. The instant petition and this decision precede the mailing of the Notice of Abandonment.

The petition does not satisfy requirement (4) of the regulation.

Petitioner must submit a Terminal Disclaimer with any renewed petition since this is 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 application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

design application. **Petitioner should note that submission of any renewed petition without the required reply will be construed as intentional delay.**

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

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

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

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAY 03 2006

OFFICE OF PETITIONS

In re Application of
Michael Kent et al.
Application No. 29/220,276
Filed: December 28, 2004
Attorney Docket No.: S1524.70001US00

ON PETITION

This is a decision on the petition filed April 21, 2006 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 January 7, 2006 for failure to timely pay the issue fee on or before January 6, 2006. Preceding the mailing of the Notice of Abandonment, a petition to revive was filed January 11, 2006 authorizing the payment of the issue fee and petition fee but was dismissed in a decision mailed February 22, 2006 because the petition was not accompanied by a terminal disclaimer.

All other requirements of 37 CFR 1.137(b), including the filing of a terminal disclaimer, having now been met, this matter is being referred to the Publishing Division.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

[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)).

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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JORDAN AND HAMBURG LLP
122 EAST 42ND STREET
SUITE 4000
NEW YORK NY 10168

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AUG 1 8 2006
OFFICE OF PETITIONS

In re Application of Kim Application No. 29/220,311 Filed: December 29, 2004 Attorney Docket Number: F-8539 Title of Invention: Assembly Block	: : : : : :	ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 9, 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 February 7, 2006. The Notice of Allowance and Issue Fee Due and the Notice of Allowability set a three (3) month period for reply. Extensions of time were not available under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on May 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 item (4) the terminal disclaimer and fee. A terminal disclaimer and the $130 terminal disclaimer fee is required under 37 CFR 1.137(c) if the application is: (1) a design application, (2) a utility application filed before June 8, 1995, or (3) a plant application filed before June 8, 1995. The terminal disclaimer must dedicate to the public a terminal part of the term of any patent granted the application equivalent to the period of abandonment of the application, and must also apply to any patent granted on any application containing a specific reference under 35 U.S.C. 120, 121 or 365(c) to the application for which revival is sought.

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

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By delivery service: (FedEx, UPS, DHL, etc.)	U.S. Patent and Trademark Office Customer Service Window, Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

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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JORDAN AND HAMBURG LLP
122 EAST 42ND STREET
SUITE 4000
NEW YORK, NY 10168

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JUN 16 2006
OFFICE OF PETITIONS

In re Application of	:	
Kwan-Young Kim	:	
Application No. 29/220,314	:	
Filed: December 29, 2004	:	DECISION ON PETITION
Atty Docket No.:	:	
F-8538	:	

This is a decision on the Petition to Revive the Application based upon unintentional abandonment, filed May 9, 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 February 7, 2006. The Notice set a non-extendable statutory period for reply of three (3) months. Accordingly, the application became abandoned on May 8, 2006. The mailing of this Decision precedes the mailing of a Notice of Abandonment.

With the instant petition Applicant has submitted the issue fee. Corrected drawings were filed April 28, 2006.

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

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	New US Design Application
Filing Date	December 30, 2004
First Named Inventor	ETTENSBERGER
Title	FRONT FACE OF A WHEEL
Atty Docket Number	8224.047

14006 U.S. PTO
29/220322
123004

ADDRESS TO:

MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved
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:

D12/209, 211

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.

Signature: [signature] Date: 12/30/04

Typed or printed name: Matthew Stavish Registration Number, if applicable: 36,286

Telephone Number: 301-896-0600

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.

1/05/2005 NNGUYEN1 00000015 29220322
4 FC:1802 900.00 OP

PTO/SB/27 (09-04)
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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.

113006 U.S. PTO
29/220343
122904

REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	Not Yet Assigned
Filing Date	December 28, 2004
First Named Inventor	Bryan BENEDICT
Title	Handheld Vacuum Apparatus
Atty Docket Number	FS-4007US

ADDRESS TO:

MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved
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 99, subclasses 467, 472, 476 and 646

Class 53, subclasses 133.4, 139.2, 434, 512

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.

Kathy Mojibi — Signature

December 28, 2004 — Date

Kathy Mojibi — Typed or printed name

41,409 — Registration Number, if applicable

323-938-9200 ext 171 — 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.

01/05/2005 HNGUYEN1 00000060 502922 29220343
04 FC:1802 900.00 DA

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233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO IL 60606-6357

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APR 26 2010

OFFICE OF PETITIONS

In re Patent No. D 613, 347	:	
Issue Date: April 6, 2010	:	
Application No. 29/220,391	:	NOTICE
Filed: August 28, 2007	:	
Attorney Docket No. 28944/40595	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed March 1, 2010. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

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

Your fee deficiency submission under 37 CFR 1.28 is hereby accepted. The petition is **GRANTED**.

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.

This file is being forwarded to Files Repository.

Telephone inquiries related to this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

Docket No. AJA-465

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	)	
Anthony J. Antonious	)	
Serial No. 29/220396	)	Group Art Unit: 2913
Filed: herewith	)	Examiner: Unassigned
For: Metalwood Type Golf Club Head	)	

PETITION GRANTED

William Krynski
Special Program Examiner
TC 1700 FEB 18 2005

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

PETITION TO MAKE SPECIAL

Applicant hereby petitions under 37 CFR § 1.102 and §§ 708.01 and 708.02 of the M.P.E.P. to make the above application special on the basis that applicant is over sixty-five (65) years of age.

As set forth in the attached Declaration, applicant Anthony J. Antonious presently is eighty-seven (87) years old. In view of the applicant's age and the policy set forth in the pertinent regulations and provisions, it is believed that this petition should be automatically granted.

Applicant understands that no fee is required for this Petition.

Respectfully submitted,

John L. Welsh
Registration No. 33,621

WELSH & FLAXMAN LLC
2450 Crystal Drive, Suite 112
Arlington, VA 22202
(703) 920-1122

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WELSH & FLAXMAN LLC
2000 DUKE STREET, SUITE 100
ALEXANDRIA, VA 22314

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OFFICE OF PETITIONS

In re Application of :
Anthony J. Antonious :
Application No. 29/220,396 : ON PETITION
Filed: January 3, 2005 :
Attorney Docket No. AJA-465 :

This is a decision on the petition under 37 CFR 1.137(b), filed September 20, 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 March 2, 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on June 3, 2005.

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

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

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

Retta Williams

Retta Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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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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MAY 08 2007

OFFICE OF PETITIONS

In re Application of	:	
Adams, Tim	:	
Application No. 29/220,439	:	ON PETITION
Filed: December 29, 2004	:	
Attorney Docket No. ADAM-003	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed March 9, 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 Amended Drawings; (2) the petition fee; (3) the required statement of unintentional delay; and (4) the terminal disclaimer and fee have been received. Accordingly, the response has been accepted as having been unintentionally delayed.

This matter is being referred to 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

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WEI TE CHUNG
FOXCONN INTERNATIONAL, INC.
1650 MEMOREX DRIVE
SANTA CLARA, CA 95050

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OFFICE OF PETITIONS

In re Application of	:	
Hsin-Hua Wen et al	:	
Application No. 29/220,453	:	ON PETITION
Filed: December 29, 2004	:	
Attorney Docket No.	:	

This is a decision on the petition filed August 21, 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 submit the formal drawings in a timely manner in reply to the Notice of Allowance mailed May 15, 2006, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on August 16, 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 formal drawings; (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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20070110

DATE : January 10, 2007

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction on Patent No.: D531485

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:

Figure 8 description should be changed to replace "elevational" with -- plan --
In drawings figure 3 should be replaced with the new figure 3 provided in the request for certificate of correction.

STELLA REID
SUPERVISORY DESIGN EXAMINER

SPE: Stella Reid **Art Unit** 2912

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

Paper No. None

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OFFICE OF PETITIONS

ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE-SUITE 101
ELLICOTT CITY MD 21043

In re Application of	:	
Yuan-Jung Chang	:	
Application No. 29/220,562	:	DECISION ON PETITION
Filed: January 4, 2005	:	UNDER 37 C.F.R. §1.181
Attorney Docket No.: MR2349-1095	:	
Title: MOUSE CHARGER	:	

This is a decision on the petition filed April 10, 2006, pursuant to 37 C.F.R. §1.181, requesting that the holding of abandonment in the above-identified application be withdrawn.

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed September 9, 2005, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting issue fees[1]. Accordingly, the above-identified application became abandoned on December 10, 2005. A Notice of Abandonment was mailed on March 7, 2006.

With the present petition, Petitioner has alleged that the mailing was not received. 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. In addition, 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[2].

1 See MPEP §710.02(e).
2 See MPEP 711.03(c).

Petitioner has met the requirements of Delgar v. Schuyler, 172 USPQ 513 (D.D.C. 1971), in that he has asserted that he has searched both the file jacket and the docket record, and he has included a copy of the latter.

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that the mailing was not received.

Accordingly, the petition under 37 C.F.R. §1.181(a) is **GRANTED**. The holding of abandonment is **WITHDRAWN**.

The Technology Center will be notified of this decision. The Technology Center's support staff will mail a new Notice of Allowance and Issue Fee Due, as well as a copy of the Notice of Allowability. The three-month non-extendable time period for paying the issue fee will be set to run from the mailing date of the Notice.

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

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 Petitioner's further action(s).

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Reising, Ethington, Barnes, Kisselle, P.C.
P.O. Box 4390
Troy, MI 48099-4390

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SEP 12 2006

OFFICE OF PETITIONS

In re Application of

Paul W. Marino
Application No. 29/220,625
Filed: January 4, 2005
Attorney Docket No. 1197.3013.001

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 27, 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 Steven L. Permut on behalf of all attorneys of record who are associated with Customer No. 23399.

All attorneys/agents associated with the Customer N0. 23399 have been withdrawn.

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

All future correspondence will be directed to the first named inventor Paul W. Marino at the first listed address indicated below.

There is no outstanding Office action at this time.

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

David Bucci
Petitions Examiner
Office of Petitions

cc: Paul W. Marino
483 Keelson Drive
Detroit, MI 48215

cc: Paul W. Marino
Paul W. Marino Gages, Inc.
21300 MacArthur Blvd.
Warren, MI 48089-3020

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
29/220,625	01/04/2005	Paul W. Marino	1197.3013.001

CONFIRMATION NO. 2470

OC000000020200752

OC000000020200752

23399
REISING, ETHINGTON, BARNES, KISSELLE, P.C.
P O BOX 4390
TROY, MI 48099-4390

Date Mailed: 08/28/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/27/2006.

- 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 06-17-06

TO SPE OF : ART UNIT 2915

SUBJECT : Request for Certificate of Correction for Appl. No.: **29/220678** Patent No.: **D521304**

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**.

A. Green

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: _____

Harry D. Walton — **SPE**

2915 — **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

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Director's Office
Office of Patent Publication

PLANTRONICS, INC.
345 ENCINAL STREET
P.O. BOX 635
SANTA CRUZ, CA 95060-0635

In re Application of :
WILSON, JAY, et al. :
Application No. 29/220,701 : **DECISION ON PETITION**
Filed: January 4, 2005 :
Attorney Docket No. 01-7196 :

This is a decision on the Requesting Withdrawal Of The Holding Of Abandonment Under 37 CFR 1.181(a), received in the United States Patent & Trademark (USPTO) on February 28, 2006, which is being treated as a Petition To Withdraw Holding Of Abandonment.

The petition is **DISMISSED**.

The above-identified application was held abandoned for applicant's failure to timely pay the issue fee, as required in the Notice of Allowance and Fee(s) Due, mailed July 13, 2005. The Notice of Abandonment indicates that the submitted fee of $0 is insufficient. A balance of $800 is due.

The Office acknowledges receipt of Part B – Fee(s) Transmittal via facsimile transmission on July 18, 2005, authorizing that the Issue Fee be charged to Deposit Account No. 50-2315. Unfortunately, on July 19, 2005, when an attempt was made by the Office of Finance to charge the fee, there was an insufficient fund in the Deposit Account.

37 CFR 1.25 (a) and (b), which states in part:

> 1.25(a) ...An amount sufficient to cover all fee, services, copies, etc., requested must always be on deposit. Charges to accounts with insufficient funds will not be accepted."
> 1.25 (b) ...An authorization to charge a fee to a deposit account will not be considered payment of the fee on the date the authorization to charge the fee is effective as to the particular fee to be charged unless sufficient funds are present in the account to cover the fee.

In light of the non-compliance with 37 CFR 1.25, the holding of abandonment cannot be withdrawn.

The issue fee was charged to the Deposit Account on March 3, 2006, mailroom date of February 28, 2006, which is the date the Petition was received.

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 ***unavoidably*** 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. 137.

Thomas E. Hawkins

Thomas E. Hawkins
Paralegal Specialist
Office of the Director
Office of Patent Publications

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PLANTRONICS, INC.
345 ENCINAL STREET
P.O. BOX 635
SANTA CRUZ, CA 95060-0635

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MAY 18 2006

OFFICE OF PETITIONS

In re Application of Wilson et al. :
Application No. 29/220,701 : Decision on Petition
Filing Date: January 4, 2005 :
Attorney Docket No. 01-7196 :

This is a decision on the petition under 37 CFR 1.137(b), filed March 21, 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 July 18, 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on October 19, 2005. A Notice of Abandonment was mailed on February 21, 2006.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

The Office of Patent Publication will be informed of the instant decision and will take steps to issue the application as a patent.

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 3/11/09 Paper No.: _____

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction for Appl. No.: 29220748 Patent No.: D522020

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

Valerie Jackson
Certificates of Correction Branch
703-308-9390 ext. 114

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: Please enter as requested in 3/4/2009 fax communication by applicants.

STELLA M. REID
SUPERVISORY PATENT EXAMINER
SPE

2912
Art Unit

PTOL-306 (REV. 7/03) U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

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RONALD R. SANTUCCI
FROMMER, LAWRENCE & HAUG, LLP
745 FIFTH AVENUE
NEW YORK, NY 10151

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JUN 17 2008

OFFICE OF PETITIONS

In re Application of	:	
Konstantin Evgenievich Morozov	:	
Application No. 29/220,757	:	ON PETITION
Filed: December 7, 2004	:	
Attorney Docket No. 930092-2030	:	

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

The petition is **DISMISSED**.

This application became abandoned for failure to timely reply to the Supplemental Notice of Allowability, mailed January 19, 2007. Accordingly, the date of abandonment of this application is February 20, 2007. A Notice of Abandonment was mailed on May 31, 2007.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

A 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 $1540 for the petition to revive fee and four sheets of replacement drawings containing Figures 1-4 filed on December 18, 2007. However, a Terminal Disclaimer and $130 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 $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
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

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
29/220,757	12/07/2004	Konstantin Evgenievich Morozov	

CONFIRMATION NO. 4531

POWER OF ATTORNEY NOTICE

OC000000029131824

27717
SEYFARTH SHAW LLP
131 S. DEARBORN ST., SUITE 2400
CHICAGO, IL 60603-5803

Date Mailed: 03/27/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/18/2008.

- 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).

/kainabinet/

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

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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RONALD R. SANTUCCI
FROMMER, LAWRENCE & HAUG, LLP
745 FIFTH AVENUE
NEW YORK, NY 10151

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In re Application of	:	
Konstantin Evgenievich Morozov	:	
Application No. 29/220,757	:	ON PETITION
Filed: December 7, 2004	:	
Attorney Docket No. 930092-2030	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed July 17, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the Supplemental Notice of Allowability, mailed January 19, 2007. Accordingly, the date of abandonment of this application is April 20, 2007. A Notice of Abandonment was mailed on May 31, 2007.

The petition decision mailed June 17, 2008 dismissed the petition filed December 18, 2007 for failure to provide a terminal disclaimer. The renewed petition includes a proper terminal disclaimer.

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

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

This application is being referred to the Office of Data Management for further processing into a patent.

Carl Friedman
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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JOHNSON & STAINBROOK, LLP
3558 ROUND BARN BLVD., SUITE 203
SANTA ROSA, CA 95403

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MAY 27 2005
OFFICE OF PETITIONS

In re Application of :
Cohen, et al. :
Application No. 29/220,770 :
Filed: January 5, 2005 :
Attorney Docket No. 00747.P17 :

DECISION GRANTING PETITION

This is a decision on the petition filed April 13, 2005, requesting that the above-identified application be accorded a filing date of January 5, 2005, with 4 sheets of drawings included as part of the original disclosure.

On January 5, 2005, the above-identified application was filed. On February 11, 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 drawings were not found with the application papers, but were believed to be necessary to understand the invention claimed. The Notice also indicated that the oath or declaration was missing. The Notice allowed a non-extendable two-month period for reply beginning from the mailing date of the Notice.

In response, on April 13, 2005 (certificate of mailing dated April 11, 2005), applicant filed the present petition, a copy of the complete application papers, and a copy of the Office date-stamped postcard receipt acknowledging receipt of 4 sheets of drawing, among other items, on January 5, 2005.

Upon review of the record, the alleged missing items were not located among the original application papers. The evidence is convincing, however, that 4 sheets of drawings accompanied the original application papers. Therefore, the application was complete on filing and entitled to a filing date of January 5, 2005.

Accordingly, the petition is granted. The petition fee of $400.00 will be refunded, in due course.

The declaration filed April 13, 2005, is noted.

The application file is being returned to the Office of Initial Patent Examination for issuance of a corrected filing receipt and for further processing with the presently accorded filing date of January 5, 2005, using the 4 sheets of drawings first filed on that date.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JJGJR.: 07-05

Paper No: __

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BENESCH, FRIEDLANDER,
COPLAN & ARONOFF LLP
ATTN: IP DEPARTMENT DOCKET CLERK
2300 BP TOWER
200 PUBLIC SQUARE
CLEVELAND OH 44114

In re Application of		
McVay, et al.	:	
Application No. 29/220,836	:	DECISION ON PETITION
Filing Date: 7 January, 2005	:	
Attorney Docket No. 23156-164	:	

This is a decision on the petition filed on 9 May, 2005, and considered as a petition under 37 C.F.R. §1.53.

NOTE: **While the transmittal and supporting documents reference Application No. 29/220,836 (the '836 application), the instant application, the caption on the petition sets forth Application No. 29/215,958 (the '958 application)–both applications prosecuted by Petitioner's office. A call was made on 25 July, 2005, to Petitioner's office to confirm that the instant petition was intended to be filed in the '836 application and not in the '958 application.**

The petition under 37 C.F.R. §1.53 is **GRANTED**.

BACKGROUND

This application for a design patent was deposited on 7 January, 2005.

On 22 April, 2005, the Office mailed a Notice of Incomplete Nonprovisional Application (the Notice), and indicated that no filing date had been granted because the application had been deposited without a specification and at least one claim, as required by 35 U.S.C. §112.

The Notice specified a reply period of two (2) months, and also informed Petitioners that they might evidence that the omitted item(s) was/were submitted on the original deposit, or supply the omitted item(s) and obtain the later filing date.

Petitioners responded on 9 May, 2005, and included, *inter alia*, a copy of a date-stamped ("N010705") receipt card (see: MPEP §503)[1] submitted with the original application (1 page, including 1 claim) and an oath/declaration 4 pages).

ANALYSIS

A review of the file reveals that the application was deposited on 7 January, 2005, and that the

---

[1] The commentary at MPEP §503 provides in pertinent part:

* * *

RETURN POSTCARD

If a receipt for 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. To ensure the receipt of return receipt postcards, users must either: (A) purchase already stamped postcards from the United States Postal Service (USPS) or affix postage stamps to their postcards; or (B) if a postage meter is used, ensure that the meter postmark does not show the date. Any return receipt postcard containing a dated meter postmark may not be delivered by the USPS to the address provided on the postcard.< 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 >a< 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 postcard 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.

date-stamped ("010705") receipt card states in pertinent part:

* * *

X New Application Transmittal - Design

* * *

1< __ pgs. Specification

__ pgs. Claims

7 Sheet(s) of drawing(s)[2]

x formal __ informal

* * *

Petitioner so indicates that there is one page that contains both the description and claim, and the Office so acknowledges receipt thereof.

A single page submitted by Petitioner with the petition is entitled "Exercise Device" and contains two sections, to wit: "Description of the Figures" and "Claim."

Because Petitioner's receipt card adequately itemized the contents of the application on the receipt card, it is concluded that the application, including eight (8) sheets of drawings were deposited with the Office on 7 January, 2005, and the drawings subsequently were misplaced in the Office.

Accordingly, the application, as filed, is entitled to a filing date.

The "Notice of Incomplete Nonprovisional Application" mailed on 22 April, 2005, was sent in error and is hereby **vacated** to the extent that it stated that the application was incomplete.

The petition is **granted** and the petition fee waived (the petition fee will be refunded via Treasury check).

This application is released to OIPE for further processing with a filing date of 7 January, 2005, for the entire application and in particular for the 1 page of specification (description and claim) and 7 sheets of formal drawings, as described in the specification, using:

- **the 1 page of specification (description, claim) deposited on 9 May, 2005; and**
- **the 7 sheets of formal drawings deposited on 7 January, 2005; and**

---

[2] The petition, at page 2, states "drawings (6 pages)"–apparently in error.

with direction to OIPE to correct Office records and provide to Petitioner a corrected filing receipt setting forth a filing date of 7 January, 2005, and reflecting therein that 1 page of specification (description, claims) and 7 sheets of formal drawings were present on filing.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3214.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Dennis Leon Prichard
2161 Young Drive
Pacific MO 63069

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APR 14 2008

OFFICE OF PETITIONS

In re Application of :
Dennis Leon Prichard :
Application No.: 29/220877 : ON PETITION
Filing or 371(c) Date: 01/07/2005 :
Title of Invention: :
SCENT WICK :

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 15, 2008.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Office communication, mailed December 28, 2005. The Office communication set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No reply having been received, the application became abandoned March 29, 2006. A Notice of Abandonment was mailed June 30, 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 issue fee; (2) the petition fee, (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 reply to the Office communication 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.

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.

This application is being referred to Technology Center Art Unit 2914 for processing of the response to the Office communication.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

CC: NELSON D. NOLTE
12412 POWERSCOURT DRIVE
SUITE 200
ST. LOUIS, MO 63131

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : March 13, 2007

TO SPE OF : ART UNIT 2914

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/220909 Patent No.: D530402

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

MagdaleneTalley
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.

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

Comments: _____

Louis Zarfas

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : March 13, 2007

TO SPE OF : ART UNIT 2914

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/220909 Patent No.: D530402

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

MagdaleneTalley
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.

XX Approved /RAD/	**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

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

LEWIS ANTEN, ESQ.
LEWIS ANTEN, P.C.
16830 VENTURA BOULEVARD, SUITE 310
ENCINO, CA 91436

COPY MAILED

DEC 28 2007

OFFICE OF PETITIONS

In re Application of
FITZGERALD, Diana
Application No. 29/220,915
Filed: January 6, 2005
Attorney Docket No. **P-15540**

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 30, 2007, 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 January 22, 2007, as required by the Notice of Allowance and Fee(s) Due mailed, October 20, 2006. Accordingly, the date of abandonment of this application is January 23, 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; (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(b).

The terminal disclaimer filed April 30, 2007 has been entered and made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

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

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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.

113000 U.S.PTO
29/220929
010805

REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	unassigned
Filing Date	herewith
First Named Inventor	LOWN et al.
Title	One Bottle Tote Apparatus
Atty Docket Number	Built.DP007

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved
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 383 Flexible Bags, and others as cited in the Information Disclosure Statement

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.

Signature	January 8, 2005 Date
Andrew F. Young Typed or printed name	44,001 Registration Number, if applicable
914-723-4300 Ext. 111 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.

01/11/2005 EFLORES 00000138 100100 29220929
04 FC:1802 900.00 DA
01/11/2005 EFLORES 00000139 100100 29220929
04 FC:1802 900.00 DA

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.

113000 U.S. PTO
29/220930
010805

REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	unassigned
Filing Date	herewith
First Named Inventor	LOWN et al.
Title	Two Bottle Tote Apparatus
Atty Docket Number	Built.DP008

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved
Jacqueline M. Stone, Director
Technology Center 1700
1-8-05

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 383 Flexible Bags, and others as cited in the Information Disclosure Statement

Related applications: 60/535,443 filed January 9, 2004 and 10/816,676 filed April 2, 2004

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.

Signature	January 8, 2005 Date
Andrew F. Young Typed or printed name	44,001 Registration Number, if applicable
914-723-4300 Ext. 111 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.

01/11/2005 EFLORES 00000140 100100 29220930
14 FC:1802 900.00 DA

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : Jan. 15, 2008

TO SPE OF : ART UNIT 2916

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/220931 -D537523

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: _____

IAN SIMMONS
~~SUPERVISORY PATENT EXAMINER~~

2916

MAR 0 1 2005

PTO/SB/27 (09-04)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	29/220,937
Filing Date	January 8, 2005
First Named Inventor	LOWN et al.
Title	Six Pack Tote Apparatus
Atty Docket Number	Built.DP009

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 7/20/05
JMStone
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 383 Flexible Bags, and others as cited in the Information Disclosure Statement

Related applications: 60/644,870 Filed 1/18/05; 60/642,373 Filed 1/8/05

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.

Signature: AY

Date: March 1, 2005

Typed or printed name: Andrew F. Young

Registration Number, if applicable: 44,001

Telephone Number: 914-723-4300 Ext. 111

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 8 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.

03/07/2005 UEDUVIJE 00000010 29220937

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TIMOTHY G. GORBATOFF
GENERAL MOTORS CORPORATION
LEGAL STAFF, MAIL CODE 482-C23-B21
300 RENAISSANCE CENTER
DETROIT MI 48265-3000

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In re Application of	:	
Dean et al.	:	
Application No. 29/220,970	:	DECISION ON PETITION
Filed: 7 January, 2005	:	
Atty Docket GP-306386	:	

This is a decision on the petition filed on 15 February, 2006, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this

---

[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)).

decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." This is not a final agency decision.

The application became abandoned on 11 April, 2005, for failure to timely submit the statutory basic filing fee, an executed oath or declaration, and a surcharge for their late filing, in response to the Notice to File Missing Parts of Nonprovisional Application mailed on 10 February, 2006, which set a two (2) month shortened period for reply. No extensions of the time for reply were obtained. Notice of Abandonment was mailed on 20 October, 2005.

The petition lacks a proper terminal disclaimer. Although the petition itself states that "applicants disclaim a terminal part of the term of any patent granted thereon equivalent to the period of abandonment of the application," the statement does not track the language required for a terminal disclaimer. In this regard, petitioners have not stated that the disclaimer is made by the patent owner, or that the disclaimer is binding upon the grantee, and its successors or assigns.[2]

A copy of the terminal disclaimer form is enclosed for petitioner's use.

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

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

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

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

---

[2] See 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

Encl: PTO/SB/63

PTO/SB/63 (07-06)
Approved for use through 09/30/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to a collection of information unless it displays a valid OMB control number.

TERMINAL DISCLAIMER TO ACCOMPANY PETITION

Docket Number (Optional)

In re Application of:

Name:

Application Number:

Filed:

For:

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

Check either box 1 or 2 below, if appropriate.

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

Signature	Date
Typed or Printed Name	Telephone Number

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

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

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

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

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

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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GENERAL MOTORS CORPORATION
LEGAL STAFF, MAIL CODE 482-C23-B21
300 RENAISSANCE CENTER
DETROIT MI 48265-3000

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OFFICE OF PETITIONS

In re Application of	:	
Dean et al.	:	
Application No. 29/220,970	:	DECISION ON PETITION
Filed: 7 January, 2005	:	
Atty Docket GP-306386	:	

This is a decision on the renewed petition filed on 2 October, 2006, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on 11 April, 2005, for failure to timely submit the statutory basic filing fee, an executed oath

---

[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)).

or declaration, and a surcharge for their late filing, in response to the Notice to File Missing Parts of Nonprovisional Application mailed on 10 February, 2006, which set a two (2) month shortened period for reply. No extensions of the time for reply were obtained. Notice of Abandonment was mailed on 20 October, 2005. The petition filed on 15 February, 2006, was dismissed on 30 August, 2006.

Receipt of the Terminal Disclaimer filed on 2 October, 2006, is acknowledged.

The application is being referred to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

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
www.uspto.gov

Timothy G. Gorbatoff
General Motors Corporation
Legal Staff
Mail Code 482-C23-B21
300 Renaissance Center
Detroit, MI 48265-3000

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JUN 27 2006

OFFICE OF PETITIONS

In re Application of
Clay A. Dean, et al.
Application No.: 29/220,992
Filed: January 7, 2005
Attorney Docket No.: GP-306385
For: VEHICLE BODY

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

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 **DISMISSED**.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)."

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts mailed on February 15, 2005.

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 requirement (1) above. Specifically, the filed declaration contains three separate signature pages listing the inventors, each separately executed by said inventors. This suggests that the enclosed declaration was constructed from numerous complete declarations or that the inventors forwarded to counsel only the signatures pages of the declaration. Either alternative renders the submitted declaration defective. While each inventor need not execute the same oath or declaration, where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration. (See MPEP 201.03 B. Oath or Declaration.)

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

UNITED STATES 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 G. Gorbatoff
General Motors Corporation
Legal Staff
Mail Code 482-C23-B21
300 Renaissance Center
Detroit, MI 48265-3000

COPY MAILED

AUG 0 3 2006

OFFICE OF PETITIONS

In re Application of:	:	
Clay A. Dean, et al.	:	DECISION ON RENEWED PETITION
Application No.: 29/220,992	:	
Filed: January 7, 2005	:	UNDER 37 CFR 1.137(b)
Atty's Docket No.: GP-306385	:	
For: VEHICLE BODY	:	

This is a decision on the renewed petition for revival of the above-entitled application under 37 CFR 1.137(b) filed July 18, 2006.

The renewed petition is **GRANTED**.

As detailed in the decision mailed 27 June 2006, the above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts mailed on February 15, 2005.

Applicant's petition of 30 March 2006 was dismissed as the filed declaration was not compliant . Applicant has presently satisfied that item as counsel has attested that the inventors were presented with and returned complete declarations to counsel and that these papers were combined into the filed declaration. In addition, counsel has currently provided the relevant pages to complete the declarations. Accordingly, the reply to the Office action of February 15, 2005 is accepted as having been unintentionally delayed.

The application is being referred to the Office of Initial Patent Examination (OIPE).

Telephone inquiries concerning this decision should be directed to the undersigned.

Derek A. Putonen
Attorney Advisor
(571) 272-3294

Docket No. 25427.00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE APPLICATION OF:

APPLICANT : OMUS H. SOURS et al.

SERIAL NO : UNASSIGNED 29/221029 ART UNIT: UNASSIGNED

FILED : HEREWITH 1-11-05 EXAMINER: UNASSIGNED

FOR : BLADE SHARPENER WITH HANDLE

ASSISTANT COMMISSIONER FOR PATENTS
ALEXANDRIA, VA 14509

PETITION TO MAKE SPECIAL BECAUSE OF APPLICANT'S AGE

Dear Sir:

Applicant hereby petitions to make this application special because of the applicant's age. Specifically, I am more than sixty-five years old, having been born on September 28, 1919.

This petition is submitted without any fee as permitted by 37 C.F.R. 1.102(c).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Date: 1-4-05

OMUS H. SOURS
208 Ashcraft Street
McGehee, AR 71654

LITMAN LAW
OFFICES, LTD.
P.O. BOX 15035
LINGTON, VA 22215
(703) 486-1000

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
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DENNISON, SCHULTZ, DOUGHERTY & MACDONALD
1727 KING STREET
SUITE 105
ALEXANDRIA VA 22314

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APR 06 2005

OFFICE OF PETITIONS

In re Application of	:	
Rafael Satt	:	DECISION ON PETITION
Application No. 29/221,030	:	
Filed: June 14, 2004	:	
Attorney Docket No. 04094D	:	

This is a decision on the petition filed January 11, 2005, requesting that the above-identified application be accorded a filing date of June 14, 2004.

Applicant alleges that the design application was filed in the United States Patent and Trademark Office (USPTO) on June 14, 2004. In support of the allegation, a copy of a postcard receipt with a date-stamp of June 14, 2004 accompanied the petition. The postcard acknowledged the receipt of the following items in the USPTO on June 14, 2004: "Application Papers; 8 Sheet(s) of Drawings; Declaration; Assignment; Fees $ 210.00 for filing fee/assignment recordation fee; Credit Card Form PTO-2038." Additionally, applicant submitted a "true copy" of the application papers purportedly filed on June 14, 2004, with the present petition.

Unfortunately, a copy of original application papers submitted on June 14, 2004, have not been located. Moreover, the Office of Initial Patent Examination accorded the application a filing date of January 11, 2005, the date of receipt of the copy of the application papers in the USPTO.

In view of the evidence presented, the petition to accord the application a filing date of June 14, 2004, is granted. No petition fee is required and none has been charged.

Because the original application papers (specification, claims and drawings) cannot be located in the USPTO, the duplicate papers supplied on January 11, 2005, will be used for examination purposes.

Applicant should notify this Office if the original application papers are subsequently discovered in the USPTO so that the present file can be merged with the original papers and any duplicate fees refunded.

The Office of Initial Patent Examination is directed to change the filing date to June 14, 2004, using the copy of the application papers submitted on January 11, 2005, and to mail a corrected filing receipt.

Telephone inquiries should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Aug-05

DEAN A. CRAINE,P.S.
400 - 112TH AVE NE, STE 140
BELLEVUE WA 98004

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AUG 2 6 2005

OFFICE OF PETITIONS

In re Application of	:	
Wayne C. Davis	:	
Application No. 29/221,094	:	ON PETITION
Filed: 10 January, 2005	:	
Atty Docket No. OUTR 104D	:	

This is a decision in reference to the paper filed on 1 April, 2005, which is treated as a petition requesting that the above-identified application be accorded a filing date of 10 January, 2005, with Figures 1 & 2 described in the specification of the specification as a part of the original disclosure.

The petition is dismissed.

On 10 January, 2005, the application was filed.

Accordingly, on 15 February, 2005, Initial Patent Examination Division mailed a Notice of Omitted Item(s) in a Nonprovisional Application, stating that the application had been accorded a filing date of 10 January, 2005, but that Figures 1 & 2 described in the specification appeared to have been omitted.

In response, on 1 April, 2005, the present petition and, *inter alia*, one (1) sheet of drawings containing Figures 1 & 2 described in the specification was filed. Petitioners argue that the sheet of drawings containing Figures 1 & 2 was filed with the other application papers on 10 January, 2005, but was subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioners' postcard receipt was supplied with the present petition. The postcard receipt shows an Office date stamp of 10 January, 2005, and identifies the application by the inventor's name, invention title, and attorney docket number, and acknowledges receipt of, *inter alia*,

"Informal Drawings 2 pages". Petitioners request that the application, including one (1) sheet of drawings containing Figures 1 & 2 described in the specification, be accorded a filing date of 10 January, 2005.

The arguments have been considered, but are not persuasive. The U.S. Patent and Trademark Office (Office) file is the official record of the papers originally filed in this application. A review of the papers originally filed reveals that no sheet of drawings containing Figures 1 and 2 described in the specification was received on 10 January, 2005. Figures 1 and 2 of the drawings were not filed on 10 January, 2005, since no such Figures are present among the application papers received on that date. An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence.

Where the records of the Office (e.g. the file of the application) contain any document(s) or fee(s) corresponding to the contents of the correspondence at issue, the Office will rely upon its official record of the contents of such correspondence in the absence of convincing evidence (e.g. a postcard receipt under MPEP 503 containing specific itemization of the document(s) or fee(s) purported to have been filed with the correspondence at issue) that the Office received and misplaced any document(s) or fee(s) that is not among the official records of the Office. If a new application is being filed, all parts of the application being submitted should be separately listed on the postcard (e.g. the number of pages of specification (including written description, claims and abstract) number of claims, number of sheets of drawings, number of pages of oath/declaration. The postcard receipt will not serve as *prima facie* evidence of receipt of any item which is not adequately itemized on the postcard.[1]

The showing of record is that two (2) sheets of drawings, each containing Figures 3, 4, 5, 6, and 7, were received in the Office on 10 January, 2005, and petitioners' postcard receipt reflects that the Office received the items listed above. While the postcard itemizes the filing of two (2) sheets of drawings, the postcard receipt does not itemize the filing of Figures 1 and 2. Absent a showing that Figures 1 and 2 were located within the two (2) sheets of drawings received in the Office on 10 January, 2005, petitioners simply have no evidence that Figures 1 & 2 were

[1] MPEP 503.

located among the application papers received in the Office on that date.

Further, the affidavits of counsel and counsel's assistant are not persuasive because they recite simply that two (2) sheets of drawings were prepared and placed in the envelope which was mailed to the USPTO. Two (2) sheets of drawings were in fact received in the USPTO, but Figures 1 and 2 were not located in those sheets. Furthermore, the affidavit was made nearly two and ½ months after the events in question and recite personal remembrances of the preparation and filing of the application with the PTO. The application does not appear to be unusual and it is not understood why the filing of this particular application would stand out in such detail in the affiants' memory, particularly in view of the fact that affiants prepared and mailed similar papers to the PTO on a routine, daily basis.

Petitioner may submit Figures 1 & 2 in the form of a preliminary amendment. If Figures 1 & 2 are submitted as a preliminary amendment, they will be reviewed by the examiner for new matter.

As the petition resulted from applicant's filing error and not as a result of an error on the part of the Office, the petition fee will not be refunded.

The application will be processed and examined using the application papers present on filing. The copies of drawings, including Figures 1 & 2, filed with the present petition will not be used for processing or examination, but will be retained in the application file.

The application file is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of 10 January, 2005, using the application papers filed on that date.

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

OFFICE

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
29/221178	01/12/05	FENNELL, JAL LEWIS	4689-045802

THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH PA 15219

EXAMINER	
SIMONE, DOMINIC	
ART UNIT	PAPER NUMBER
2912	

DATE MAILED: 6/11/07

NOTICE OF RESCINDED ABANDONMENT

☐ **In response to your communication filed** 6/4/07

☒ **Through inadvertence, a Notice of Abandonment was mailed in the above-identified application. The Notice of Abandonment is hereby rescinded.**

For Manager, Publications Division
Office of Patent Publication
571-272-4200

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WOLFF LAW OFFICE, PLLC
209 PROVIDENCE RD.
CHAPEL HILL NC 27514

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JAN 0 9 2007

OFFICE OF PETITIONS

In re Application of :
Eduardo J. Jimenez :
Application No. 29/221,239 : DECISION ON PETITION
Filed: 01/14/2005 :
Attorney Docket No. KCTOOLS-DPAUS0020 :

This is a decision on the petition filed October 18, 2006, to withdraw the holding of abandonment for the above-identified application.

On April 19, 2006, the Office mailed a Notice of Allowance and Fee(s) Due, which set a three-month statutory period for reply. In the absence of a timely filed response, the application was held abandoned on July 20, 2006. A Notice of Abandonment was mailed on September 7, 2006.

In the present petition, the practitioner requested that the Office withdraw the holding of abandonment due to non-receipt, remail the Notice of Allowance, and restart the period for reply.

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 2915 has been advised of this decision. The matter is being referred to the Technology Center's technical support staff for mailing of a new Notice of Allowance. The three (3) month shortened statutory time period for responding to the Notice of Allowance will be set to run from the mailing date of the new Notice of Allowance.

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

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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FAY SHARPE LLP
1100 SUPERIOR AVENUE, SEVENTH FLOOR
CLEVELAND OH 44114

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APR 10 2007

OFFICE OF PETITIONS

In re Application of	:	
Singh et al.	:	
Application No. 29/221,337	:	ON PETITION
Filed: January 13, 2005	:	
Attorney Docket No. ARWZ 2 00251	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed February 21, 2007, to revive the above-identified application.

The petition is **GRANTED.**

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of Corrected Drawings; (2) the petition fee; (3) the required statement of unintentional delay; and (4) a terminal disclaimer 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) 272-3206.

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

DERGOSITS & NOAH LLP
SUITE 1450
FOUR EMBARCADERO CENTER
SAN FRANCISCO CA 94111

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JAN 16 2007

OFFICE OF PETITIONS

In re Application of	:	ON PETITION
Greg L. Luzaich	:	
Application No. 29/221,343	:	
Filed: January 14, 2005	:	
Attorney Docket No. 693.11	:	

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

The petition is **DISMISSED**.

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

A grantable petition under 37 CFR 1.137(b)[1] must be accompanied by: (1) the required reply,[2] unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as 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 lack(s) item(s) (4).

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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.

Additionally, there is no indication that petitioner has submitted an Issue Fee Transmittal Form (PTOL-85(b). Accordingly, if petitioner desires to have the information normally found thereon printed on the patent, an Issue Fee Transmittal Form should be completed and returned.

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

DERGOSITS & NOAH LLP
SUITE 1450
FOUR EMBARCADERO CENTER
SAN FRANCISCO CA 94111

COPY MAILED

AUG 09 2007

OFFICE OF PETITIONS

In re Application of Greg L. Luzaich Application No. 29/221,343 Filed: January 14, 2005 Attorney Docket No. 693.11	DECISION GRANTING PETITION UNDER 37 CFR 1.137(b)

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**.

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/fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance of December 15, 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

30

O.I.P.E. JC56
MAR 30 2005
PATENT & TRADEMARK OFFICE

Express Mailing Label No. EV292567104US
Date Of Mailing: March 30, 2005
Attorney Docket No. P0740.70003US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Saul Palder
Serial No.:	29/221,347
Confirmation No.:	4335
Filed:	January 13, 2005
For:	NESTABLE CONTAINERS
Examiner:	Not Yet Assigned
Art Unit:	2912 Wallace, Terry

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

Dear Sir:

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)

Applicant hereby petitions the Commissioner of Patents to make the above-captioned U.S. patent application special on the grounds that at least one of the claims of the application is actually infringed by a product on the market. Per MPEP §708.02(II), this Petition is accompanied by a statement by Applicant's attorney of record, David Wolf, setting forth the grounds for the Petition in more detail.

Granting of this Petition and expedited examination of the present application is hereby requested. If it is believed for any reason that this Petition cannot be granted, or if any questions arise, the office is requested to contact the undersigned at the number listed below.

The fee due under 37 C.F.R. §1.17(h) of $130.00 is enclosed. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 23/2825, under Order No. P0740.70003US00. A duplicate copy of this paper is enclosed.

Respectfully submitted,

David Wolf

David Wolf, Reg. 17,528
WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
Boston, MA 02210
617-646-8000
617-646-8646 (fax)

04/01/2005 AWONDAF1 00000011 29221347
01 FC:1464 130.00 OP

March 30, 2005

883109.1

PETITION GRANTED

Richard Crispino
Special Program Examiner
Technology Center 1700

MAY 10 2005

O I P E JC58
MAR 3 0 2005
PATENT & TRADEMARK OFFICE

Express Mailing Label No. EV292567104US
Date Of Mailing: March 30, 2005
Attorney Docket No. P0740.70003US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Saul Palder
Serial No.:	29/221,347
Confirmation No.:	4335
Filed:	January 13, 2005
For:	NESTABLE CONTAINERS
Examiner:	Not Yet Assigned
Art Unit:	2913

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

Dear Sir:

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)

Applicant hereby petitions the Commissioner of Patents to make the above-captioned U.S. patent application special on the grounds that at least one of the claims of the application is actually infringed by a product on the market. Per MPEP §708.02(II), this Petition is accompanied by a statement by Applicant's attorney of record, David Wolf, setting forth the grounds for the Petition in more detail.

Granting of this Petition and expedited examination of the present application is hereby requested. If it is believed for any reason that this Petition cannot be granted, or if any questions arise, the office is requested to contact the undersigned at the number listed below.

The fee due under 37 C.F.R. §1.17(h) of $130.00 is enclosed. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 23/2825, under Order No. P0740.70003US00. A duplicate copy of this paper is enclosed.

Respectfully submitted,

David Wolf

David Wolf, Reg. 17,528
WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
Boston, MA 02210
617-646-8000
617-646-8646 (fax)

04/01/2005 AWONDAF1 00000011 29221347
01 FC:1464 130.00 OP

March 30, 2005

883109.1

PETITION GRANTED

Richard Crispino
Special Program Examiner
Technology Center 1700
JUN - 1 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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KEVIN D. ERICKSON
PAULEY PETERSEN & ERICKSON
2800 WEST HIGGINS ROAD, SUITE 365
HOFFMAN ESTATES, IL 60195

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AUG 29 2007

OFFICE OF PETITIONS

In re Application of :
Fritz Larsen :
Application No. 29/221,364 :
Filed: January 14, 2005 :
Attorney Docket No. FL-102-D :

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 13, 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 file a substitute oath or declaration on or before November 13, 2006, as required by the Notice of Allowability mailed August 11, 2006. A Notice of Abandonment was mailed on January 26, 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 (4).

Since the above-identified application is a design application, 37 CFR 1.137(d) requires a terminal disclaimer dedicating to the public a terminal part of the term of any patent granted on the application or any patent granted on any continuing application that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the application. The period to be disclaimed will be a terminal part of the patent to be granted equivalent to the period of abandonment. The period of abandonment will be computed to be the number of months from the date of abandonment to the date of filing a grantable petition. A terminal disclaimer fee of $65 is required. If the terminal disclaimer is signed by an assignee, the assignee must comply with the requirements of 37 CFR 3.73(b).

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

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

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

The centralized facsimile number is **(571) 273-8300.**

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO.

To expedite consideration, petitioner may wish to contact the undersigned regarding the filing of the renewed petition under 37 CFR 1.137(b).

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

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KEVIN D. ERICKSON
PAULEY PETERSEN & ERICKSON
2800 WEST HIGGINS ROAD, SUITE 365
HOFFMAN ESTATES, IL 60195

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NOV 27 2007
OFFICE OF PETITIONS

In re Application of	:	
Fritz Larsen	:	
Application No. 29/221,364	:	DECISION ON PETITION
Filed: January 14, 2005	:	
Attorney Docket No. FL-102-D	:	

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

The petition is **GRANTED**.

This application became abandoned for failure to timely file a substitute oath or declaration on or before November 13, 2006, as required by the Notice of Allowability mailed August 11, 2006. A Notice of Abandonment was mailed on January 26, 2007.

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 appropriate action 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

Daniel H. Golub
1701 Market Street
Philadelphia PA 19103

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AUG 17 2006
OFFICE OF PETITIONS

In re Application of
McDemus et al.
Application No. 29/221,376
Filed: January 14, 2005
Attorney Docket Number: 061762-5001
Title of Invention: Game Piece

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) filed May 19, 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 Fees Due, which was mailed January 20, 2006 and set a 3 month statutory period for reply. Extensions of time were not available under 37 CFR 1.136 (a). Accordingly, this application became abandoned on April 21, 2006. A Notice of Abandonment was mailed on July 20, 2006.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional"; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03 (c)(III)(c) and (D).

The instant petition lacks item (4) the terminal disclaimer and fee. A terminal disclaimer and the $130 terminal disclaimer fee is required under 37 CFR 1.137(c) if the application is: (1) a design application, (2) a utility application filed before June 8, 1995, or (3) a plant application filed before June 8, 1995. The terminal disclaimer must dedicate to the public a terminal part of the term of any patent granted the application equivalent to the period of abandonment of the application, and must also apply to any patent granted on any application containing a specific reference under 35 U.S.C. 120, 121 or 365(c) to the application for which revival is sought.

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

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By delivery service: (FedEx, UPS, DHL, etc.)	U.S. Patent and Trademark Office Customer Service Window, Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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Daniel H. Golub
1701 Market Street
Philadelphia PA 19103

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JUN 15 2007

OFFICE OF PETITIONS

In re Application of
McDemus et al.
Application No. 29/221,376
Filed: January 14, 2005
Attorney Docket Number: 061762-5001
Title of Invention: Game Piece

ON PETITION

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 for failure to timely submit the issue fee, as required by the Notice of Allowance and Fees Due, which was mailed January 20, 2006 and set a 3 month statutory period for reply. Extensions of time were not available under 37 CFR 1.136 (a). Accordingly, this application became abandoned on April 21, 2006. A Notice of Abandonment was mailed on July 20, 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

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

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MAR 0 3 2006

OFFICE OF PETITIONS

In re Application of Hines et al. :
Application No. 29/221,401 :
Filing Date: January 14, 2005 :
Attorney Docket No. MIC.043DA :

Decision on Petition

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

The petition is **DISMISSED**.

Any request for reconsideration 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** 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 July 7, 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned as of midnight on October 7, 2005.

Fees previously paid:

Since October 5, 2005, petitioner has submitted:
(1) $790 for the RCE filing fee,
(2) $1,500 for the petition to revive fee,
(3) $200 for the CPA filing fee,
(4) $100 for the CPA search fee, and
(5) $130 for the CPA examination fee.

As to (1) above, the $790 is refundable since a RCE cannot be filed for a design application. The $790 fee will be credited to petitioner's deposit account.

As to (5) above, Office records indicate the $130 fee was inexplicably refunded. The $130 fee will be charged to petitioner's deposit account.

The issue fee:

An application abandoned 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. Revival of an application for failure to pay the issue fee is governed by 35 U.S.C. 151 and 35 U.S.C. 41(a)(7). 35 U.S.C. 151 authorizes 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."

Both 35 U.S.C. 41(a)(7) and 151 require payment of the issue fee as a condition of reviving an application abandoned for failure to pay the issue fee. Therefore, the issue fee of $800 will be charged to petitioner's deposit account.

The terminal disclaimer requirement:

A terminal disclaimer and the fee must be submitted.

Petitioner cites a section of the MPEP discussing the circumstances when a terminal disclaimer must be filed. Unfortunately, the cited MPEP section only applies to petitions to withdraw the holding of abandonment under 37 CFR 1.181 and not to petitions under 37 CFR 1.137.

37 CFR 1.137(d) states, "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...."

A terminal disclaimer and request for reconsideration should be filed. A PDF fillable form for the terminal disclaimer can be found at: 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

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

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OFFICE OF PETITIONS

In re Application of Hines et al. :
Application No. 29/221,401 : Decision on Petition
Filing Date: January 14, 2005 :
Attorney Docket No. MIC.043DA :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed May 2, 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 July 7, 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned as of midnight on October 7, 2005.

The instant petition requests revival of the application.

The application is hereby revived for purposes of continuity with the CPA filed December 6, 2005.

Technology Center Art Unit 2912 will be informed of the decision and the CPA filed December 6, 2005, will be entered and considered by the examiner 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

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P.O. Box 1450
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OFFICE OF PETITIONS

LAW OFFICE OF CHAD C. SOLIZ , LLC
1401 SOUTH TAFT AVENUE, SUITE 202
LOVELAND CO 80537

In re Application of
BLOECHL, Steven G.
Application No. 29/221,416
Filed: January 14, 2005
Attorney Docket No. 10108.001

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 18, 2006, 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 May 15, 2006, as required by the Notice of Allowance and Fee(s) Due, mailed February 13, 2006 . Accordingly, the date of abandonment of this application is May 16, 2006 .

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $400; (2) the petition fee of $750; (3) a proper statement of unintentional delay and (4) a terminal disclaimer, including the $65 fee as set forth in 37 CFR 1.20(d)).

The terminal disclaimer filed August 16, 2006 has been entered and made of record.

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

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JUN - 2 2005

In re Application of Matthew Najeeb Rask Serial Number: 29/221,454 Filed: January 18, 2005 For: PORTION OF A SHOE UPPER	: : : : :	PETITION UNDER M.P.E.P.708.02 VIII

This is in response to the petition filed April 29, 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

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

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APR 09 2008
OFFICE OF PETITIONS

In re Patent No. D541022 :
Issue Date: April 24, 2007 :
Application No. 29/221,455 : ON PETITION
Filed: January 18, 2005 :
Attorney Docket No. 015127.00435 :

This is a decision on the petition filed November 10, 2007, which is being treated as a petition under 37 CFR 3.81(b)[1] to correct the assignee's name on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **granted.**

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3210. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

This application is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Irvin Dingle
Petitions Examiner
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
www.uspto.gov

JUN - 2 2005

In re Application of	:	
Eric P. Avar	:	
Serial Number: 29/221,456	:	PETITION UNDER
Filed: January 18, 2005	:	M.P.E.P.708.02 VIII
For: PORTION OF A SHOE UPPER	:	

This is in response to the petition filed May 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.**

R Crispino

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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DIW Mar-06

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

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MAR 1 5 2006

OFFICE OF PETITIONS

In re Application of	:	
Brian Arthur Steinhobel	:	
Application No. 29/221,481	:	ON PETITION
Filed: 14 January, 2005	:	
Atty Docket No. ADMS-0008	:	

This is a decision on the petition to withdraw the holding of abandonment filed on 10 February, 2006.

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 29 September, 2005, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on 1 February, 2006.

Petitioners assert that authorization to charge the issue fee to counsel's deposit account was timely filed by Express Mail on 22 December, 2005. In support, petitioners have provided a copy of Express Mail label No. EV631241135US (the same Express Mail number found on the Fee(s) Transmittal form filed with the present petition) and showing a "date-in" and official USPS postmark of "12/22/05".

37 CFR 1.10(e) states:

> Any person mailing correspondence addressed as set out in § 1.1(a) to the Office with sufficient postage utilizing the "Express Mail Post Office to Addressee" service of the USPS but not received by the Office, may petition the Director to consider such correspondence

filed in the Office on the USPS deposit date, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has no evidence of receipt of the correspondence;

(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";

(3) The petition includes a copy of the originally deposited paper(s) or fee(s) that constitute the correspondence showing the number of the "Express Mail" mailing label thereon, a copy of any returned postcard receipt, a copy of the "Express Mail" mailing label showing the "date-in," a copy of any other official notation by the USPS relied upon to show the date of deposit, and, if the requested filing date is a date other than the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS, a showing pursuant to paragraph (d)(3) of this section that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day; and

(4) The petition includes a statement which establishes, to the satisfaction of the Director, the original deposit of the correspondence and that the copies of the correspondence, the copy of the "Express Mail" mailing label, the copy of any returned postcard receipt, and any official notation entered by the USPS are true copies of the originally mailed correspondence, original "Express Mail" mailing label, returned postcard receipt, and official notation entered by the USPS.

In view of the above, it is concluded that the correct date of deposit is 22 December, 2005.

As such, the Fee(s) Transmittal was timely filed on 22 December, 2005.

The holding of abandonment is <u>withdrawn</u>. The Notice of Abandonment is <u>vacated</u>.

It is noted that the Fee(s) Transmittal incorrectly captions counsel's deposit account number as "23-350." However, papers filed on 7 June, 2005, signed by attorney Harold Fullmer, the

registered patent attorney who signed the Fee(s) Transmittal, correctly captions the deposit account number as 23-3050 and authorizes the commissioner to charge any deficiency to the above-identified deposit account. Accordingly, this authorization will be construed as authorizing the charging of the issue fee to the correct deposit account, No. 23-3050.[1]

The application will be forwarded to the Publishing Division for processing into a patent.

Telephone inquiries specific to this matter should be directed to the undersigned at 571 272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

[1] MPEP 1305. Where it is clear that an applicant actually intends to pay the issue fee and required publication fee, but the proper fee payment is not made, for example, an incorrect issue fee amount is supplied, or a PTOL-85B Fee(s) Transmittal form is filed without payment of the issue fee, a general authorization to pay fees or a specific authorization to pay the issue fee, submitted prior to the mailing of a notice of allowance, will be allowed to act as payment of the correct issue fee. 37 CFR 1.311(b). In addition, where the deposit account information is added to the Fee(s) Transmittal form (PTOL-85B), but the check box authorizing that the deposit account be charged the issue fee is not checked, the deposit account will still be charged the required issue fee and any required publication fee.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 7-25-07

TO SPE OF : ART UNIT 2913

SUBJECT : Request for Certificate of Correction for Appl. No. 29/221,498 Patent No. D538069

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 Inventor

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

Certificates of Correction Branch

703-308-9390 ext. 117

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: _____

CATHRON C. BROOKS
SUPERVISORY PATENT EXAMINER

SPE

2911
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED
MAY 1 8 2005
OFFICE OF PETITIONS

In re Application of :
Steve McDonald : DECISION ON PETITION
Application No. 29/221,533 :
Filed: January 19, 2005 :
Attorney Docket No. 015127.00442 :

This is a decision on the petition filed April 25, 2005, requesting that the application be accorded a filing date of January 19, 2005, with Figure 4 as part of the original disclosure.

On January 19, 2004, applicant filed the above-identified application. However, on February 23, 2005, the Office of Initial Patent Examination mailed a "Notice to File Missing Parts of Nonprovisional Application," stating that the application had been accorded a filing date of January 19, 2005, and advising applicant that Figure 4 appeared to have been omitted. Additionally, the Notice required applicant to pay a $200.00 statutory basic filing fee, a $130.00 surcharge, a $100.00 search fee, and a $130.00 examination fee.

In response, on April 25, 2005, applicant submitted, *inter alia*, the present petition, 5 sheets of drawings, including Figure 4, and authorized payment of the requisite fees. Additionally, applicant submitted a copy of applicant's date-stamped postcard receipt acknowledging receipt of 5 sheets of drawings (Figures 1-5) in the USPTO on January 19, 2005.

Upon review of the record, Figure 4, deposited on January 19, 2005, has not been located among the application papers. However, the evidence is convincing that the application papers deposited on January 19, 2005, included Figure 4, which was subsequently misplaced in the USPTO.

Therefore, the application, including Figure 4, was complete on filing and will be granted a filing date of January 19, 2005.

Accordingly, the petition is granted.

The requirement for Figure 4 set forth in the Notice to File Missing Parts was sent in error and is hereby vacated. Accordingly, no petition fee is necessary. The $400.00 petition fee will be credited to Deposit Account No. 19-0733.

The Office of Initial Patent Examination is directed **to accord the above-identified application a filing date of January 19, 2005,** using Figures 1, 2, 3, and 5 submitted on that date, and Figure 4 submitted on April 25, 2005, as part of the original disclosure.

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 & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request: 5/17/05

2 Serial/Patent # 29/221,533

	3 Please refund the following fee(s):	4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing			$
	Amendment			$
	Extension of Time			$
	Notice of Appeal/Appeal			$
X	Petition	—	4/25/05	$ 400
	Issue			$
	Cert of Correction/Terminal Disc.			$
	Maintenance			$
	Assignment			$
	Other			$

7 TOTAL AMOUNT OF REFUND $ 400

8 TO BE REFUNDED BY:

	Treasury Check
X	Credit Deposit A/C #:

9 1 9 -- 0 7 3 3

10 REASON:

	Overpayment
	Duplicate Payment
X	No Fee Due (Explanation):

Requirement for omitted figure was sent in error

11 REFUND REQUESTED BY: C. T. Donnell

TYPED/PRINTED NAME: C. T. Donnell TITLE: Pat Atty

SIGNATURE: C. T. Donnell PHONE: 2723211

OFFICE: 4700

****

THIS SPACE RESERVED FOR FINANCE USE ONLY:

APPROVED: Alice Kelly DATE: 5/18/05

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

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

FORM PTO 1577
(01/90)

OIPE JC98
MAR 03 2005
PATENT & TRADEMARK OFFICE

DESIGN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
Tinker Linn Hatfield	)	
Serial No.: 29/221,534	)	Group Art Unit: 2900 2912
Filed: January 19, 2005	)	Examiner: Unknown Simone, D
For: **PORTION OF A SHOE UPPER**	)	Attorney Docket No.: 015127.00425

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)
AND INFORMATION DISCLOSURE STATEMENT

U.S. Patent and Trademark Office
Customer Service Window
401 Dulany Street
Alexandria, VA 22314

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, 942, 943, 944, 945, 946, 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 documents listed on the attached PTO-1449 (2 sheets), copies of which are enclosed,

03/07/2005 SZEWDIE1 00000070 190733 29221534
01 FC:1464 130.00 DA

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

JUN - 2 2005

In re Application of	:	
Tinker Linn Hatfield	:	
Serial Number: 29/221,534	:	PETITION UNDER
Filed: January 19, 2005	:	M.P.E.P.708.02 VIII
For: PORTION OF A SHOE UPPER	:	

This is in response to the petition filed March 3, 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

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

JUN - 2 2005

In re Application of	:	
Steve McDonald	:	
Serial Number: 29/221,535	:	PETITION UNDER
Filed: January 19, 2005	:	M.P.E.P.708.02 VIII
For: PORTION OF A SHOE UPPER	:	

This is in response to the petition filed May 17, 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.:20080225

DATE : October 05, 2007

TO SPE OF : ART UNIT 2913

SUBJECT : Request for Certificate of Correction on Patent No.: D530547

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:

SPE: /Caron Veynar/ Art Unit 2913

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CANTOR COLBURN, LLP
55 GRIFFIN ROAD SOUTH
BLOOMFIELD, CT 06002

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JUL 1 0 2006
OFFICE OF PETITIONS

In re Patent No. D510,032	:	
Issue Date: September 27, 2005	:	
Application No. 29/221,587	:	ON PETITION
Filed: January 18, 2005	:	
Patentee(s): David Ames	:	

This is a decision on the petition under 37 CFR 1.183 filed on December 12, 2005, which is being treated as a request under 37 CFR 3.81[1], to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **GRANTED**.

The patent file is being 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) 272-3226. Inquiries regarding the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

Andrea Smith
Petitions Examiner
Office of Petitions

[1] *See Official Gazette of June 22, 2004*

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Michael D. Yablonsky, Ph.D., Esq.
660 Anderson Ave
Cliffside Park NJ 07010

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SEP 21 2005

OFFICE OF PETITIONS

In re Application of :
Yan Kwong Wong :
Application No. 29/221,592 :
Filed: January 18, 2005 :
Attorney Docket No. FHKI 2020 DR4045 :

ON PETITION

This is a decision on the petition filed June 15, 2005, requesting that the above-identified application be accorded a filing date of January 18, 2005.

On January 18, 2005, applicant deposited the above-identified application. The filing included a certified copy of the priority document, a declaration, a design patent application transmittal, and the design filing, search and examination fees.

On May 11, 2005, the Office of Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application, stating that the application had not been accorded a filing dated because the specification, including at least one claim, and drawings were missing, and that the filing date of the application would be the date of receipt of those items in the USPTO.

In response, on June 15, 2005, applicant submitted, *inter alia*, the present petition, a $400.00 petition fee, one page of specification, including a formal claim, and five sheets of drawings. Applicant stated that applicant filed a certified copy of the priority document, which contained adequate drawings of the of claimed design with standard descriptions of the drawings as normally found in a specification.

Upon a review of the record, the Office did not locate a formal specification, a formal claim, or drawings with the application papers deposited on January 18, 2005. However, it is noted that the application papers deposited on January 18, 2005, included a transmittal referring to the application by title and stating that the application contained 5 sheets of drawings. Additionally, the application papers included a declaration in which the inventor stated:

> "I believe I am the original, first, and sole inventor . . . of the subject matter which is claimed and for which a patent is sought on the invention entitled MINI MULTI MIXER the specification of which is attached hereto . . . ."

Lastly, applicant submitted a certified copy of the priority document, which contained 4 sheets of drawings.

The record does not indicate that a formal specification (written description), a formal claim, or drawings were included with the application when it was deposited in the USPTO. However, because this is a design application, the transmittal letter (as referred to above) and the above-quoted language in the declaration can be construed as the specification (written description) and claim, respectively, required by 35 USC 112 insofar as this design application is concerned. The form of a claim in a design application is fixed by rule and is accordingly different from the claims of other applications. Therefore, because this is a design application and the claim language quoted above appears at the conclusion, or end, of the specification, there is no statutory prohibition against construing this language as the statutory required claim. Furthermore, there is no doubt as to the form of, and what is to being claimed herein because this is a design application for which the form of the claim is set by 37 CFR 1.153.

Under the circumstances, it is appropriate that the transmittal letter and the language quoted above from the declaration be construed as the specification and claim, respectively, for purposes of according this application a filing date of January 18, 2005. Additionally, because the 4 sheets of drawings contained in the certified copy of the priority document were present on filing the application, those drawings will be used for the purposes of according this application a filing date of January 18, 2005. Applicant is reminded that errors such as occurred herein can result in loss of rights and care must be taken to avoid such.

In view of the above, the petition is granted.

The communication filed on June 15, 2005, including a formal specification and a formal claim will be considered as a preliminary amendment and will be entered in due course, and must be considered by the examiner for entry of new matter not described in the application as filed. 35 USC 112, first paragraph; 35 USC 132. The 5 sheets of drawings submitted on petition will not be considered part of the original disclosure because applicant did not submit sufficient evidence that those drawings were filed on January 18, 2005.

The Office of Initial Patent Examination is directed to accord the above-identified application a filing date of January 18, 2005, using the application papers and the 4 sheets of drawings (included in the certified copy of the priority document) submitted on January 18, 2005. The 5 sheets of drawings submitted with the present petition will not be entered as part of the original disclosure.

Telephone inquires 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

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Michael D. Yablonsky, Ph.D., Esq.
660 Anderson Ave
Cliffside Park NJ 07010

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MAY 2 0 2008

OFFICE OF PETITIONS

In re Application of	:	
Yan Kwong Wong	:	
Application No. 29/221,592	:	ON PETITION
Filed: January 18, 2005	:	
Attorney Docket No. FHKI 2020 DR 4045	:	

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 **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 Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks item(s) (4).

All design applications require a terminal disclaimer and fee as set forth in 37 CFR 1.20(d) required by 37 CFR 1.137(d) when filing a petition. A copy of the terminal disclaimer (form PTO/SB/63) has been enclosed with this decision 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.

Liana Walsh
Petitions Examiner
Office of Petitions

Enclosed: Terminal Disclaimer Form PTO/SB/63

PTO/SB/63 (01-08)
Approved for use through 05/31/2008. 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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Michael D. Yablonsky, Ph.D., Esq.
660 Anderson Ave
Cliffside Park NJ 07010

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OCT 23 2008

OFFICE OF PETITIONS

In re Application of	:	
Yan Kwong Wong	:	
Application No. 29/221,592	:	DECISION ON PETITION
Filed: January 18, 2005	:	
Attorney Docket No. FHKI 2020 DR 4045	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed July 18, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely filed corrected drawings on or before April 24, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed January 24, 2007. Accordingly, the date of abandonment of this application is April 25, 2007. The Notice of Abandonment was mailed May 24, 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 $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 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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P.O. Box 1450
Alexandria, VA 22313-1450
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Ralph A. Dowell
DOWELL & DOWELL P.C.
2111 Eisenhower Ave
Suite 406
Alexandria, VA 22314

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AUG 15 2006
OFFICE OF PETITIONS

In re Application of Grosfillex :
Application No. 29/221,607 : Decision on Petition
Filing Date: January 19, 2005 :
Attorney Docket No. 14912DES :

This is a decision on the petition under 37 CFR 1.181, filed June 30, 2006, to withdraw the holding of abandonment.

The petition is **granted.**

A Notice of Non-Compliant Amendment was mailed September 20, 2005. The Notice set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later).

A Notice of Abandonment was mailed June 22, 2006. The Notice of Abandonment stated a reply was not filed in response to the Notice of Non-Compliant Amendment.

Petitioner has supplied a stamped postcard receipt establishing a reply was filed September 22, 2006. Therefore, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Technology Center Art Unit 2913 will be informed of the instant decision and the application, including the papers filed June 20, 2006, will be further examined 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

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.: 29/221,608 Patent No.: D539070

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: _____

Gary D. Watson — SPE

2915 — Art Unit

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FROSS, ZELNICK, LEHRMAN & ZISSU PC
866 UNITED NATIONS PLAZA
NEW YORK, NY 10017

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MAY 0 8 2007

OFFICE OF PETITIONS

In re Patent No. D-521,233	:	
Issue Date: May 23, 2006	:	
Application No. 29/221,660	:	NOTICE
Filed: January 18, 2005	:	
Attorney Docket No. JCHO 0422942	:	

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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Fross, Zelnick, Lehrman & Zissu, PC
866 United Nations Plaza
New York NY 10017

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MAR 30 2007

OFFICE OF PETITIONS

In re Patent No. D524,538 :
Issue Date: July 11, 2006 :
Application No. 29/221,717 :
Filed: January 18, 2005 :
Attorney Docket No. JCHO 0425328 :

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

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DIW Mar-07

ATTENTION: LAWRENCE E. APOLZON, ESQ.
FROSS ZELNICK LEHRMAN & ZISSU, P.C.
866 UNITED NATIONS PLAZA
NEW YORK NY 10017

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MAR 2 6 2007

OFFICE OF PETITIONS

In re Patent No. D527897	:	
Issued: 09/12/2006	:	
Application No. 29/221718	:	ON PETITION
Filed: 01/18/2005	:	
Atty Docket Number: JCHO	:	
0423157	:	

This is in response to the deficiency fee payment filed pursuant to 37 CFR 1.28(c) on 21 August, 2006.

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

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

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

Small entity status will no longer apply.

Telephone inquiries should be directed to the undersigned at (571) 272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

Fross, Zelnick, Lehrman & Zissu, PC
866 United Nations Plaza
New York, NY 10017

In re Patent No. D522745	:	
Issued: June 13, 2006	:	
Application No.: 29/221,719	:	ON PETITION
Filed: January 18, 2005	:	
Attorney Docket No: **JCHO0427039**	:	

This is a regarding the petition under 37 CFR 1.28(c) filed August 23, 2006.

The petition is **GRANTED.**

By the instant petition, petitioner informs the USPTO that the inventive entity 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 23, 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

4-7-05

OIPE JC98
APR 0 4 2005
PATENT & TRADEMARK OFFICE

BEST AVAILABLE COPY

Practitioner's Docket No.: 1126.11 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Paul Hutchins	Art Unit: 2913
Application No.:	29/221,729	Examiner: Unassigned
Filed:	01/20/2005	Confirmation No.: 1487
For:	Truck Hood	

Approved 7/18/05
Jacqueline M. Stone, Director
Technology Center 1700

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

REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 C.F.R. § 1.155)

1. Request

Applicant hereby requests expedited examination of a design application under 37 C.F.R. § 1.155.

2. Search

A preexamination search was conducted.

Field of search: **D12/173**: Transportation: Parts, accessories and attachments for vehicles not elsewhere specified; Hood for motor vehicles.

3. References

Inventor	Patent Number	Year
Whitehead	D237,960	1975
Cervini	D342,709	1993
Benningfield	D353,124	1994
Hoyle, Jr.	D446,175 S	2001
Simcox	D457,471	2002

4. Copy of references

There is submitted herewith a copy of the references deemed most closely related to the subject matter encompassed by the claims.

Also attached is Form PTO-1449. (PTO/SB/08A).

04/06/2005 SSITHIB1 00000029 29221719
01 FC:1802 900.00 OP

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866 UNITED NATIONS PLAZA
NEW YORK, NY 10017

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DEC 19 2006

OFFICE OF PETITIONS

In re Patent No. D519,732	:	
Issue Date: May 2, 2006	:	
Application No. 29/221,736	:	NOTICE
Filed: January 18, 2005	:	
Attorney Docket No. JCHO 0422944	:	

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

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OFFICE OF PETITIONS

PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSOON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

In re Application of	:	
Roger A. Rinker et al	:	
Application No. 29/221,747	:	ON PETITION
Filed: November 14, 2005	:	
Attorney Docket No. MCP 5024MOD2	:	

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 **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 25, 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on July 26, 2005.

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
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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FROSS, ZELNICK, LEHRMAN & ZISSU
866 UNITED NATIONS PLAZA
NEW YORK NY 10017

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JAN 0 8 2007

OFFICE OF PETITIONS

NOTICE

In re Patent No. D523,241 :
Issue Date: June 20, 2006 :
Application No. 29/221,748 :
Filed: January 19, 2005 :
Attorney Docket No. JCHO 0425469 :

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

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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Fross, Zelnick, Lehrman & Zissu, PC
866 United Nations Plaza
New York NY 10017

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OFFICE OF PETITIONS

In re Patent No. D520,242	:	
Issue Date: May 9, 2006	:	
Application No. 29/221,778	:	NOTICE
Filed: January 20, 2005	:	
Attorney Docket No. JCHO 0425330	:	

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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AKIN GUMP STRAUSS HAUER & FELD L.L.P.
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA, PA 19103

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JUN 23 2005

OFFICE OF PETITIONS

In re Application of
Andrew Robert McLeish
Application No.: 29/221,854
Filed: January 21, 2005
Attorney Docket No: 10660-54U3
For: CAPSULE

DECISION ACCORDING STATUS UNDER RULE 47(b)

This is in response to the petition under 37 CFR 1.47(b), filed May 25, 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 January 21, 2005, without a properly executed oath or declaration. On February 23, 2005, the Office of Initial Patent Examination issued a "Notice to File Missing Parts of Nonprovisional Application" (the "Notice"), requiring a properly executed oath or declaration and a surcharge. The Notice allowed an extendable period for reply of two months from its mailing date. The instant petition was filed on May 25, 2005 (certificate of mailing dated May 23, 2005) along with a request for an extension of time within the first month. Petitioner maintains that he 37 CFR 1.47(b) applicant is unable to locate the legal representative of the deceased sole inventor.

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

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the legal representative's addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The declaration executed by the General Manager of Reckitt Benkiser, NV (the 37 CFR 1.47(b) applicant) filed May 25, 2005, is noted and made of record.

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
Petitions Attorney
Office of Petitions

SPE: I. Simmons

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 8/2/07

TO SPE OF : ART UNIT 2916

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/221,889 Patent No.: D529258

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: See NOA of 5/4/06

IAN SIMMONS
SUPERVISORY PATENT EXAMINER

SPE 2916 **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

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LAW OFFICES OF MARK A. HAMILL, P.C.
45 SOUTH PARK BLVD.
SUITE 205
GLEN ELLYN IL 60137

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JAN 08 2008

OFFICE OF PETITIONS

In re Application of	:	
Thomas Gebka	:	
Application No. 29/221922	:	DECISION ON PETITION
Filed: 01/22/2005	:	
Attorney Docket No. GBK-101	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed on September 14, 2007, to revive the above-identified application.[1]

The petition is **GRANTED**.

The application became abandoned on August 6, 2006, for failure to timely submit a reply to the Office action requiring restriction and/or election mailed on July 5, 2006, which set a one (1) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on April 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 a election without traverse, (2) the petition fee of $750.00, and (3) an adequate 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.

---

[1] Although the petition form miscaptions the application number as "29/221,912," the petition form contains the correct filing date, art unit, inventor's name, and examiner's name. Additionally, the other papers filed with the petition contain the correct application number. As such, it is obvious that petitioner intended to file the petition in Application No. 29/221,922.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3231.

This application is being referred to Technology Center AU 2914 for appropriate action by the Examiner in the normal course of business on the reply received

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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Nirav D. Parikh
Masco Corporation
21001 Van Born Road
Taylor MI 48180

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JUN 19 2007

OFFICE OF PETITIONS

In re Application of	:	
Helmetsie	:	
Application No. 29/221,983	:	DECISION ON PETITION
Filed: January 25, 2005	:	
Attorney Docket No. 136-3038-D	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 10, 2007 (certificate of mailing date January 8, 2007), 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 December 26, 2006, as required by the Notice of Allowance and Fee(s) Due, mailed September 26, 2006. Accordingly, the date of abandonment of this application is December 27, 2006. A Notice of Abandonment was mailed on May 9, 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 $800.00 and a completed PTOL-85B, (2) the petition fee of $1,500.00; (3) a proper statement of unintentional delay, and (4) a terminal disclaimer signed by an attorney of record and accompanied by the required $130.00 fee.

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

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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JUN - 2 2005

In re Application of	:	
Tate E. Kuerbis	:	
Serial Number: 29/221,993	:	PETITION UNDER
Filed: January 26, 2005	:	M.P.E.P.708.02 VIII
For: PORTION OF A SHOE UPPER	:	

This is in response to the petition filed April 29, 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

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JUN - 2 2005

In re Application of	:	
Jean-Francois Fullum	:	
Serial Number: 29/221,994	:	PETITION UNDER
Filed: January 26, 2005	:	M.P.E.P.708.02 VIII
For: PORTION OF A SHOE UPPER	:	

This is in response to the petition filed April 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

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Alexandria, VA 22313-1450
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JUN - 2 2005

In re Application of	:	
Brad Wahoske	:	
Serial Number: 29/221,995	:	PETITION UNDER
Filed: January 26, 2005	:	M.P.E.P.708.02 VIII
For: PORTION OF A SHOE UPPER	:	

This is in response to the petition filed May 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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JUN - 2 2005

In re Application of	:	
Cory McCullagh	:	
Serial Number: 29/221,996	:	PETITION UNDER
Filed: January 26, 2005	:	M.P.E.P.708.02 VIII
For: PORTION OF A SHOE UPPER	:	

This is in response to the petition filed May 3, 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

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NIRAV D. PARIKH
MASCO CORPORATION
21001 VAN BORN ROAD
TAYLOR, MI 48180

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FEB 2 2 2007

OFFICE OF PETITIONS

In re Application of
HELMETSIE, Eugene A.
Application No. 29/222,018
Filed: January 25, 2005
Attorney Docket No. 136-3037-D

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 10, 2007, 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 December 26, 2006, as required by the Notice of Allowance and Fee(s) Due, mailed September 26, 2006 . Accordingly, the date of abandonment of this application is December 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 payment of the issue fee of $800; (2) the petition fee of $1500; (3) a proper statement of unintentional delay and (4) a terminal disclaimer, including the $130 fee as set forth in 37 CFR 1.20(d)).

The terminal disclaimer filed January 10, 2006 has been entered and made of record.

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

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1600
CHICAGO IL 60604

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In re Application of :
Lee :
Application No. 29/222,107 : ON PETITION
Filed: January 27, 2005 :
Attorney Docket No. CU-6720 WWP :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 22, 2008, to revive the above-identified application.

The application became abandoned October 20, 2005 for failure to timely submit a proper reply to the Notice of Allowance and Issue Fee Due and the Notice of Allowability (Notices) mailed July 19, 2005. The Notices set a three month statutory period of time for reply. Notice of Abandonment was mailed December 7, 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 Director may require additional information. *See* MPEP 711.03(c)(II)(C) and (D).

The instant petition fails to satisfy requirements (3) and (4).

As to item (3), there are three periods to be considered during the evaluation of a petition under 37 CFR 1.137(b):

(1) the delay in reply that originally resulted in the abandonment;

(2) the delay in filing an initial petition pursuant to 37 CFR 1.137(b) to revive the application; and

(3) the delay in filing a grantable petition pursuant to 37 CFR 1.137(b) to revive the application.

Currently, the delay has not been shown to the satisfaction of the Director to be unintentional for periods (1) and (2).

As to Period (1):

A petition under 37 CFR 1.137(b) must be accompanied by a statement that the delay was unintentional. Further, the Director may require additional information where there is a question whether the entire delay in question was unintentional." Where, as here, there is a question whether the initial delay was unintentional, the petitioner must meet the burden of establishing that the delay was unintentional within the meaning of 35 U.S.C. § 41(a)(7) and 37 CFR 1.137(b). *See* In re Application of G, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989); 37 CFR 1.137(b). In view of the inordinate delay (almost three years) in resuming prosecution, there is a question whether the entire delay was unintentional.

Any renewed petition must establish that the entire delay, from the time that a reply was due until the filing of a grantable petition, was unintentional. Petitioners may wish to identify the party having the right to reply to avoid abandonment who in turn may explain what effort(s) was made to further reply to the outstanding Office action and, further, why no reply was filed. If no effort was made to further reply, then that party can explain why the delay in this application does not result from a deliberate course of action (or inaction). Likewise, if practitioner was counsel of record at the time of abandonment, practitioner should explain why this application became abandoned. Petitioner may wish to submit supporting documentation to establish that the entire delay has been unintentional as well as statements of fact from those having first hand knowledge of the facts and circumstances surrounding the delay at issue. As the courts have made clear, it is pointless for the USPTO to revive a long abandoned application without an adequate showing that the delay did not result from a deliberate course of action. *See* Lawman Armor v. Simon, 2005 U.S. Dist. LEXIS 10843, 74 USPQ2d 1633 (DC EMich 2005); Field Hybrids, LLC v. Toyota Motor Corp., 2005 U.S. Dist. LEXIS 1159 (D. Minn Jan. 27, 2005); Lumenyte Int'l Corp. v. Cable Lite Corp., Nos. 96-1011, 96-1077, 1996 U.S. App. LEXIS 16400, 1996 WL 383927 (Fed. Cir. July 9, 1996) (unpublished) (patents held unenforceable due to a finding of inequitable conduct in submitting an inappropriate statement that the abandonment was unintentional).

As to Period (2):

Likewise, where the applicant deliberately chooses not to seek or persist in seeking the revival of an abandoned application, or where the applicant deliberately chooses to delay seeking the revival of an abandoned application, the resulting delay in seeking revival of the abandoned application cannot be considered as "unintentional" within the meaning of 37 CFR 1.137(b). *See* MPEP 711.03(c).

As noted in MPEP 711.03(c)(II), subsection D, in instances in which such petition was not filed within 1 year of the date of abandonment of the application, applicants should include:

> (A) the date that the applicant first became aware of the abandonment of the application; and

(B) a showing as to how the delay in discovering the abandoned status of the application occurred despite the exercise of due care or diligence on the part of the applicant.

As to item (4), the instant application lacks the required terminal disclaimer (and fee) as required per 37 CFR 1.137(d). Any renewed petition must be accompanied by the required terminal disclaimer (and fee).

In view thereof, 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 37CFR 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) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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 :
Lee :
Application No. 29/222,107 : ON PETITION
Filed: January 27, 2005 :
Attorney Docket No. CU-6720 WWP :

This is a decision on the supplemental petition under the unintentional provisions of 37 CFR 1.137(b), filed December 10, 2008, to revive the above-identified application.

The application became abandoned October 20, 2005 for failure to timely submit a proper reply to the Notice of Allowance and Issue Fee Due and the Notice of Allowability (Notices) mailed July 19, 2005. The Notices set a three month statutory period of time for reply. Notice of Abandonment was mailed December 7, 2005. A petition under 37 CFR 1.137(b) was filed September 22, 2008 and dismissed December 16, 2008.

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 fails to satisfy requirement (3).

As to item (3), there are three periods to be considered during the evaluation of a petition under 37 CFR 1.137(b):

(1) the delay in reply that originally resulted in the abandonment;

(2) the delay in filing an initial petition pursuant to 37 CFR 1.137(b) to revive the application; and

(3) the delay in filing a grantable petition pursuant to 37 CFR 1.137(b) to revive the application.

Currently, the delay has not been shown to the satisfaction of the Director to be unintentional for periods (1) and (2).

As to Period (1):

A petition under 37 CFR 1.137(b) must be accompanied by a statement that the delay was unintentional. Further, the Director may require additional information where there is a question whether the entire delay in question was unintentional." Where, as here, there is a question whether the initial delay was unintentional, the petitioner must meet the burden of establishing that the delay was unintentional within the meaning of 35 U.S.C. § 41(a)(7) and 37 CFR 1.137(b). *See* In re Application of G, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989); 37 CFR 1.137(b). In view of the inordinate delay (almost three years) in resuming prosecution, there is a question whether the entire delay was unintentional.

Any renewed petition must establish that the entire delay, from the time that a reply was due until the filing of a grantable petition, was unintentional. Petitioners may wish to identify the party having the right to reply to avoid abandonment who in turn may explain what effort(s) was made to further reply to the outstanding Office action and, further, why no reply was filed. If no effort was made to further reply, then that party can explain why the delay in this application does not result from a deliberate course of action (or inaction). Likewise, if practitioner was counsel of record at the time of abandonment, practitioner should explain why this application became abandoned. Petitioner may wish to submit supporting documentation to establish that the entire delay has been unintentional as well as statements of fact from those having first hand knowledge of the facts and circumstances surrounding the delay at issue. As the courts have made clear, it is pointless for the USPTO to revive a long abandoned application without an adequate showing that the delay did not result from a deliberate course of action. *See* Lawman Armor v. Simon, 2005 U.S. Dist. LEXIS 10843, 74 USPQ2d 1633 (DC EMich 2005); Field Hybrids, LLC v. Toyota Motor Corp., 2005 U.S. Dist. LEXIS 1159 (D. Minn Jan. 27, 2005); Lumenyte Int'l Corp. v. Cable Lite Corp., Nos. 96-1011, 96-1077, 1996 U.S. App. LEXIS 16400, 1996 WL 383927 (Fed. Cir. July 9, 1996) (unpublished) (patents held unenforceable due to a finding of inequitable conduct in submitting an inappropriate statement that the abandonment was unintentional).

As to Period (2):

Likewise, where the applicant deliberately chooses not to seek or persist in seeking the revival of an abandoned application, or where the applicant deliberately chooses to delay seeking the revival of an abandoned application, the resulting delay in seeking revival of the abandoned application cannot be considered as "unintentional" within the meaning of 37 CFR 1.137(b). *See* MPEP 711.03(c).

As noted in MPEP 711.03(c)(II), subsection D, in instances in which such petition was not filed within 1 year of the date of abandonment of the application, applicants should include:

(A) the date that the applicant first became aware of the abandonment of the application; and
(B) a showing as to how the delay in discovering the abandoned status of the application occurred despite the exercise of due care or diligence on the part of the applicant.

In view thereof, 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 37CFR 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) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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In re Application of :
Lee :
Application No. 29/222,107 :
Filed: January 27, 2005 :
Attorney Docket No. CU-6720 WWP :

ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed March 16, 2009, to revive the above-identified application:

The application became abandoned October 20, 2005 for failure to timely submit a proper reply to the Notice of Allowance and Issue Fee Due and the Notice of Allowability (Notices) mailed July 19, 2005. The Notices set a three month statutory period of time for reply. Notice of Abandonment was mailed December 7, 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 Director may require additional information. *See* MPEP 711.03(c)(II)(C) and (D).

The instant petition and supporting documents have been carefully reviewed and found in compliance with the requirements set forth above.

In view thereof, the petition is hereby GRANTED.

This application is being returned to the Office of Patent Publications for further processing.

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

THE SONI LAW FIRM
55 S. LAKE AVENUE
SUITE 720
PASADENA, CA 91101

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AUG 0 3 2007

OFFICE OF PETITIONS

In re Application of	:	
Dilip Bhavnani	:	
Application No. 29/222,163	:	DECISION ON PETITION
Filed: January 25, 2005	:	
Attorney Docket No. SS-258D	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 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 Notice of Abandonment has not been mailed in this application. However, this application is abandoned by operation of law for failure to reply in a timely manner to the non-final Office action mailed, March 31, 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 July 4, 2006 (July 1, 2006, the due date, was a Saturday).

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and **(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by**

37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. *See* MPEP 711.03(c)(II)(C). The instant petition lacks item(4).

Since the above-identified application is a design application, 37 CFR 1.137(d) requires a terminal disclaimer dedicating to the public a terminal part of the term of any patent granted on the application or any patent granted on any continuing application that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the application. The period to be disclaimed will be a terminal part of the patent to be granted equivalent to the period of abandonment. The period of abandonment will be computed to be the number of months from the date of abandonment to the date of filing a grantable petition. A terminal disclaimer fee of $65 is required. If the terminal disclaimer is signed by an assignee, the assignee must comply with the requirements of 37 CFR 3.73(b).

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

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

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

The centralized facsimile number is **(571) 273-8300.**

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO.

To expedite consideration, petitioner may wish to contact the undersigned regarding the filing of the renewed petition under 37 CFR 1.137(b).

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

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

THE SONI LAW FIRM
55 S. LAKE AVENUE
SUITE 720
PASADENA, CA 91101

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OFFICE OF PETITIONS

In re Application of	:	
Dilip Bhavnani	:	
Application No. 29/222,163	:	DECISION ON PETITION
Filed: January 25, 2005	:	
Attorney Docket No. SS-258D	:	

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

The petition is **GRANTED**.

A Notice of Abandonment has not been mailed in this application. However, this application is abandoned by operation of law for failure to reply in a timely manner to the non-final Office action mailed March 31, 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 July 4, 2006 (July 1, 2006, the due date, was a Saturday).

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/response, (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 non-final Office action of March 31, 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 Technology Center AU 2913 for appropriate action in the normal course of business on the reply received November 22, 2006 and resubmitted with the renewed petition on August 13, 2007.

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE

IRVING KESCHNER
21535 HAWTHORNE BOULEVARD
SUITE 385
TORRANCE, CA 90503

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OCT 0 3 2006

Director's Office
Office of Patent Publication

In re Application of
KIM, NAM MI et al. :
Application No. 29/222,231 : **DECISION ON PETITION**
Filed: January 27, 2005 :
Attorney Docket No. DSS04-0079-US0 :

This is a decision on the Petition To Withdraw Holding Of Abandonment Under 37 CFR 1.181 (a), received in the United States Patent and Trademark Office (USPTO) on April 3, 2006.

The petition is **DISMISSED.** Any request for reconsideration of this decision, or as explained below, filing a petition seeking revival under 37 CFR § 1.137, must be filed within TWO MONTHS (2) from the mail date of this decision.

The application was held abandoned for applicant's failure to timely file corrected drawings as required in the Notice of Allowability mailed October 4, 2005, which set a three (3) month statutory period for reply. Accordingly, a Notice of Abandonment was mailed on March 20, 2006.

Petitioner states that on or about January 5, 2006 the applicant forwarded a document entitled "Letter". The "Letter" inadvertently did not set forth the date in the certificate of mailing. Also, that the acknowledgement postcard indicates that the Letter was received in the PTO on January 5, 2006 and ..."that one can readily conclude that the Letter was posted to the PTO no later than the due date of January 4, 2006..." Petitioner has included a copy of the Letter and postcard.

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.

While the postcard acknowledges receipt of the items identified, unfortunately, it doesn't support the timeliness of the documents identified thereon.

Provisions under 37 CFR 1.8(b) requires that the petitioner (1) promptly inform the Office of the previous timely mailing or transmission after becoming aware that the Office has no evidence of receipt of the correspondence, (2) supply copies of the previously mailed correspondence with certificate of mailing thereon, and (3) include a statement which attests to the previous timely mailing.

Petitioner does fully satisfy requirement under 37 CFR 1.8(b)(2) in that, the copy of the previously mailed correspondence—Letter—did not state the date of deposit on the certificate of mailing, and therefore, does not receive the benefits of 37 CFR 1.8.

Patent rules under 37 CFR § 1.8 ii states in part: ...The correspondence includes a certificate for each piece of correspondence **stating the date of deposit or transmission.** *See 37 CFR §1.8 Certificate of mailing or transmission*

37 CFR § 1.10 is not applicable since this procedure was not used.

The holding of abandonment cannot be withdrawn as this time.

Although this petition for withdrawal of the holding of abandonment is being dismissed, other petition remedies are available for bringing about the withdrawal of the holding of abandonment.

File a petition for Revival of Abandoned Application under CFR § 1.137 (a) or (b). Forms are available at USPTO website http://www.uspto.gov

- Under 37 CFR 1.137(a), a petition for the revival of an ***unavoidable*** abandoned application must be accompanied by the following:

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

- Under 37 CFR 1.137(b), a petition for the revival of an ***unintentionally*** abandoned application must be accompanied by the following:

  (1) The required reply to the outstanding Office action or notice, unless previously filed;
  (2) The petition fee as set forth in § 1.17(m);
  (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Director may require additional information where there is a question whether the delay was unintentional;
  (4) Any terminal disclaimer (and fee as set forth in § 1.20(d) required pursuant to paragraph (c) of this section.

Further correspondence with respect to the petition for revival under 37 CFR 1.137 should be directed to the Office Of Petition at 571-272-1583 or addressed as follows:

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

Telephone inquires concerning this decision may be directed to the undersigned at 703-305-9250 Ext. 153.

Cheryl Mcleod
Quality Operations Assistant
Office of the Director
Office of Patent Publication

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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IRVING KESCHNER
21535 HAWTHORNE BOULEVARD
SUITE 385
TORRANCE CA 90503

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JAN 16 2007

OFFICE OF PETITIONS

In re Application of	:	
Kim, et al.	:	
Application No. 29/222,231	:	ON PETITION
Filed: January 27, 2005	:	
Title: Cellular Phone	:	

This is a decision on the "REQUEST FOR RECONSIDERATION OF DECISION DISMISSING PETITION UNDER 37 CFR 1.181(a) OR IN THE ALTERNATIVE, CONSIDERING THIS AS A PETITION UNDER 37 CFR 1.183", filed October 20, 2006.

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

The petition under 37 CFR 1.183 is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181" or "Renewed Petition under 37 CFR 1.183". Extensions of time under 37 CFR 1.136(a) are permitted. No fee is required for a renewed petition.

The above-identified application became abandoned for failure to timely file the issue fee and drawings in response to the Notice of Allowance and Notice of Allowability mailed October 4, 2005, which set a statutory period for reply of three (3) months. No reply having been received, the application became abandoned on January 5, 2006. A Notice of Abandonment was mailed on March 20, 2006, indicating that the application became abandoned due to applicants' failure to file corrected drawings. Applicants filed a petition to withdraw the holding of abandonment on April 3, 2006. However, the petition was dismissed in a decision mailed on October 3, 2006.

On petition, applicants argue that while they didn't fully comply with 37 CFR 1.8(a) (the Certificate of Mailing was not dated), the fact that his postcard receipt is dated January 5, 2006 (one day late) is sufficient to support the conclusion that he deposited the issue fee and drawings with the USPS timely, i.e. prior to January 5, 2006.

Petitioner's argument has been considered, but is not persuasive. As petitioner did not comply with 37 CFR 1.8, petitioner can not benefit from its provisions to establish timely filing.

As for the petition under 37 CFR 1.183, such a petition requires a petition fee of $400. Petitioner only submitted $100. No authorization to charge any deficiency to a deposit account could be found. Accordingly, as the petition under 37 CFR 1.183 was not treated on the merits, the $100 fee submitted for this petition will be refunded to petitioner under separate cover.

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

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES 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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21535 HAWTHORNE BOULEVARD
SUITE 385
TORRANCE CA 90503

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AUG 27 2007

OFFICE OF PETITIONS

In re Application of	:	
Kim, et al.	:	
Application No. 29/222,231	:	ON PETITION
Filed: January 27, 2005	:	
Title: Cellular Phone	:	

This is a decision on the "RENEWED PETITION UNDER 37 CFR 1.183", filed February 23, 2007.

The petition under 37 CFR 1.183 is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.183". Extensions of time under 37 CFR 1.136(a) are permitted. No fee is required for a renewed petition.

The above-identified application became abandoned for failure to timely file the issue fee and drawings in response to the Notice of Allowance and Notice of Allowability mailed October 4, 2005, which set a statutory period for reply of three (3) months. No reply having been received, the application became abandoned on January 5, 2006. A Notice of Abandonment was mailed on March 20, 2006, indicating that the application became abandoned due to applicants' failure to file corrected drawings. Applicants filed a petition to withdraw the holding of abandonment on April 3, 2006. However, the petition was dismissed in a decision mailed on October 3, 2006.

On petition filed October 20, 2006, applicants argued that while they didn't fully comply with 37 CFR 1.8(a) (the Certificate of Mailing was not dated), the fact that his postcard receipt is dated January 5, 2006 (one day late) is sufficient to support the conclusion that he deposited the issue fee and drawings with the USPS timely, i.e. prior to January 5, 2006.

In a decision mailed on January 16, 2007, it was pointed out that because petitioner did not comply with 37 CFR 1.8, petitioner could not benefit from its provisions to establish timely filing. In addition, the petition under 37 CFR 1.183 was also dismissed because petitioner did not submit the proper petition fee of $400 (petitioner only submitted $100).

With the instant renewed petition, petitioner has submitted the balance of the fee required for a petition under 37 CFR 1.183. However, the petition must be dismissed. A petition under 37 CFR 1.183 is only appropriate in an extraordinary situation where justice requires waiver of the rules. Petitioner has not made such a showing. Rather, the instant situation is one that could have been avoided with the reasonable exercise of due care. Moreover, petitioner has an available remedy in this instance - file a petition to revive under 37 CFR 1.137(a) (unavoidable delay) or 37 CFR 1.137(b) (unintentional 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 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
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OFFICE OF PETITIONS

In re Application of	:	
Kim, et al.	:	
Application No. 29/222,231	:	ON PETITION
Filed: January 27, 2005	:	
Title: Cellular Phone	:	

This is a decision on the petition under 37 CFR 1.137(b), filed December 14, 2007.

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

The above-identified application became abandoned for failure to timely file the issue fee and drawings in response to the Notice of Allowance and Notice of Allowability mailed October 4, 2005, which set a statutory period for reply of three (3) months. No reply having been received, the application became abandoned on January 5, 2006. A Notice of Abandonment was mailed on March 20, 2006, indicating that the application became abandoned due to applicants' failure to file corrected drawings. Applicants filed a petition to withdraw the holding of abandonment on April 3, 2006. However, the petition was dismissed in a decision mailed on October 3, 2006. Applicant filed petitions again on October 20, 2006 and again on January 16, 2007, which were subsequently dismissed.

With the instant petition, petitioner paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of corrected drawings.

The application is being forwarded to the Office of Patent Publication for processing into a patent.

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

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AUG 2 4 2006

OFFICE OF PETITIONS

In re Application of	:	
Kaminkow, et al.	:	
Application No. 29/222,247	:	DECISION ON PETITION
Filed: January 26, 2005	:	
Attorney Docket No. 112300-2744	:	

This is a decision on the petition to revive the above-identified application under 37 CFR 1.137(b), filed January 23, 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 file corrected drawings in response to the Notice of Allowability, mailed May 19, 2005. This Notice set a statutory period for reply of three (3) months. No reply having been received, the application became abandoned on August 20, 2005. A Notice of Abandonment was mailed 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(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

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

In re Application of :
Kaminkow, et al. :
Application No. 29/222,247 : DECISION ON PETITION
Filed: January 26, 2005 :
Attorney Docket No. 112300-2744 :

This is a decision on the renewed petition to revive the above-identified application under 37 CFR 1.137(b), filed October 24, 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 May 19, 2005. This Notice set a statutory period for reply of three (3) months. No reply having been received, the application became abandoned on August 20, 2005. A Notice of Abandonment was mailed December 29, 2005. Applicants filed a petition to revive on January 23, 2006. However, the petition was dismissed in a decision mailed on August 24, 2006. The petition did not include a terminal disclaimer as required by 37 CFR 1.137(d).

With the instant petition, petitioner submitted a terminal disclaimer and fee. The other requirements for a grantable petition were previously satisfied with the petition filed January 23, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

RAYMOND Y. CHAN
#128
108 N. YNEZ AVE.
MONTEREY PARK, CA 91754

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DEC 13 2007

OFFICE OF PETITIONS

In re Application of :
Jun Kang Ruan :
Application No. 29/222,255 :
Filed: January 27, 2005 :
Attorney Docket No. USD2769A-BJJ :

ON PETITION

This is a decision on the petition, filed August 20, 2007 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 and Substitute oath or Declaration in a timely manner in reply to the Notice of Allowance mailed October 5, 2006, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on January 6, 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. 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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RAYMOND Y. CHAN
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MONTEREY PARK, CA 91754

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OFFICE OF PETITIONS

In re Application of	:	
Jun Kang Ruan	:	
Application No. 29/222,255	:	ON PETITION
Filed: January 27, 2005	:	
Attorney Docket No. USD2769A-BJJ	:	

This is a decision on the renewed petition filed December 26, 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 the Office of Data Management 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

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

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In re Patent No. D527,904	:	
Issue Date: September 12, 2006	:	
Application No. 29/222,288	:	NOTICE
Filed: January 26, 2005	:	
Attorney Docket No. A36465-072841.0263	:	

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 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.

Liana Walsh
Petitions Examiner
Office of Petitions

30

22704 U.S. PTO
012605

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	Group Art Unit: 2912
IRVIN LEVINSON	Examiner: Simone, D
Serial No. 29/222291	
Filed: Concurrently	Docket No. LEVINS-47111
For: INSULATED HEADWEAR	

PETITION TO MAKE SPECIAL

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

Sir:

I, IRVIN LEVINSON, DECLARE AND PETITION AS FOLLOWS:

1. I am the applicant and inventor in the above-identified patent application.

2. I hereby petition the Commissioner of Patents and Trademarks to grant said application special status for examination and to advance said application for examination out of turn.

PETITION GRANTED

Richard Crispino
Special Program Examiner
TC 1700 APR 12 2005

O I P E JC45
JUL 29 2005
PATENT & TRADEMARK OFFICE

Certificate Under 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: Commissioner for Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450

on July 27, 2005

Carolyn Beason-Wright

Carolyn Beason-Wright

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of:	Gregory P. Barnes, et al.		
Appln. No.:	29/222,300	Examiner:	Unknown
Filed:	January 27, 2005	Art Unit:	2913
For:	SCALE		
Attorney Docket No:	12672/005		

PETITION FOR EXPEDITED EXAMINATION OF DESIGN APPLICATION UNDER 37 C.F.R. §1.155

MAIL STOP EXPEDITED DESIGN
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 9/14/05
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700

Dear Sir:

Applicants, through the subscribing attorney, hereby request that the U.S. Patent and Trademark Office expedite the examination of this design application. There is submitted with this request the results of a pre-examination search embodied in the accompanying Supplemental Information Disclosure Statement. The present application is believed to already include drawings in full compliance with 37 C.F.R. § 1.84.

The attached referenced prior art was found as a result of a search conducted in search class 177/subclasses 25.13, 126, 127, 180, 238-245, and Digest 3. The search further covered design class 10/subclasses 87-93. A copy of each patent referenced is submitted with this petition. Each and every patent found in the search is in the English language. For that reason, it is believed that its relevancy to the claimed design will be apparent to the

08/01/2005 HGUTEMA1 00000014 231925 29222300
01 FC:1802 900.00 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

LAW OFFICES OF CHARLES A. WILKINSON
68 E. BROAD ST
P.O. BOX 1426
BETHLEHEM, PA 18016-1426

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JUN 15 2007

OFFICE OF PETITIONS

In re Application of :
Christopher D. MacMillan :
Application No. 29/222,387 : ON PETITION
Filed: January 24, 2005 :
Attorney Docket No. 343 :

This is a decision on the petition, filed January 25, 2007, 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

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OFFICE OF PETITIONS

LAW OFFICES OF CHARLES A. WILKINSON
68 E. BROAD ST
P.O. BOX 1426
BETHLEHEM, PA 18016-1426

In re Application of
Christopher D. MacMillian
Application No. 29/222,387
Filed: January 24, 2005
Attorney Docket No. 343

ON PETITION

This is a decision on the renewed petition, filed June 22, 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 August 21, 2006. On January 25, 2007, a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed June 15, 2007. On June 22, 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.

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

The application is being referred to 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

UNITED STATES 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

S.C. JOHNSON & SON, INC.
1525 HOWE STREET
RACINE WI 53403-2236

In re Application of	:	
Mary Beth Adams et al	:	
Application No. 29/222,413	:	ON PETITION
Filed: January 28, 2005	:	
Attorney Docket No. J-4259D2	:	

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 11, 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.

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

This matter is being referred to Technology Center 2911 for processing of the CPA.

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
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
29/222,489	01/31/2005	Gerald Zboch	40002-12230

CONFIRMATION NO.
8496

RYNDAK & SURI
30 NORTH LASALLE STREET
SUITE 2630
CHICAGO IL 60602

Date Mailed: October 3, 2005

Decision Dismissing Petition under 37 CFR 1.138(c)
The declaration of express abandonment will not be recognized

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

The American Inventors Protection Act (AIPA) of 1999 does not provide for the publication of design applications.

The petition is dismissed.

Telephone inquiries should be directed to the Office of Patent Publication, Pre-Grant Publication Division, 703-605-4283.

Barbara J. Debnam
Office of Patent Publication
Pre-Grant Publication Division

Rev. 10/01

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

RYNDAK & SURI
30 NORTH LASALLE STREET
SUITE 2630
CHICAGO IL 60602

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OCT 2 6 2005

OFFICE OF PETITIONS

In re Patent No. D510027
Issued: September 27, 2005 :
Application No. 29/222,489 : ON PETITION
Filed: January 31, 2005 :
Attorney Docket No. 40002-12230 :
:

This is a decision on the petition filed October 24, 2005, requesting withdrawal of the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED as moot.**

The petition was filed **after** the application issued on **September 27, 2005.**

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

The patented file is being referred to Files Repository.

Karen Creasy

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

RECEIVED
CENTRAL FAX CENTER
JUN 17 2005

PATENT
Attorney Docket No. CU-4067

Certification of Facsimile Transmission

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being facsimile transmitted to the Patent and Trademark Office to Fax No. (703) 872-9306 on June 17, 2005 (31 pages).

Edward J. Chalfie

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	:	Matthew RITTBERG
Serial No.	:	29/222,498
Filed	:	January 31, 2005
For	:	Slipper Outsole
Group	:	Murphy, Celia

PETITION TO MAKE SPECIAL BECAUSE OF ACTUAL INFRINGEMENT

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

RECEIVED
OIPE/IAP
JUN 21 2005

Sir:

Applicant herein petitions to have the above-referenced pending application made special because of actual infringement of the claim of the application as filed.

The undersigned attorney of record in the instant application states the following:

1. There is an infringing product actually on the market;

2. I have made a rigid comparison of the alleged infringing product with the claim of the application, and, in my opinion, the sole design claim of the present application is unquestionably infringed; and

3. I have caused to be made a careful and thorough search of the prior art and provide herewith a copy of each one of the relevant prior art patents found by said search. The following is the field of search conducted in the files of the U.S. Patent and Trademark Office:

6/21/2005 RADOF01 00000045 120400 29222498
1 FC:1464 130.00 DA

PETITION GRANTED

Richard Crispino
Special Program Examiner
TC1700 JUN 30 2005

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PATENT & TRADEMARK OFFICE

PATENT
Attorney Docket No. CU-4067

Certification of Facsimile Transmission

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being facsimile transmitted to the Patent and Trademark Office to Fax No. (703) 872-9306 on June 17, 2005 (31 pages).

Edward J. Chalfie

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	:	Matthew RITTBERG
Serial No.	:	29/222,498
Filed	:	January 31, 2005
For	:	Slipper Outsole
Group	:	

PETITION TO MAKE SPECIAL BECAUSE OF ACTUAL INFRINGEMENT

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

Sir:

Applicant herein petitions to have the above-referenced pending application made special because of actual infringement of the claim of the application as filed.

The undersigned attorney of record in the instant application states the following:

1. There is an infringing product actually on the market;

2. I have made a rigid comparison of the alleged infringing product with the claim of the application, and, in my opinion, the sole design claim of the present application is unquestionably infringed; and

3. I have caused to be made a careful and thorough search of the prior art and provide herewith a copy of each one of the relevant prior art patents found by said search. The following is the field of search conducted in the files of the U.S. Patent and Trademark Office:

PETITION GRANTED

William Krynski
Special Program Examiner
TC1700

UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE

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JUL 2 0 2006

Director's Office
Office of Patent Publication

JONES DAY
222 EAST 41ST ST
NEW YORK, NY 10017

In re Application of	:	
OH, WAN-YOUNG	:	
Application No. 29/222,508	:	**DECISION ON PETITION**
Filed: January 31, 2005	:	
Attorney Docket No. 11281-063-999	:	

This is a decision on the Petition To Withdraw Holding Of Abandonment, received in the United States Patent & Trademark (USPTO) on December 21, 2005.

The petition is **DISMISSED**. Any request for reconsideration of this decision, or as explained below, filing a petition seeking revival under 37 CFR § 1.137, must be filed within TWO (2) MONTHS from the mail date of this decision.

The above-identified application was held abandoned for applicant's failure to timely pay the issue fee, as required in the Notice of Allowance and Fee(s) Due mailed April 5, 2005. The Notice of Abandonment, mailed on October 25, 2005 indicates, "The submitted fee of $0 is insufficient. A balance of $400 is due".

The Office acknowledges receipt of Part B – Fee(s) Transmittal on June 28, 2005, authorizing that the Issue Fee be charged to Deposit Account No. 50-3013. On July 1, 2005, when an attempt was made by the Office of Finance to charge the fees, there were insufficient funds in the Deposit Account to charge the required fee.

37 CFR 1.25 (a) and (b), which states in part:

> 1.25(a) ...An amount sufficient to cover all fee, services, copies, etc., requested must always be on deposit. Charges to accounts with insufficient funds will not be accepted."
>
> 1.25 (b) ...An authorization to charge a fee to a deposit account will not be considered payment of the fee on the date the authorization to charge the fee is effective as to the particular fee to be charged unless sufficient funds are present in the account to cover the fee.

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. 137.

Thomas E. Hawkins

Thomas E. Hawkins
Paralegal Specialist
Office of the Director
Office of Patent Publications

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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OFFICE OF PETITIONS

JONES DAY
222 EAST 41ST ST
NEW YORK, NY 10017

In re Application of Oh :
Application No. 29/222,508 : Decision on Petition
Filing Date: January 31, 2005 :
Attorney Docket No. 11281-063-999 :

This is a decision on the renewed petition filed July 31, 2006, under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application. This is also a decision on the petition filed in the alternative under 37 CFR 1.137(b).

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

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

Facts:

The Office mailed a Notice of Allowance on April 5, 2005.

An issue fee transmittal form was filed June 28, 2005.

The issue fee transmittal form authorized the Office to charge the $400 fee to deposit account no. 50-3013.

As of the *beginning* of July 1, 2005, petitioner's deposit account had a balance of $15,562.87.

Excluding the $400 issue for the instant application, $15,564 was charged to the deposit account on July 1, 2005.

At some time during the day on July 1, 2005, a deposit of $400,000 was made into the deposit account.

The attempt to charge the $400 was apparently made prior to the $400,000 deposit increasing the balance in the deposit account.

On July 1, 2005, an Office employee attempted to charge $400 to the deposit account for the instant application's issue fee. The employee completed a form indicating the deposit account contained insufficient funds at the time an attempt was made to charge the issue fee. The employee also printed a screenshot from the Office's "Revenue and Management Accounting

System" program. A copy of the screenshot was placed into the file wrapper. The screenshot clearly indicates, at the time the attempt was made to charge the issue fee, the deposit account only contained $238.87.

A Notice of Abandonment was mailed October 25, 2005.

Discussion:

Since the deposit account contained insufficient funds at the time an attempt was made to charge the issue fee, the application was properly held abandoned.

Although the holding of abandonment will not be withdrawn, petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Therefore, the petition under 37 CFR 1.137(b) is granted and the application is revived.

The Office of Publications will be informed of the instant decision and the application will be issued as a patent in due course.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES 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.

JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

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In re Application of	:	
Wan-Young Oh	:	DECISION ON
Application No. 29/222,508	:	PETITION
Filed: January 31, 2005	:	
Atty Docket No. 11281-063-999	:	

This is a decision on the PETITION UNDER 37 C.F.R. §1.137(b) FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY filed July 31, 2006.

The petition is **GRANTED**.

The above-identified application became abandoned effective July 6, 2005 for failure to timely pay the issue fee as required by the Notice of Allowance and Fee(s) Due mailed April 5, 2005. The Notice set a three-month non-extendable period for transmitting the fee. An Issue Fee payment by authorization to charge a Deposit Account was timely filed on June 28, 2005. However, the Deposit Account had insufficient funds to pay the fee. A courtesy Notice of Abandonment was mailed on October 25, 2005. By decision mailed July 20, 2006, a prior petition to withdraw the holding of abandonment filed December 21, 2005 was dismissed.

Applicant then filed the instant petition. The petition includes the required reply in the form of payment of the issue fee, the required statement of unintentional delay, payment of the petition fee and a terminal disclaimer. All requirements of 37 CFR 1.137(b) have been met.

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) 272-3219.

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

JUN 16 2005

In re Application of
Kenneth Link
Serial Number: 29/222,523
Filed: February 2, 2005
For: PORTION OF A SHOE UPPER

PETITION UNDER
M.P.E.P.708.02 VIII

This is in response to the petition filed April 29, 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
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JUN - 2 2005

In re Application of	:	
Joseph J. Bevier	:	
Serial Number: 29/222,525	:	PETITION UNDER
Filed: February 2, 2005	:	M.P.E.P.708.02 VIII
For: PORTION OF A PALM SIDE OF A GLOVE	:	

This is in response to the petition filed May 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JUN - 2 2005

In re Application of	:	
Joseph J. Bevier	:	
Serial Number: 29/222,529	:	PETITION UNDER
Filed: February 2, 2005	:	M.P.E.P.708.02 VIII
For: PORTION OF A BACK SIDE OF A GLOVE	:	

This is in response to the petition filed May 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

UNITED STATES 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 7 2005

In re Application of LEE. Serial Number: 29/222,540 Filed: February 1, 2005 For: FLASHLIGHT DEVICE	: : : : :	PETITION UNDER M.P.E.P. 708.02

This is in response to the petition filed July 14, 2005, requesting that the above-identified application be granted Special Status under Section 708.02 II of the MPEP and 37 CFR 1.102 **(fee required)**.

The request for Special Status has not been granted because a copy of each reference, deemed most closely related to the subject matter encompassed by the claims, has not been provided as required by MPEP Section 708.02 II.

The petition is **DENIED.**

Richard Crispino
Special Programs Examiner

CHARLES E. BAXLEY, ESQ.
90 JOHN STREET
THIRD FLOOR
NEW YORK, NY 10038

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Charles N.J. Ruggiero, Esq.
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
10th Floor
One Landmark Square
Stamford, CT 06901-2682

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In re Application of :
Stuart Leslie et al. :
Application No. 29/222,564 :
Filed: February 1, 2005 :
Attorney Docket No. 884.0224USD :

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 21, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

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

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement mailed February 23, 2007, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 24, 2007. A Notice of Abandonment was mailed on September 28, 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 items (3) and (4).

As to item (3), the statement refers to a $470 issue fee that is due. The response due was to the restriction requirement mailed on February 23, 2007.

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 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 $130 is required. If the terminal disclaimer is signed by the assignee, an assignee must comply with the requirements of 37 CFR 3.73(b).

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

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
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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 Kimberly Inabinet at (571) 272-4618.

Carl Friedman
Petitions Examiner
Office of Petitions

Attachments: Terminal Disclaimer To Accompany Petition
(Form No. PTO-SB63)

PTO/SB/63 (08-08)
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TERMINAL DISCLAIMER TO ACCOMPANY PETITION

Docket Number (Optional)

In re Application of:

Name:

Application Number:

Filed:

For:

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

Check either box 1 or 2 below, if appropriate.

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

Signature	Date
Typed or Printed Name	Telephone Number

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

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

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

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

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

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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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	:	
Stuart Leslie et al.	:	
Application No. 29/222,564	:	DECISION ON PETITION
Filed: February 1, 2005	:	
Attorney Docket No. 884.0224USD	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed December 1, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement mailed February 23, 2007, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 24, 2007. A Notice of Abandonment was mailed on September 28, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an election and amendment, (2) the petition fee of $1540, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the election and amendment 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.

The petition decision mailed September 30, 2008 dismissed the petition filed July 21, 2008 for failure to submit a terminal disclaimer and an improper reply on petition. The renewed petition includes a terminal disclaimer and proper reply on petition.

A petition fee of $1,640 was mistakenly charged to petitioner's deposit account for the renewed petition filed on December 1, 2008. No fee was due. This amount will be refunded to petitioner's deposit account.

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

This application is being referred to Technology Center AU 2911 for appropriate action by the Examiner in the normal course of business on the reply received July 21, 2008.

Carl Friedman
Petitions Examiner
Office of Petitions

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NEWARK, NJ 07102

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MAR 0 6 2006

OFFICE OF PETITIONS

In re Application of	:
Carey Krueger	:
Application No. 29/222,603	: DECISION GRANTING PETITION
Filed: January 31, 2005	: UNDER 37 CFR 1.313(c)(3)
Attorney Docket No. 99807-00002/3	:

This is a decision on the petition, filed March 6, 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 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 October 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 March 6, 2006.

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

This matter is being referred to Technology Center AU 2914 for processing of the CPA and consideration of the IDS.

Frances Hicks
Petitions Examiner
Office of Petitions

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In re Application of	:
Carey Krueger	:
Application No. 29/222,603	: DECISION GRANTING PETITION
Filed: January 31, 2005	: UNDER 37 CFR 1.313(c)(3)
Attorney Docket No. 99807-00002/3	:

This is a decision on the petition filed under the provisions of 37 CFR 1.313(c)(3) on July 28, 2006, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid 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 28, 2006.

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

This matter is being referred to Technology Center 2914 for processing of the CPA and consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

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MAY 21 2007

OFFICE OF PETITIONS

In re Application of	:	
Carey Krueger	:	
Application No. 29/222,603	:	ON PETITION
Filed: January 31, 2005	:	
Attorney Docket No. 99807-00002/3	:	

This is a decision on the petition, filed May 18, 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 12, 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 May 18, 2007.

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

This matter is being referred to Technology Center AU 2914 for processing of the CPA.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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JUL 16 2008

OFFICE OF PETITIONS

In re Application of	:	
Jose Figueras Mitjans	:	
Application No. 29/222,696	:	DECISION ON PETITION
Filed: February 3, 2005	:	
Attorney Docket No. GAS-85	:	

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

The petition is **GRANTED**.

The application became abandoned for failure to timely file corrected drawings on or before August 21, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed May 21, 2007, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on August 22, 2007. A Notice of Abandonment was mailed on September 24, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the corrected drawings, (2) the petition fee of $1,540, (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 file corrected drawing as required by the Notice of Allowability 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 undersigned at (571) 272-1642.

This application is being referred to the Office of Data Management for further processing in accordance with this decision on petition.

April M. Wise
Petitions Examiner
Office of Petitions

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BASIL B TRAVIS
PATENT ATTORNEY
PO BOX 287
LODI CA 95241

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APR 18 2006

OFFICE OF PETITIONS

In re Application of	:	
David R. Hill	:	
Application No. 29/222,704	:	DECISION ON PETITION
Filed: February 3, 2005	:	
Title: Trolling Motor Mount for Pleasure Boats	:	

This is a decision on the petition to revive the above-identified application under 37 CFR 1.137(b), filed March 14, 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 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 October 18, 2005. This Notice set a statutory period for reply of three (3) months. No reply having been received, the application became abandoned on January 19, 2006. The mailing of 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(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

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BASIL B TRAVIS
PATENT ATTORNEY
PO BOX 287
LODI CA 95241

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In re Application of	:	
David R. Hill	:	
Application No. 29/222,704	:	DECISION ON PETITION
Filed: February 3, 2005	:	
Title: Trolling Motor Mount for Pleasure Boats	:	

This is a decision on the renewed petition to revive the above identified application under 37 CFR 1.137(b), filed May 2, 2006.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely pay the issue fee in response to the Notice of Allowance, mailed October 18, 2005. This Notice set a statutory period for reply of three (3) months. No reply having been received, the application became abandoned on January 19, 2006. Applicant filed a petition to revive under 37 CFR 1.137(b) on March 14, 2006. However, the petition was dismissed in a decision mailed on April 18, 2006. The petition failed to include a terminal disclaimer, a necessary requirement for a petition to revive a design application. See 37 CFR 1.137(d).

With the instant petition, petitioner has submitted a terminal disclaimer. The other requirements for a grantable petition were previously met with the petition filed on March 14, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

In re Application of

Lane, et al.

Application No. 29/222,756

Filed: February 4, 2005

Attorney Docket No. 4662-008DES

: DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed June 6, 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 February 23, 2006, which set a statutory period for reply of three (3) months from its mailing date. Accordingly, the application became abandoned on May 24, 2006.

The terminal disclaimer, filed June 6, 2006, is noted.

The issue fee payment is noted as being received on June 6, 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

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1401 SOUTH TAFT AVENUE, SUITE 202
LOVELAND CO 80537

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In re Application of	:	
Eng Hok Sing	:	
Application No. 29/222,869	:	ON PETITION
Filed: 3 February, 2005	:	
Atty Docket 10110.001	:	

This is a decision on the paper entitled "PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 C.F.R. 1.181" filed on 3 April, 2006.

This application became abandoned on 6 November, 2005, for failure to timely submit the issue fee in response to the Notice of Allowance and Fee(s) Due mailed on 5 August, 2005, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on 1 February, 2006.

In the present petition, petitioner requests that the Office withdraw the holding of abandonment due to non-receipt of the Notice mailed on 5 August, 2005. In support of the allegation that the final Office action was never received, petitioner has submitted a copy of a docket record and stated that a search of the file and docket records indicate that no Office action was received.

A review of the record indicates no irregularity in the mailing of the Office communication mailed on 5 August, 2005, and in the absence of any irregularity in the mailing, there is a strong presumption that the Office action was properly mailed to the address of record. This presumption may be overcome by a showing that the Office action 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.[1] For example, if a three month period for reply was set in the non-received Office action, a copy of the docket report showing all replies docketed for a date three months from the mail date of the non-received Office action must be submitted as documentary proof of non-receipt of the Office action.

The showing of record is insufficient to warrant withdrawal of the holding of abandonment at this time. It is unclear to which time period and application(s) the docket report provided pertains. There is no mention of any attorney docket numbers in the docket report, and the dates do not appear to be in the order that papers were received or that responses were due. Petitioner must provide a thorough explanation of the docket report and how it serves as evidence that the Notice of Allowance was not received.

Moreover, the Notice of Allowance set a three (3)-month statutory period for reply. Therefore, the practitioner must submit a copy of the docket report showing all replies docketed for three (3) months from the mail date of the final Office action (*i.e.*, from 5 August, 2005, up to and including, 7 November, 2005) as documentary proof of non-receipt of the Office action.

As such the application is properly held abandoned.

The petition is **DISMISSED.**

Any request for reconsideration must be filed within **TWO MONTHS** of the date of this decision. **This period may not be extended.**[2]

In the alternative, petitioner may wish to file a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned 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

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[1] 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).

[2] 37 CFR 1.181(f).

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

By hand: Customer Service Window
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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 571-272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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407 N. Lincoln Ave. Ste. 105
LOVELAND CO 80537

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OFFICE OF PETITIONS

In re Application of	:	
Eng Hok Sing	:	
Application Number: 29/222869	:	DECISION ON PETITION
Filing Date: 02/03/2005	:	
Attorney Docket Number:	:	
10110.001	:	

This is a decision on the petition filed on October 1, 2008, 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

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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)).

decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." This is not a final agency decision.

The application became abandoned on November 6, 2005, for failure to timely submit the issue fee, as required by the Notice of Allowance and Fee(s) Due mailed on August 5, 2005, which set a three (3) month statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on February 1, 2006. The petition to withdraw the holding of abandonment filed on April 3, 2006, was dismissed on August 2, 2006.

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.

It is recommended that the attached petition form be utilized when filing a renewed petition.

Receipt of the petition and issue fees is acknowledged.

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 FAX: (571) 273-8300
Attn: Office of Petitions

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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

PTO/SB/63 (09-08)
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TERMINAL DISCLAIMER TO ACCOMPANY PETITION

Docket Number (Optional)

In re Application of:

Name:

Application Number:

Filed:

For:

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

Check either box 1 or 2 below, if appropriate.

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

Signature	Date
Typed or Printed Name	Telephone Number

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

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

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

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

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

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov
DIW Feb-09

LAW OFFICE OF CHAD C. SOLIZ , LLC
407 N. Lincoln Ave. Ste. 105
LOVELAND CO 80537

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FEB 2 6 2009

OFFICE OF PETITIONS

In re Application of	:	
Eng Hok Sing	:	
Application Number: 29/222869	:	DECISION ON PETITION
Filing Date: 02/03/2005	:	
Attorney Docket Number:	:	
10110.001	:	

This is a decision on the renewed petition filed on January 8, 2009, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on November 6, 2005, for failure to timely submit the issue fee, as required by the Notice of Allowance and Fee(s) Due mailed on August 5, 2005, which set a three (3) month statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on February 1, 2006. The petition to withdraw the holding of abandonment filed on April 3,

---

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

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continuing examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

2006, was dismissed on August 2, 2006. The petition under 37 CFR filed on October 1, 2008, was dismissed on October 20, 2008.

Receipt of the terminal disclaimer filed with the subject renewed petition is acknowledged. Receipt of the issue and publication fees filed with the original petition under October 1, 2008, are also acknowledged.

The above-identified application has been abandoned for an extended period of time. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting the statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.[2]

The terminal disclaimer filed on January 8, 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).[3] Accordingly, the period of the terminal disclaimer filed on January 8, 2009, will be equivalent to the lesser period (1) or (2), as noted above, for this application.

The application is being referred to the Office of Data Management for processing into a patent.

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] 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).

[3] 65 Fed. Reg. 54,674 (2000).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 3/12/09

TO SPE OF : ART UNIT 2914

SUBJECT : Request for Certificate of Correction for Appl. No.: 29222881 Patent No.: D579126 S

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
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: _____

SPE, ART UNIT 2914
3.25.09

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United States Patent and Trademark Office
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LITMAN LAW OFFICES, LTD
P.O. BOX 15035
CRYSTAL CITY STATION
ARLINGTON, VA 22215-0035

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MAR 3 1 2006

OFFICE OF PETITIONS

In re Application of	:	
VALERI	:	
Application No. 29/222,898	:	DECISION ON PETITION
Filed: February 7, 2005	:	
Attorney Docket No. 22889.04	:	

This is a decision on the petition, filed February 21, 2006, 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 pay the issue fee on or before June 29, 2005, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed March 29, 2005.

Petitioner asserts that the Notice dated March 29, 2005 was not received.

A review of the written record indicates irregularities in the mailing of the Notice and that the Notice was not received at the above address of record. To support this conclusion, a letter from Mr. James F. Leggett is part of the file, stating that his client (Kenneth Moody) has been receiving correspondence "for Patent Counsel erroneously listed on the Notice of Customer Number Record Change dated 3/28/05" filed with "his Renewal of U.S. Patent No. 6,296,775." The record further demonstrates that the Notice for the above-identified application was mailed to an improper address (Kenneth Moody, 2136 7th Ave SW, Puyallup, WA 98371) rather than the address of record (address associated with Customer No. 37833).

Additionally, Applicant has included a showing that the Notice was not in fact received. In this regard, the showing required to establish the failure to receive the Notice must consist of the following:

1. a statement from practitioner stating that the Notice was not received by the practitioner;
2. a statement from the practitioner attesting to the fact that a search of the file jacket

and docket records indicates that the Notice was not received; and

3. a copy of the docket record where the nonreceived Notice would have been entered had it been received must be attached to and referenced in the practitioner'statement.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

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

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

This application is being referred to the Technology Center technical support staff for remailing the Notices of Allowance and Allowability. The statutory period for paying the issue fee will be reset to expire three (3) months from the date the Notices are remailed.

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Petitions

Express Mail Label No. EV 607 634 083 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	Knoepke
	Title	Ornament
	Atty Docket Number	210859.15755

112883 U.S. PTO
29/223010
020705

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.

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

Class 36, subclasses 136, 137, and 139. Class 362, subclasses 103 and 104. Class D2, subclass 976. Class D26, subclasses 39, 40, and 41.

8-22-06
Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

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 ☑

Feb 7, 2005
Date

Signature

02/11/2005 SDIRETA1 00000015 29223010
01 FC:1802 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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DUNLAP, CODDING & ROGERS P.C.
PO BOX 16370
OKLAHOMA CITY, OK 73113

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DEC 22 2005

OFFICE OF PETITIONS

In re Application of	:	
Woodard	:	DECISION ON PETITION
Application No. 29/223,103	:	
Filed: February 9, 2005	:	
Docket No.: 8456.001	:	

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

The petition is **GRANTED**.

This application became abandoned November 9, 2005 for failure to timely submit the issue fee in response to the Notice of Allowance and Issue Fee(s) Due ("Notice") mailed August 8, 2005. 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DIW Jul-06

PAUL M. DENK
STE. 170
763 S. NEW BALLAS ROAD
ST. LOUIS MO 63141

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JUL 28 2006
OFFICE OF PETITIONS

In re Application of	:	
Kirkwood Drew	:	
Application No. 29/223,116	:	DECISION ON PETITION
Filed: 8 February, 2005	:	
For: FIREPLACE UTENSIL	:	

This is a decision on the petition filed on 27 February, 2006, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **DISMISSED**.

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

[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)).

letter entitled "Renewed Petition Under 37 CFR 1.137(b)." This is not a final agency decision.

The application became abandoned on 10 December, 2005, for failure to timely submit corrected drawings in response to the Notice of Allowability mailed on 9 September, 2005, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on 30 January, 2006.

The petition lacks a terminal disclaimer and fee as required by 37 CFR 1.137(c). Effective 8 September, 2000, 37 CFR 1.137(c)(1) has been added to state that a terminal disclaimer filed pursuant to this rule must dedicate to the public a terminal part of the term of any patent granted thereon equivalent to the lesser of: 1) the period of abandonment of the application; or 2) the period extending beyond twenty years from the date on which the application for patent was filed in the United States, or, if the application contains a specific reference to an earlier filed application(s) under 35 U.S.C. 120, 121, or 365(c).[2]

A copy of the terminal disclaimer form is enclosed for petitioner's use.

Petitioners have submitted corrected drawings. The examiner has indicated that the drawings are acceptable.

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

[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

Encl: PTO/SB/63

PTO/SB/63 (09-04)
Approved for use through 09/30/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to a collection of information unless it displays a valid OMB control number.

TERMINAL DISCLAIMER TO ACCOMPANY PETITION

Docket Number (Optional)

In re Application of:

Name:

Application Number:

Filed:

For:

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

Check either box 1 or 2 below, if appropriate.

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

_____	_____
Signature	Date
_____	_____
Typed or Printed Name	Telephone Number

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

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

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

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

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

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United States Patent and Trademark Office
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PAUL M. DENK
STE. 170
763 S. NEW BALLAS ROAD
ST. LOUIS MO 63141

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OCT 30 2006

OFFICE OF PETITIONS

In re Application of	:	
Kirkwood Drew	:	
Application No. 29/223,116	:	DECISION ON PETITION
Filed: 8 February, 2005	:	
For: FIREPLACE UTENSIL	:	

This is a decision on the renewed petition filed on 3 August, 2006, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on 10 December, 2005, for failure to timely submit corrected drawings in response to the Notice of Allowability mailed on 9 September, 2005, which set a three (3) month statutory period for reply. Notice of

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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)).

Abandonment was mailed on 30 January, 2006. The petition filed on 27 February, 2006, was dismissed on 28 July, 2006.

The renewed petition is accompanied by a terminal disclaimer and fee.

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

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

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23852 PACIFIC COAST HIGHWAY #311
MALIBU CA 90265

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OFFICE OF PETITIONS

In re Application of	:	
Debra MacKinnon	:	
Application No. 29/223,160	:	DECISION ON PETITION
Filed: February 9, 2005	:	
Attorney Docket No. DM1001	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed October 1, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit corrected replacement drawings in a timely manner in reply to the Notice of Allowability mailed April 17, 2006, which set a period for reply of three (3) months. Accordingly, this application became abandoned on July 18, 2006. A Notice of Abandonment was mailed on August 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 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). Accordingly, the reply to the Notice of April 17, 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.

The power of attorney filed in this application on October 1, 2007 was signed by applicant herein, Debra MacKinnon. The power of attorney denotes that Ms. MacKinnon is both the applicant/inventor and a president. However, as Office assignment records fail to show that this application is assigned, the power of attorney was treated as having been executed by the applicant/inventor.

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 this application.

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
29/223,160	02/09/2005	Debra MacKinnon	DMI001

CONFIRMATION NO. 3124

POA ACCEPTANCE LETTER

28848
TOPE-MCKAY & ASSOCIATES
23852 PACIFIC COAST HIGHWAY #311
MALIBU, CA 90265

OC000000026926746

Date Mailed: 11/27/2007

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/01/2007.

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.

/fmhicks/

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

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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TOPE-MCKAY & ASSOCIATES
23852 PACIFIC COAST HIGHWAY #311
MALIBU CA 90265

COPY MAILED

AUG 2 4 2007

OFFICE OF PETITIONS

In re Application of	:	
Debra MacKinnon	:	
Application No. 29/223,160	:	DECISION ON PETITION
Filed: February 9, 2005	:	
Attorney Docket No. DM1001	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 12, 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 replacement drawings in a timely manner in reply to the Notice of Allowability mailed April 17, 2006, which set a period for reply of three (3) months. Accordingly, this application became abandoned on July 18, 2006. A Notice of Abandonment was mailed on August 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)**. 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). In this regard, the fee submitted for the terminal disclaimer was $55, whereas, the correct fee is $65. Accordingly, a balance of $10 is due.

Further, the terminal disclaimer is not signed by a proper party in accordance with 37 CFR 1.321(b). In this regard, while the Declaration submitted on February 9, 2005 requested that all correspondence regarding this file be directed to the address with Customer Number 28848, this does not confer a power of attorney upon the attorneys associated with this customer number. As noted in 37 CFR 1.321(b), the terminal disclaimer must be signed by (1) the applicant, or (2) if there is an assignee of record of an undivided part interest, by the applicant and such assignee, or (iii) if there is an assignee of record of the entire interest, by such assignee, or (iv) by an attorney or agent of record.

In view of the above, petitioner must submit a renewed petition under 37 CFR 1.137(b), along with a $10 balance due for the terminal disclaimer fee and either a terminal disclaimer signed by a proper party in accordance with 37 CFR 1.321(b) or an acceptable power of attorney to the attorney who signed the terminal disclaimer.

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

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

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

The centralized facsimile number is **(571) 273-8300.**

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO.

To expedite consideration, petitioner may wish to contact the undersigned regarding the filing of the renewed petition under 37 CFR 1.137(b).

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

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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HOGAN & HARTSON L.L.P.
500 S. GRAND AVENUE
SUITE 1900
LOS ANGELES, CA 90071-2611

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JUL 13 2005

OFFICE OF PETITIONS

In re Application of :
Motoyoshi, et al. :
Application No. 29/223,166 : ON PETITION
Filed: February 10, 2005 :
Attorney Docket No. 88547.0001 :

This is a decision on the papers filed April 25, 2005, which have been treated as a petition under 37 CFR 1.10(e), requesting that the above-identified application be accepted and accorded a filing date of June 10, 2004.

Applicants request the filing date on the basis that the above-identified application was purportedly deposited in Express Mail service (Express Mail mailing label #EV325215840US) on June 10, 2004, pursuant to the requirements of 37 CFR 1.10. However, the papers submitted on June 10, 2004 cannot be located with the Patent and Trademark Office.

37 CFR 1.10(e) states: "Any person mailing correspondence addressed as set out in § 1.1(a) to the Office with sufficient postage utilizing the "Express Mail Post Office to Addressee" service of the USPS but not received by the Office, may petition the Director to consider such correspondence filed in the Office on the USPS deposit date, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has no evidence of receipt of the correspondence;

(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";

(3) The petition includes a copy of the originally deposited paper(s) or fee(s) that constitute the correspondence showing the number of the "Express Mail" mailing label thereon, a copy of any returned postcard receipt, a copy of the "Express Mail" mailing label showing the "date-in," a copy of any other official notation by the USPS relied upon to show the date of deposit, and, if the requested filing date is a date other than the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS, a showing pursuant to paragraph (d)(3) of this section that the requested filing date was the

date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day; and

(4) The petition includes a statement which establishes, to the satisfaction of the Director, the original deposit of the correspondence and that the copies of the correspondence, the copy of the "Express Mail" mailing label, the copy of any returned postcard receipt, and any official notation entered by the USPS are true copies of the originally mailed correspondence, original "Express Mail" mailing label, returned postcard receipt, and official notation entered by the USPS."

A grantable petition under 37 CFR 1.10(e) must include a "copy of the originally deposited paper(s) or fee(s) that constitute the correspondence showing the number of the "Express Mail" mailing label thereon."

The petition filed April 25, 2005, does not include a "copy of the originally deposited paper(s) or fee(s) that constitute the correspondence showing the number of the "Express Mail" mailing label thereon," that was purportedly deposited in Express Mail service (Express Mail mailing label #EV325215840US) on June 10, 2004.

Accordingly, the petition is dismissed.

The application is being returned to Technology Center 2900 for examination *in due course* with the presently accorded filing date of February 10, 2005.

Telephone inquiries concerning this matter may 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

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500 S. GRAND AVENUE
SUITE 1900
LOS ANGELES, CA 90071-2611

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NOV 3 0 2005

OFFICE OF PETITIONS

In re Application of :
Motoyoshi, et al. :
Application No. 29/223,166 :
Filed: June 10, 2004 :
Attorney Docket No. 88547.0001 :

ON PETITION

This is a decision on the papers styled, "Request For Reconsideration For Request For Corrected Filing Receipt," filed August 4, 2005, which has been treated as a request for reconsideration of petition under 37 CFR 1.10(e), requesting that the above-identified application be accorded a filing date of June 10, 2004, instead of the presently accorded filing date of February 10, 2005.

Applicants request the filing date on the basis that the above-identified application was purportedly deposited in Express Mail service (Express Mail mailing label #EV325215840US) on June 10, 2004, pursuant to the requirements of 37 CFR 1.10. In support, petitioner has provided a copy of the Express Mail label, receipt no. EV325215840US, showing a "Date-In" of June 10, 2004. The same Express Mail receipt number was referred to in the copy of the original Application Transmittal Letter submitted with the instant petition. Petitioner requests that the application be accorded a filing date of June 10, 2004. It is noted that the papers submitted on June 10, 2004 cannot be located within the Patent and Trademark Office.

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 June 10, 2004.

In view of the above, the petition is granted.

Accordingly, the above-identified application papers are entitled to a filing date of June 10, 2004.

The application is being forwarded to the Office of Initial Patent Examination for processing with a filing date of June 10, 2004 and the mailing 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
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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DIW May-05

TROXELL LAW OFFICE PLLC
SUITE 1404
5205 LEESBURG PIKE
FALLS CHURCH VA 22041

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MAY 2 7 2005

OFFICE OF PETITIONS

In re Application of :
Herman Chiang :
Application No. 29/223,178 : DECISION ON PETITION
Filed: 11 February, 2005 :
Atty Docket No. 3228-198 :

This is a decision on the petition filed on 16 May, 2005, which is treated as a petition under 37 CFR 1.53 requesting that the above-identified application be accorded a filing date of 11 February, 2005, with one (1) page containing Figures 6 and 7 described in the specification as a part of the original disclosure.

The petition is granted.

The application was filed on 11 February, 2005.

Accordingly, on 14 March, 2005, Initial Patent Examination Division mailed a Notice of Omitted Items in a Nonprovisional Application, stating that the application had been accorded a filing date of 11 February, 2005, but that Figures 6 and 7 described in the specification appeared to have been omitted.

In response, on 16 May, 2005, the present petition and a copy of four (4) sheets of drawings containing Figures 1, 2, 3, 4, 5, 6, and 7 were filed. Petitioners argue that Figures 6 and 7 were filed with the other application papers on 11 February, 2005, but was subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioners' postcard receipt was supplied with the present petition. The postcard receipt shows an "Office date" stamp of 11 February, 2005, and identifies the application by the first named inventor's name, invention title, and attorney docket number, and acknowledges receipt of, *inter alia*, "4 sheets of Drawings; Figs. 1-7". Petitioners request that the application, including one sheet of drawings containing Figures 6 and 7, be accorded a filing date of 11 February, 2005.

A review of the record reveals that four (4) sheets of drawings, including two sheets, each containing a figure marked "Fig. 1" as

well as three sheets containing Figures 2, 3, 4, and 5 were received on 11 February, 2005. No Figures 6 and 7 are located among the drawing figures received on that date. However, one of the Figures marked "Fig. 1" has been stamped by the USPTO with the above-identified application number, while the other drawing sheet marked "Fig. 1", has been stamped with a different application number. It is also noted that the two figures marked "Fig. 1" are different figures. As such, it appears that the USPTO mismatched a drawing sheet from another application with the present application file. As such, the evidence is convincing that the application papers deposited on 11 February, 2005, included one (1) sheet of drawings containing Figures 6 and 7, which was subsequently misplaced in the Office. Therefore, the application, including one (1) sheet of drawings containing Figures 6 and 7, is entitled to a filing date of 11 February, 2005.

The "Notice" mailed on 14 March, 2005, is vacated.

In view of the above, the petition is granted. The petition fee of $400.00 is unnecessary and will be refunded to counsel's deposit account, No. 50-1874.

The application will be processed with the copy of Figures 6 and 7 supplied on 16 May, 2005, as a part of the original disclosure. The other drawing sheets supplied on 16 May, 2005, will not be used for processing or examination, but will be retained in the application file. The one sheet of drawings in the Official file labeled "Fig. 1" but stamped with the wrong application number will not be used for processing or examination, but will be retained in the application file.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 11 February, 2005, using the application papers filed on that date, including the copy of Figure 1 stamped with the correct application number and the copy of drawing Figures 6 and 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
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270 MADISON AVENUE
8TH FLOOR
NEW YORK, NY 10016-0601

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OFFICE OF PETITIONS

ON PETITION

In re Application of
Jan Warme
Application No. 29/223,182
Filed: February 10, 2005
Attorney Docket No.: **5395/003 T**

This is a decision on the petition filed May 7, 2007 under 37 CFR 1.137(b), [1] to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the non-Final Office Action mailed May 12, 2006. A shortened statutory period of three months was set for replying to the non-Final Office Action. No extensions of time having been timely requested, this application became abandoned July 13, 2006. Accordingly, a Notice of Abandonment was mailed on November 28, 2006.

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 2913 for appropriate treatment of the amendment filed May 7, 2007.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

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

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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FEB 02 2006
OFFICE OF PETITIONS

THE SONI LAW FIRM
55 S. LAKE AVE SUITE 720
PASADENA CA 91101

In re Application of :
Cetera : DECISION ON PETITION
Application No. 29/223,203 :
Filed: February 9, 2005 :
Atty. Docket No.: SS-149D :

This is a decision on the petition under 37 CFR 1.137(b), filed January 23, 2006, to revive the above-identified application.

The petition is **DISMISSED**.

This application became abandoned October 1, 2005 for failure to timely submit formal drawings as required by the Notice of Allowability mailed June 30, 2005. The Notice set a three month statutory period of time for reply. Notice of Abandonment was mailed December 29, 2005.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The instant petition fails to satisfy requirement 37 CFR 1.137(b)(d). *See, also,* 37 CFR 1.137(d).

Any renewed petition must be accompanied by the required terminal disclaimer (including required 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

UNITED STATES 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 SONI LAW FIRM
55 S. LAKE AVE SUITE 720
PASADENA CA 91101

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MAR 03 2006

OFFICE OF PETITIONS

In re Application of	:	
Cetera	:	DECISION ON PETITION
Application No. 29/223,203	:	
Filed: February 9, 2005	:	
Atty. Docket No.: SS-149D	:	

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

The petition is **GRANTED**.

This application became abandoned October 1, 2005 for failure to timely submit formal drawings as required by the Notice of Allowability mailed June 30, 2005. The Notice set a three month statutory period of time for reply. Notice of Abandonment was mailed December 29, 2005. A petition under 37 CFR 1.137(b) was filed January 23, 2006 and dismissed February 2, 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.

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

APR - 2 2007

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In re Application of	:	
Didier RICA	:	DECISION
Serial No. 29/223,271	:	ON
Filed: February 14, 2005	:	PETITION
For: DESIGN FOR A BOTTLE	:	UNDER 708.02,VIII

This is in response to the petition filed August 17, 2006, requesting that the above-identified application be granted Special Status under Sections 708.02 of the MPEP and 37 CFR 1.102(c).

The application is in allowance status; the decision on the petition is moot. Accordingly the petition is **Dismissed.**

William Krynski, Special Program Examiner
Technology Center 1700
Chemical and Materials Engineering

UNITED STATES PATENT AND TRADEMARK OFFICE

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

YOUNG & THOMPSON
209 MADISON STREET
SUITE 500
ALEXANDRIA VA 22314

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JUN 0 5 2008

OFFICE OF PETITIONS

In re Application of	:
Didier Rica	: DECISION GRANTING PETITION
Application No. 29/223,271	: UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: February 14, 2005	:
Attorney Docket No. 0534-1027	:

This is a decision on the petition under 37 CFR 1.313(c)(3), filed June 4, 2008, 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 21, 2008 ***in the parent application is not refundable nor can it be applied towards any new Notice of Allowance which may issue on the CPA filed*** June 4, 2008.

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.

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 and consideration of the concurrently filed IDS.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

cc:

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
29/223,271	02/14/2005	Didier Rica	0534-1027

CONFIRMATION NO. 5144

IMPROPER CPOA LETTER

466
YOUNG & THOMPSON
209 Madison Street
Suite 500
ALEXANDRIA, VA 22314

OC000000030315350

Date Mailed: 06/05/2008

NOTICE REGARDING POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/04/2008. The Power of Attorney in this application is not accepted for the reason(s) listed below:

- The Power of Attorney is from an assignee and the Certificate required by 37 CFR 3.73(b) has not been received.

/kocreasy/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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
29/223,280	02/11/2005	2913	560	25825.398	2	1	1

26279
COWAN LIEBOWITZ & LATMAN P.C
JOHN J. TORRENTE
1133 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

CONFIRMATION NO. 5135
UPDATED FILING RECEIPT
OC000000016024416

Date Mailed: 05/16/2005

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)

Patrizio Moruzzi, Bologna, ITALY;

Power of Attorney: The patent practitioners associated with Customer Number **26279**.

Domestic Priority data as claimed by applicant

Foreign Applications

EUROPEAN (EU) OFFICE FOR HARMONIZATION I 000216650 08/16/2004

If Required, Foreign Filing License Granted: 03/15/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US29/223,280

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

Non-Publication Request: No

Early Publication Request: No

Title

External rearview mirror for a car

BEST AVAILABLE COPY

Preliminary Class

D12

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA22313-1450
www.uspto.gov

ST. ONGE STEWARD JOHNSTON & REENS, LLC
986 BEDFORD STREET
STAMFORD CT 06905-5619

COPY MAILED

MAY 03 2007

OFFICE OF PETITIONS

In re Application of	:	
Edmund Farmer	:	DECISION ON PETITION
Application No. 29/223,303	:	UNDER § 1.183
Filed: February 11, 2005	:	
Attorney Docket No. **03031D0077A**	:	

This is a decision on the petition, filed April 3, 2007, under 37 CFR 1.47(a), which is being treated under 37 CFR § 1.183 for acceptance of a supplemental declaration without the inclusion of the signatures of the inventor as required by §§ 37 CFR 1.67 and 1.63.[1]

The petition is **GRANTED**.

The sole inventor, signed the original declaration for patent filed in this application, pursuant to § 1.63(d), However, a substitute declaration was required by the Notice of Allowability mailed January 9, 2007 to correct a defect.

Petitioners assert that after sole inventor Edmund Farmer however refuses to execute the declaration. The evidence provided shows that the supplemental declaration was sent to Mr. Farmer but that he has not to date returned an executed copy of the substitute declaration. Thus the evidence is found to be adequate to waive the requirement for inventor Farmer's signature on the supplemental declaration.

The petition includes the last known addresss of the non-signing inventors and a fee in the amount of $200.00 for the petition. Petitioners are advised however that the fee for a petition under 37 CFR 1.183 is set at $400.00. Therein, petitioner's deposit account no. 19-4516 has been charged in the amount of $200.00 to make up the difference between that paid and that which is due.

[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 or to provide all information is a waiver of 37 CFR 1.67 and 1.63. See MPEP 603.

The supplemental declaration has been reviewed and found in compliance with §§ 1.67 and 1.63. In view of the foregoing, it is concluded that waiver of the requirement that the supplemental declaration be signed by sole inventor Farmer is appropriate.

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

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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MORRIS MANNING MARTIN LLP
3343 PEACHTREE ROAD, NE
1600 ATLANTA FINANCIAL CENTER
ATLANTA, GA 30326

COPY MAILED
OCT 27 2006
OFFICE OF PETITIONS

In re Application of :
Yii-Hong Wu :
Application No. 29/223,308 : ON PETITION
Filed: February 11, 2005 :
Attorney Docket No. 15042-48568

This is a decision on the petition under 37 CFR 1.314, filed October 26, 2006, to defer issuance of the patent.

The petition is **GRANTED**.

Issuance will be deferred for a period of one month from the date of this decision. At the end of this period, the application will be forwarded to the Publishing Division to be processed into a patent.

If an additional deferral period is required, another petition and fee should be promptly submitted. The petition must include a showing of extraordinary circumstances; See MPEP 1306.01.

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 Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

17691 U.S. PTO

113000 U.S. PTO
29/223311
021105

PTO/SB/18 (09-04)
Approved for use through 06/30/2003. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

DESIGN PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	0502-CANTD1
First Named Inventor	CHRISTOPHER R. CANTOLINO
Title	MULTIPURPOSE CONDENSATE SHUT-OFF SWITCH HAVING A HOUSING WITH AN UPPER ENLARGED AREA, AN EXTENSION ARM WITH A WIDENED UPPER PORTION, AND RATCHETED LEVEL-ASSISTING GUIDES
Express Mail Label No.	EW 178402 795 US

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

DESIGN V. UTILITY: A "design patent" protects an article's ornamental appearance (e.g., the way an article looks) (35 U.S.C. 171), while a "utility patent" protects the way an article is used and works (35 U.S.C. 101). The ornamental appearance of an article includes its shape/configuration or surface ornamentation upon the article, or both. Both a design and a utility patent may be obtained on an article if invention resides both in its ornamental appearance and its utility. For more information, see MPEP 1502.01.

APPLICATION ELEMENTS

See MPEP 1500 concerning design patent application contents.

1. [X] Fee Transmittal Form *(e.g., PTO/SB/17)* *(Submit an original, and a duplicate for fee processing)*
2. [X] Applicant claims small entity status. See 37 CFR 1.27.
3. [X] Specification [*Total Pages* 3] *(preferred arrangement set forth below, MPEP 1503.01)*
   - Preamble
   - Cross References to Related Applications
   - Statement Regarding Fed sponsored R & D
   - Description of the figure(s) of the drawings
   - Feature description
   - Claim (only one (1) claim permitted, MPEP 1503.03)
4. [X] Drawing(s) *(37 CFR 1.152)* [*Total Sheets* 2]
5. Oath or Declaration [*Total Pages* 2]
   a. [X] Newly executed (original or copy)
   b. [ ] A copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional with Box 16 completed)*
      DELETION OF INVENTOR(S)
      i. [ ] Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)
6. [ ] Application Data Sheet. See 37 CFR 1.76

ACCOMPANYING APPLICATION PARTS

7. [ ] Assignment Papers (cover sheet & document(s))
8. [ ] 37 CFR 3.73(b) Statement *(when there is an assignee)* [X] Power of Attorney
9. [ ] English Translation Document *(if applicable)*
10. [ ] Information Disclosure Statement (IDS) PTO/SB/08 or PTO-1449
    [ ] Copies of citations attached
11. [ ] Preliminary Amendment
12. [X] Return Receipt Postcard (MPEP 503) *(Should be specifically itemized)*
13. [ ] Certified Copy of Priority Document(s) (if foreign priority is claimed)
14. [ ] Request for Expedited Examination of a Design Application (37 CFR 1.155) (NOTE: Use "Mail Stop Expedited Design"
15. [ ] Other:

Approved 5/2/05
Jacqueline Stone, Director
Technology Center 1700

16. If a CONTINUING APPLICATION, *check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:*

[ ] Continuation [ ] Divisional [ ] Continuation-in-part (CIP) of prior application No.: _____

Prior application information: Examiner _____ *Art Unit:* _____

17. CORRESPONDENCE ADDRESS

[ ] The address associated with Customer Number: *OR* [X] *Correspondence address below*

Name	DOROTHY S. MORSE, ESQ.				
Address	515 PARK DRIVE, NW				
City	BRADENTON	State	FLORIDA	Zip Code	34209
Country	UNITED STATES	Telephone	941-747-4313	Fax	941-748-4008
Signature	Dorothy S. Morse			Date	02-10-05
Name (Print/Type)	DOROTHY S. MORSE			Registration No. (Attorney/Agent)	38,977

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

113009 U.S. PTO
29/223312
021105

In re design application of:

JACOB SIMAN-TOV, et al.

Serial No.: Unknown

Filed: Filed Herewith

For: GEMSTONE

Attorney Docket No.: BEND0103DUSA

REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION UNDER 37 C.F.R. § 1.155

Approved 4/21/05
JMStone
Jacqueline M. Stone, Director
Technology Center 1700

MAIL STOP EXPEDITED DESIGN
Commissioner for Patents
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby requests expedited examination of the above-referenced design application, which is being concurrently filed along with this Request. The drawings of the design application are in compliance with 37 C.F.R. § 1.84.

A pre-examination search was conducted in the field of US Class D11/90. As required, an Information Disclosure Statement is being submitted herewith.

02/16/2005 HTECKLU1 00000007 29223312
05 FC:1802 900.00 OP

CERTIFICATION UNDER 37 C.F.R. § 1.10

I hereby certify that this paper, including all enclosures referred to herein, is being deposited on the below date with the United States Postal Service in an envelope as 'Express Mail Post Office to Addressee' addressed to: MAIL STOP EXPEDITED DESIGN, Commissioner for Patents, U.S. Patent & Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on:

EV 499 750 842 US Express Mail Label No.	Linda J. Robb Type or print name of person mailing paper
February 11, 2005 Date of Deposit	Linda J. Robb Signature

113009 U.S. PTO
29/223312
021105

The fee of $900.00 as set forth in 37 C.F.R. § 1.17(k) for this Request is also submitted herewith.

Respectfully submitted,

JACOB SIMAN-TOV, et al.

By: _____
Michael D. Turner
Reg. No. 52,306
Attorney/Agent for Applicant

Date: February 11, 2005

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400; Fax: 248-358-3351

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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www.uspto.gov

Julie Blackburn
Revlon Consumer Products Corporation
237 Park Avenue
New York NY 10017

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NOV 22 2006
OFFICE OF PETITIONS

In re Application of	:	
Anderson, et al.	:	
Application No. 29/223,317	:	ON PETITION
Filed: February 7, 2005	:	
Attorney Docket No. Rev 05-D-1	:	

This is a decision on the petition under 37 C.F.R. 1.181, filed November 25, 2005, to withdraw the holding of abandonment of the above-identified application.

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

This application was held abandoned for failure to respond in a timely manner to the Notice to File Missing Parts of Nonprovisional Application, mailed on March 15, 2005, which set forth an extendable 2 month period to submit an executed oath and a surcharge for its late filing. No extensions of time being obtained pursuant to 37 C.F.R. 1.136(a), the Office contended this application became abandoned on May 16, 2005 for failure to reply to the March 15, 2005 Notice. A Notice of Abandonment was mailed on November 16, 2005.

Petitioners assert that they mailed an executed declaration and authorization to charge the surcharge to petitioners' deposit account to the Office on April 26, 2005. The original response is not of record in the file and cannot be located. However, the copy of the Response to Notice to File Missing Parts Filing Date Granted (37 CFR 1.53(b)) submitted with the instant petition contains a proper certificate of mailing bearing an April 26, 2005 date of deposit.

Under 37 CFR 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 CFR 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 CFR 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 Notice to File Missing Parts bears a proper certificate of mailing, dated April 26, 2005, in compliance with the requirements of 37 CFR 1.8(a)(1) as set forth above. The response states that an executed declaration is enclosed and that the Office has authorization to charge the late declaration surcharge to deposit account no. 18-1065. In addition, the person signing the certificate, Attorney Julie Blackburn, had reasonable basis to expect that the correspondence would be mailed on April 26, 2005.

The petition is **GRANTED**, the holding of abandonment is withdrawn, and the Notice of Abandonment is **vacated**.

Pursuant to petitioners' authorization, deposit account no. 18-1065 will be charged the $130.00 late declaration surcharge.

The application file will be returned to the Office of Initial Patent Examination for further processing.

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
www.uspto.gov

LAW OFFICE OF PHILIP A STEINER
846 HIGUERA ST
SUITE 11
SAN LUIS OBISPO CA 93401

COPY MAILED

JUN 22 2005

OFFICE OF PETITIONS

In re Application of	:	
Patricia Pepe	:	
Application No. 29/223,424	:	DECISION ON PETITION
Filed: February 12, 2005	:	
Attorney Docket No. DN02152005	:	

This is a decision on the "PETITION UNDER 37 CFR 1.53(e) IN RESPONSE TO NOTICE OF OMITTED ITEMS DATED 04/19/2005", filed April 28, 2005, to accord the above-identified application a filing date of February 12, 2005, with Figures 2 and 3 of the drawings as part of the original disclosure.

The petition is **GRANTED**.

Application papers in the above-identified application were filed on February 12, 2005. However, on April 19, 2005, 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 2 and 3 of the drawings appeared to have been omitted.

In response, applicant filed the instant petition. Accompanying the petition was a copy of Figures 2 and 3. Applicant maintains that the application as originally filed included Figures 2 and 3. In support thereof, applicant submitted a postcard receipt identifying this application, itemizing "Patent Drawing Sheets # Pages 2" as enclosed, bearing a United States Patent and Trademark Office date-stamp of February 12, 2005, 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, no petition fee was required, and none has been charged.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of February 12, 2005, using the application papers received in the Office on that date and Figures 2 and 3 of the drawings as resupplied on petition filed April 28, 2005, 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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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P. O. BOX 1022
MINNEAPOLIS, MN 55440-1022

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MAR 12 2007

OFFICE OF PETITIONS

In re Application of	:	
Samuel J. Aquillano et al	:	
Application No. 29/223,541	:	ON PETITION
Filed: February 15, 2005	:	
Attorney Docket No. 02103-690001	:	

This is a decision on the petition under 37 CFR 1.137(b), filed February 27, 2007, 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 (replacement drawings), (2) the petition fee of $1,500; (3) a proper statement of unintentional delay; and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d).

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 Technology Center AU 2912 for such action as the nature of the case requires.

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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COLGATE-PALMOLIVE COMPANY
909 RIVER ROAD
PISCATAWAY, NJ 08855

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NOV 16 2005
OFFICE OF PETITIONS

In re Application of :
Robert Moskovich et al :
Application No. 29/223,572 :
Filed: February 16, 2005 :
Attorney Docket No. IR 7866-00 :

ON PETITION

This is a decision on the paper styled "REQUEST FOR CORRECTED RECEIPT" filed October 21, 2005, which is being treated under 37 CFR 1.182, to change the name of one of the inventors for 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. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition". This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The underlying application for this application, upon filing on February 16, 2005, included a "Joint Declaration for Patent Application" listing one of the named inventors as "Swanson Zen" and signed by Swanson Zen.

The instant petition seeks to change the inventors' Swanson Zen to "Swanson Xi," asserting that the name as listed in the application declaration used an informal name.

Generally, when an inventor has changed his/her name after the filing of an application and wishes to have the new name reflected in the application, he/she must file a petition under 37 CFR 1.182 that includes:[1]

(1) a $400 petition fee;

[1] MPEP Section 605.04(c)

(2) an affidavit signed with both names and setting forth the procedure whereby the name change was effected, or, a certified copy of the court order.

The petition lacks item (2) and is thus dismissed.

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 may be directed to the undersigned at 571.272-3220.

Wan Laymon

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

COLGATE-PALMOLIVE COMPANY
909 RIVER ROAD
PISCATAWAY, NJ 08855

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FEB 0 8 2006

OFFICE OF PETITIONS

In re Application of	:	
Robert Moskovich et al	:	
Application No. 29/223,572	:	ON PETITION
Filed: February 16, 2005	:	
Attorney Docket No. IR 7866-00	:	

This is a decision on the renewed petition filed December 28, 2005, which is being treated under 37 CFR 1.182, to change the name of one of the inventors for the above-identified application.

The petition is **GRANTED**.

The name of one of the named inventors has been changed from Swanson Zen to **Swanson Xi**.

A corrected filing receipt is enclosed.

This matter is being referred to Technology Center AU 2911 for examination in due course.

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

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
29/223,572	02/16/2005	2911	430	IR 7866-00	3	1	1

CONFIRMATION NO. 2735

CORRECTED FILING RECEIPT

OC000000018011759

23909
COLGATE-PALMOLIVE COMPANY
909 RIVER ROAD
PISCATAWAY, NJ 08855

Date Mailed: 02/08/2006

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)

Robert Moskovich, East Brunswick, NJ;
Alan Sorrentino, Cranbury, NJ;
Swanson Xi, Yangzhou, CHINA;

Power of Attorney: The patent practitioners associated with Customer Number **23909**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 03/17/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US29/223,572

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

Non-Publication Request: No

Early Publication Request: No

Title

Portion of a toothbrush

Preliminary Class

D04

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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Date :05/25/07

Patent No. : D541540 S
Ser. No. : 29/223,606
Inventor(s) : BEGIN, JASON
Issued : 05/01/07
Title : **VEHICLE SEAT**
Docket No. : 20108/10003

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

HANLEY, FLIGHT & ZIMMERMAN, LLC
150 S. WACKER DRIVE
SUITE 2100
CHICAGO IL 60606

LMN

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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HANLEY, FLIGHT & ZIMMERMAN, LLC
150 S. WACKER DRIVE
SUITE 2100
CHICAGO IL 60606

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OFFICE OF PETITIONS

In re Patent No. D541,540 :

Issue Date: May 1, 2007 :

Application No. 29/223,606 : ON PETITION

Filed: February 16, 2005 :

Attorney Docket No. 20108/10003

This is a decision on the petition filed June 15, 2007, which is being treated as a request under 37 CFR 3.81(b)[1] to add the name of the first 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) 272-3222. 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.

K. A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

[1] See *Official Gazette* of June 22, 2004.

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Alexandria, VA 2231
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Date :05/25/07

Patent No. : D541541 S
Ser. No. : 29/223,607
Inventor(s) : BEGIN, JASON
Issued : 05/01/07
Title : **VEHICLE SEAT**
Docket No. : 20108/10002

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:

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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

HANLEY, FLIGHT & ZIMMERMAN, LLC
150 S. WACKER DRIVE
SUITE 2100
CHICAGO IL 60606

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OFFICE OF PETITIONS

In re Patent No. D541,541

Issue Date: May 1, 2007

Application No. 29/223,607

Filed: February 16, 2005

Attorney Docket No. 20108/10002

ON PETITION

This is a decision on the petition filed June 15, 2007, which is being treated as a request under 37 CFR 3.81(b)[1] to add the name of the first 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) 272-3222. 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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HEIMBECHER & ASSOC., LLC
P O BOX 33
HAMEL, MN 55340-0033

In re Application of Sherry Lynn Hart Application No. 29/223,625 Filed: February 15, 2005 Attorney Docket No. 071-040000US	: : : : :	ON PETITION

This is a decision on the petition, filed June 2, 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 June 1, 2006. This decision precedes the mailing of a Notice of Abandonment. On June 2, 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 2, 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

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JUN - 2 2005

In re Application of	:	
John Hlavacs	:	
Serial Number: 29/223,637	:	PETITION UNDER
Filed: February 17, 2005	:	M.P.E.P.708.02 VIII
For: PORTION OF A SHOE UPPER	:	

This is in response to the petition filed May 18, 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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JUN - 2 2005

In re Application of	:	
Wilson W. Smith	:	
Serial Number: 29/223,638	:	PETITION UNDER
Filed: February 17, 2005	:	M.P.E.P.708.02 VIII
For: PORTION OF A SHOE UPPER	:	

This is in response to the petition filed April 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

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Paper No.

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

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OFFICE OF PETITIONS

In re Application of :
Farrow et al. :
Application No. 29/223,651 : DECISION ON PETITION
Deposited: February 17, 2005 :
Atty Docket No.CC-3807/5370US3:

This is a decision on the "PETITION TO ACCEPT AS-FILED APPLICATION AND GRANT FILING DATE," filed May 31, 2005, requesting that the application-as-filed on February 17, 2005 be accorded a filing date despite the omission of the words "The ornamental design for the CAN as shown."

The present design application was deposited on February 17, 2005. However, on March 22, 2005, the Office mailed a "Notice of Incomplete Nonprovisional Application," informing applicant that a filing date had not been accorded because the specification as filed did not include at least one claim as required by 35 U.S.C. 112. (In addition, the declaration filed was unsigned).

In response, applicants on April 4, 2005 filed a preliminary amendment, amending the application to include a formal claim. Applicants then timely filed the instant petition, requesting that the application be accorded a filing date of February 17, 2005. Applicants submit that the as-filed application meets the requirements of 35 U.S.C. § 112 and Rule 1.53(b) and 1.75 because 1) the as-filed application includes express statements that constitute a claim, and 2) the omitted words are a

formality that may be corrected (without losing the filing date) because the drawings show the bounds of the claim.

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

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

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

Petitioner acknowledges that the application-as-filed did not include the language "WE CLAIM: The ornamental design for the CAN as shown." Thus, both the language "we claim" and the language "an ornamental design for" were omitted. The application as filed did not conclude with a formal claim.

However, the application papers deposited February 17, 2005, included a declaration stating that the inventor believes himself to be

> the original and first inventors of the subject matter which is claimed and for which a patent is sought

Further, the declaration states that the application is

> For: CAN

Since this is a design application, this language in the declaration can be construed as the claim required by 35 U.S.C. 112, second paragraph, insofar as this design application is concerned. Accordingly, since this is a design application and

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

Accordingly, the petition is dismissed to the extent that the Notice was not mailed in error and will not be withdrawn. The petition fee will not be refunded as its mailing was due to an error on the part of the petitioner. Moreover, consideration of a preliminary amendment is required to correct this error.

Nonetheless, the petition is **GRANTED** to the extent that the application will be accorded a filing date of February 17, 2005. The preliminary amendment filed April 4, 2005 will be considered in due course.

The Office of Initial Patent Examination (OIPE) has been advised of this decision. The application is, thereby, returned to the Office of Initial Patent Examination for correction of the filing date from April 4, 2005 to a filing date of February 17, 2005, using the application papers filed on February 17, 2005.

Telephone inquiries concerning 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

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MICHAEL BEST & FRIEDRICH, LLP
100 E WISCONSIN AVENUE
MILWAUKEE, WI 53202

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OCT 28 2005

OFFICE OF PETITIONS

In re Application of
Jesus Ugarte
Application No.: 29/223,656
Filed: February 17, 2005
Attorney Docket No: 014959-9005-00
For: REFRIGERATED DISPLAY CASE

: DECISION ACCORDING
: STATUS UNDER
: RULE 47(b)

This is in response to the petition under 37 CFR 1.47(b), filed September 27, 2005 (certificate of mailing dated September 23, 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 February 17, 2005, without an executed oath or declaration. Accordingly, a "Notice to File Missing Parts Nonprovisional Application" (the "Notice") was mailed on March 23, 2005, requiring an executed oath or declaration and a surcharge for the late filing of the oath or declaration. The petition under 37 CFR 1.47(b) was filed on September 27, 2005, responsively, with a request for an extension of time within the fourth month.

By the instant petition and evidentiary documents, petitioner has established that the 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 inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application will be forwarded to the Office of Initial Patent Examination for further processing.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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MICHAEL BEST & FRIEDRICH, LLP
100 E WISCONSIN AVENUE
MILWAUKEE, WI 53202

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OCT 18 2005

OFFICE OF PETITIONS

In re Application of
Jesus Ugarte
Application No.: 29/223,657
Filed: February 17, 2005
Attorney Docket No: 014959-9008-00
For: END CAP AND END WALL FOR A REFRIGERATED DISPLAY CASE

: DECISION ACCORDING STATUS UNDER RULE 47(b)

This is in response to the petition under 37 CFR 1.47(b), filed September 27, 2005 (certificate of mailing dated September 23, 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 February 17, 2005, without an executed oath or declaration. Accordingly, a "Notice to File Missing Parts Nonprovisional Application" (the "Notice") was mailed on March 23, 2005, requiring an executed oath or declaration and a surcharge for the late filing of the oath or declaration. The petition under 37 CFR 1.47(b) was filed on September 27, 2005, responsively, with a request for an extension of time within the fourth month.

By the instant petition and evidentiary documents, petitioner has established that the 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 inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application will be forwarded to the Office of Initial Patent Examination for further processing.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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MICHAEL BEST & FRIEDRICH, LLP
100 E WISCONSIN AVENUE
MILWAUKEE, WI 53202

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OCT 28 2005

OFFICE OF PETITIONS

In re Application of
Jesus Ugarte
Application No.: 29/223,658
Filed: February 17, 2005
Attorney Docket No: 014959-9006-00
For: DECORATIVE PROFILE AND CORNER CAP FOR A REFRIGERATED DISPLAY CASE

DECISION ACCORDING STATUS UNDER RULE 47(b)

This is in response to the petition under 37 CFR 1.47(b), filed September 27, 2005 (certificate of mailing dated September 23, 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 February 17, 2005, without an executed oath or declaration. Accordingly, a "Notice to File Missing Parts Nonprovisional Application" (the "Notice") was mailed on March 23, 2005, requiring an executed oath or declaration and a surcharge for the late filing of the oath or declaration. The petition under 37 CFR 1.47(b) was filed on September 27, 2005, responsively, with a request for an extension of time within the fourth month.

By the instant petition and evidentiary documents, petitioner has established that the 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 inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application will be forwarded to the Office of Initial Patent Examination for further processing.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP
1177 AVENUE OF THE AMERICAS (6TH AVENUE)
41 ST FL
NEW YORK, NY 10036-2714

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MAR 26 2007

OFFICE OF PETITIONS

In re Application of :
Renay Freedman :
Application No. 29/223,662 : ON PETITION
Filed: February 17, 2005 :
Attorney Docket No. K3536.0013 :

This is a decision on the petition under 37 CFR 1.137(b), filed December 29, 2006, to revive the above-identified design application.

The petition is **GRANTED**.

This application became abandoned for failure to submit corrected drawings on or before May 8, 2006, as required by the Notice of Allowability, mailed February 6, 2006. A Notice of Abandonment was mailed on December 7, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the 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 drawings are accepted as being unintentionally delayed.

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 Publishing Division for further processing in accordance with this decision on petition.

Frances Hicks
Petitions Examiner
Office of Petitions

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Woodcock Washburn LLP
One Liberty Place, 46th Floor
1650 Market Street
Philadelphia PA 19103

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JUL 27 2005

OFFICE OF PETITIONS

In re Application of :
Farrow et al. :
Application No. 29/223,670 : ON PETITION
Filed: February 17, 2005 :
Attorney Docket No. CC-3805/5370US1 :

This is a decision on the "Petition to Accept As-Filed Application and Grant Filing Date," filed on May 31, 2005, requesting that the Office accord the above-identified application a filing date of February 17, 2005, instead of the presently accorded filing date of April 4, 2005.

On February 17, 2005, petitioners deposited the above-identified application with the United States Patent and Trademark Office. However, on March 23, 2005, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application" informing petitioners that the application papers had not been accorded a filing date because the specification did not include at least one claim. Additionally, the Notice stated that the declaration was unsigned.

On April 4, 2005, petitioners submitted a "Response of Incomplete Nonprovisional Application (Filed Under 37 CFR 1.53(b))," which included a preliminary amendment. In the Remarks of the preliminary amendment, petitioners amended the claim to recite "The ornamental design for the CAN as shown," which petitioners admitted was inadvertently omitted from the application as filed. Petitioners asserted the express statements in the application, as filed, constituted a claim that was merely in improper form, and therefore, the application should be accorded a filing date of February 17, 2005.

Upon receipt of the Response of April 4, 2005, the Office accorded the application a filing date of April 4, 2005; the date petitioners submitted a formal claim. Thereafter, on April 13, 2005, the Office mailed a Notice to File Missing Parts of Nonprovisional Application, requiring petitioners to submit an oath or declaration covering the newly submitted item and to pay a $130.00 late oath or declaration surcharge. On May 26, 2005, petitioners submitted a "Response to Notice to File Missing Parts of Application," with an executed Combined Declaration and Power of Attorney and a $130.00 surcharge. On May 31, 2005, petitioners filed a "Supplemental Response to Notice of Incomplete Nonprovisional Application and Request for Extension of Time," which included the present petition, a request for a one-month extension of time, and an

authorization to charge their Deposit Account a $120.00 extension of time fee and a $400.00 petition fee.

In the present petition, petitioners argue that at least two express statements in the application, as filed, constitute a claim that is merely in improper form. Petitioners state that the "Preamble" expressly states: "Your Petitioners . . . pray that Letters Patent be granted . . . for the new and original design for a CAN set forth in the following specification." Petitioners further state that the words in the "Description of the Figures," by their plain meaning, constitute an unambiguous claim of the subject matter disclosed in the drawings. Additionally, petitioners assert that the language, "[t] he subject matter disclosed and claimed herein . . ..", in the "Cross-Reference to Related Applications" unambiguously claims the subject matter shown in the design drawings.

Further, petitioners assert that the phrase: "The portions shown in dashed lines form no part of the claimed design," acknowledges that the solid lines of the drawings show the claimed design of the CAN, and also further specifies what is being claimed.

Lastly, petitioners argue that there is no rule that states that the claim in a design application can be made only by using particular words where there is no question that the drawings comply with all requirements. Specifically, petitioners state that MPEP 1503.02 expressly indicates that the words of the design claim are normally in formal terms, but it is the drawings that show the bounds of the claimed design.

A review of the record reveals that no formal claim was included with the application papers deposited on February 17, 2005. However, the application papers deposited on February 17, 2005, may be accorded a filing date provided that they comply with the requirements of 35 U.S.C. 111 and 112. At issue here is the requirement of Section 112 for a claim. The requirement for a claim in a design application is a requirement of the statute. Section 171 of Title 35 of the United States Code makes Section 112 applicable to design applications. Section 112 requires that the "specification shall conclude with one or more claims..." Thus, the requirement for a claim in a design application is not *pro forma*, but is a necessary part of a complete design application.

Because this is a <u>design</u> application, the above-quoted language in the specification can be construed as the claim required by 35 U.S.C. 112, second paragraph, insofar as this design application is concerned. The form of a claim in a <u>design</u> application is fixed by rule and is different from the claims of other applications. Accordingly, because this is a <u>design</u> application and 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 claim required by statute.

It is also clear that there is no doubt as to the form of the claim, as well as what is being claimed because this is a <u>design</u> 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 specification be construed as the claim for filing date purposes.

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

The petition is **granted** to the extent that the language cited in the specification will be construed as a claim and the application will be accorded a filing date of February 17, 2005.

The petition fee will not be refunded, as the petition was necessary to correct petitioner's filing error, i.e. the omission of a formal claim.

The Office of Initial Patent Examination is directed to accord the above-identified application **a filing date of February 17, 2005**, and to indicate in Office records that the application, as filed, included one (1) claim. The Office is also directed to mail a corrected filing receipt to petitioners.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MICHAEL BEST & FRIEDRICH, LLP
100 E WISCONSIN AVENUE
MILWAUKEE, WI 53202

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OCT 28 2005

OFFICE OF PETITIONS

In re Application of
Jesus Ugarte
Application No.: 29/223,693
Filed: February 17, 2005
Attorney Docket No: 014959-9007-00
For:DECORATIVE PROFILE AND END CAP FOR A REFRIGERATED DISPLAY CASE

:DECISION ACCORDING
: STATUS UNDER
: RULE 47(b)

This is in response to the petition under 37 CFR 1.47(b), filed September 27, 2005 (certificate of mailing dated September 23, 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 February 17, 2005, without an executed oath or declaration. Accordingly, a "Notice to File Missing Parts Nonprovisional Application" (the "Notice") was mailed on March 23, 2005, requiring an executed oath or declaration and a surcharge for the late filing of the oath or declaration. The petition under 37 CFR 1.47(b) was filed on September 27, 2005, responsively, with a request for an extension of time within the fourth month.

By the instant petition and evidentiary documents, petitioner has established that the 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 inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries should be directed to the undersigned at (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
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www.uspto.gov

STOEL RIVES LLP
900 SW FIFTH AVENUE
SUITE 2600
PORTLAND OR 97204-1268

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SEP 02 2008

In re Application of
York
Application No. 29/223,707
Filed: February 16, 2005
Attorney Docket No. 44500/200:56

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed July 25, 2008, to revive the above-identified design application.

The petition is **DISMISSED**.

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

The application became abandoned July 23, 2008 for failure to timely submit the issue fee, as required by the Notice of Allowance and Issue Fee Due, and for failure to timely submit corrected drawings, as required by the Notice of Allowability. The Notices were mailed April 22, 2008 and set a three month statutory period of time for reply. Notice of Abandonment was mailed July 30, 2008.

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 fails to satisfy requirement (1) set forth above. While the issue fee has been received, there is no indication that corrected formal drawings, as required by the Notice of Allowability, have been submitted. Accordingly, this application cannot be revived until corrected formal drawings have been submitted.

The required terminal disclaimer is accepted and has been made of record.

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

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

By 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) 272-3205.

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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STOEL RIVES LLP
900 SW FIFTH AVENUE
SUITE 2600
PORTLAND OR 97204-1268

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SEP 26 2008

OFFICE OF PETITIONS

In re Application of
York
Application No. 29/223,707
Filed: February 16, 2005
Attorney Docket No. 44500/200:56

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed September 12, 2008, to revive the above-identified design application.

The petition is **GRANTED**.

The application became abandoned July 23, 2008 for failure to timely submit the issue fee, as required by the Notice of Allowance and Issue Fee Due, and for failure to timely submit corrected drawings, as required by the Notice of Allowability. The Notices were mailed April 22, 2008 and set a three month statutory period of time for reply. Notice of Abandonment was mailed July 30, 2008.

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 has been carefully reviewed and found in compliance with the provisions of 37 CFR 1.137(b).

This application is being forwarded to the Office of Data Management for further processing.

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

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	
Filing Date	
First Named Inventor	Sergey Yury Zaderey
Title	TACTICAL RETICLE FOR A . . .
Atty Docket Number	44500/200:53B

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

112877 U.S. PTO
29/223720
021605

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:

U.S. Class/Subclasses: D22/108, D22/199, D16/130, D16/134, 33/245, 33/246, 33/297, 33/298, 42/122, 42/130, 235/414, 350/550, 356/21, 359/424, 359/428, 421/122

Related applications: Utility application filed 2/16/05 under Attorney Docket No. 44500/200:53A and claiming the benefit of 60/626,967.

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.

Signature	February 16, 2005 — Date
Kassim M. Ferris — Typed or printed name	39,974 — Registration Number, if applicable
(503) 224-3380 — 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.

02/23/2005 SHASSEN1 00000103 29223720

~~01 FC:1012~~ 200.00 OP
~~02 FC:1113~~ 100.00 OP
~~03 FC:1312~~ 130.00 OP
~~04 FC:1802~~ 900.00 OP

Approved 8/19/05
Jacqueline M. Stone
Jacqueline M. Stone, Control
Technology Center 1700

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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	
Filing Date	
First Named Inventor	Sergey Yury Zaderey
Title	TACTICAL RETICLE FOR A . . .
Atty Docket Number	44500/200:53B

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

112877 U.S. PTO
29/223720
021605

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:

U.S. Class/Subclasses: D22/108, D22/199, D16/130, D16/134, 33/245, 33/246, 33/297, 33/298, 42/122, 42/130, 235/414, 350/550, 356/21, 359/424, 359/428, 421/122

Related applications: Utility application filed 2/16/05 under Attorney Docket No. 44500/200:53A and claiming the benefit of 60/626,967.

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.

Kassim M. Ferris — Signature

February 16, 2005 — Date

Kassim M. Ferris — Typed or printed name

39,974 — Registration Number, if applicable

(503) 224-3380 — 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.

02/23/2005 SHASSEN1 00000103 29223720

~~01 FC:1013~~ ~~200.00 OP~~
~~02 FC:1112~~ ~~100.00 OP~~
~~03 FC:1312~~ ~~130.00 OP~~
~~04 FC:1802~~ 900.00 OP

Approved 8/19/05
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700

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BLANK ROME LLP
600 NEW HAMPSHIRE AVE NW
WASHINGTON DC 20037

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JUN 1 0 2005

OFFICE OF PETITIONS

In re Application of Tami S. Worlen Application No. 29/223,726 Filed: February 18, 2005 Attorney Docket No. 115042-00170	: : : : :	DECISION ON PETITION

This is a decision on the "PETITION AND RESPONSE TO NOTICE OF OMITTED ITEM(S) IN A NON-PROVISIONAL APPLICATION", filed March 29, 2005, which is being treated as a petition under 37 CFR 1.53 to accord the above-identified application a filing date of February 18, 2005, with Figures 1 - 5 of the drawings as part of the original disclosure.

The petition is **GRANTED**.

Application papers in the above-identified application were filed on February 18, 2005. However, on March 18, 2005, 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 1 - 5 of the drawings appeared to have been omitted.

In response, applicant filed the instant petition. Accompanying the petition was a copy of Figures 1 - 5. Applicant maintains that the application as originally filed included Figures 1 - 5. In support thereof, applicant submitted a postcard receipt identifying this application, itemizing "2 Sheets of Drawings" as enclosed, bearing a United States Patent and Trademark Office date-stamp of February 18, 2005, 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 $400 petition fee has been refunded to Deposit Account No. 23-2185.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of February 18, 2005, using the application papers received in the Office on that date and Figures 1 - 5 of the drawings as resupplied on petition filed March 29, 2005, 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

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UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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OFFICE OF PETITIONS

BLANK ROME LLP
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON, DC 20037

In re Application of :
Worlen : DECISION ON PETITION
Application No. 29/223,726 :
Filed: February 18, 2005 :
Atty. Dkt. No.: 115042-00170 :

This decision is in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181 filed October 30, 2006.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is hereby **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." This is not a final agency decision.

This application became abandoned March 22, 2006 for failure to timely submit a proper reply to the restriction requirement mailed February 21, 2006. The restriction requirement set a one month shortened statutory period of time for reply. Notice of Abandonment was mailed October 19, 2006.

Petitioner argues that the response to the restriction requirement, including a two month extension of time, was timely submitted May 22, 2006. Petitioner has included a copy of a date stamped return postcard indicating receipt of a reply on May 22, 2006. Petitioner further indicates that the petition includes a copy of the reply to the restriction requirement.

The evidence presented has been carefully considered, however, despite an indication that a copy of the reply to the restriction requirement was included with the petition, no such reply is found amongst the papers received October 30, 2006.

In view thereof, the petition is subject to dismissal. Any renewed petition must include a copy of the reply to the restriction requirement allegedly submitted March 22, 2006.

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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OFFICE OF PETITIONS

BLANK ROME LLP
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON, DC 20037

In re Application of :
Worlen : DECISION ON PETITION
Application No. 29/223,726 :
Filed: February 18, 2005 :
Atty. Dkt. No.: 115042-00170 :

This decision is in response to the renewed petition to withdraw the holding of abandonment under 37 CFR 1.181 filed November 17, 2006.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is hereby **GRANTED**.

This application was held abandoned March 22, 2006 for failure to timely submit a proper reply to the restriction requirement mailed February 21, 2006. The restriction requirement set a one month shortened statutory period of time for reply. Notice of Abandonment was mailed October 19, 2006.

Petitioner continues to argue that the response to the restriction requirement, including a two month extension of time, was timely submitted May 22, 2006. Petitioner has included a copy of a date stamped return postcard indicating receipt of a reply on May 22, 2006. Petitioner upon renewed petition has submitted a copy of the reply to the restriction requirement.

Further review of Office records reveals that a response asserted to have been intended for this application, but in fact captioned for U.S. App. No. 29/**233**,726 (*sic*) was received at the USPTO on May 22, 2006. Inspection of PTO records reveals that the aforementioned response was duly entered into the indicated application on May 22, 2006. As a result of applicants' error, the application was held abandoned.

Correspondence directed to the Patent and Trademark Office concerning a previously filed application for a patent must identify the application number and filing date assigned to that application by the Office. See, 37 CFR 1.5(a). In the above-referenced application, applicant failed to correctly identify the application by citing an incorrect application number in the

response. The Office elects, in this instance, to treat applicant's error as a correctable minor error as permitted under MPEP 502. However, applicants are reminded that minor errors, such as occurred in the instant application, are to be avoided in the future by the careful review of correspondence prior to submission to the Office.

In view of the evidence thereof, the petition to withdraw the holding of abandonment is hereby **GRANTED**.

The Notice of Abandonment is hereby **VACATED** and the holding of abandonment is **WITHDRAWN**.

This application is being forwarded to Technology Center 2900 for further processing.

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

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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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

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SEP 27 2007

OFFICE OF PETITIONS

In re Application of :
Didier Lestelle :
Application No. 29/223,764 : DECISION ON PETITION
Filed: February 18, 2005 :
Attorney Docket No. 4384-000019 :

This is a decision on the petition under 37 CFR 1.55(a)(2), filed August 1, 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.

However, in order to expedite this application to issuance, and 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) 272-3218. Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificate of Corrections Branch at (571) 272-4200.

The patent file is being referred to Publishing Division for further processing.

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

Martin Fruitman
419 N. George St.
Millersville, PA 17551

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SEP 29 2006

OFFICE OF PETITIONS

In re Application of :
Paul D. Sauder :
Application No. 29/223,789 :
Filed: February 19, 2005 :
Attorney Docket No. N/A :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed on July 31, 2006, to revive the above-identified application.

The application became abandoned for failure to timely respond to the Notice of Allowability mailed January 24, 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 replacement drawings 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 July 31, 2006, has been accepted and made of record.

This application file is being referred to the Office of Publications for review of the seven (7) sheets of replacement drawings containing Figures 1-7, filed on July 31, 2006.

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
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DIW Jan-07

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C/O PORTFOLIO IP
P.O. BOX 52050
MINNEAPOLIS MN 55402

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JAN 29 2007

OFFICE OF PETITIONS

In re Application of	:	
Joseph W. Bloomer	:	
Application No. 29/223,813	:	DECISION ON PETITION
Filed: 02/18/2005	:	
Atty. Docket No. JBO-003	:	

This is a decision on the petition filed on 9 November, 2006, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on 13 October, 2006, for failure to timely submit the issue fee in response to the Notice of Allowance and Fee(s) Due mailed on 12 July, 2006, which set a

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

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional 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 statutory period for reply. Notice of Abandonment was mailed on 14 November, 2006.

Receipt of the Terminal Disclaimer filed with the petition is acknowledged.

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

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
29/223816	02/18/05	FUJIL, MITSUNARI	9353/344 (D3674-01)

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

EXAMINER	
GHOLSON, RANDALL	
ART UNIT	PAPER NUMBER
	2915

DATE MAILED:

NOTICE OF RESCINDED ABANDONMENT

☐ **In response to your communication filed** 8/14/07

☒ **Through inadvertence, a Notice of Abandonment was mailed in the above-identified application. The Notice of Abandonment is hereby rescinded.**

for Manager, Publications Division
Office of Patent Publication
571-272-4200

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BANGER SHIA
204 CANYON CREEK
VICTORIA, TX 77901-3695

COPY MAILED

SEP 1 1 2007

OFFICE OF PETITIONS

In re Application of
Kiosky Chung
Application No. 29/223,828
Filed: February 18, 2005
Attorney Docket No. SY-0285-A78US

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed April 19, 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 October 26, 2006, as required by the Notice of Allowance and Fee(s) Due, mailed July 26, 2006, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on October 27, 2006. A Notice of Abandonment was mailed on December 7, 2006. On April 19, 2007, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of 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 failure to timely pay the issue fee as required by the Notice of July 26, 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.

The application is being referred to Publishing Division.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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BANGER SHIA
204 CANYON CREEK
VICTORIA, TX 77901-3695

COPY MAILED

SEP 1 1 2007

OFFICE OF PETITIONS

In re Application of
Kiosky Chung
Application No. 29/223,829
Filed: February 18, 2005
Attorney Docket No. SY-0285-A77US

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed April 19, 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 October 26, 2006, as required by the Notice of Allowance and Fee(s) Due, mailed July 26, 2006, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on October 27, 2006. A Notice of Abandonment was mailed on December 7, 2006. On April 19, 2007, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of 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 failure to timely pay the issue fee as required by the Notice of July 26, 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.

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

SPE: ~~G. Brooks~~
C. Veynar

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 5/15/07

TO SPE OF : ART UNIT 2913

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/223,832 Patent No.: D538331

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: _____

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

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

COPY MAILED

MAY 29 2008

OFFICE OF PETITIONS

In re Application of :
Stefan Schlumbom :
Application No. 29/223,853 :
Filed: February 18, 2005 :
Attorney Docket No. 37261P104 :

ON PETITION

This is a decision on the petition filed January 22, 2008 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 Issue fee, Publication fee and formal drawings in a timely manner in reply to the Notice of Allowance mailed July 2, 2007, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on October 3, 2007.

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 Publication fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received (4) Terminal Disclaimer. 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 Office of Data Management 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

NEUSTAL LAW OFFICES, LTD.
2534 SOUTH UNIVERSITY DRIVE
SUITE 4
FARGO, ND 58103

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APR 2 0 2007

OFFICE OF PETITIONS

In re Application of	:	
Duane Ley	:	
Application No. 29/223,864	:	DECISION ON PETITION
Filed: February 18, 2005	:	
Attorney Docket No. SYTS-003	:	

This is a decision on the petition under 37 CFR 1.137(b), filed January 4, 2007, to revive the above-identified design application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed November 21, 2005, 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 February 22, 2005. A Notice of Abandonment was mailed on July 12, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply, (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 non-final Office action of November 21, 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.

In view of the statement under 37 CFR 1.27 in the petition, this application has been accorded small entity status.

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

This application is being referred to Technology Center AU 2915 for appropriate action in the normal course of business on the reply received January 4, 2007.

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
DIW Jan-07

LEYENDECKER LEMIRE & DALEY, LLC
C/O PORTFOLIO IP
P.O. BOX 52050
MINNEAPOLIS MN 55402

COPY MAILED

JAN 30 2007

OFFICE OF PETITIONS

In re Application	:	
Joseph W. Bloomer	:	
Application No. 29/223,871	:	DECISION ON PETITION
Filed: 02/18/2005	:	
For: JBO-002	:	

This is a decision on the petition filed on 9 November, 2006, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on 13 October, 2006, for failure to timely submit the issue fee in response to the Notice of Allowance and Fee(s) Due mailed on 12 July, 2006, which set 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 statutory period for reply. The filing of the present petition precedes the mailing of Notice of Abandonment.

Receipt of the issue fee is acknowledged.

Receipt of the Terminal Disclaimer filed with the petition is acknowledged.

The address on the petition is different than the correspondence address. A copy of this decision is being mailed to the address in the petition. All future correspondence, however, will be mailed solely to the address of record. If the correspondence address is to be changed, a Change of Correspondence Address should be filed.

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

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Cc: KURT LEYENDECKER
9137 E. MINERAL AVENUE, SUITE 280
CENTENNIAL CO 80112

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MARC E. HANKIN, ESQ.
11414 THURSTON CIRCLE
LOS ANGELES, CA 90049

COPY MAILED
AUG 29 2006
OFFICE OF PETITIONS

In re Application of :
JOHN DIBATTISTA, SR. :
Application No. 29/223,932 : ON PETITION
Filed: February 22, 2005 :
Attorney Docket No. DIBATTISTA-001 :

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

On November 17, 2005, the Office mailed a Notice of Allowance and Fee(s) Due, which indicated the due date for payment of the issue fee as February 17, 2006. In the absence of the timely payment of the issue fee, the application became abandoned on February 18, 2006. On March 30, 2006, petitioner filed the present petition, a terminal disclaimer, a completed Fee(s) Transmittal (Form PTOL-85), and paid the requisite fees (including the outstanding issue fee). On April 3, 2006, the Office mailed a Notice of Abandonment.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, 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 § 114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must include payment of the issue fee or any outstanding balance. 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(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 set forth in § 1.20(d)) required pursuant to § 1.137(d).

This petition lacks item (3) above.

The Director may revive an abandoned application if the delay in responding to the relevant outstanding Office requirement is shown to the satisfaction of the Director to be "unavoidable."[1] 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]

The showing of record is inadequate to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a).[3] 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 of mail, telegraph, facsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office.[4]

---

[1] 35 U.S.C. § 133.

[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] See MPEP 711(c)(III)(C)(2) for a discussion of the requirements for a showing of unavoidable delay.

[4] Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

In the present petition, petitioner asserted that the delay in timely paying the issue fee was unavoidable due to a clerical error. In support of the assertion, petitioner submitted the Statement of Connor O'Toole, Assistant to the attorney of record. Mr. O'Toole explained that he was responsible to docket the due date of the issue fees for all patent issue fees paid by Hankin Patent Law ("HPL") between February 1, 2005 and November 1, 2005.

Initially, the Office notes that the Notice of Allowance was not mailed nor was the issue fee due during the period from February 1, 2005 to November 1, 2005, when Mr. O'Toole was responsible for docketing the due dates. Therefore, it is unclear who performed the clerical function of docketing the due dates for the issue fee payments from the mailing date of November 17, 2005, until the last day to respond on February 17, 2006.

Assuming, *arguendo*, Mr. O'Toole was the responsible party; he stated that at no time did he docket the due date for the issue fee payment for this application. Mr. O'Toole indicated that HPL received the Notice of Allowance and that the applicant was instructed by E-mail on November 28, 2005, to submit the issue fee payment to HPL for forwarding to the USPTO. Mr. O'Toole further stated that HPL received the money for the issue fee from the applicant on December 15, 2005. Mr. O'Toole indicated that the file was returned to the filing area. Lastly, Mr. O'Toole explained that the issue fee remained unpaid because the deadline was not docketed and no one else knew to pay the issue fee or file the appropriate documents to the USPTO.

A delay resulting from an error on the part of an employee in the performance of a clerical function may provide the basis for a showing of "unavoidable" delay, provided it is shown that:

> (1) the error was the cause of the delay at issue;
>
> (2) there was in place a business routine for performing the clerical function that could reasonably be relied upon to avoid errors in its performance;
>
> (3) and the employee was sufficiently trained and experienced with regard to the function and routine for its performance that reliance upon such employee represented the exercise of due care.[5]

An adequate showing requires:

> (A) Statements by all persons with direct knowledge of the circumstances surrounding the delay, setting forth the facts as they know them.
>
> (B) Petitioner must supply a thorough explanation of the docketing and call-up system in use and must identify the type of records kept and the person responsible for the maintenance of the system. This showing must include copies of mail ledgers, docket sheets, file wrappers and such other records as may exist which would substantiate an error in docketing, and include an indication as to why the system failed to provide adequate notice that a reply was due.

---

[5] See MPEP 711.03(c)(III)(C)(2).

(C) Petitioners must supply information regarding the training provided to the personnel responsible for the docketing error, degree of supervision of their work, examples of other work functions carried out, and checks on the described work which were used to assure proper execution of assigned tasks.

In the present petition, petitioner failed to show that there was a business routine in place to docket the due dates for payment of the issue fees that could reasonably be relied upon to avoid errors in its performance. Specifically, petitioner did not provide a thorough explanation of the docketing system and procedures for tracking and paying the issue fee for the subject application. Furthermore, petitioner did not submit any copies of mail ledgers, docket sheets, file wrappers or other records that exist which could substantiate the error in docketing the issue fee, or include an indication as to why the system failed to provide adequate notice that the issue fee was due. Instead, petitioner submitted the Statement of Mr. O'Toole, which provided little explanation as to why the issue fee was not docketed. Additionally, petitioner did not explain why the payment of the money for the issue fee by the applicant to HPL on December 15, 2005, did not cause any individual at HPL to investigate the matter and determine whether an issue fee payment was due in this application or was timely paid.

Accordingly, the petition under 37 CFR 1.137(a) is **dismissed**.

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

ALTERNATIVE VENUE

Instead of filing a renewed petition under 37 CFR 1.137(a), petitioner may wish to file a petition pursuant to 37 CFR 1.137(b) on the basis of **unintentional** delay.

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), an additional $1,500.00 for a large entity and $750.00 for a small entity;

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition 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 37 CFR 1.137(d), unless previously filed.

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

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

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

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

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MARC E. HANKIN, ESQ.
11414 THURSTON CIRCLE
LOS ANGELES, CA 90049

COPY MAILED
NOV 27 2006
OFFICE OF PETITIONS

In re Application of :
JOHN DIBATTISTA, SR. :
Application No. 29/223,932 : ON PETITION
Filed: February 22, 2005 :
Attorney Docket No. DIBATTISTA-001 :

This is a decision on the petition under 37 CFR 1.137(b), filed September 26, 2006, to revive the above-identified application.

On November 17, 2005, the Office mailed a Notice of Allowance and Fee(s) Due, which indicated the due date for payment of the issue fee as February 17, 2006. In the absence of the timely payment of the issue fee, the application became abandoned on February 18, 2006. On March 30, 2006, petitioner filed a petition under 37 CFR 1.137(a), a terminal disclaimer, and a completed Fee(s) Transmittal (Form PTOL-85), and paid the requisite fees (including the outstanding issue fee). On April 3, 2006, the Office mailed a Notice of Abandonment. On August 29, 2006, the Office mailed a decision dismissing the petition under 37 CFR 1.137(a). On September 26, 2006, petitioner filed the present petition under 37 CFR 1.137(b).

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply; (2) the petition fee; (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. Accordingly, the petition under 37 CFR 1.137(b) is **granted**.

This matter is being forwarded to the Office of Patent Publication for processing into a patent.

Telephone inquiries specifically concerning this decision should be directed to the undersigned at (571) 272-3211. 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.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
29/223958	02/23/05	WHITTALL, CHRISTOPHER L.	200405340-1

HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS CO 80527-2400

EXAMINER	
MACCORMAC, CATHY	
ART UNIT	PAPER NUMBER
2914	

DATE MAILED: 05/08/07

NOTICE OF RESCINDED ABANDONMENT

☐ In response to your communication filed 4/26/07

☒ Through inadvertence, a Notice of Abandonment was mailed in the above-identified application. The Notice of Abandonment is hereby rescinded.

For [signature]
Manager, Publications Division
Office of Patent Publication
571-272-4200

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 2/19/08

TO SPE OF : **Technology Center** 2914

29/223964

SUBJECT : Request for Certificate of Correction on Patent No.: D547424S

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.

- [x] **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
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
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PO BOX 272400, 3404 E. HARMONY ROAD
IP ADMINISTRATION
FORT COLLINS, CO 80527-2400

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MAY 0 9 2005

OFFICE OF PETITIONS

In re Application of :
Whittall et al. :
Application No. 29/223,989 :
Filed: February 23, 2005 : ON PETITION
Attorney Docket No. 20405339-1 :

This is a decision on the Petition Under 37 CFR 1.53 for According Application Filing Date, filed April 15, 2005, requesting the above-identified application be accorded a filing date of February 23, 2005, including 4 pages of drawings.

The application was filed on February 23, 2005. On April 5, 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 3 pages of drawings were originally filed with the application on February 23, 2005, 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*, 3 pages of drawings in the above-identified application by this Office on February 23, 2005.

A review of the return-receipt postcard reveals that Applicant is correct. The postcard acknowledges receipt of, *inter alia*, 3 pages of drawings in the above-identified application by this Office on February 23, 2005.

"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 3 pages of drawings, filed with the instant petition on April 15, 2005, will be used for examination purposes.

A refund of the petition fee[1] has been credited to deposit account 08-2025, as requested in the instant petition.

The address on the petition is different from the address of record, if Petitioner desires to receive further correspondence with respect to this application, a change of correspondence address must be filed. A courtesy copy of this Decision is being forwarded to Petitioner, however, all future correspondence will be sent to address of record until instructions to the contrary are received.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of February 23, 2005, and an indication that 3 pages of drawings were present on filing, using the 3 pages of drawings filed with the instant petition on April 15, 2005.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Petitions Attorney
Office of Petitions

Cc: FOLEY & LARDNER, LLP
777 East Wisconson Avenue
Milwaukee, WI 53202-5367

[1] Applicant is advised the fees have changed effective December 8, 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

Franz BONSANG, Patent Agent
c/o EQUINOX PROTECTION
410 - 1500, Du College
St-Laurent, Quebec H4L 5G6 CA **CANADA**

COPY MAILED

JUL 0 2 2008

OFFICE OF PETITIONS

In re Application of :
Benoit Girard :
Application No. 29/223,991 : ON PETITION
Filed: February 23, 2005 :
Attorney Docket No. 1015-D01.US :

This is a decision on the petition under 37 CFR 1.137(b), filed on June 25, 2007, 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 Allowability mailed December 28, 2006. A Notice of Abandonment was mailed on May 17, 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 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 $750 for the petition to revive fee and one sheet of replacement drawings containing Figures 1-3 filed on June 25, 2007. However, a Terminal Disclaimer and $65 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. A blank Terminal Disclaimer form is attached for petitioner's convenience.

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

Enclosure: Privacy Act Statement
Blank Terminal Disclaimer form (PTO/SB/63)

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 (01-08)
Approved for use through 07/31/2008. 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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Franz BONSANG, Patent Agent
c/o EQUINOX PROTECTION
410 - 1500, Du College
St-Laurent, Quebec H4L 5G6 CA **CANADA**

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OCT 28 2008

OFFICE OF PETITIONS

In re Application of	:	
Benoit Girard	:	
Application No. 29/223,991	:	ON PETITION
Filed: February 23, 2005	:	
Attorney Docket No. 1015-D01.US	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed on August 5, 2008, 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 one sheet of corrected drawings containing Figures 1-3, $400 for payment of the issue fee and a terminal disclaimer with the $65 filing fee; (2) the petition fee of $750; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

The terminal disclaimer under 37 CFR 1.137(d), filed August 5, 2008, 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

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

RYAN KROMHOLZ & MANION, S.C.
POST OFFICE BOX 26618
MILWAUKEE WI 53226

COPY MAILED

MAR 1 4 2006

OFFICE OF PETITIONS

In re Application of	:	
Gagas	:	
Application No. 29/224,017	:	ON PETITION
Filed: February 23, 2005	:	
Attorney Docket No. 1239.18684-DES	:	

This is a decision on the petition under 37 C.F.R. 1.181, filed January 18, 2006 (certificate of mailing date January 16, 2006), to withdraw the holding of abandonment of the above-identified application.

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

This application was held abandoned for failure to respond in a timely manner to the Notice to File Missing Parts of Nonprovisional Application, mailed on March 21, 2005, which set forth an extendable 2 month period to submit an executed oath and a surcharge for its late filing. No extensions of time being obtained pursuant to 37 C.F.R. 1.136(a), the Office contended this application became abandoned on May 22, 2005 for failure to reply to the March 21, 2005 Notice. A Notice of Abandonment was mailed on December 6, 2005.

Petitioner asserts that he mailed an executed declaration and a check for the surcharge to the Office on April 6, 2005. The original response is not of record in the file and cannot be located. However, the copy of the itemized Completing of Filing Requirements submitted with the instant petition contains a proper certificate of mailing bearing a April 6, 2005 date of deposit.

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 Completing of Filing Requirements bears a proper certificate of mailing, dated April 6, 2005, 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, Linda S. Wenzel, had reasonable basis to expect that the correspondence would be mailed on April 6, 2005, as she was responsible for mailing the correspondence.

The petition is **GRANTED**.

Since the check mailed with the declaration on April 6, 2005 cannot be located, deposit account no. 06-2360 will be charged the $65.00 late declaration surcharge.

The application file will be returned to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this matter 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

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

SONNENSCHEIN NATH & ROSENTHAL LLP
P.O. BOX 061080
WACKER DRIVE STATION, SEARS TOWER
CHICAGO IL 60606-1080

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MAR 0 8 2006

OFFICE OF PETITIONS

In re Application of	:	
Legrand, Emmanuel	:	
Application No. 29/224,032	:	ON PETITION
Filed: February 24, 2005	:	
Attorney Docket No. 09795087-0059	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed February 27, 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 Replacement Drawings; (2) the petition fee; (3) the required statement of unintentional delay; and (4) the terminal disclaimer 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 1/3/2007

TO SPE OF : ART UNIT 2900 (2914)

SUBJECT : Request for Certificate of Correction on Patent No.: D526,476

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 enter for. Ref. 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:

Catherine R. Oliver
CATHERINE R. OLIVER
PRIMARY EXAMINER

2914

SPE **Art Unit**

OIPE
DEC 04 2006
PATENT & TRADEMARK OFFICE

29|224038

CofC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee: PRIEBE ET AL. Docket: 1993.259US01

Patent No.: D526,478 S

Issued: AUGUST 15, 2006

Title: MONTHLY PILL CONTAINER WITH LOCKING LIDS

CERTIFICATE UNDER 37 CFR 1.8:
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Certificate of Correction Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on November 29, 2006.

By: Kristine A. Wacek
Name: Kristine A. Wacek

Certificate of Correction Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Request for Certificate of Correction
- ☒ Certificate of Correction
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

Merchant & Gould P.C.
P.O. Box 2903 Minneapolis, MN 55402-0903
612.332.5300

By: J. N. Randall
Name: Joshua N. Randall
Reg. No.: 50,719
JRandall:PLSkaw

23552
PATENT TRADEMARK OFFICE

Certificate
DEC 06 2006
of Correction

DEC 07 2006

(PTO TRANSMITTAL - POST ISSUANCE)

OIPE
DEC 04 2006
PATENT & TRADEMARK OFFICE

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.:	D526,478 S	Docket:	1993.259US01
Issue Date:	AUGUST 15, 2006	Patentee:	PRIEBE ET AL.
Title:	MONTHLY PILL CONTAINER WITH LOCKING LIDS		

CERTIFICATE UNDER 37 CFR 1.8:
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Certificate of Correction Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on November 29, 2006.
By: Kristine A. Wacek
Name: Kristine A. Wacek

REQUEST FOR CERTIFICATE OF CORRECTION

Certificate of Correction Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

23552
PATENT TRADEMARK OFFICE

Sir:

It is requested that a Certificate of Correction be issued correcting printing errors appearing in the above-identified United States patent. One copy of the text of the Certificate in the suggested form is enclosed.

As none of the errors listed is due to Applicant's mistake, no fee is necessary in connection with this Certificate.

Issuance of the Certificate of Correction would neither expand nor contract the scope of the claims, and re-examination is not required.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: Nov. 29, 2006

Joshua N. Randall
Reg. No. 50,719
JNR:PLSkaw

DEC 0 7 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : D526,478 S PAGE 1 of 1

DATED : AUGUST 15, 2006

INVENTOR(S) : PRIEBE ET AL.

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

Front page, (56) References Cited, Foreign Patent Documents: Insert --EP 0519893 A1 06/1992--

MAILING ADDRESS OF SENDER:
Merchant & Gould P.C.
Attn: Joshua N. Randall
P.O. Box 2903
Minneapolis, MN 55402-0903

PATENT NO. D526,478 S

Docket No. 1993.259US01

No. of add'l copies 0

23552
PATENT TRADEMARK OFFICE

DEC 07 2006

FORM 1050

UNITED STATES 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.: 09-07

Paper No: __

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OFFICE OF PETITIONS

IRVING KESCHNER
21535 HAWTHORNE BOULEVARD
SUITE 385
TORRANCE CA 90503

In re Application of	:	
Jeon, et al.	:	DECISION
Application No.: 29/224,048	:	
Filing Date: 24 February, 2005	:	
Attorney Docket No. DSS05-0015-USO	:	

This is a decision on the paper viewed as a petition filed on 18 August, 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 20 December, 2005, with reply due absent an extension of time on or before 20 February,

[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.**

2006;

- the application went abandoned by operation of law after midnight on 20 February, 2006;
- the Office mailed the Notice of Abandonment on 1 August, 2006;
- on 18 August, 2006, Petitioner filed the instant petition, and averred therein, *inter alia*, timely reply on 13 February, 2006, over a 9 February, 2006, certificate of mailing and evidenced the reply with supporting documentation, including a copy of the reply, and a date-stamped (FEB 13 2006) receipt card (see: MPEP §503[2])–and the Office records in fact reflect that filing.

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.

---

[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.)

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]

---

[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]

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]))

---

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

MAY 11 2005

In re Application of	:	
Sean M. McDowell	:	DECISION
Serial No. 29/224,052	:	ON
Filed: February 25, 2005	:	PETITION
For: PORTION OF A SHOE MIDSOLE	:	UNDER 708.02, VIII

This is in response to the petition filed April 18, 2005, requesting that the above-identified application be granted Special Status under Sections 708.02 (V) of the MPEP and 37 CFR 1.102(c).

Areview of the application file revealed a notice of allowance mailed on May 5, 2005. As prosecution is closed, the petition is considered to be moot. Accordingly the petition is **DISMISSED.**

Richard Crispino, Special Program Examiner
Technology Center 1700
Chemical and Materials Engineering

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JUN - 2 2005

In re Application of	:	
Sean M. McDowell	:	
Serial Number: 29/224,052	:	PETITION UNDER
Filed: February 25, 2005	:	M.P.E.P.708.02 VIII
For: PORTION OF A SHOE MIDSOLE	:	

This is in response to the petition filed April 18, 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

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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BRENT SOKOL
418 N. LAJOLLA
LOS ANGELES, CA 90048

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MAY 0 4 2007

OFFICE OF PETITIONS

In re Application of :
Chia C. Chiang et al :
Application No. 29/224,073 : DECISION ON PETITION
Filed: February 23, 2005 :
Attorney Docket No. 001/D105-US :

This is a decision on the petition under 37 CFR 1.137(b), filed December 29, 2006 and supplemented on April 18, 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 application became abandoned for failure to submit corrected replacement drawings in a timely manner in reply to the Notice of Allowability, mailed July 24, 2006, which set a period for reply of three (3) months. Accordingly, this application became abandoned on October 25, 2006. A Notice of Abandonment was mailed on December 20, 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)(III)(C).

The instant petition fails to satisfy item (4). In this regard, the format of the terminal disclaimers filed on December 29, 2006 and May 3, 2007 are not acceptable. More specifically, the terminal disclaimer filed on December 29, 2006 fails to state that the terminal disclaimer is binding upon the grantee, its successors or assigns. The terminal disclaimer filed on May 3, 2007 is further unacceptable since it fails disclaim to the number of months equivalent to the date of abandonment. A blank terminal disclaimer form having an acceptable format accompanies this decision on petition.

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

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

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

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

ATTACHMENT: Blank Terminal Disclaimer Form
Privacy Act Statement

PTO/SB/63 (04-07)
Approved for use through 09/30/2007. 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
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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

BRENT SOKOL
418 N. LAJOLLA AVENUE
LOS ANGELES, CA 90048

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MAY 16 2007

OFFICE OF PETITIONS

In re Application of	:	
Chia C. Chiang et al	:	
Application No. 29/224,073	:	DECISION ON PETITION
Filed: February 23, 2005	:	
Attorney Docket No. 001/D105-US	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed May 7, 2007, 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 (drawings), (2) the petition fee of $750, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the reply to the Notice of July 24, 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 further processing in accordance with this decision on petition.

Frances Hicks
Petitions Examiner
Office of Petitions

DATE 5-14-07 APPLICATION NUMBER 29/224073

DOC CODE Rel. DP DOC DATE 5-7-07

DELIVER THE ATTACHED FIFLE/DOCUMENT TO THE TC SCANNING CENTER

CONTRACTOR: THE ATTACHED FILE/DOCUMENT MUST BE INDEXED AND SCANNED INTO IFW WITHIN **8** WORK HOURS; UPLOADING OF THE SCANNED IMAGES SHOULD OCCUR NO LATER THAN **16** WORK HOURS FOLLOWING RECEIPT OF THIS REQUEST

. AFTER SCANNING, ORIGINAL DOCUMENTS SHOULD BE BOXED IN ACCORDANCE WITH INSTRUCTIONS

5/7/07

To: Ms. Francis Hicks
Office of Petitions
fax 571 273-3218

From: Brent D. Sokol, Esq.
p) 323 653 4464
f) 323 395-0422

Re: Per request,
For file of
29/224,673
Chiang et al.

Pages 2

Dear Ms. Hicks,

Please consider this a renewed petition under § 1.137(b) and substitute this terminal disclaimer as requested. Thank you.

Brent D. Sokol
Reg. No. 38,621

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DIW Jan-07

COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN NY 11576-1696

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JAN 19 2007

OFFICE OF PETITIONS

In re Patent No. D530,346	:	
Issued: 17 October, 2006	:	
Application No. 29/224,081	:	ON PETITION
Filed: 24 February, 2005	:	
Atty Docket No. RESCH 8 DES	:	

This is a decision on the request, filed on 30 October, 2006, under 37 CFR 3.81(b)[1] to correct the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **granted**.

The $130.00 processing fee will be charged to counsel's deposit account.

Telephone inquires concerning this matter may be directed to the undersigned at 571.272.3231. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificates of Correction Branch at 703.305.8309.

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

[1] See Official Gazette of 22 June, 2004.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : April 10, 2007

TO SPE OF : ART UNIT 2915

29/224095

SUBJECT : Request for Certificate of Correction on Patent No.: D522937 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:

Gary D. Walker — **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

WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI OH 45202

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APR 13 2007

OFFICE OF PETITIONS

In re Application of	:	
Richard A. Leoncavallo, et al.	:	
Application No. 29/224,096	:	DECISION ON PETITION
Filed: February 24, 2005	:	
Attorney Docket No. NAC / 128DES	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 14, 2006, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee and to submit corrected formal drawings on or before August 5, 2006, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed May 5, 2006. Accordingly, the date of abandonment of this application is August 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 the previously submitted payment of the issue fee of $800 and corrected formal drawings filed December 14, 2006, (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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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THE PROCTOR & GAMGLE COMPANY
INTELLECTUAL PROPERTY DIVISION
WINTON HILL TECHNICAL CENTER - BOX 161
6110 CENTER HILL AVENUE
CINCINATTI OH 45224

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AUG 14 2006
OFFICE OF PETITIONS

In re Application of	:	
Ramm, et al.	:	DECISION ON PETITION
Application No. 29/224,098	:	
Filed: February 24, 2005	:	
Atty. Docket No.: 8150	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed May 15, 2006, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned March 1, 2006 for failure to timely submit formal drawings as required by the Notice of Allowability mailed November 29, 2005. The Notice set a three month statutory period of time for reply. Notice of Abandonment was mailed May 3, 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
www.uspto.gov

KRIEG DEVAULT, LLP
ONE INDIANA SQUARE
SUITE 2800
INDIANAPOLIS IN 46204-2079

COPY MAILED
DEC 1 8 2006
OFFICE OF PETITIONS

In re Application of :
Elmore :
Application No. 29/224,116 : ON PETITION
Filed: February 25, 2005 :
Attorney Docket No. FATZ-3 :
For: SUNGLASSES

This is a decision on the petition filed November 22, 2006 (certificate of mailing date November 20, 2004) under 37 CFR 1.181 to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is **GRANTED**.

The Office contended that the above-identified application became abandoned for failure to timely reply to the Notice of Allowance and Fee(s) Due, mailed June 26, 2006, which set a non-extendable three month period for reply. Having received no reply, the Office considered the application abandoned on September 27, 2006. A Notice of Abandonment was mailed on November 8, 2006.

The Office received a Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address on March 20, 2006. Unfortunately, the Office did not promptly enter the requested changes. This error resulted in the June 26, 2006 Notice of Allowance and Fee(s) Due being mailed to the previous correspondence address of record. Please find enclosed documents showing that the undersigned has entered the Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address into Office databases.

Petitioner has provided a persuasive showing that establishes non-receipt of the June 26, 2006 Notice of Allowance and Fee(s) Due including:

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 attached to and referenced in practitioner's statement.[1]

Petitioner has established non-receipt. The petition is **granted**, the Notice of Abandonment is vacated, and the holding of abandonment is withdrawn.

After the mailing of this decision, the application will be returned to Technology Center AU 2915 for the re-mailing of the June 26, 2006 Notice of Allowance and Fee(s) Due and Notice of Allowability with a new period set for reply.

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

Enclosures: Notices regarding change in power of attorney

[1] See notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).

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
29/224,116	02/25/2005	Eric G. Elmore	11153 / 8899

CONFIRMATION NO. 7083

OC000000021429123

KRIEG DEVAULT, LLP
ONE INDIANA SQUARE
SUITE 2800
INDIANAPOLIS, IN 46204-2079

Date Mailed: 11/30/2006

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/20/2006.

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

Shirene W. Brantley

SHIRENE W BRANTLEY
OP (571) 272-3230

ATTORNEY/APPLICANT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
29/224,116	02/25/2005	Eric G. Elmore	11153 / 8899

CONFIRMATION NO. 7083

OC000000021429080

43218
SOMMER BARNARD ATTORNEYS,P.C.
ONE INDIANA SQ, SUITE 3500
INDIANAPOLIS, IN 46204

Date Mailed: 11/30/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/20/2006.

- 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).

Shirene W. Brantley

SHIRENE W BRANTLEY
OP (571) 272-3230

NEW ATTORNEY/AGENT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
29/224,116	02/25/2005	Eric G. Elmore	11153 / 8899

CONFIRMATION NO. 7083

OC000000021429080

43218
SOMMER BARNARD ATTORNEYS,P.C.
ONE INDIANA SQ, SUITE 3500
INDIANAPOLIS, IN 46204

Date Mailed: 11/30/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/20/2006.

- 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).

Shirene W Brantley

SHIRENE W BRANTLEY
OP (571) 272-3230

FORMER ATTORNEY/AGENT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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DANN DORFMAN HERRELL AND SKILLMAN
A PROFESSIONAL CORPORATION
1601 MARKET STREET
SUITE 2400
PHILADELPHIA PA 19103-2307

COPY MAILED

AUG 07 2006

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Hundertmark :
Application No. 29/224,117 :
Filed: February 25, 2005 :
Attorney Docket No. G 0857 US :
For: AIR FRESHENER

This is a decision on the petition under 37 CFR 1.181, filed June 26, 2006, to withdraw the holding of abandonment of the above-identified application.

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

This application was held abandoned on February 15, 2006 for failure to respond in a timely manner to the Notice of Allowability, mailed November 14, 2005 and supplemented on December 7, 2005, which set a three (3) month period for reply from November 14, 2005. The Office has no record of receiving a corrected substitute drawing of Figure 14. A Notice of Abandonment was mailed on April 24, 2006.

Petitioner asserts that a proper response was in fact timely received in the Office on December 6, 2005. In support, petitioner submitted a copy of substitute sheet 8 showing Figure 13 and 14 and a transmittal letter with a proper certificate of facsimile transmission affixed to the transmittal letter.

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 transmittal letter bears a proper certificate of mailing, dated December 6, 2005, in compliance with the requirements of 37 C.F.R. § 1.8(a)(1) as set forth above. The transmittal letter is entitled, "SUBMISSION OF SUBSTITUTE DRAWINGS."

In addition, petitioner has submitted an auto-reply facsimile transmission from the Office, showing that the Office received a 2 page document from Henry H. Skillman, an attorney of record for the above-identified application, on June 6, 2005.

It is apparent the June 6, 2005 facsimile transmission was received in the Office and misplaced.

Therefore, the response to the Notice of Allowability was timely filed. Accordingly, the petition is **GRANTED**, the Notice of Abandonment is hereby vacated, and the holding of abandonment withdrawn. No petition fee has been or will be charged in connection with this matter.

After the mailing of this decision, the application file will be returned to the Publications Division for consideration of the substitute drawing of Figure 14 filed on December 6, 2005.

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

Shirene Willis Brantley

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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ADAMS & WILKS
17 BATTERY PLACE, SUITE 1231
NEW YORK NY 10004

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JUN 2 0 2007

OFFICE OF PETITIONS

In re Application of :
OKA, Shigeo :
Application No. 29/224,119 : DECISION ON PETITION
Filed: February 25, 2005 :
Attorney Docket No. **S001-5451** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 29, 2007, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee and to submit corrected formal drawings on or before August 25, 2006, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed May 25, 2006 . Accordingly, the date of abandonment of this application is August 26, 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, and corrected formal drawings, (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(b).

The drawings have been approved by the USPTO draftsperson.

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

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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WALLENSTEIN WAGNER & ROCKEY, LTD
311 SOUTH WACKER DRIVE
53RD FLOOR
CHICAGO, IL 60606

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SEP 2 0 2005

OFFICE OF PETITIONS

In re Application of	:	
Mark Casnova	:	
Application No. 29/224,199	:	DECISION GRANTING
Filed: February 25, 2005	:	PETITION
Attorney Docket No. 6712 D 002	:	

This is a decision on the petition filed April 29, 2005, requesting that the above-identified application be accorded a filing date of February 25, 2005, rather than the presently accorded date of February 24, 2005. The petition is properly treated as a petition under 37 CFR 1.10(d).

The petition is **GRANTED**.

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited with Express Mail Service on February 25, 2005 pursuant to 37 CFR 1.10. The "date-in" on the copy of the Express Mail label receipt no. EV 622880603 US is incorrect. The same Express Mail number is found on the original application papers located in the official file.

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 Director 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 Director, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

Petitioner's evidence (namely, a copy of the results from a search of the USPS' Express Mail Track and Confirm database) shows that the package in question was accepted on February 25, 2005, not February 24, 2005. Since the results of the aforementioned search corroborate a "date-in" of February 25, 2005, the application is entitled to the requested filing date.

This application file is being returned to the Office of Initial Patent Examination (OIPE) for correction of the filing date to **February 25, 2005** and issuance of a corrected filing receipt.

Telephone inquiries concerning this matter may be directed to Retta Williams at (571) 272-3229. Telephone inquiries related to OIPE processing should be directed to their hotline at (703) 308-1202.

Marianne E. Jenkins

Marianne E. Jenkins
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : April 11, 2007

TO SPE OF : ART UNIT 2911

SUBJECT : Request for Certificate of Correction for Appl. No. 29224203 patent no. D523158

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

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.

113000 U.S.PTO
29/224258
022805

REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	tbd
Filing Date	herewith
First Named Inventor	DHOLAKIYA
Title	Diamond Cut
Atty Docket Number	306-003

ADDRESS TO:

MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved
Jacqueline M. Stone 4-11-06
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:

63/32 ; D11/90

03/02/2005 HTECKLU1 00000079 29224258
01 FC:1802 900.00 OP

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.

[signature]	2/28/05
Signature	Date
Jennifer Meredith	47,790
Typed or printed name	Registration Number, if applicable
212-760-0098	
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 8 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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gm

Mailed: 1-9-07	:	
In re Application of	:	DECISION
Larry L. Davis	:	GRANTING
Serial No. 29/224,259	:	PETITION
Filed: February 28, 2005	:	
For: WRIST STRAP FOR ROTATING	:	
CELL PHONE HOLDERS	:	

This is a decision on the December 21, 2006, "Petition to Revive Abandon Application" requesting withdrawal of the abandonment of the instant application. The petition is being treated as a petition under 37 CFR 1.181 (no fee) to withdraw the holding of abandonment, rather than a petition under 37 CFR 1.137 to revive an application ($750).

The petition is before the Director of Technology Center 2900 for consideration.

The petition is **GRANTED** for the reasons below.

BACKGROUND

It is noted at the outset that petitioner is a *pro se* applicant.

A Office action closing prosecution under Ex parte Quayle was mailed October 4, 2005, which set a two month period for response thereto. The action principally objected to the inclusion of a copyright notice in the drawings. The electronic file of the application showed that an IDS was filed on December 2, 2005, but no other response was received. An 'artifact folder' for the storage of non-scannable items was also created on December 2, 2005. The electronic file indicated that this artifact folder contained non-patent literature. The examiner issued a notice of abandonment on May 30, 2006, for failure to reply to the October 4, 2005 action. The abandonment stated that the IDS of December 2, 2005 was neither a complete reply nor a *bona fide* attempt at such a reply.

Applicant, believing that they had in fact properly and timely replied to the October 4, 2005 Office action, thereupon apparently contacted the examiner in an attempt to resolve the situation. Postcard receipts filed with the instant petition show that applicant submitted various correspondence in an attempt to 'revive' the application. The Office has apparently failed to match this correspondence to the file, and consequently applicant's efforts were unsuccessful. Applicant eventually telephoned the Director's office on December 21, 2006, and the instant petition was filed the same day.

Upon receipt of the instant petition, the 'artifact folder' created on December 2, 2005 was retrieved and its contents reviewed. The folder contained a set of drawings and specification dated December 2, 2005. The drawings were the same as originally filed, with the exception that the copyright notice had been removed, presumably in accordance with the examiner's objection of October 4, 2005. While the drawings may not comply with various formal requirements imposed by the Office under 37 CFR 1.121, it is evident that they represent a *bona fide* attempt to respond to the examiner's Office action. As applicant made a *bona fide* attempt to respond within the set time period, this application cannot be held to be abandoned.

Accordingly, the petition for withdrawal of abandonment is **GRANTED**. The application is hereby returned to pending status. The contents of the artifact folder have been scanned into the electronic file for the application. The case is being forwarded to the Examiner for prompt consideration of the response of December 2, 2005.

Jacqueline M. Stone

Jacqueline M. Stone, Director
Technology Center 2900
Designs

Larry Davis
2361 Sherman Drive
Union City, CA 94536

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : October 2, 2007

TO SPE OF : ART UNIT 2914

SUBJECT : Request for Certificate of Correction for Appl. No.: 29224259 Patent No.: D545564S

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

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.

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

Comments: _____

Catherine R. Oliver
CATHERINE R. OLIVER
PRIMARY EXAMINER

2914

SPE **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

COPY MAILED

AUG 24 2005

OFFICE OF PETITIONS

In re Application of	:	
Frendberg, Schreuers, and	:	DECISION ACCORDING STATUS
Schultz	:	UNDER 37 CFR 1.47(a)
Application No. 29/224,287	:	
Filed: 1 March, 2005	:	
Atty Docket No. 0104-503PUS1	:	

This is in response to the petition under 37 CFR 1.47(a), filed on 29 July, 2005.

Petitioners have shown that the non-signing inventor, Branko Schruers, has refused to join in the filing of the above-identified application after having been sent a copy of the application papers. Specifically, the petitioners have established, via the statement of Daniel Holm of Astra Tech AB, that a copy of the above-identified application was sent to the non-signing inventor at his last known address. The non-signing inventor, however, refused orally during a telephone call with Mr. Holm to sign the declaration naming him as a joint inventor along with Mattias Frendberg and Mikael Schultz.

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.

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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DIW Aug-05

Branko Schreurs
Manskaregatan 3 A
SE-412 73 Goteborg
SWEDEN

COPY MAILED

AUG 2 4 2005

OFFICE OF PETITIONS

In re Application of
Frendberg et al.
Application No. 29/224,287
Filed: 1 March, 2005
For: PACKAGING (PART OF)/LABELS

Dear Mr. Schreurs:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at 571/272-3231. Requests for information regarding your application should be directed to the File Information Unit at 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).

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

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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JUN 15 2006

OFFICE OF PETITIONS

Dale Pearcey
P.O. Box 1509
Durango, CO 81302

In re Application of Pearcey :
Application No. 29/224,296 : Decision on Petition
Filing Date: February 28, 2005 :
For: Mouse Shaped Impact :
Responsive Device :

This is a decision on the petition filed May 9, 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 was mailed November 29, 2005.

The Notice stated that the Issue Fee of $400 was due within three months of the mailing date of the Notice.

Petitioner only submitted $200. As a result, the application became abandoned as of midnight on February 28, 2006.

A Notice of Abandonment was mailed April 24, 2006.

Discussion:

Petitioner has submitted an additional $200 for the issue fee and requests withdrawal of the holding of abandonment.

35 U.S.C. 151 states in part,

> [A] written notice of allowance ... shall specify a sum, constituting the issue fee or a portion thereof, which shall be paid within three months thereafter.... [I]f payment is not timely made, the application shall be regarded as abandoned.

A petition to withdraw the holding of abandonment is only grantable when an applicant proves the application never did become abandoned. In other words, an applicant must prove the Office made an error when it mailed the Notice of Abandonment.

In order to grant the petition, the Office would need to conclude petitioner paid the full issue fee of $400 within three months of the mailing date of the Notice of Allowance. However, petitioner does not contend the full $400 was paid within three months. Therefore, the Office must conclude the full issue fee was not paid within three months of the Notice and the application did become abandoned. Since the application did become abandoned, the Office cannot conclude the application never became abandoned.

Petitioner has not proven the Notice of Abandonment was mailed in error. Therefore, the petition is dismissed.

Petitioner may wish to consider filing a petition to revive based on unintentional abandonment under 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply (the issue fee of $400 which has already been submitted), the required petition fee ($750 for a small entity), a terminal disclaimer and fee of $65, and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. A copy of a blank petition form and terminal disclaimer form is enclosed for petitioner's convenience.

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 NOT permitted.

If petitioner does not wish to file a petition under 37 CFR 1.137(b), petitioner may wish to request a refund of the $200 paid after the application became abandoned. A request for refund of the $200 submitted May 9, 2006, should be sent to: Mail Stop 16, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should any request for refund.

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: Form for Rule 137(b) petition
Terminal Disclaimer form

PTO/SB/64 (10-05)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)

First named inventor:

Application No.: Art Unit:

Filed: Examiner:

Title:

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____(identify type of reply):

☐ has been filed previously on _____.
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ _____.

☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

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 as (571) 273-8300.

Date	Signature
	Typed or printed name of person signing certificate

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

PTO/SB/63 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to a collection of information unless it displays a valid OMB control number.

TERMINAL DISCLAIMER TO ACCOMPANY PETITION

Docket Number (Optional)

In re Application of:

Name:

Application Number:

Filed:

For:

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

Check either box 1 or 2 below, if appropriate.

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

Signature	Date
Typed or Printed Name	Telephone Number

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

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

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

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

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

UNITED STATES 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 1 6 2006
OFFICE OF PETITIONS

Dale Pearcey
P.O. Box 1509
Durango, CO 81302

In re Application of Pearcey :
Application No. 29/224,296 : Decision on Petition
Filing Date: February 28, 2005 :
For: Mouse Shaped Impact :
Responsive Device :

This is a decision on the petition filed August 9, 2006, under 37 CFR 1.137(b) to withdraw the holding of abandonment of the above-identified application.

The petition is **granted.**

A Notice of Allowance was mailed November 29, 2005.

The Notice stated that the Issue Fee of $400 was due within three months of the mailing date of the Notice.

Petitioner only submitted $200. As a result, the application became abandoned as of midnight on February 28, 2006.

A Notice of Abandonment was mailed April 24, 2006.

The instant petition requests revival of the application.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

The Office of Publications will be informed of the instant decision and will issue the application as a patent in due course.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: —

DATE : 11/29/07

TO SPE OF : ART UNIT 2900

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/224312 Patent No: D530608S

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: _____

Gary D. Watson
SPE

2915
Art Unit

PTO/SB/44 (08-07)
Approved for use through 08/31/2007. 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. : D530,608

APPLICATION NO.: 29/224,312

ISSUE DATE : October 24, 2006

INVENTOR(S) : George I. Nukuto, et al.

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:

Item (75) Inventors:
"George I. Nukuto, Des Plaines, IL (US); Neil P. Williams, Racine, WI (US); Edward J. Kunesh, Franksville, WI (US); Allen D. Miller, Racine, WI (US)"

should now be

-- George I. Nukuto, Des Plaines, IL (US); Neil P. Williams, Racine, WI (US); Edward J. Kunesh, Franksville, WI (US); Allen D. Miller, Racine, WI (US); Dirk K. Nickel, Mukwonago, WI (US)--

MAILING ADDRESS OF SENDER (Please do not use customer number below): David J. Houser
S.C. Johnson & Son, Inc.
1525 Howe Street, MS 077
Racine, WI 53403-2236

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.

Doc. No. [6196171]

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LEO H MCCORMICK
2112 MISHAWAKA AVENUE
PO BOX 4721
SOUTH BEND IN 46634

COPY MAILED

NOV 16 2007

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Richard E. Strehler :
Application No. 29/224,348 :
Filed: March 1, 2005 :
For: SPACER :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 21, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

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

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (3) and (4).

A terminal disclaimer and fee is required for design applications in accordance with 37 CFR 1.137(d).

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

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

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

The centralized facsimile number is **(571) 273-8300.**

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

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LEO H. MCCORMICK
2112 MISHAWAKA AVE.
P.O. BOX 4721
SOUTH BEND IN 46634

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AUG 13 2008

In re Application of	:	
Richard E. Strehler	:	
Application No. 29/224,348	:	DECISION GRANTING PETITION
Filed: March 1, 2005	:	UNDER 37 CFR 1.137(b)
Attorney Docket No.	:	
R.75424(05/7505)	:	

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

The petition is **GRANTED**.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Since the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a terminal disclaimer/fee and replacement drawings; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance mailed December 29, 2006, is accepted as having been unintentionally delayed.

Petitioner may request a refund of the petition fee charged on December 14, 2007, since the fee was previously paid on May 21, 2007. A copy of this letter should be submitted with the request to the Office of Finance Refund Section.

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

This matter is being referred to The Office of Data Management to be processed into a patent and to oversee the drawings submitted with the instant petition.

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

CHARLES E. BAXLEY, ESQ.
90 JOHN STREET
THIRD FLOOR
NEW YORK NY 10038

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MAR 1 5 2006

OFFICE OF PETITIONS

In re Application of
Kiosky Chung
Application No. 29/224,400
Filed: March 1, 2005
Attorney Docket Number: **15322 B (SY-0285-A76-US)**

ON PETITION

This is a decision on the petition, filed March 3, 2006 under 37 CFR 1.137(b)[1], to revive the above identified application.

The petition is **GRANTED**.

This application became abandoned January 19, 2005 for failure to file corrected drawings in response to the Notice of Allowability mailed May 25, 2005. Accordingly, a Notice of Abandonment was mailed December 29, 2005.

The drawings submitted on petition have been reviewed by the Examiner and found to be in compliance.

All other requirements of 37 CFR 1.137(b), including the filing of a terminal disclaimer, having now been met, this matter is being referred to the Publishing Division to be processed into a Patent.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

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

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

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

UNITED STATES PATENT AND TRADEMARK OFFICE

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

THOMAS E. HARRIS JR.
3534 ROSEDALE
Houston, TX 77004

COPY MAILED

JAN 0 9 2008

OFFICE OF PETITIONS

In re Application of :
HARRIS, et al. :
Application No. 29/224,416 :
Filed: May 16, 2005 :
Attorney Docket No. :

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 21, 2007, 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 Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (2), the petition fee of $770 as set forth in 37 CFR 1.17(m) and item (4) the terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)).

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

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

THOMAS E. HARRIS JR.
3534 ROSEDALE
HOUSTON, TX 77004

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APR 16 2008

In re Application of :
HARRIS, et al. :
Application No. 29/224,416 : DECISION ON PETITION
Filed: May 16, 2005 :
Attorney Docket No. :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed February 15, 2008, to revive the above-identified application.

The petition is **GRANTED.**

This application became abandoned for failure to timely pay the issue and to submit corrected formal drawings on or before September 29, 2006, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed June 29, 2006. Accordingly, the date of abandonment of this application is September 30, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $400, and corrected formal drawings , (2) the petition fee of $770, (3) a proper statement of unintentional delay; and (4) any terminal disclaimer and fee as required by 37 CFR 1.137(b).

The terminal disclaimer filed February 15, 2008 has been entered and made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

The drawings have been approved by the USPTO draftsperson.

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

This application is being referred to the Office of Data Management for processing into a patent.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
29/224,432	03/01/2005	2912	215	53221-030000 R-921US	2	1	1

CONFIRMATION NO. 2041

CORRECTED FILING RECEIPT

OC000000015745880

33717
GREENBERG TRAURIG LLP
2450 COLORADO AVENUE, SUITE 400E
SANTA MONICA, CA 90404

Date Mailed: 04/14/2005

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 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)

Rene L. Borje, Los Angeles, CA;

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 03/29/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US29/224,432

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Side element of a shoe upper

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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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
29/224,440	03/01/2005	2912	215	53221-030000 R-91	4	1	1

CONFIRMATION NO. 2036

CORRECTED FILING RECEIPT

OC000000015749485

33717
GREENBERG TRAURIG LLP
2450 COLORADO AVENUE, SUITE 400E
SANTA MONICA, CA 90404

Date Mailed: 04/14/2005

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 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)

Dong Won Choi, Los Angeles, CA;

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 03/29/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US29/224,440

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Side element of a shoe upper

BEST AVAILABLE COPY

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

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NOT GRANTED

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WOMBLE CARLYLE SANDRIDGE
& RICE, PLLC
ATTN: PATENT DOCKETING 32ND FLOOR
P.O. BOX 7037
ATLANTA GA 30357-0037

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SEP 29 2006
OFFICE OF PETITIONS

In re Application of	:
Brad Kaspari et al	:
Application No. 29/224,445	: DECISION GRANTING PETITION
Filed: March 2, 2005	: UNDER 37 CFR 1.137(b)
Attorney Docket No. A202 10010	:

This is a decision on the petition under 37 CFR 1.137(b), filed June 22, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of corrected drawings (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of November 29, 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 Publishing Division and for review of the drawings submitted on June 22, 2006.

Karen Creasy

Karen Creasy
Petitions Examiner
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
29/224,448	03/01/2005	2912	215	53221-030000 R009 F009	2	1	1

CONFIRMATION NO. 2047

CORRECTED FILING RECEIPT

OC000000015744742

33717
GREENBERG TRAURIG LLP
2450 COLORADO AVENUE, SUITE 400E
SANTA MONICA, CA 90404

Date Mailed: 04/14/2005

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 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)

Rodney H. Robinson, Los Angeles, CA;

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 03/29/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US29/224,448

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Side element of a shoe 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

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NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
29/224,449	03/01/2005	2913	215	53221-030000 R-98	2	1	1

CONFIRMATION NO. 2045

CORRECTED FILING RECEIPT

OC000000015744350

33717
GREENBERG TRAURIG LLP
2450 COLORADO AVENUE, SUITE 400E
SANTA MONICA, CA 90404

Date Mailed: 04/14/2005

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 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)

Hasmig Asdghig Sabounjian, Los Angeles, CA;

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 03/29/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US29/224,449

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Side element of a shoe upper

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Preliminary Class

D06

LICENSE FOR FOREIGN FILING UNDER
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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.

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NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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

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DEC 2 2 2005

OFFICE OF PETITIONS

In re Application of :
Hiroaki Yokoyama :
Application No. 29/224,450 : ON PETITION
Filed: March 3, 2005 :
Attorney Docket No. SOE-0078 :

This is a decision on the petition filed December 14, 2005 under 37 CFR 1.313(c)(3) to withdraw the above-identified application from issue after payment of the issue fee. See 1233 *Official Gazette* 54 (April 11, 2000).

The petition is **GRANTED**.

Petitioner requests, in effect, that the application be withdrawn from issue in favor of a continued prosecution application (CPA) under 37 CFR 1.53(d).

The application is withdrawn from issue.

Petitioner is advised that the issue fee paid on December 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 December 14, 2005.

Telephone inquiries should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2912 for processing of the CPA.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
29/224,458	03/01/2005	2912	215	53221-030000 R-94	2	1	1

CONFIRMATION NO. 2108

CORRECTED FILING RECEIPT

OC000000015749524

33717
GREENBERG TRAURIG LLP
2450 COLORADO AVENUE, SUITE 400E
SANTA MONICA, CA 90404

Date Mailed: 04/14/2005

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 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)

Hasmig Asdghig Sabounjian, Los Angeles, CA;

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 03/30/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US29/224,458

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Side element of a shoe 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

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NOT GRANTED

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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
29/224,462	03/01/2005	2912	215	53221-030000 R-93	2	1	1

CONFIRMATION NO. 2097

CORRECTED FILING RECEIPT

OC000000015749960

33717
GREENBERG TRAURIG LLP
2450 COLORADO AVENUE, SUITE 400E
SANTA MONICA, CA 90404

Date Mailed: 04/14/2005

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 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)

Hasmig Asdghig Sabounjian, Los Angeles, CA;

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 03/30/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US29/224,462

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Side element of a shoe upper

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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

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NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

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DIW Oct-06

WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
ATTN: PATENT DOCKETING 32ND FLOOR
P.O. BOX 7037
ATLANTA GA 30357-0037

COPY MAILED
OCT 0 3 2006
OFFICE OF PETITIONS

In re Application of	:	
Kaspari et al.	:	
Application No. 29/224,483	:	DECISION ON PETITION
Filed: 2 March, 2005	:	
Atty Docket No. A202 10020	:	

This is a decision on the petition filed on 22 June, 2006, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on 1 March, 2006, for failure to timely submit corrected drawings in response to the Notice of Allowability mailed on 29 November, 2005, which set a three (3) month shortened statutory period for reply. Notice of Abandonment was mailed on 3 May, 2006.

---

[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)).

Petitioners have submitted corrected drawings. The examiner has indicated that the drawings are acceptable.

The terminal disclaimer filed on 22 June, 2006, under 37 CFR 1.137(c) has been entered and made of record. Effective 8 September, 2000, 37 CFR 1.137(c)(1) has been added to state that a terminal disclaimer filed pursuant to this rule must dedicate to the public a terminal part of the term of any patent granted thereon equivalent to the lesser of: 1) the period of abandonment of the application; or 2) the period extending beyond twenty years from the date on which the application for patent was filed in the United States, or, if the application contains a specific reference to an earlier filed application(s) under 35 U.S.C. 120, 121, or 365(c).[2] Accordingly, the period of the terminal disclaimer filed on 22 June, 2006, will be equivalent to the lesser period (1) or (2), as noted above, for this application.

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

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

[2] 65 Fed. Reg. 54,674 (2000).

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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BAKER & BOTTS
30 ROCKEFELLER PLAZA
44TH FLOOR
NEW YORK, NY 10112

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OFFICE OF PETITIONS

In re Application of :
Timm J. Fenton, et al. :
Application No. 29/224,530 : ON PETITION
Filed: March 2, 2005 :
Attorney Docket No. A35251-B-II - 072841.0268 :

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**.

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) 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 1. It is noted that the petition included, inter alia, a request for a Continued Prosecution Application (CPA). However, 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. Accordingly, the application cannot be revived until a proper response to the Notice of Allowance/Allowability mailed December 29, 2005 is filed.

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
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OFFICE OF PETITIONS

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

In re Application of
Timm J. Fenton, et al.
Application No. 29/224,530
Filed: March 2, 2005
Attorney Docket No. A35251-B-II - 072841.0268

ON PETITION

CORRECTED DECISION

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 **GRANTED**.

The application became abandoned for failure to pay the issue fee on or before March 29, 2006. This decision precedes the mailing of a Notice of Abandonment.

It is noted that the petition included, *inter alia*, a request for a Continued Prosecution Application (CPA). However, in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply under 37 CFR 1.137(b) must be the payment of the issue fee or any outstanding balance thereof. Accordingly, the issue fee payment of $400 is being charged to counsel's deposit account as authorized.

Since the record shows that a grantable petition was filed on May 19, 2006, the decision mailed October 4, 2006, is hereby vacated.

This decision ratifies the ensuing prosecution. However, petitioner is reminded that the issue fee paid on May 19, 2006, in the parent application is not refundable nor can it be applied towards the new Notice of Allowance resulting from the CPA filed May 19, 2006.

The application is being referred to the Office of Publications to await a response to the new Notice of Allowance mailed October 12, 2006.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BAKER BOTTS L.L.P.
30 ROCKEFELLER PLAZA
44TH FLOOR
NEW YORK NY 10112-4498

In re Patent No. D538,541	:	
Issued: March 20, 2007	:	
Application No. 29/224,530	:	NOTICE
Filed: March 2, 2005	:	
Attorney Docket No. A35251-B-II - 072841.0268	:	

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.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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In re Application of
Timm John Fenton et al.
Application No. 29/224,536
Filed: March 2, 2005
Attorney Docket No. A-35251-B-I - 072841.0267

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed July 10, 2008.

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 JoAnne Burke at (571) 272-4594.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

RAM Fee History Query

Revenue Accounting and Management

Name/Number: 29224536 Total Records Found: 6

Start Date: Any Date End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
10/27/2008	00000001	1	1461	$645.00	07/10/2008	DA 024377
10/11/2006	00000092	1	8021	$40.00	10/10/2006	CK
10/11/2006	00000040	1	2502	$400.00	10/10/2006	CK
03/08/2005	00000130	1	2012	$100.00	03/02/2005	CK
03/08/2005	00000131	1	2112	$50.00	03/02/2005	CK
03/08/2005	00000132	1	2312	$65.00	03/02/2005	CK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	:	Fenton *et al.*	Examiner	:	Kathleen Sims
Serial No.	:	29/224,536	Confirmation No.	:	2224
Filed	:	03/02/2005	Group Art Unit	:	2914
For	:	Gusset			

PETITION UNDER 37 C.F.R. § 1.28(c) AND CHANGE OF ENTITY STATUS

10/27/2008 GARIAS 00000001 024377 29224536
01 FC:1461 645.00 DA

Mail Stop **Petition**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby petition for the acceptance of a deficiency payment pursuant to 37 C.F.R. § 1.28(c) in the amount of $545.00.

Applicants have discovered that the above identified patent application was filed with an erroneous claim of small entity status and that they have erroneously paid, without deceptive intent, the following fees at the applicable small entity rates:

Type of Fee Erroneously Paid as small entity	Small Entity Fee Actually Paid	Date of Payment	Current Fee	Deficiency Amount Owed
Filing Fee	$100.00	03/02/05	$110.00	$10.00
Search Fee	$50.00	03/02/05	$100.00	$50.00
Examination Fee	$65.00	03/02/05	$130.00	$65.00
Issue Fee	$400.00	10/05/06	$820.00	$420.00
			Total Deficiency Owed	**$545.00**

Therefore, applicants request the amount of $545.00 be deducted from our Deposit Account No. 02-4377 for the deficiency payment as required by 37 C.F.R. § 1.28(c)(2). Additionally, pursuant to C.F.R. § 1.27(g)(2), please change the status of the application from small entity to large entity.

Applicants believe no additional fee is due in connection with this petition. If any fee is due, or if any overpayment has been made, the Commissioner is authorized to charge any such fee or credit any overpayment, to our Deposit Account No. 02-4377.

Respectfully submitted,

BAKER BOTTS L.L.P.

July 10, 2008
Date

/David Schalk/

David W. Schalk
Patent Office Reg. No. 60,527

Gary M. Butter
Patent Office Reg. No. 33,841

Baker Botts L.L.P.
30 Rockefeller Plaza
44th Floor
New York, NY 10012-4498
212-408-2500

29/224536 Examiner: SIMS, KATHLEEN GAU: 2914
Inventor: FENTON , TIMM, et al Classification: D03/321.000
Status: 150 - PATENTED CASE
Title: GUSSET
Start Date: End Date:

bib_fee report (5 items, not sorted)

Acct Date	Seq. Num.	Tran Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
10/11/2006	92	1	8021	$40.00	10/10/2006	CK
10/11/2006	40	1	2502	$400.00	10/10/2006	CK
03/08/2005	130	1	2012	$100.00	03/02/2005	CK
03/08/2005	131	1	2112	$50.00	03/02/2005	CK
03/08/2005	132	1	2312	$65.00	03/02/2005	CK

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

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AUG 28 2007

OFFICE OF PETITIONS

In re Application of	:	
Cliff WANG	:	
Application No. 29/224,583	:	DECISION ON PETITION
Filed: March 03, 2005	:	
Attorney Docket No. 3875-D99	:	

This is a decision on the petition under 37 CFR 1.137(b), filed April 02, 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 April 19, 2006, as required by the Notice of Allowance and Fee(s) Due, mailed January 19, 2006, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on April 20, 2006. A Notice of Abandonment was mailed on June 06, 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 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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
29/224,602	03/02/2005	2913	0.00	130221.901	14	1	1

CONFIRMATION NO. 9293

CORRECTED FILING RECEIPT

OC000000015820938

00500
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 6300
SEATTLE, WA 98104-7092

Date Mailed: 04/25/2005

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)

Duane Brown, Ravensdale, WA;
Chris Brown, Auburn, WA;
Kurt Hall, Olympia, WA;

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 03/30/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US29/224,602

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Motorcycle frame

Preliminary Class

D12

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

7-10-07

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

Patent No. : D537728
Ser. No. : 29/224607
Inventor(s) : Henry de Monclin
Issued : March 6, 2007
Title : BOTTLE
Docket No. : 122591-00101

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 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: (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. 124** or 105

Tara L. Laster
Blank Rome
Watergate 600, 11th Floor
600 New Hampshire Avenue NW
Washington, DC 20037-2485

ej

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BLANK ROME LLP
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON DC 20037

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DEC 3 1 2007

OFFICE OF PETITIONS
ON PETITION

In re Patent No. D537728 :
Issue Date: March 6, 2007 :
Application No. 29,224,607 :
Filed: March 7, 2005 :
Attorney Docket No. 122591-00101 :

This is a decision on the petition filed August 9, 2007 which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3215. 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.

Charlema Grant
Petitions Attorney
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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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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TROXELL LAW OFFICE PLLC
SUITE 1404
5205 LEESBURG PIKE
FALLS CHURCH, VA 22041

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FEB 06 2007

OFFICE OF PETITIONS

In re Application of

Aaron Chu

Application No. 29/224,622

Filed: March 7, 2005

Attorney Docket No. BHT-3228-205

DECISION ON PETITION

This is a decision on the petition under 37 CFR §1.137(b), filed October 2, 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 7, 2006. The notice allowed a statutory period for reply of three months from its mailing date. A response was not received within the allowable period, and the application became abandoned on May 8, 2006. A Notice of Abandonment was mailed June 7, 2006. An issue fee payment was received on October 2, 2006, but was not accompanied by the Issue Fee Transmittal Form PTOL 85-B.

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 requirement of item (1) above.

As to item (1), Form PTOL-85B did not accompany the petition. The renewed petition must be accompanied by Form PTOL-85B to be considered grantable. A copy of the 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
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosures: Form PTOL-85(b) mailed February 7, 2006

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 02/07/2006

TROXELL LAW OFFICE PLLC
SUITE 1404
5205 LEESBURG PIKE
FALLS CHURCH, VA 22041

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.
29/224,622	03/07/2005	Aaron Chu	BHT-3228-205	8020

TITLE OF INVENTION: FAUCET

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$800	$0	$800	05/08/2006

EXAMINER	ART UNIT	CLASS-SUBCLASS
ANDOLL, GREGORY A	2914	D23-241000

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

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

1 _____
2 _____
3 _____

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

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

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

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

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

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

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

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

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

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

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CANCELLED

TROXELL LAW OFFICE PLLC
SUITE 1404
5205 LEESBURG PIKE
FALLS CHURCH, VA 22041

In re Application of

Aaron Chu

Application No. 29/224,622

Filed: March 7, 2005

Attorney Docket No. BHT-3228-205

DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR §1.137(b), February 8, 2007, to revive the above-identified application.

The renewed petition is **granted**.

This application became abandoned for failure to timely remit the issue fee as required by the Notice of Allowance and Issue Fee Due (the "Notice") mailed February 7, 2006. 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 May 8, 2006. A Notice of Abandonment was mailed on June 7, 2006. A petition under 37 CFR 1.137(b) was first filed on October 2, 2006, and dismissed by a decision mailed February 6, 2007.

Form PTOL-85B, filed February 8, 2007, is noted and made of record.

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

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
WINTON HILL TECHNICAL CENTER - BOX 161
6110 CENTER HILL AVENUE
CINCINNATI OH 45224

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OFFICE OF PETITIONS

In re Application of
Michael Allen Sauer et al.
Application No. 29/224,627
Filed: March 4, 2005
Attorney Docket No. D-996

DECISION DISMISSING PETITION

This is a decision on the petition filed August 11, 2005 under 37 CFR 1.10, requesting a corrected filing date of March 4, 2005, instead of the presently accorded filing date of March 5, 2005.

Petitioners request the earlier filing date on the basis that the application was deposited in Express Mail service on March 4, 2005. The request is treated under of 37 CFR 1.10(d).

Petitioners acknowledge that the date of the deposit in Express Mail shown on petitioners' Express Mail receipt is March 5, 2004, but argue that the application was actually deposited with the USPS on March 4, 2005 implying that the USPS transposed the date.

In support, petitioners have provided a copy of Express Mail Customer label No. EV483495339US (the same Express Mail number appearing on the itemized transmittal sheet accompanying the original application papers located in the Official file) showing a "date-in" of March 5, 2004. Petitioners have also provided a copy of the USPS Internet Track & Confirm Database which corroborates that the item bearing Express Mail Label No. EV483495339US was "accepted" and "enroute" on March 4, 2005 and not on March 5, 2004 or March 5, 2005. In view thereof, it is concluded that the correct date of deposit in Express Mail service is March 4, 2005. Therefore, the application is entitled to a filing date of March 4, 2005.

The petition is **GRANTED**. In view thereof, no petition fee is due and none has been charged.

This matter is being referred to the Office of Initial Patent Examination for correction of the filing date to March 4, 2005 and not March 5, 2005, and for issuance of a corrected filing receipt.

Telephone inquiries related to this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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 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	To Be Assigned
Filing Date	Herewith
First Named Inventor	Romik ELIAZAROV
Title	JEWELRY SETTING
Atty Docket Number	892.1001

116003 U.S. PTO
29/224767
030805

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

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

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

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

Class D11, all subclasses but primarily 19-39, 75-77 and 86-92

Class 63, all subclasses but primarily 12-15 and 26-31

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.

Signature — March 8, 2005 Date

Morey B. Wildes — Typed or printed name

36,968 — Registration Number, if applicable

(212) 736-1940 — 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: Mail Stop Expedited Design, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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

03/10/2005 EFLORES 00000110 29224767

01 FC:1802 900.00 OP

Approved 5/16/05
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700

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United States Patent and Trademark Office
P.O. Box 1450
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MCDERMOTT, WILL & EMERY LLP
227 WEST MONROE STREET
CHICAGO IL 60606-5096

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APR 12 2007
OFFICE OF PETITIONS

In re Application of
Jeffrey B. Kell
Application No. 29/224,800
Filed: September 25, 2003
Attorney Docket No.: DA001US1

ON PETITION

This is a decision on the petition filed March 26, 2007 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 February 3, 2007 for failure to timely pay the issue fee on or before February 2, 2007. Accordingly, a Notice of Abandonment was mailed March 21, 2007.

---

[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)).

The petition does not satisfy requirement (4) above.

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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MCDERMOTT, WILL & EMERY LLP
227 WEST MONROE STREET
CHICAGO IL 60606-5096

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JUN 25 2007

OFFICE OF PETITIONS

ON PETITION

In re Application of
Jeffrey B. Kell
Application No. 29/224,800
Filed: September 25, 2003
Attorney Docket No.: DA001US1

This is a decision on the request for reconsideration, filed June 12, 2007 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 February 3, 2007 for failure to timely pay the issue fee on or before February 2, 2007. Accordingly, a Notice of Abandonment was mailed March 21, 2007. A petition to revive filed March 26, 2007 authorizing the payment of the issue fee and petition fee but was dismissed in a decision mailed April 12, 2007 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. 13-0206 as no fee was included with the Terminal Disclaimer, having now been met, this matter is being referred to the Publishing Division.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

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OFFICE OF PETITIONS

GOLDSTEIN LAW OFFICES, P.C.
2071 CLOVE ROAD - 204
STATEN ISLAND NY 10304

In re Application of
William Adams
Application No. 29/224,807
Filed: March 7, 2005
Attorney Docket Number: 14927
Title of Invention: Baseball Bat Urn

ON PETITION

This is a decision on the petition filed January 19, 2006, under 37 CFR 1.137(b) to revive the above-identified application.

This application became abandoned for failure to timely submit the issue fee, as required by the Notice of Allowance and Fee (s) Due, and submit corrected drawings, as required by the Notice of Allowability both of which were mailed July 19, 2005. The Notice of Allowance and Issue Fee Due and the Notice of Allowability set a three (3) month period for reply. Extensions of time were not available under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on October 20, 2005. A Notice of Abandonment was mailed on December 29, 2005.

The requirements for a grantable petition under 37 CFR 1.137(b) have been met. This petition is hereby **Granted**.

This application is being forwarded to the Office of Patent Publication for processing into a patent.

Telephone inquiries 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
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Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

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

In re Application of	:	
Racz et al.	:	DECISION ON PETITIONS
Application No. 29/224,815	:	
Deposited: March 7, 2005	:	
Title.: Catheter Connector	:	

This is a decision on the petition filed August 26, 2005, requesting that the above-identified nonprovisional application be accorded a filing date of March 7, 2005. This petition will also address the petition filed under 37 CFR 1.137(b).

Application papers in the above-identified application were deposited on March 7, 2005. However, on June 23, 2005, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application", notifying applicants that the application papers had **not** been accorded a filing date because the application was deposited without drawings.

In response, eight sheets of drawings and the present petition were filed on July 12, 2005. The petition contends that the application as filed included 8 sheets of drawings including figures 1-8 and were described in the original filed specification. In support, the petition is accompanied by a copy of applicants' postcard receipt which acknowledges receipt in the office of "4 pages of drawings" on March 7, 2005.

Applicant's postcard receipt is prima facie[1] evidence that drawings were received on March 7, 2005 but figures 1-9 are not present in the file. Hence, it is clear that the papers for this application were mishandled by the Office. Therefore, it is concluded that figures 1-9 as described in the specification were received on March 7, 2005 as shown in counsel's file, and later

[1]A postcard receipt which itemizes and properly identifies the items which are being filed serves as prima facie evidence of receipt in the office of all items listed thereon. See MPEP 503.

misplaced in the office.

The "Notice of Incomplete Nonprovisional Application," mailed June 23, 2005, was sent in error and is hereby vacated. The petition for filing date is Granted. The $130.00 petition fee will be refunded to deposit account 20-1469.

Since the Notice was mailed in error, the petition filed under 37 CFR 1.137(b) is dismissed as moot. The $750.00 petition fee will also be refunded.

Since the drawings (figures 1-9) cannot be located in the Office, the drawings supplied with the petition on August 26, 2005, will be used for processing and examination purposes.

The application will be returned to the Office of Initial Patent Examination for further processing with a **filing date of March 7, 2005**, using the 4 sheets of drawings supplied on August 26, 2005.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant
Petition Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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WHIRLPOOL PATENTS COMPANY - MD 0750
500 RENAISSANCE DRIVE - SUITE 102
ST. JOSEPH MI 49085

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JUL 17 2007

OFFICE OF PETITIONS

In re Application of :
BROWNE et al. :
Application No. 29/224,837 : DECISION ON PETITION
Filed: 03/08/2005 :
Attorney Docket No. US20040446 :

This is a decision on the petition under 37 CFR 1.47(a), filed March 15, 2007, 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 the named inventor.[1]

In view of the efforts recounted in the petition to obtain the signature of Peter Dallepezze, it is agreed that justice would be served by waiving the requirement for his signature on a supplemental declaration. Accordingly, the petition is **granted.**

The declaration has been accepted on petition. This application does not have any Rule 1.47 status and no such status should appear in the record. This application need not be returned to this Office for any further consideration under Rule 1.47(a).

The current fee for filing a petition under 37 CFR 1.183 is $400.00. The Office will charge the difference of $200.00 to the Deposit Account, as authorized

This matter is being referred to the Office of Patent Publication.

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

[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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Date Mailed : 12-4-06

Patent No.: D 528,075 S
Patent Issued : September 12, 2006
Inventor(s): Kazuya Sugeno, et. al.
Title: BATTERY
Docket No.: NAK-0265

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 1.322.

The alleged error for the drawings should not be entered per say Examiner Rosemary Tarcza.

In view of the foregoing, your request is hereby denied. However, further consideration will be given upon receipt of a request for reconsideration directed to Decisions & Certificates of Correction Branch.

Eva James
For Cecelia B. Newman
Certificate of Correction Branch
(703) 308-9390 ext. 124 or ext. 102

Toshikatsu Imaizumi
Rader Fishman & Grauer PLLC
Lion Building
1233 20th Street N.W., Suite
Washington, DC 20036

ej

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/224,851	03/09/2005	Kazuya Sugeno	NAK-0265	9856

23353 7590 12/04/2006

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

EXAMINER
TARCZA, ROSEMARY K

ART UNIT	PAPER NUMBER
2911	

DATE MAILED: 12/04/2006

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20061120

DATE : November 20, 2006

TO SPE OF : ART UNIT 2911

SUBJECT : Request for Certificate of Correction on Patent No.: D528,075

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

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

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

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

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

☐ **Approved** **All** changes apply.

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

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

Comments:

The examiner acknowledges that Figs. 6 and 7 are in fact incorrectly printed in the patent No. D528,075, however the drawings submitted in the certificate of correction have a different scope and appearance as compared to the replacement drawings filed on March 31, 2006. Specifically, some of the edges and shade lines appear in broken lines suggesting that they are unclaimed, whereas the same edges appear correctly as solid lines in the replacement figures. Therefore the drawings submitted in the certificate of correction are inconsistent with those in the printed patent, and should appear exactly as shown in the replacement figures.

ALAN P. DOUGLAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2900

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 2-5-08

Paper No.: ____

TO SPE OF : ART UNIT 2911

SUBJECT : Request for Certificate of Correction on Patent No.: D528 075 / 29/324857

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.

Reconsideration A/S/A/P

E. James

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.

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

Comments:

The drawings submitted with the applicant's second request for certificate of correction dated 12/12/2006 are correct. Therefore, the second request for certificate of correction is APPROVED. Patent should read as shown in COCIN of 12/12/06.

SPE
CATHRON C. BROOKS
SUPERVISORY PATENT EXAMINER

2911
Art Unit

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COMMISSIONER FOR PATENTS
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Paper No. None

FISH & NEAVE IP GROUP
ROPES & GRAY LLP
1251 AVENUE OF THE AMERICAS FL C3
NEW YORK NY 10020-1105

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OFFICE OF PETITIONS

In re Application of	:	
Joseph Noviello et al.	:	
Application No. 29/224,861	:	DECISION ON TWO PETITIONS
Filing Date: March 8, 2005	:	UNDER 37 C.F.R. §§ 1.181
Attorney Docket Number:	:	and 1.183
P.050308.05.DES.US_RG	:	
Title: TRADING KEYBOARD	:	

Background

This is a decision on the two petitions concurrently filed on February 3, 2006, pursuant to 37 C.F.R. §§ 1.181 and 1.183, requesting that the holding of abandonment be withdrawn and that 37 C.F.R. §1.8(a)(1)(ii) be waived so that Petitioner may rely on a certificate of mailing which was not properly prepared.

In short, Petitioner wishes to rely on a certificate of mailing to establish that a particular mailing was timely sent to the Office, so that he may have the holding of abandonment withdrawn. Unfortunately however, the certificate of mailing which appears on the communication does not contain a date of deposit.

The application was deposited on March 8, 2005. The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed April 6, 2005, which set a shortened statutory period for reply of two (2) months. The notice indicated that an executed oath or declaration would be required, along with the surcharge associated with the late submission of the same. 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 June 7, 2005. A notice of abandonment was mailed on January 13, 2006.

With this petition, Petitioner has submitted the fee associated with the filing of a petition under 37 C.F.R. §1.183, along with an executed declaration[1]. Petitioner has asserted that this declaration was timely submitted on May 11, 2005, however "although the certificate of mailing was signed, it failed to include a date showing when the response was mailed[2]."

As such, Petitioner wishes to have the holding of abandonment withdrawn, however he cannot establish that a submission was timely filed without first obtaining the waiver of 37 C.F.R. §1.8(a).

The petition under 37 C.F.R. §1.183:

Applicable Rules and Portion of the MPEP

§ 1.8 Certificate of mailing or transmission.
(a) Except in the situations enumerated in paragraph (a)(2) of this section or as otherwise expressly excluded in this chapter, correspondence required to be filed in the U.S. Patent and Trademark Office within a set period of time will be considered as being timely filed if the procedure described in this section is followed. The actual date of receipt will be used for all other purposes.
(1) Correspondence will be considered as being timely filed if:
(i) The correspondence is mailed or transmitted prior to expiration of the set period of time by being:
(A) Addressed as set out in § 1.1(a) and deposited with the U.S. Postal Service with sufficient postage as first class mail; or
(B) Transmitted by facsimile to the Patent and Trademark Office in accordance with § 1.6(d); and
(ii) The correspondence includes a certificate for each piece of correspondence stating the date of deposit or transmission. The person signing the certificate should have reasonable basis to expect that the correspondence would be mailed or transmitted on or before the date indicated.

...

(b) In 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:

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1 The surcharge associated with the late submission of this declaration has been charged to Petitioner's Deposit Account, as authorized in the petition.
2 Petition, page 2.

(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.
(c) The Office may require additional evidence to determine if the correspondence was timely filed.

[41 FR 43721, Oct. 4, 1976; 43 FR 20461, May 11, 1978; para. (a). 47 FR 47381, Oct. 26, 1982, effective Oct. 26, 1982; para. (a),48 FR 2708, Jan. 20, 1983; para. (a) 49 FR 48416, Dec. 12, 1984, effective Feb. 11, 1985; para. (a), 49 FR 5171, Feb. 6, 1985, effective Mar. 8, 1985; 52 FR 20046, May 28, 1987; subparas. (a)(2)(xiv)-(xvi), 54 FR 37588, Sept. 11, 1989, effective Nov. 16, 1989; revised, 58 FR 54494, Oct. 22, 1993, effective Nov. 22, 1993; para. (a) revised, 61 FR 56439, Nov. 1, 1996, effective Dec. 2, 1996; paras. (a)(2)(i)(A) & (b) revised; 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (a)(2)(i)(F) revised, 67 FR 520, Jan. 4, 2002, effective Apr. 1, 2002; para. (b)(3) revised, 68 FR 14332, Mar. 25, 2003, effective May 1, 2003; para. (a)(2)(ii) removed and reserved, 68 FR 48286, Aug. 13, 2003, effective Sept. 12, 2003; para. (a)(2)(i)(B) removed and reserved and para. (a)(2)(i)(C) revised, 69 FR 49959, Aug. 12, 2004, effective Sept. 13, 2004; paras. (a) and (b) revised, 69 FR 56481, Sept. 21, 2004, effective Oct. 21, 2004]

§ 1.183 Suspension of rules.
In an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Director or the Director's designee, sua sponte, or on petition of the interested party, subject to such other requirements as may be imposed. Any petition under this section must be accompanied by the petition fee set forth in § 1.17(h).

[47 FR 41278, Sept. 17, 1982, effective Oct. 1, 1982; revised, 68 FR 14332, Mar. 25, 2003, effective May 1, 2003]

§ 1.135 Abandonment for failure to reply within time period.
(a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.

[Paras. (a), (b), and (c), 47 FR 41276, Sept. 17, 1982, effective Oct. 1, 1982; para. (d) deleted, 49 FR 555, Jan. 4, 1984, effective Apr. 1, 1984; revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997]

Section 512 of the MPEP sets forth, in part:
Under 37 CFR 1.8, a person may state on certain papers directed to the Office (>some< exceptions are stated in 37 CFR 1.8), the date on which the paper will be deposited in the United States Postal Service or transmitted by facsimile. If the date stated is within the period for reply, the reply in most instances will be considered to be timely. This is true even if the paper does not

actually reach the Office until after the end of the period for reply. The Certificate of Mailing procedure does not apply to papers mailed in a foreign country.

The Certificate of Transmission procedure, however, also applies to papers transmitted to the Office from a foreign country provided that the correspondence being transmitted is not prohibited from being transmitted by facsimile and is not otherwise precluded from receiving the benefits under 37 CFR 1.8.

Analysis

In order to submit a grantable petition under 37 CFR 1.183, Petitioner must show (1) that this is an extraordinary situation where (2) justice requires waiver of the rule. In re Sivertz, 227 U.S.P.Q. 255, 256 (Comm'r Pat. 1985).

Petitioner has not established that either condition exists in this case.

The circumstances of this case do not demonstrate an extraordinary situation, much less one where justice requires waiver of the rules. The application was deposited with a certificate of mailing which does not indicate the date on which the correspondence was deposited.

The PTO has a well established and well publicized practice by which practitioners may provide proof that papers were submitted to the Office on a particular date. Any papers which are required to be filed in the PTO within a set period of time will be considered as being timely filed if a certificate of mailing is properly prepared and executed. Furthermore, pursuant to 37 C.F.R. §1.8(b), reproduced above, certificate of mailing practice provides relief to applicants in the event that correspondence is not received by the Office. Clearly, a certificate of mailing that fails to contain the date on which the paper was deposited cannot serve to establish that an item was deposited on that date.

Petitioner has further submitted a statement from the legal assistant who prepared the certificate of mailing, a copy of a postcard receipt, a copy of the file jacket, a print-out of a docketing report, and a copy of a mail voucher - however none of these items can stand in the place of a certificate of mailing.

Petitioner cannot rely on the certificate of mailing to establish that the correspondence was deposited on a particular date because this crucial piece of information was inadvertently

omitted from the certificate of mailing. There is nothing extraordinary about this situation. Had the legal assistant properly prepared the certificate of mailing, Petitioner would be in a position to easily establish that a response was timely submitted to the Office. The proper and prudent preparation of a certificate of mailing were circumstances which were entirely within Petitioner's control, and the omission could have been avoided by the exercise of reasonable care and diligence. Equitable powers should not be invoked to excuse the performance of a condition by a party that has not acted with reasonable due care and diligence[3].

Furthermore, since the PTO did not cause or contribute to Petitioner's omission, this case is even further removed from consideration as one where "justice requires" equitable relief[4]. It is well settled that a party's inadvertent failure to comply with the requirements of the rules or procedures before the USPTO is not deemed to be an extraordinary situation that would warrant waiver of the rules or procedures under 37 CFR §1.183[5]. Rather, as petitioner failed to place this crucial piece of information on the certificate of mailing in accordance with the requirements of 37 C.F.R. §1.8, this is not an "extraordinary situation" where "justice requires" an extraordinary remedy.

It follows that Petitioner's circumstances are not extraordinary, and justice fails to require waiver of rule 37 C.F.R. §1.8(a)(1)(ii).

Conclusion

The petition under 37 C.F.R. §1.183 is **DISMISSED**.

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3 U.S. v. Lockheed Petroleum Services, 709 F.2d 1472, 1475 (Fed. Cir. 1983).
4 See Helfgott & Karras, P.C. v. Dickinson, 209 F.3d 1328, 54 USPQ2d 1425 (Fed. Cir. 2000).
5 See Honigsbaum v. Lehman, 903 F. Supp. 8, 37 USPQ2d 1799 (D.D.C. 1995) (Commissioner did not abuse his discretion in refusing to waive requirements of 37 CFR 1.10(c) in order to grant filing date to patent application, where applicant failed to produce "Express Mail" customer receipt or any other evidence that application was actually deposited with USPS as "Express Mail"), *aff'd without opinion*, 95 F.3d 1166 (Fed. Cir.1996); Nitto Chemical Industry. Co., Ltd. v. Comer, 39 USPQ2d 1778, 1782 (D.D.C. 1994) (Commissioner's refusal to waive requirements of 37 CFR 1.10 in order to grant priority filing date to patent application not arbitrary and capricious, because failure to comply with the requirements of 37 CFR 1.10 is an "avoidable" oversight that could have been prevented by the exercise of ordinary care or diligence, and thus not an extraordinary situation under 37 CFR 1.183); Gustafson v. Strange, 227 USPQ 174 (Comm'r Pats. 1985) (Counsel's unawareness of 37 CFR 1.8 not extraordinary situation warranting waiver of a rule).

The petition under 37 C.F.R. §1.181:

Without the waiver of 37 C.F.R. §1.8, Petitioner will not be able to establish that the correspondence was timely submitted to the Office. As such, the petition under 37 C.F.R. §1.181 must be **DISMISSED**.

Any reply 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 reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. §§1.181 and 1.183." Alternatively, Petitioner may wish to consider filing a petition under 37 C.F.R. §§1.137(a) and/or (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[6], hand-delivery[7], or facsimile[8].

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

6 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
7 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
8 (571) 273-8300- please note this is a central facsimile number.

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Paper No. None

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In re Application of	:	
Joseph Noviello et al.	:	
Application No. 29/224,861	:	DECISION ON PETITION
Filing Date: March 8, 2005	:	UNDER 37 C.F.R. § 1.137(B)
Attorney Docket Number:	:	
P.050308.05.DES.US_RG	:	
Title: TRADING KEYBOARD	:	

This is a decision on the petition under 37 CFR §1.137(b)[1], filed April 6, 2006, to revive the above-identified application.

The application was deposited on March 8, 2005. The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed April 6, 2005, which set a shortened statutory period for reply of two (2) months. The notice indicated that an executed oath or declaration would be required, along with the surcharge associated with the late submission of the same. 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 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.

identified application became abandoned on June 7, 2005. A notice of abandonment was mailed on January 13, 2006.

Petitions under 37 C.F.R §§1.182 and 1.183 were submitted on February 3, 2006 along with an executed declaration and the associated surcharge. Each was dismissed via the mailing of a decision on March 3, 2006.

37 C.F.R. §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 C.F.R. §1.137(b) was unintentional. Since the statement contained in the instant petition varies from the language required by 37 C.F.R. §1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 C.F.R. §1.137(b)(3) and petitioner must notify the Office if this is not a correct interpretation of the statement contained in the instant petition.

With the present petition, Petitioner has submitted the petition fee, a statement which is being construed as the proper statement of unintentional delay, and a terminal disclaimer. Petitioner has met all requirements for a grantable petition under 37 C.F.R. §1.137(b). As such, the petition is **GRANTED**.

The Office if Initial Patent Examination will be made aware of this decision.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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Title: TRADING KEYBOARD	:	

Background

This is a decision on the two petitions concurrently filed on February 3, 2006, pursuant to 37 C.F.R. §§ 1.181 and 1.183, requesting that the holding of abandonment be withdrawn and that 37 C.F.R. §1.8(a)(1)(ii) be waived so that Petitioner may rely on a certificate of mailing which was not properly prepared.

In short, Petitioner wishes to rely on a certificate of mailing to establish that a particular mailing was timely sent to the Office, so that he may have the holding of abandonment withdrawn. Unfortunately however, the certificate of mailing which appears on the communication does not contain a date of deposit.

The application was deposited on March 8, 2005. The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed April 12, 2005, which set a shortened statutory period for reply of two (2) months. The notice indicated that an executed oath or declaration would be required, along with the surcharge associated with the late submission of the same. 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 June 13, 2005. A notice of abandonment was mailed on January 17, 2006.

With this petition, Petitioner has submitted the fee associated with the filing of a petition under 37 C.F.R. §1.183, along with an executed declaration[1]. Petitioner has asserted that this declaration was timely submitted on May 11, 2005, however "although the certificate of mailing was signed, it failed to include a date showing when the response was mailed[2]."

As such, Petitioner wishes to have the holding of abandonment withdrawn, however he cannot establish that a submission was timely filed without first obtaining the waiver of 37 C.F.R. §1.8(a).

The petition under 37 C.F.R. §1.183:

Applicable Rules and Portion of the MPEP

§ 1.8 Certificate of mailing or transmission.
(a) Except in the situations enumerated in paragraph (a)(2) of this section or as otherwise expressly excluded in this chapter, correspondence required to be filed in the U.S. Patent and Trademark Office within a set period of time will be considered as being timely filed if the procedure described in this section is followed. The actual date of receipt will be used for all other purposes.
(1) Correspondence will be considered as being timely filed if:
(i) The correspondence is mailed or transmitted prior to expiration of the set period of time by being:
(A) Addressed as set out in § 1.1(a) and deposited with the U.S. Postal Service with sufficient postage as first class mail; or
(B) Transmitted by facsimile to the Patent and Trademark Office in accordance with § 1.6(d); and
(ii) The correspondence includes a certificate for each piece of correspondence stating the date of deposit or transmission. The person signing the certificate should have reasonable basis to expect that the correspondence would be mailed or transmitted on or before the date indicated.

...

(b) In 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 The surcharge associated with the late submission of this declaration has been charged to Petitioner's Deposit Account, as authorized in the petition.
2 Petition, page 2.

(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.
(c) The Office may require additional evidence to determine if the correspondence was timely filed.

[41 FR 43721, Oct. 4, 1976; 43 FR 20461, May 11, 1978; para. (a). 47 FR 47381, Oct. 26, 1982, effective Oct. 26, 1982; para. (a),48 FR 2708, Jan. 20, 1983; para. (a) 49 FR 48416, Dec. 12, 1984, effective Feb. 11, 1985; para. (a), 49 FR 5171, Feb. 6, 1985, effective Mar. 8, 1985; 52 FR 20046, May 28, 1987; subparas. (a)(2)(xiv)-(xvi), 54 FR 37588, Sept. 11, 1989, effective Nov. 16, 1989; revised, 58 FR 54494, Oct. 22, 1993, effective Nov. 22, 1993; para. (a) revised, 61 FR 56439, Nov. 1, 1996, effective Dec. 2, 1996; paras. (a)(2)(i)(A) & (b) revised; 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (a)(2)(i)(F) revised, 67 FR 520, Jan. 4, 2002, effective Apr. 1, 2002; para. (b)(3) revised, 68 FR 14332, Mar. 25, 2003, effective May 1, 2003; para. (a)(2)(ii) removed and reserved, 68 FR 48286, Aug. 13, 2003, effective Sept. 12, 2003; para. (a)(2)(i)(B) removed and reserved and para. (a)(2)(i)(C) revised, 69 FR 49959, Aug. 12, 2004, effective Sept. 13, 2004; paras. (a) and (b) revised, 69 FR 56481, Sept. 21, 2004, effective Oct. 21, 2004]

§ 1.183 Suspension of rules.
In an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Director or the Director's designee, sua sponte, or on petition of the interested party, subject to such other requirements as may be imposed. Any petition under this section must be accompanied by the petition fee set forth in § 1.17(h).

[47 FR 41278, Sept. 17, 1982, effective Oct. 1, 1982; revised, 68 FR 14332, Mar. 25, 2003, effective May 1, 2003]

§ 1.135 Abandonment for failure to reply within time period.
(a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.

[Paras. (a), (b), and (c), 47 FR 41276, Sept. 17, 1982, effective Oct. 1, 1982; para. (d) deleted, 49 FR 555, Jan. 4, 1984, effective Apr. 1, 1984; revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997]

Section 512 of the MPEP sets forth, in part:
Under 37 CFR 1.8, a person may state on certain papers directed to the Office (>some< exceptions are stated in 37 CFR 1.8), the date on which the paper will be deposited in the United States Postal Service or transmitted by facsimile. If the date stated is within the period for reply, the reply in most instances will be considered to be timely. This is true even if the paper does not

actually reach the Office until after the end of the period for reply. The Certificate of Mailing procedure does not apply to papers mailed in a foreign country.

The Certificate of Transmission procedure, however, also applies to papers transmitted to the Office from a foreign country provided that the correspondence being transmitted is not prohibited from being transmitted by facsimile and is not otherwise precluded from receiving the benefits under 37 CFR 1.8.

Analysis

In order to submit a grantable petition under 37 CFR 1.183, Petitioner must show (1) that this is an extraordinary situation where (2) justice requires waiver of the rule. In re Sivertz, 227 U.S.P.Q. 255, 256 (Comm'r Pat. 1985).

Petitioner has not established that either condition exists in this case.

The circumstances of this case do not demonstrate an extraordinary situation, much less one where justice requires waiver of the rules. The application was deposited with a certificate of mailing which does not indicate the date on which the correspondence was deposited.

The PTO has a well established and well publicized practice by which practitioners may provide proof that papers were submitted to the Office on a particular date. Any papers which are required to be filed in the PTO within a set period of time will be considered as being timely filed if a certificate of mailing is properly prepared and executed. Furthermore, pursuant to 37 C.F.R. §1.8(b), reproduced above, certificate of mailing practice provides relief to applicants in the event that correspondence is not received by the Office. Clearly, a certificate of mailing that fails to contain the date on which the paper was deposited cannot serve to establish that an item was deposited on that date.

Petitioner has further submitted a statement from the legal assistant who prepared the certificate of mailing, a copy of a postcard receipt, a copy of the file jacket, a print-out of a docketing report, and a copy of a mail voucher - however none of these items can stand in the place of a certificate of mailing.

Petitioner cannot rely on the certificate of mailing to establish that the correspondence was deposited on a particular date because this crucial piece of information was inadvertently

omitted from the certificate of mailing. There is nothing extraordinary about this situation. Had the legal assistant properly prepared the certificate of mailing, Petitioner would be in a position to easily establish that a response was timely submitted to the Office. The proper and prudent preparation of a certificate of mailing were circumstances which were entirely within Petitioner's control, and the omission could have been avoided by the exercise of reasonable care and diligence. Equitable powers should not be invoked to excuse the performance of a condition by a party that has not acted with reasonable due care and diligence[3].

Furthermore, since the PTO did not cause or contribute to Petitioner's omission, this case is even further removed from consideration as one where "justice requires" equitable relief[4]. It is well settled that a party's inadvertent failure to comply with the requirements of the rules or procedures before the USPTO is not deemed to be an extraordinary situation that would warrant waiver of the rules or procedures under 37 CFR §1.183[5]. Rather, as petitioner failed to place this crucial piece of information on the certificate of mailing in accordance with the requirements of 37 C.F.R. §1.8, this is not an "extraordinary situation" where "justice requires" an extraordinary remedy.

It follows that Petitioner's circumstances are not extraordinary, and justice fails to require waiver of rule 37 C.F.R. §1.8(a)(1)(ii).

Conclusion

The petition under 37 C.F.R. §1.183 is **DISMISSED**.

---

3 U.S. v. Lockheed Petroleum Services, 709 F.2d 1472, 1475 (Fed. Cir. 1983).
4 See Helfgott & Karras, P.C. v. Dickinson, 209 F.3d 1328, 54 USPQ2d 1425 (Fed. Cir. 2000).
5 See Honigsbaum v. Lehman, 903 F. Supp. 8, 37 USPQ2d 1799 (D.D.C. 1995) (Commissioner did not abuse his discretion in refusing to waive requirements of 37 CFR 1.10(c) in order to grant filing date to patent application, where applicant failed to produce "Express Mail" customer receipt or any other evidence that application was actually deposited with USPS as "Express Mail"), *aff'd without opinion*, 95 F.3d 1166 (Fed. Cir.1996); Nitto Chemical Industry. Co., Ltd. v. Comer, 39 USPQ2d 1778, 1782 (D.D.C. 1994) (Commissioner's refusal to waive requirements of 37 CFR 1.10 in order to grant priority filing date to patent application not arbitrary and capricious, because failure to comply with the requirements of 37 CFR 1.10 is an "avoidable" oversight that could have been prevented by the exercise of ordinary care or diligence, and thus not an extraordinary situation under 37 CFR 1.183); Gustafson v. Strange, 227 USPQ 174 (Comm'r Pats. 1985) (Counsel's unawareness of 37 CFR 1.8 not extraordinary situation warranting waiver of a rule).

The petition under 37 C.F.R. §1.181:

Without the waiver of 37 C.F.R. §1.8, Petitioner will not be able to establish that the correspondence was timely submitted to the Office. As such, the petition under 37 C.F.R. §1.181 must be **DISMISSED.**

Any reply 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 reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. §§1.181 and 1.183." Alternatively, Petitioner may wish to consider filing a petition under 37 C.F.R. §§1.137(a) and/or (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[6], hand-delivery[7], or facsimile[8].

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
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United States Patent and Trademark Office

6 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
7 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
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In re Application of	:	
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Application No. 29/224,862	:	DECISION ON PETITION
Filing Date: March 8, 2005	:	UNDER 37 C.F.R. § 1.137(B)
Attorney Docket Number:	:	
P.050308.04.DES.US_RG	:	
Title: TRADING KEYBOARD	:	

This is a decision on the petition under 37 CFR §1.137(b)[1], filed April 6, 2006, to revive the above-identified application.

The application was deposited on March 8, 2005. The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed April 12, 2005, which set a shortened statutory period for reply of two (2) months. The notice indicated that an executed oath or declaration would be required, along with the surcharge associated with the late submission of the same. 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 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.

identified application became abandoned on June 13, 2005. A notice of abandonment was mailed on January 17, 2006.

Petitions under 37 C.F.R §§1.182 and 1.183 were submitted on February 3, 2006 along with an executed declaration and the associated surcharge. Each was dismissed via the mailing of a decision on March 3, 2006.

37 C.F.R. §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 C.F.R. §1.137(b) was unintentional. Since the statement contained in the instant petition varies from the language required by 37 C.F.R. §1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 C.F.R. §1.137(b)(3) and petitioner must notify the Office if this is not a correct interpretation of the statement contained in the instant petition.

With the present petition, Petitioner has submitted the petition fee, a statement which is being construed as the proper statement of unintentional delay, and a terminal disclaimer. Petitioner has met all requirements for a grantable petition under 37 C.F.R. §1.137(b). As such, the petition is **GRANTED**.

The Office if Initial Patent Examination will be made aware of this decision.

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

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

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NEW YORK NY 10020-1105

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OFFICE OF PETITIONS

In re Application of	:	
Joseph Noviello et al.	:	
Application No. 29/224,868	:	DECISION ON TWO PETITIONS
Filing Date: March 8, 2005	:	UNDER 37 C.F.R. §§ 1.181
Attorney Docket Number:	:	and 1.183
P.050308.03.DES.US_RG	:	
Title: TRADING KEYBOARD	:	

Background

This is a decision on the two petitions concurrently filed on February 3, 2006, pursuant to 37 C.F.R. §§ 1.181 and 1.183, requesting that the holding of abandonment be withdrawn and that 37 C.F.R. §1.8(a)(1)(ii) be waived so that Petitioner may rely on a certificate of mailing which was not properly prepared.

In short, Petitioner wishes to rely on a certificate of mailing to establish that a particular mailing was timely sent to the Office, so that he may have the holding of abandonment withdrawn. Unfortunately however, the certificate of mailing which appears on the communication does not contain a date of deposit.

The application was deposited on March 8, 2005. The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed April 6, 2005, which set a shortened statutory period for reply of two (2) months. The notice indicated that an executed oath or declaration would be required, along with the surcharge associated with the late submission of the same. 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 June 7, 2005. A notice of abandonment was mailed on January 13, 2006.

With this petition, Petitioner has submitted the fee associated with the filing of a petition under 37 C.F.R. §1.183, along with an executed declaration[1]. Petitioner has asserted that this declaration was timely submitted on May 11, 2005, however "although the certificate of mailing was signed, it failed to include a date showing when the response was mailed[2]."

As such, Petitioner wishes to have the holding of abandonment withdrawn, however he cannot establish that a submission was timely filed without first obtaining the waiver of 37 C.F.R. §1.8(a).

The petition under 37 C.F.R. §1.183:

Applicable Rules and Portion of the MPEP

§ 1.8 Certificate of mailing or transmission.
(a) Except in the situations enumerated in paragraph (a)(2) of this section or as otherwise expressly excluded in this chapter, correspondence required to be filed in the U.S. Patent and Trademark Office within a set period of time will be considered as being timely filed if the procedure described in this section is followed. The actual date of receipt will be used for all other purposes.
(1) Correspondence will be considered as being timely filed if:
(i) The correspondence is mailed or transmitted prior to expiration of the set period of time by being:
(A) Addressed as set out in § 1.1(a) and deposited with the U.S. Postal Service with sufficient postage as first class mail; or
(B) Transmitted by facsimile to the Patent and Trademark Office in accordance with § 1.6(d); and
(ii) The correspondence includes a certificate for each piece of correspondence stating the date of deposit or transmission. The person signing the certificate should have reasonable basis to expect that the correspondence would be mailed or transmitted on or before the date indicated.

...

(b) In 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:

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1 The surcharge associated with the late submission of this declaration has been charged to Petitioner's Deposit Account, as authorized in the petition.
2 Petition, page 2.

(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.
(c) The Office may require additional evidence to determine if the correspondence was timely filed.

[41 FR 43721, Oct. 4, 1976; 43 FR 20461, May 11, 1978; para. (a). 47 FR 47381, Oct. 26, 1982, effective Oct. 26, 1982; para. (a),48 FR 2708, Jan. 20, 1983; para. (a) 49 FR 48416, Dec. 12, 1984, effective Feb. 11, 1985; para. (a), 49 FR 5171, Feb. 6, 1985, effective Mar. 8, 1985; 52 FR 20046, May 28, 1987; subparas. (a)(2)(xiv)-(xvi), 54 FR 37588, Sept. 11, 1989, effective Nov. 16, 1989; revised, 58 FR 54494, Oct. 22, 1993, effective Nov. 22, 1993; para. (a) revised, 61 FR 56439, Nov. 1, 1996, effective Dec. 2, 1996; paras. (a)(2)(i)(A) & (b) revised; 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (a)(2)(i)(F) revised, 67 FR 520, Jan. 4, 2002, effective Apr. 1, 2002; para. (b)(3) revised, 68 FR 14332, Mar. 25, 2003, effective May 1, 2003; para. (a)(2)(ii) removed and reserved, 68 FR 48286, Aug. 13, 2003, effective Sept. 12, 2003; para. (a)(2)(i)(B) removed and reserved and para. (a)(2)(i)(C) revised, 69 FR 49959, Aug. 12, 2004, effective Sept. 13, 2004; paras. (a) and (b) revised, 69 FR 56481, Sept. 21, 2004, effective Oct. 21, 2004]

§ 1.183 Suspension of rules.
In an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Director or the Director's designee, sua sponte, or on petition of the interested party, subject to such other requirements as may be imposed. Any petition under this section must be accompanied by the petition fee set forth in § 1.17(h).

[47 FR 41278, Sept. 17, 1982, effective Oct. 1, 1982; revised, 68 FR 14332, Mar. 25, 2003, effective May 1, 2003]

§ 1.135 Abandonment for failure to reply within time period.
(a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.

[Paras. (a), (b), and (c), 47 FR 41276, Sept. 17, 1982, effective Oct. 1, 1982; para. (d) deleted, 49 FR 555, Jan. 4, 1984, effective Apr. 1, 1984; revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997]

Section 512 of the MPEP sets forth, in part:
Under 37 CFR 1.8, a person may state on certain papers directed to the Office (>some< exceptions are stated in 37 CFR 1.8), the date on which the paper will be deposited in the United States Postal Service or transmitted by facsimile. If the date stated is within the period for reply, the reply in most instances will be considered to be timely. This is true even if the paper does not

actually reach the Office until after the end of the period for reply. The Certificate of Mailing procedure does not apply to papers mailed in a foreign country.

The Certificate of Transmission procedure, however, also applies to papers transmitted to the Office from a foreign country provided that the correspondence being transmitted is not prohibited from being transmitted by facsimile and is not otherwise precluded from receiving the benefits under 37 CFR 1.8.

Analysis

In order to submit a grantable petition under 37 CFR 1.183, Petitioner must show (1) that this is an extraordinary situation where (2) justice requires waiver of the rule. In re Sivertz, 227 U.S.P.Q. 255, 256 (Comm'r Pat. 1985).

Petitioner has not established that either condition exists in this case.

The circumstances of this case do not demonstrate an extraordinary situation, much less one where justice requires waiver of the rules. The application was deposited with a certificate of mailing which does not indicate the date on which the correspondence was deposited.

The PTO has a well established and well publicized practice by which practitioners may provide proof that papers were submitted to the Office on a particular date. Any papers which are required to be filed in the PTO within a set period of time will be considered as being timely filed if a certificate of mailing is properly prepared and executed. Furthermore, pursuant to 37 C.F.R. §1.8(b), reproduced above, certificate of mailing practice provides relief to applicants in the event that correspondence is not received by the Office. Clearly, a certificate of mailing that fails to contain the date on which the paper was deposited cannot serve to establish that an item was deposited on that date.

Petitioner has further submitted a statement from the legal assistant who prepared the certificate of mailing, a copy of a postcard receipt, a copy of the file jacket, a print-out of a docketing report, and a copy of a mail voucher - however none of these items can stand in the place of a certificate of mailing.

Petitioner cannot rely on the certificate of mailing to establish that the correspondence was deposited on a particular date because this crucial piece of information was inadvertently

omitted from the certificate of mailing. There is nothing extraordinary about this situation. Had the legal assistant properly prepared the certificate of mailing, Petitioner would be in a position to easily establish that a response was timely submitted to the Office. The proper and prudent preparation of a certificate of mailing were circumstances which were entirely within Petitioner's control, and the omission could have been avoided by the exercise of reasonable care and diligence. Equitable powers should not be invoked to excuse the performance of a condition by a party that has not acted with reasonable due care and diligence[3].

Furthermore, since the PTO did not cause or contribute to Petitioner's omission, this case is even further removed from consideration as one where "justice requires" equitable relief[4]. It is well settled that a party's inadvertent failure to comply with the requirements of the rules or procedures before the USPTO is not deemed to be an extraordinary situation that would warrant waiver of the rules or procedures under 37 CFR §1.183[5]. Rather, as petitioner failed to place this crucial piece of information on the certificate of mailing in accordance with the requirements of 37 C.F.R. §1.8, this is not an "extraordinary situation" where "justice requires" an extraordinary remedy.

It follows that Petitioner's circumstances are not extraordinary, and justice fails to require waiver of rule 37 C.F.R. §1.8(a)(1)(ii).

Conclusion

The petition under 37 C.F.R. §1.183 is **DISMISSED.**

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3 U.S. v. Lockheed Petroleum Services, 709 F.2d 1472, 1475 (Fed. Cir. 1983).
4 See Helfgott & Karras, P.C. v. Dickinson, 209 F.3d 1328, 54 USPQ2d 1425 (Fed. Cir. 2000).
5 See Honigsbaum v. Lehman, 903 F. Supp. 8, 37 USPQ2d 1799 (D.D.C. 1995) (Commissioner did not abuse his discretion in refusing to waive requirements of 37 CFR 1.10(c) in order to grant filing date to patent application, where applicant failed to produce "Express Mail" customer receipt or any other evidence that application was actually deposited with USPS as "Express Mail"), *aff'd without opinion*, 95 F.3d 1166 (Fed. Cir.1996); Nitto Chemical Industry. Co., Ltd. v. Comer, 39 USPQ2d 1778, 1782 (D.D.C. 1994) (Commissioner's refusal to waive requirements of 37 CFR 1.10 in order to grant priority filing date to patent application not arbitrary and capricious, because failure to comply with the requirements of 37 CFR 1.10 is an "avoidable" oversight that could have been prevented by the exercise of ordinary care or diligence, and thus not an extraordinary situation under 37 CFR 1.183); Gustafson v. Strange, 227 USPQ 174 (Comm'r Pats. 1985) (Counsel's unawareness of 37 CFR 1.8 not extraordinary situation warranting waiver of a rule).

The petition under 37 C.F.R. §1.181:

Without the waiver of 37 C.F.R. §1.8, Petitioner will not be able to establish that the correspondence was timely submitted to the Office. As such, the petition under 37 C.F.R. §1.181 must be **DISMISSED**.

Any reply 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 reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. §§1.181 and 1.183." Alternatively, Petitioner may wish to consider filing a petition under 37 C.F.R. §§1.137(a) and/or (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[6], hand-delivery[7], or facsimile[8].

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

6 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
7 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
8 (571) 273-8300- please note this is a central facsimile number.

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Paper No. None

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NEW YORK NY 10020-1105

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OFFICE OF PETITIONS

In re Application of	:	
Joseph Noviello et al.	:	
Application No. 29/224,868	:	DECISION ON PETITION
Filing Date: March 8, 2005	:	UNDER 37 C.F.R. § 1.137(B)
Attorney Docket Number:	:	
P.050308.03.DES.US_RG	:	
Title: TRADING KEYBOARD	:	

This is a decision on the petition under 37 CFR §1.137(b)[1], filed April 6, 2006, to revive the above-identified application.

The application was deposited on March 8, 2005. The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed April 6, 2005, which set a shortened statutory period for reply of two (2) months. The notice indicated that an executed oath or declaration would be required, along with the surcharge associated with the late submission of the same. 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 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.

identified application became abandoned on June 7, 2005. A notice of abandonment was mailed on January 13, 2006.

Petitions under 37 C.F.R §§1.182 and 1.183 were submitted on February 3, 2006 along with an executed declaration and the associated surcharge. Each was dismissed via the mailing of a decision on March 9, 2006.

37 C.F.R. §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 C.F.R. §1.137(b) was unintentional. Since the statement contained in the instant petition varies from the language required by 37 C.F.R. §1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 C.F.R. §1.137(b)(3) and petitioner must notify the Office if this is not a correct interpretation of the statement contained in the instant petition.

With the present petition, Petitioner has submitted the petition fee, a statement which is being construed as the proper statement of unintentional delay, and a terminal disclaimer. Petitioner has met all requirements for a grantable petition under 37 C.F.R. §1.137(b). As such, the petition is **GRANTED**.

The Office if Initial Patent Examination will be made aware of this decision.

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

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Senior Attorney
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OFFICE OF PETITIONS

In re Application of	:	
Joseph Noviello et al.	:	
Application No. 29/224,910	:	DECISION ON TWO PETITIONS
Filing Date: March 8, 2005	:	UNDER 37 C.F.R. §§ 1.181
Attorney Docket Number:	:	and 1.183
P.050308.02.DES.US_RG	:	
Title: TRADING KEYBOARD	:	

Background

This is a decision on the two petitions concurrently filed on February 3, 2006, pursuant to 37 C.F.R. §§ 1.181 and 1.183, requesting that the holding of abandonment be withdrawn and that 37 C.F.R. §1.8(a)(1)(ii) be waived so that Petitioner may rely on a certificate of mailing which was not properly prepared.

In short, Petitioner wishes to rely on a certificate of mailing to establish that a particular mailing was timely sent to the Office, so that he may have the holding of abandonment withdrawn. Unfortunately however, the certificate of mailing which appears on the communication does not contain a date of deposit.

The application was deposited on March 8, 2005. The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed April 6, 2005, which set a shortened statutory period for reply of two (2) months. The notice indicated that an executed oath or declaration would be required, along with the surcharge associated with the late submission of the same. 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 June 7, 2005. A notice of abandonment was mailed on January 13, 2006.

With this petition, Petitioner has submitted the fee associated with the filing of a petition under 37 C.F.R. §1.183, along with an executed declaration[1]. Petitioner has asserted that this declaration was timely submitted on May 11, 2005, however "although the certificate of mailing was signed, it failed to include a date showing when the response was mailed[2]."

As such, Petitioner wishes to have the holding of abandonment withdrawn, however he cannot establish that a submission was timely filed without first obtaining the waiver of 37 C.F.R. §1.8(a).

The petition under 37 C.F.R. §1.183:

Applicable Rules and Portion of the MPEP

§ 1.8 Certificate of mailing or transmission.
(a) Except in the situations enumerated in paragraph (a)(2) of this section or as otherwise expressly excluded in this chapter, correspondence required to be filed in the U.S. Patent and Trademark Office within a set period of time will be considered as being timely filed if the procedure described in this section is followed. The actual date of receipt will be used for all other purposes.
(1) Correspondence will be considered as being timely filed if:
(i) The correspondence is mailed or transmitted prior to expiration of the set period of time by being:
(A) Addressed as set out in § 1.1(a) and deposited with the U.S. Postal Service with sufficient postage as first class mail; or
(B) Transmitted by facsimile to the Patent and Trademark Office in accordance with § 1.6(d); and
(ii) The correspondence includes a certificate for each piece of correspondence stating the date of deposit or transmission. The person signing the certificate should have reasonable basis to expect that the correspondence would be mailed or transmitted on or before the date indicated.

...

(b) In 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:

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1 The surcharge associated with the late submission of this declaration has been charged to Petitioner's Deposit Account, as authorized in the petition.
2 Petition, page 2.

(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.
(c) The Office may require additional evidence to determine if the correspondence was timely filed.

[41 FR 43721, Oct. 4, 1976; 43 FR 20461, May 11, 1978; para. (a). 47 FR 47381, Oct. 26, 1982, effective Oct. 26, 1982; para. (a),48 FR 2708, Jan. 20, 1983; para. (a) 49 FR 48416, Dec. 12, 1984, effective Feb. 11, 1985; para. (a), 49 FR 5171, Feb. 6, 1985, effective Mar. 8, 1985; 52 FR 20046, May 28, 1987; subparas. (a)(2)(xiv)-(xvi), 54 FR 37588, Sept. 11, 1989, effective Nov. 16, 1989; revised, 58 FR 54494, Oct. 22, 1993, effective Nov. 22, 1993; para. (a) revised, 61 FR 56439, Nov. 1, 1996, effective Dec. 2, 1996; paras. (a)(2)(i)(A) & (b) revised; 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (a)(2)(i)(F) revised, 67 FR 520, Jan. 4, 2002, effective Apr. 1, 2002; para. (b)(3) revised, 68 FR 14332, Mar. 25, 2003, effective May 1, 2003; para. (a)(2)(ii) removed and reserved, 68 FR 48286, Aug. 13, 2003, effective Sept. 12, 2003; para. (a)(2)(i)(B) removed and reserved and para. (a)(2)(i)(C) revised, 69 FR 49959, Aug. 12, 2004, effective Sept. 13, 2004; paras. (a) and (b) revised, 69 FR 56481, Sept. 21, 2004, effective Oct. 21, 2004]

§ 1.183 Suspension of rules.
In an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Director or the Director's designee, sua sponte, or on petition of the interested party, subject to such other requirements as may be imposed. Any petition under this section must be accompanied by the petition fee set forth in § 1.17(h).

[47 FR 41278, Sept. 17, 1982, effective Oct. 1, 1982; revised, 68 FR 14332, Mar. 25, 2003, effective May 1, 2003]

§ 1.135 Abandonment for failure to reply within time period.
(a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.

[Paras. (a), (b), and (c), 47 FR 41276, Sept. 17, 1982, effective Oct. 1, 1982; para. (d) deleted, 49 FR 555, Jan. 4, 1984, effective Apr. 1, 1984; revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997]

Section 512 of the MPEP sets forth, in part:
Under 37 CFR 1.8, a person may state on certain papers directed to the Office (>some< exceptions are stated in 37 CFR 1.8), the date on which the paper will be deposited in the United States Postal Service or transmitted by facsimile. If the date stated is within the period for reply, the reply in most instances will be considered to be timely. This is true even if the paper does not

actually reach the Office until after the end of the period for reply. The Certificate of Mailing procedure does not apply to papers mailed in a foreign country.

The Certificate of Transmission procedure, however, also applies to papers transmitted to the Office from a foreign country provided that the correspondence being transmitted is not prohibited from being transmitted by facsimile and is not otherwise precluded from receiving the benefits under 37 CFR 1.8.

Analysis

In order to submit a grantable petition under 37 CFR 1.183, Petitioner must show (1) that this is an extraordinary situation where (2) justice requires waiver of the rule. In re Sivertz, 227 U.S.P.Q. 255, 256 (Comm'r Pat. 1985).

Petitioner has not established that either condition exists in this case.

The circumstances of this case do not demonstrate an extraordinary situation, much less one where justice requires waiver of the rules. The application was deposited with a certificate of mailing which does not indicate the date on which the correspondence was deposited.

The PTO has a well established and well publicized practice by which practitioners may provide proof that papers were submitted to the Office on a particular date. Any papers which are required to be filed in the PTO within a set period of time will be considered as being timely filed if a certificate of mailing is properly prepared and executed. Furthermore, pursuant to 37 C.F.R. §1.8(b), reproduced above, certificate of mailing practice provides relief to applicants in the event that correspondence is not received by the Office. Clearly, a certificate of mailing that fails to contain the date on which the paper was deposited cannot serve to establish that an item was deposited on that date.

Petitioner has further submitted a statement from the legal assistant who prepared the certificate of mailing, a copy of a postcard receipt, a copy of the file jacket, a print-out of a docketing report, and a copy of a mail voucher - however none of these items can stand in the place of a certificate of mailing.

Petitioner cannot rely on the certificate of mailing to establish that the correspondence was deposited on a particular date because this crucial piece of information was inadvertently

omitted from the certificate of mailing. There is nothing extraordinary about this situation. Had the legal assistant properly prepared the certificate of mailing, Petitioner would be in a position to easily establish that a response was timely submitted to the Office. The proper and prudent preparation of a certificate of mailing were circumstances which were entirely within Petitioner's control, and the omission could have been avoided by the exercise of reasonable care and diligence. Equitable powers should not be invoked to excuse the performance of a condition by a party that has not acted with reasonable due care and diligence[3].

Furthermore, since the PTO did not cause or contribute to Petitioner's omission, this case is even further removed from consideration as one where "justice requires" equitable relief[4]. It is well settled that a party's inadvertent failure to comply with the requirements of the rules or procedures before the USPTO is not deemed to be an extraordinary situation that would warrant waiver of the rules or procedures under 37 CFR §1.183[5]. Rather, as petitioner failed to place this crucial piece of information on the certificate of mailing in accordance with the requirements of 37 C.F.R. §1.8, this is not an "extraordinary situation" where "justice requires" an extraordinary remedy.

It follows that Petitioner's circumstances are not extraordinary, and justice fails to require waiver of rule 37 C.F.R. §1.8(a)(1)(ii).

Conclusion

The petition under 37 C.F.R. §1.183 is **DISMISSED**.

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3 U.S. v. Lockheed Petroleum Services, 709 F.2d 1472, 1475 (Fed. Cir. 1983).
4 See Helfgott & Karras, P.C. v. Dickinson, 209 F.3d 1328, 54 USPQ2d 1425 (Fed. Cir. 2000).
5 See Honigsbaum v. Lehman, 903 F. Supp. 8, 37 USPQ2d 1799 (D.D.C. 1995) (Commissioner did not abuse his discretion in refusing to waive requirements of 37 CFR 1.10(c) in order to grant filing date to patent application, where applicant failed to produce "Express Mail" customer receipt or any other evidence that application was actually deposited with USPS as "Express Mail"), *aff'd without opinion*, 95 F.3d 1166 (Fed. Cir.1996); Nitto Chemical Industry. Co., Ltd. v. Comer, 39 USPQ2d 1778, 1782 (D.D.C. 1994) (Commissioner's refusal to waive requirements of 37 CFR 1.10 in order to grant priority filing date to patent application not arbitrary and capricious, because failure to comply with the requirements of 37 CFR 1.10 is an "avoidable" oversight that could have been prevented by the exercise of ordinary care or diligence, and thus not an extraordinary situation under 37 CFR 1.183); Gustafson v. Strange, 227 USPQ 174 (Comm'r Pats. 1985) (Counsel's unawareness of 37 CFR 1.8 not extraordinary situation warranting waiver of a rule).

The petition under 37 C.F.R. §1.181:

Without the waiver of 37 C.F.R. §1.8, Petitioner will not be able to establish that the correspondence was timely submitted to the Office. As such, the petition under 37 C.F.R. §1.181 must be **DISMISSED.**

Any reply 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 reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. §§1.181 and 1.183." Alternatively, Petitioner may wish to consider filing a petition under 37 C.F.R. §§1.137(a) and/or (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[6], hand-delivery[7], or facsimile[8].

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

6 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
7 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
8 (571) 273-8300- please note this is a central facsimile number.

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UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Paper No. None

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ROPES & GRAY LLP
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NEW YORK NY 10020-1105

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MAY 0 5 2006
OFFICE OF PETITIONS

In re Application of	:	
Joseph Noviello et al.	:	
Application No. 29/224,910	:	DECISION ON PETITION
Filing Date: March 8, 2005	:	UNDER 37 C.F.R. § 1.137(B)
Attorney Docket Number:	:	
P.050308.02.DES.US_RG	:	
Title: TRADING KEYBOARD	:	

This is a decision on the petition under 37 CFR §1.137(b)[1], filed April 6, 2006, to revive the above-identified application.

The application was deposited on March 8, 2005. The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed April 6, 2005, which set a shortened statutory period for reply of two (2) months. The notice indicated that an executed oath or declaration would be required, along with the surcharge associated with the late submission of the same. 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 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.

identified application became abandoned on June 7, 2005. A notice of abandonment was mailed on January 13, 2006.

Petitions under 37 C.F.R §§1.182 and 1.183 were submitted on February 3, 2006 along with an executed declaration and the associated surcharge. Each was dismissed via the mailing of a decision on March 9, 2006.

37 C.F.R. §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 C.F.R. §1.137(b) was unintentional. Since the statement contained in the instant petition varies from the language required by 37 C.F.R. §1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 C.F.R. §1.137(b)(3) and petitioner must notify the Office if this is not a correct interpretation of the statement contained in the instant petition.

With the present petition, Petitioner has submitted the petition fee, a statement which is being construed as the proper statement of unintentional delay, and a terminal disclaimer. Petitioner has met all requirements for a grantable petition under 37 C.F.R. §1.137(b). As such, the petition is **GRANTED**.

The Office if Initial Patent Examination will be made aware of this decision.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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500 RENAISSANCE DRIVE - SUITE 102
ST. JOSEPH MI 49085

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JUN 21 2007

OFFICE OF PETITIONS

In re Application of	:	
Browne, et al.	:	DECISION
Application No.: 29/224,923	:	
Filed: March 8, 2005	:	
Docket No.: US20050033	:	

This decision is in response to the petition under 37 CFR 1.47(a), filed March 13, 2007. This matter is being properly treated under 37 CFR 1.183 as a petition to waive the requirements of 37 CFR 1.67. The outstanding petition fee of $200.00 has been charged to petitioners' deposit account as authorized.

In response to the Notice mailed December 15, 2006, petitioners have submitted the instant request for acceptance of a supplemental declaration under 37 CFR 1.67 signed by less than all of the inventors named in the instant application.

37 CFR 1.67(a)(1) states:

> "Deficiencies or inaccuracies relating to all the inventors or applicants (§§ 1.42, 1.43, or § 1.47) may be corrected with a supplemental oath or declaration signed by all the inventors or applicants."

Petitioners allege that Inventor DallePezzee refuses to execute the supplemental declaration.

In accordance with MPEP 603, "[w]hen an inventor who executed the original declaration is refusing or cannot be found to execute a required supplemental declaration, the requirement for that inventor to sign the supplemental declaration may be suspended or waived in accordance with 37 CFR 1.183. All available joint inventors must sign the supplemental declaration on behalf of themselves, if appropriate, and on behalf of the nonsigning inventor. See MPEP §409.03(a)."

A grantable petition under 37 CFR 1.183 to waive the requirement of 37 CFR 1.67 requires petitioners to establish that this is an

extraordinary situation where justice requires waiver of the rules.

Petitioners herein have set forth the steps taken to obtain the signature of Inventor DallePezzee on the § 1.67 declaration. Furthermore, petitioners have shown that *bona fide* effort has been made to present the § 1.67 declaration and supporting documentation to said inventor. The inventor, however, has been non-responsive to efforts to procure his signature on the supplemental declaration.

Under the circumstances, it must be concluded that petitioners have demonstrated that this extraordinary situation warrants waiver of the rules.

In view of the circumstances outlined in the instant petition, the 37 CFR 1.67 declaration may be entered, despite the fact that the requirement that all of the inventors sign the supplemental declaration has not been satisfied.

Accordingly, the petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.67(a)(1) is hereby **GRANTED**.

The application file is being forwarded to Technology Center 2900 for further processing, including processing of the 1.312 amendment submitted herewith.

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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ALEXANDRIA, VA 22313-1450
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NEW YORK NY 10020-1105

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OFFICE OF PETITIONS

In re Application of	:	
Noviello et al.	:	DECISION DISMISSING PETITIONS
Application No. 29/224,931	:	UNDER 37 CFR 1.181 and 1.183
Filed: March 8, 2005	:	
Docket No. P.050308.06.DES.US_RG	:	

This is decision on the "Petition under 37 C.F.R. 1.181 and 1.183 to Withdraw Abandonment," filed February 3, 2006.

On April 6, 2005, the Office mailed a Notice to File Missing Parts of Nonprovisional Application (Notice of Missing Parts), which set a two-month extendable period to submit an executed oath or declaration and a surcharge for its late filing. In the apparent absence of a timely filed response, the application became abandoned on June 7, 2005. On February 7, 2005, the Office mailed a Notice of Abandonment.

On February 3, 2006, applicants submitted the present petitions, a copy of a "Response to the Notice to File Missing Parts," which included an executed declaration, and an authorization to charge the requisite fee. Applicants asserted that they timely filed the "Response to the Notice to File Missing Parts," and the related papers; however, they were not received by the USPTO. Applicants explained that the "Response to Notice to File Missing Parts" included a certificate of mailing that was not in full compliance with 37 CFR 1.8(a). Specifically, Kristina Levites signed the certificate of mailing, but the correspondence did not include a date showing when she deposited it with the USPS.

In support of the petitions, applicants submitted a Statement by Kristina Levites, a copy of the file jacket corresponding to this application, a printout of the IPMaster docketing record, and a copy of a USPS Mail/Shipping Voucher. Furthermore, applicants stated that Ms. Levites had no reason to believe that the Response was not mailed on May 11, 2005, as evidenced by the Statement and supporting documents submitted herewith.

PETITION UNDER 37 CFR 1.183

In the present petition, applicants requested that the Office waive 37 CFR 1.8(a)(1)(ii), requiring that the correspondence (i.e., "Response to Notice to File Missing Parts") included a certificate of mailing stating the date of deposit or transmission.

The Office will grant a petition under 37 CFR 1.183, where an applicant demonstrates that an extraordinary situation exists such that justice requires waiver of the rule. In re Sivertz, 227 U.S.P.Q. 255, 256 (Comm'r Pat. 1985). In the present petition, applicants have not shown that either condition exists in this case.

The USPTO has a well established practice in which correspondence required to be filed in the USPTO within a set period of time will be considered as being timely filed if the certificate of mailing procedure described in 37 CFR 1.8(a) is followed. Furthermore, in the event that correspondence is not received in the USPTO, it will be considered timely filed if the party who forwarded the correspondence complied with 37 CFR 1.8(a). See 37 CFR 1.8(b). Clearly, 37 CFR 1.8(a) and (b) do not apply to a situation in which the correspondence required to be filed in the USPTO in a set period of time does not state the date of deposit. In that instance, the actual date of receipt of the correspondence will be used. 37 CFR 1.8(a).

Moreover, the Statement of Kristina Levites, the copy of the file jacket corresponding to this application, the printout of the IPMaster docketing record, and the copy of a USPS Mail/Shipping Voucher are not the documentary evidence enumerated in 37 CFR 1.8 to establish the date of deposit. The record reveals that the legal assistant inadvertently omitted the date of deposit from the certificate of mailing. The filing of correspondence under 37 CFR 1.8 without the date of deposit in the USPS is an oversight that can be avoided by the exercise of reasonable care. An applicant's inadvertent failure to comply with the requirements of a rule is not deemed to be an extraordinary situation that would warrant waiver of a rule under 37 CFR 1.183.

The Office notes that equitable powers should not be invoked to excuse the performance of a condition by a party that has not acted with reasonable due care and diligence. See United States v. Lockheed Petroleum Servs., 709 F.2d 1472, 1475 (Fed. Cir. 1983). Furthermore, where the Office has the power to do so, it should not relax the requirements of established practice to save an applicant from the consequence of his delay. See Ex Parte Sassin, 1906 Dec. Comm'r. Pat. 205, 206 (Comm'r Pat. 1906) and compare Ziegler v. Baxter v. Natta, 159 USPQ 378, 379 (Comm'r Pat. 1968). Circumstances resulting from applicants', or applicants' counsel's, failure to exercise due care or to properly apply the patent statutes or rules of practice are not extraordinary circumstances where the interests of justice require the granting of relief. See In re Tetrafluor, Inc., 17 USPQ2d 1160, 1162 (Comm'r Pat. 1990).

Accordingly, there is no adequate showing of "an extraordinary situation" in which "justice requires" suspension of 37 CFR 1.8(a)(1)(ii). See Nitto Chem. Indus. Co. v. Comer, 39 USPQ2d 1778, 1782 (D.D.C. 1994)(circumstances are not extraordinary, and do not require waiver of the rules, when a party makes an avoidable mistake in filing papers).

Nevertheless, applicants have a suitable remedy on hand for this predicament that does not require the extraordinary remedy of invoking 37 CFR 1.183. Applicants are reminded that the USPTO will not normally consider an extraordinary remedy when the rules already provide an avenue for obtaining the relief sought. See Cantello v. Rasmussen, 220 USPQ 664 (Comm'r Pat. 1982). Applicants may file a petition to revive the application under 37 CFR 1.137(b) on the basis of unintentional delay. 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, and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

Accordingly, the petition under 37 CFR 1.183 is **dismissed**.

PETITION UNDER 37 CFR 1.181

Applicants did not comply with the requirements of 37 CFR 1.8. Therefore, applicants cannot avail themselves of its benefit of establishing the timely mailing of the response to the Notice of Missing Parts. Therefore, the Office must consider the response as filed on the actual date of receipt in the USPTO as stated in 37 CFR 1.8(a).

Accordingly, the petition to withdraw the holding of abandonment pursuant to 37 CFR 1.181 is **dismissed**.

The Office notes that the $130.00 surcharge for the late filing of the declaration will be charged to applicants' Deposit Account, as authorized.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petitions under 37 CFR 1.183 and 1.181." Extensions of time are permitted under 37 CFR 1.136(a).

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

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

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

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

Telephone inquiries related to this decision 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
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OFFICE OF PETITIONS

In re Application of	:	
Noviello et al.	:	DECISION ON PETITION
Application No. 29/224,931	:	
Filed: March 8, 2005	:	
Docket No. P.050308.06.DES.US_RG	:	

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

On April 6, 2005, the Office mailed a Notice to File Missing Parts of Nonprovisional Application (Notice of Missing Parts), which set a two-month extendable period to submit an executed oath or declaration and a surcharge for its late filing. In the apparent absence of a timely filed response, the application became abandoned on June 7, 2005. On February 7, 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**.

The Office mistakenly charged petitioner's Deposit Account twice for the surcharge for the late filing of the declaration. The duplicate charge of $130.00 will be refunded to the Deposit Account.

This matter is being referred to Technology Center 2913 for examination in due course.

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
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NEW YORK NY 10020-1105

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MAR 1 0 2006
OFFICE OF PETITIONS

In re Application of	:	
Noviello et al.	:	DECISION DISMISSING PETITIONS
Application No. 29/224,933	:	UNDER 37 CFR 1.181 and 1.183
Filed: March 8, 2005	:	
Docket No. P.050308.01.DES.US_RG	:	

This is decision on the "Petition under 37 C.F.R. 1.181 and 1.183 to Withdraw Abandonment," filed February 3, 2006.

On April 6, 2005, the Office mailed a Notice to File Missing Parts of Nonprovisional Application (Notice of Missing Parts), which set a two-month extendable period to submit an executed oath or declaration and a surcharge for its late filing. In the apparent absence of a timely filed response, the application became abandoned on June 7, 2005. On January 17, 2006, the Office mailed a Notice of Abandonment.

On February 3, 2006, applicants submitted the present petitions, a copy of a "Response to the Notice to File Missing Parts," which included an executed declaration, and an authorization to charge the requisite fee. Applicants asserted that they timely filed the "Response to the Notice to File Missing Parts," and the related papers; however, they were not received by the USPTO. Applicants explained that the "Response to Notice to File Missing Parts" included a certificate of mailing that was not in full compliance with 37 CFR 1.8(a). Specifically, Kristina Levites signed the certificate of mailing, but the correspondence did not include a date showing when she deposited it with the USPS.

In support of the petitions, applicants submitted a Statement by Kristina Levites, a copy of the file jacket corresponding to this application, a printout of the IPMaster docketing record, and a copy of a USPS Mail/Shipping Voucher. Furthermore, applicants stated that Ms. Levites had no reason to believe that the Response was not mailed on May 11, 2005, as evidenced by the Statement and supporting documents submitted herewith.

PETITION UNDER 37 CFR 1.183

In the present petition, applicants requested that the Office waive 37 CFR 1.8(a)(1)(ii), requiring that the correspondence (i.e., "Response to Notice to File Missing Parts") included a certificate of mailing stating the date of deposit or transmission.

The Office will grant a petition under 37 CFR 1.183, where an applicant demonstrates that an extraordinary situation exists such that justice requires waiver of the rule. In re Sivertz, 227 U.S.P.Q. 255, 256 (Comm'r Pat. 1985). In the present petition, applicants have not shown that either condition exists in this case.

The USPTO has a well established practice in which correspondence required to be filed in the USPTO within a set period of time will be considered as being timely filed if the certificate of mailing procedure described in 37 CFR 1.8(a) is followed. Furthermore, in the event that correspondence is not received in the USPTO, it will be considered timely filed if the party who forwarded the correspondence complied with 37 CFR 1.8(a). See 37 CFR 1.8(b). Clearly, 37 CFR 1.8(a) and (b) do not apply to a situation in which the correspondence required to be filed in the USPTO in a set period of time does not state the date of deposit. In that instance, the actual date of receipt of the correspondence will be used. 37 CFR 1.8(a).

Moreover, the Statement of Kristina Levites, the copy of the file jacket corresponding to this application, the printout of the IPMaster docketing record, and the copy of a USPS Mail/Shipping Voucher are not the documentary evidence enumerated in 37 CFR 1.8 to establish the date of deposit. The record reveals that the legal assistant inadvertently omitted the date of deposit from the certificate of mailing. The filing of correspondence under 37 CFR 1.8 without the date of deposit in the USPS is an oversight that can be avoided by the exercise of reasonable care. An applicant's inadvertent failure to comply with the requirements of a rule is not deemed to be an extraordinary situation that would warrant waiver of a rule under 37 CFR 1.183.

The Office notes that equitable powers should not be invoked to excuse the performance of a condition by a party that has not acted with reasonable due care and diligence. See United States v. Lockheed Petroleum Servs., 709 F.2d 1472, 1475 (Fed. Cir. 1983). Furthermore, where the Office has the power to do so, it should not relax the requirements of established practice to save an applicant from the consequence of his delay. See Ex Parte Sassin, 1906 Dec. Comm'r. Pat. 205, 206 (Comm'r Pat. 1906) and compare Ziegler v. Baxter v. Natta, 159 USPQ 378, 379 (Comm'r Pat. 1968). Circumstances resulting from applicants', or applicants' counsel's, failure to exercise due care or to properly apply the patent statutes or rules of practice are not extraordinary circumstances where the interests of justice require the granting of relief. See In re Tetrafluor, Inc., 17 USPQ2d 1160, 1162 (Comm'r Pat. 1990).

Accordingly, there is no adequate showing of "an extraordinary situation" in which "justice requires" suspension of 37 CFR 1.8(a)(1)(ii). See Nitto Chem. Indus. Co. v. Comer, 39 USPQ2d 1778, 1782 (D.D.C. 1994)(circumstances are not extraordinary, and do not require waiver of the rules, when a party makes an avoidable mistake in filing papers).

Nevertheless, applicants have a suitable remedy on hand for this predicament that does not require the extraordinary remedy of invoking 37 CFR 1.183. Applicants are reminded that the USPTO will not normally consider an extraordinary remedy when the rules already provide an avenue for obtaining the relief sought. See Cantello v. Rasmussen, 220 USPQ 664 (Comm'r Pat. 1982). Applicants may file a petition to revive the application under 37 CFR 1.137(b) on the basis of unintentional delay. 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, and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

Accordingly, the petition under 37 CFR 1.183 is **dismissed**.

PETITION UNDER 37 CFR 1.181

Applicants did not comply with the requirements of 37 CFR 1.8. Therefore, applicants cannot avail themselves of its benefit of establishing the timely mailing of the response to the Notice of Missing Parts. Therefore, the Office must consider the response as filed on the actual date of receipt in the USPTO as stated in 37 CFR 1.8(a).

Accordingly, the petition to withdraw the holding of abandonment pursuant to 37 CFR 1.181 is **dismissed**.

The Office notes that the $130.00 surcharge for the late filing of the declaration will be charged to applicants' Deposit Account, as authorized.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petitions under 37 CFR 1.183 and 1.181." Extensions of time are permitted under 37 CFR 1.136(a).

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

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

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

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

Telephone inquiries related to this decision 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

In re Application of	:	
Noviello et al.	:	DECISION ON PETITION
Application No. 29/224,933	:	
Filed: March 8, 2005	:	
Docket No. P.050308.01.DES.US_RG	:	

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

On April 6, 2005, the Office mailed a Notice to File Missing Parts of Nonprovisional Application (Notice of Missing Parts), which set a two-month extendable period to submit an executed oath or declaration and a surcharge for its late filing. In the apparent absence of a timely filed response, the application became abandoned on June 7, 2005. On January 17, 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**.

The Office mistakenly charged petitioner's Deposit Account twice for the surcharge for the late filing of the declaration. The duplicate charge of $130.00 will be refunded to the Deposit Account.

This matter is being referred to Technology Center 2913 for examination in due course.

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

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700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 15219-1818

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JAN 12 2007

OFFICE OF PETITIONS

In re Application of	:	
Katsuhiko Honda et al	:	
Application No. 29/224,960	:	ON PETITION
Filed: March 9, 2005	:	
Attorney Docket No. 0388-050658	:	

This is a decision on the petition under 37 CFR 1.137(b), filed August 28, 2006, to revive the above-identified design 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 March 23, 2006, which set a period for reply of three (3) months. Accordingly, this application became abandoned on June 24, 2006. A Notice of Abandonment was mailed on August 2, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply; (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).

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 Technology Center AU 2912 for processing the amendment submitted with the petition. Thereafter, the application will be referred to Publishing Division.

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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VAN DYKE, GARDNER, LINN & BURKHART, LLP
SUITE 207
2851 CHARLEVOIX DRIVE, S.E.
GRAND RAPIDS MI 49546

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JAN 03 2008

OFFICE OF PETITIONS

In re Application of	:	
Flaherty, et al.	:	
Application No. 29/225,023	:	DECISION ON PETITION
Filed: March 10, 2005	:	
Docket No.: LEA03 P-306	:	

This is a decision on the petition under 37 CFR 1.181, filed December 13, 2007, to withdraw the holding of abandonment.

The petition is **GRANTED**.

The application was held abandoned for failure to timely submit a properly reply to the Notice of Allowance (Notice) mailed August 7, 2007. The Notice set a three month statutory period of time for reply. Notice of Abandonment was mailed December 6, 2007.

Petitioners assert non-receipt of the Notice.

In the absence of any irregularity in the mailing of the Office communication, there is a strong presumption that the Office communication was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the Office communication 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 Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. *See*, MPEP 711.03(c). 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.

The arguments and supporting documentation presented have been carefully considered and support the conclusion that the Notice was not received.

In view thereof he Notice of Abandonment is hereby **VACATED** and the holding of abandonment is **WITHDRAWN**.

This application is being directed 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

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PLANTRONICS, INC.
345 ENCINAL STREET
P.O. BOX 635
SANTA CRUZ CA 95060-0635

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SEP 06 2005

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Soohyun Ham :
Application No. 29/225,100 :
Filed: March 9, 2005 :
Attorney Docket No. 01-7205 :

This is a decision on the petition filed August 4, 2005, in response to the Notice to File Omitted Items. The petition is treated under 37 CFR 1.182.

The application was filed on March 9, 2005. However, on June 22, 2005, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s) in a Nonprovisional Application," stating that the application had been accorded a filing date; however, Figures 9-27, as described in the specification appeared to have been omitted.

In response, the present petition was filed. The petition argues, in effect, that no figures are missing. Instead, the petition indicates that the figures were mislabeled.

Petitioner's arguments are well-taken. It is obvious from the petition that no figures were actually missing on March 9, 2005. Rather, the figures were contained in an appendix and were mislabeled .

In view of the above, the request to accord the application a filing date of March 9, 2005, is **GRANTED**.

As a result of applicant's filing error, however, the "Notice of Omitted Item(s)" mailed June 22, 2005 was correct in stating that Figures 9-27 of the specification appeared to have been omitted. Therefore, the "Notice" was properly mailed and will not be withdrawn and thus the petition fee will not be refunded.

The application will be forwarded to the Office of Initial Patent Examination for further processing with a filing date of March 9, 2005 and using the properly numbered specification, properly labeled figures and preliminary amendment submitted on petition August 1, 2005.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney in the Office of Petitions at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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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
29/225,129	03/11/2005	2913	430	PB61042DESUS	6	1	1

CONFIRMATION NO. 6928

CORRECTED FILING RECEIPT

OC000000015820925

23347
DAVID J LEVY, CORPORATE INTELLECTUAL PROPERTY
GLAXOSMITHKLINE
FIVE MOORE DR., PO BOX 13398
RESEARCH TRIANGLE PARK, NC 27709-3398

Date Mailed: 04/27/2005

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)

Mark Anthony Cox, Residence Not Provided;
Allen John Pearson, Residence Not Provided;
Paul Kenneth Rand, Residence Not Provided;

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications

UNITED KINGDOM GB3018742 09/15/2004

If Required, Foreign Filing License Granted: 04/08/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US29/225,129

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

Non-Publication Request: No

Early Publication Request: No

Title

Telescopic strap and a cap with the telescopic strap, of particular use for a dust cap of a metered dose inhaler

Preliminary Class

D24

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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JJGJR.: 02-06

Paper No: __

THE COCA-COLA COMPANY
PATENT & TECHNOLOGY DEPT--NAT 19
P. O. BOX 1734
ATLANTA GA 30301

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FEB 0 6 2006

OFFICE OF PETITIONS

In re Application of
LaKier, et al. :
Application No. 29/225,139 : ON PETITION
Filed: 10 March, 2005 :
Attorney Docket No. 25040.1493 :

This is a decision on the petitions filed on 13 October, 2005, improvidently under ¶(b) of 37 C.F.R. §1.47 and properly considered under ¶(a) of 37 C.F.R. §1.47.

The petition under 37 C.F.R. §1.47(a) is **GRANTED**.

BACKGROUND

The record indicates:

- the instant application was filed on 10 March, 2005, without, *inter alia*, a fully executed oath/declaration;
- on 8 April, 2005, the Office mailed a Notice of Missing Parts with reply due absent extension of time on or before 8 June, 2005;
- on 13 October, 2005, Petitioner Daniel J. Warren (Reg. No. 34,272) filed the instant petition with fee, and, *inter alia*, a statement by Andrea Barbian, identified as a patent paralegal, as to

the interest of the Petitioner in the instant application (with supporting documents) and an oath/declaration signed by named inventors LaKier, Davis, Brown, Robinson, Purcell and Jones, for themselves and on behalf of named and non-signing inventor Scott Herbst (Mr. Herbst), with supporting correspondence to evidence that the entire application (specification, claims, drawings) was transmitted to Mr. Herbst but that he has failed to submit a signed copy of the oath/declaration.

Lastly, Petitioner has submitted a declaration in compliance with 37 C.F.R. §1.63 and §1.64.

This application and papers have been reviewed and found in compliance with 37 C.F.R. §1.47(a).

This application hereby is **ACCORDED status under 37 C.F.R. §1.47(a)**.

As provided under 37 C.F.R. §1.47(a), the 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 also will be published in the Official Gazette.

This file is being released to OIPE for processing as necessary to reflect the instant decision before being released for examination in due course.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3214.

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

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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
29/225,155	03/10/2005	2913	560	15499.725	10	1	1

CONFIRMATION NO. 3637

CORRECTED FILING RECEIPT

OC000000016222734

WORKMAN NYDEGGER
ATTORNEYS AT LAW
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UT 84111

Date Mailed: 06/08/2005

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)

Kent Ashby, Logan, UT;

Power of Attorney: The patent practitioners associated with Customer Number **022913**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 04/01/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US29/225,155

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

Non-Publication Request: No

Early Publication Request: No

Title

Folding chair with armrests

Preliminary Class

D06

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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1001 G STREET N W
SUITE 1100
WASHINGTON, DC 20001

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JUN 30 2005

OFFICE OF PETITIONS

In re Application of :
Kenneth Bower :
Application No. 29/225,187 :
Filed: March 11, 2005 : DECISION ON PETITION
Attorney Docket No.: :
006089.00259 :

This is a decision on the Petition Regarding Allegedly Omitted Items, filed April 28, 2005. The petition is properly treated under 37 CFR 1.53.

The application was filed on March 11, 2005. However, on April 8, 2005, the Office of Initial Patent Examination mailed a Notice to File Missing Parts of Nonprovisional Application (hereinafter ("Notice"), stating that the application had been accorded a filing date; however, drawing Figures 8, 20 and 23 described in the specification appeared to have been omitted from the application.

In response, Applicant files the instant petition wherein Applicant avers that drawing Figures 8, 20 and 23 described in the specification were included among 14 sheets of drawings filed with the application on March 11, 2005, and were received by this Office on March 11, 2005. Applicant asserts that the Figure numbers for drawing Figures 8, 20 and 23 were cut-off during the scanning process.

A review of the application papers originally filed with the application on March 11, 2005 reveal that Applicant is correct. Office records have been corrected to reflect that drawing Figures 8, 20 and 23 were included among 14 sheets of drawings containing 28 drawing Figures filed with the application on March 11, 2005.

Accordingly, the petition is granted.

A refund of the petition fee has been credited to deposit account 19-0733 as authorized in the instant petiion.

The application will be returned to the Office of Initial Patent Examination for further processing as a nonprovisional application with a filing date of March 11, 2005, and an indication that drawing Figures 8, 20 and 23 were included among 14 sheets of drawings containing 28 drawing Figures filed with the application on March 11, 2005.

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

Derek L. Woods
Petitions Attorney
Office of Petitions

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SUITE 630
LOS ANGELES, CA 90045

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APR 0 6 2006

OFFICE OF PETITIONS

In re Application of :
Robert C. Mott :
Application No. 29/225,202 : ON PETITION
Filed: March 14, 2005 :
Attorney Docket No. 06-120-B :

This is a decision on the petition filed March 28, 2006, under 37 CFR 1.137(a)[1], to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned September 27, 2005, for failure to file a timely response to the Office action in accordance with *Ex parte Quayle*,[2] mailed on July 26, 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 March 8, 2006.

Petitioner argues that the Attorney of Record, Roger A. Marrs, died on June 19, 2005, prior to the mailing of the office action. Petitioner submits as proof, a copy from the social security death index (SSDI), noting the date of death for Roger A. Marrs as June 19, 2005.

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

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[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©)).

[2]1935 C.D. 11, 453 O.G. 213.

> 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.[3]

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.[4]

A review of the file reveals that Mr. Marrs was the agent of record, appointed by the sole inventor, to prosecute the above-referenced application and thus the preceding death of Mr. Marrs and the delay by petitioner in responding timely to the office action mailed July 26, 2005 was unavoidable under the standard set out at 37 CFR 1.137(a).

There is no indication however that petitioner herein was ever empowered to prosecute the instant application. If petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation must be submitted. This decision, as a courtesy, is being mailed to petitioner. However, no future correspondence will be directed to the petitioner until such time as appropriate instructions are received to the contrary.

The response to the Office Action filed March 28, 2006 will be referred to Technology Center 2915 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

[3] 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).

[4] Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

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1180 AVENUE OF THE AMERICAS
NEW YORK, NEW YORK 10036-8403

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OCT 27 2005

OFFICE OF PETITIONS

In re Application of	:
Winka Dubbeldam et al.	:
Application No. 29/225,204	: DECISION ACCORDING STATUS
Filed: March 11, 2005	: UNDER 37 CFR 1.47(a)
Attorney Docket No. D/3687-60	:

This is in response to the petition filed October 14, 2005 under 37 CFR 1.47(a).

The petition is **GRANTED**.

The above-identified application was filed on March 11, 2005, naming Winka Dubbeldam, Ana Zatazalo and Susan Hakkarainen as joint inventors but without a signed declaration. Accordingly, on April 8, 2005, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration.

In response, an oath or declaration executed only by joint inventors Dubbeldam and Hakkarainen, the instant petition under 37 CFR 1.47(a) and a request for a four month extension of time was filed. The petition argues that joint inventor Zatazalo refuses to sign the oath or declaration and thus by her actions, to cooperate with the filing of the instant application.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The petition bears proof that the application papers were sent to Ms. Zatazalo and that she has expressly, by email correspondence, refused to sign the oath or declaration or to cooperate with the filing of the instant application. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby accorded Rule 1.47(a) status.

Thus, as provided in Rule 1.47c, this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

As for the fees submitted, $860.00 only covered the four month extension of time fee, $795.00, and the late filing surcharge, $65.00. However, the petition fee in the amount of $200.00 was not submitted and thus, per the authorization found in the petition, Deposit Account no. 15-0700 will be charged $200.00.

This 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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DLA PIPER RUDNICK GRAY CARY US
LLP
P.O. Box 64807
Chicago, IL 60664-0807

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OFFICE OF PETITIONS

In re Application of

:

Lisa Christine Buzzelli

:

Application No. 29/225,219

Filing Date: March 10, 2005

:

Attorney Docket No. P7054DES(266646-007002)

This is a decision on the petition under 37 CFR §1.137(b), November 24, 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 June 14, 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 September 15, 2006. A Notice of Abandonment was mailed on November 8, 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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CANCELLED

DLA PIPER RUDNICK
GRAY CARY US LLP
P.O. Box 64807
Chicago, IL 60664-0807

In re Application of

Lisa Christine Buzzelli:

Application No. 29/225,219

Filed: March 10, 2005

Attorney Docket No. **P7054DES (266646-007002)**

: DECISION ON

: PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed February 21, 2007, to revive the above-identified application.

The renewed petition is **granted**.

This application became abandoned on September 15, 2006, for failure to file timely new corrected drawings as required by the Notice of Allowability mailed June 14, 2006. 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 November 8, 2006. A petition under 37 CFR 1.137(b) was first filed on November 24, 2006, and dismissed by a decision mailed February 6, 2007.

The new corrected drawings, filed November 24, 2006, are noted.

The terminal disclaimer filed February 21, 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

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Pearl Cohen Zedek Latzer, LLP
1500 Broadway
12th Floor
New York NY 10036

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MAR 26 2008

OFFICE OF PETITIONS

In re Application of
RIESENBERG, MICHAEL
Application No. 29/225,275
Filed: 03/15/2005
Attorney Docket No. D-0464-US

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 19, 2007, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee and to submit corrected formal drawings on or before December 10, 2007, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed September 10, 2007. Accordingly, this application became abandoned on December 11, 2007. A Notice of Abandonment was mailed on January 8, 2008.

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 and corrected formal drawings, (2) the petition fee, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer (and fee).

The terminal disclaimer submitted on December 19, 2007 is accepted.

This matter is being forwarded 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 T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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PEARL COHEN ZEDEK LATZER, LLP
1500 BROADWAY 12TH FLOOR
NEW YORK NY 10036

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JAN 07 2008

OFFICE OF PETITIONS

In re Application of	:	
Miki (Michael) Riesenberg	:	
Application No. 29/225,277	:	ON PETITION
Filed: March 15, 2005	:	
Attorney Docket No. D-0463-US	:	

This is a decision on the petition under 37 CFR 1.137(b), filed December 19, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on December 10, 2007, for failure to file corrected drawings in response to the Notice of Allowability mailed September 10, 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 $770.00; (3) an adequate statement of unintentional delay, and 4) a terminal disclaimer and requisite fee.

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

The application file is being directed to the Office of Patent Publication for further processing.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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HODGSON RUSS LLP
ONE M & T PLAZA
SUITE 2000
BUFFALO NY 14203-2391

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FEB 13 2007

OFFICE OF PETITIONS

In re Application of :
Alexander Jovetic :
Application No. 29/225,281 : DECISION ON PETITION
Filed: 14 March, 2005 :
For: CANDY CONTAINER :

This is a decision on the petition filed on 24 November, 2006, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on 20 August, 2006, for failure to timely submit the issue fee in response to the Notice of Allowance and Fee(s) Due mailed on 19 May, 2006, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on 4 October, 2006.

Receipt of the Terminal Disclaimer filed with the petition is acknowledged.

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

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continuing examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application, abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

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.[2] 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.

Receipt of the revocation and power of attorney and change of correspondence address is acknowledged.

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

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: Notice Regarding Change of Power of Attorney
Notice of Acceptance of Power of Attorney

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2 See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1208 Off. Gaz. Pat. Office 63, 103 (October 21, 1997).

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
29/225,281	03/14/2005	Alexander Jovetic	7647

CONFIRMATION NO. 6669

OC000000022477593

Alexander Jovetic
24 Benziger Lane
Winona, ON L8E 6B6
CANADA

Date Mailed: 02/12/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/24/2006.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

DOUGLAS I WOOD
OP (571) 272-3231

NEW ATTORNEY/AGENT COPY

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
29/225,281	03/14/2005	Alexander Jovetic	7647

CONFIRMATION NO. 6669

OC000000022477623

26712
HODGSON RUSS LLP
ONE M & T PLAZA
SUITE 2000
BUFFALO, NY 14203-2391

Date Mailed: 02/12/2007

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/24/2006.

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

DMWood

DOUGLAS I. WOOD
OP (571) 272-3231

ATTORNEY/APPLICANT COPY

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ERIC HANSCOM
7395 PORTAGE WAY
CARLSBAD, CA 92011

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JUN 23 2008

In re Application of	:	
John Patterson	:	
Application No. 29/225,290	:	ON PETITION
Filed: March 15, 2005	:	
Attorney Docket No. JP's Nuts	:	

This is a decision on the petition under 37 CFR 1.137(b), filed on January 11, 2008, to revive the above-identified application.

The application became abandoned for failure to timely respond to the Notice of Allowance and Fee(s) Due/Notice of Allowability mailed September 4, 2007. A Notice of Abandonment was mailed on January 11, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of $410 for payment of the issue fee, a terminal disclaimer with the $65 fee and one sheet of replacement drawings containing Figures 1-3; (2) the petition fee of $770; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to the Office of Data Management to be processed into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

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KATTEN MUCHIN ROSENMAN LLP
575 MADISON AVENUE
NEW YORK, NY 10022-2585

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DEC 28 2006

OFFICE OF PETITIONS

In re Application of :
Steven Keegan :
Application No. 29/225,324 : ON PETITION
Filed: March 15, 2005 :
Attorney Docket No. 100146-00032 :

This is a decision on the petition, filed August 11, 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 (1) and (4) above.

As to item (1), a Notice of Allowance and Fee(s) Due requiring the issue fee and a Notice of Allowability requiring a substitute oath or declaration were mailed on March 22, 2006. It is noted that the petition includes a replacement declaration, along with corrected drawings and a Request for Continued Examination (RCE) under 37 CFR 1.114. However, 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. Therefore, there is no way to revive this application without first paying the issue fee. Applicant should also note that the RCE practice under 37 CFR 1.114 does not apply to design applications.

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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.

If applicant desires to file a Continued Prosecution Application (CPA) pursuant to 37 CFR 1.53(d), rather than proceed with this application to issue, applicant must file a Petition to Withdraw from Issue under 37 CFR 1.313(c) along with the request for a CPA.

As to item (4), this 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

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575 MADISON AVENUE
NEW YORK, NY 10022-2585

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AUG 24 2007

OFFICE OF PETITIONS

In re Application of
Steven Keegan
Application No. 29/225,324
Filed: March 15, 2005
Attorney Docket No. 100146-00032

ON PETITION

This is a decision on the renewed petition, filed February 28, 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/Allowability mailed March 22, 2006. On August 11, 2006, a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed December 28, 2006. On February 28, 2007, the present petition was filed.

The petition is found to satisfy the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected drawings and the requisite issue fee; (2) the petition fee of $1,500; (3) an adequate statement of unintentional delay and (4) a terminal disclaimer, including the $130 fee as set forth in 37 CFR 1.20(d)).

The terminal disclaimer filed February 28, 2007 is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

The application is being referred to 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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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JUN 13 2005

In re Application of	:	
Kelly Allison O'Connor	:	
Serial Number: 29/225,328	:	PETITION UNDER
Filed: March 15, 2005	:	M.P.E.P.708.02 VIII
For: SIDE ELEMENT OF A SHOE UPPER	:	

This is in response to the petition filed March 15, 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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JUN 13 2005

In re Application of	:	
E. Scott Morris	:	
Serial Number: 29/225,330	:	PETITION UNDER
Filed: March 15, 2005	:	M.P.E.P.708.02 VIII
For: SIDE ELEMENT OF A SHOE UPPER	:	

This is in response to the petition filed March 15, 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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Commissioner for Patents
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MAY 25 2005

In re Application of GERBER. Serial Number: 29/225,331 Filed: March 15, 2005 For: PORTION OF A SHOE	:	PETITION UNDER M.P.E.P.708.02 VIII

This is in response to the petition filed March 15, 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 listing of the field of search by class and subclass, publication, Chemical abstracts, foreign patents, etc. for the pre-examination search (MPEP 708.02 VIII (C)) as well as a detailed discussion of the references which points out how the claimed subject matter is patentable over the references (MPEP 708.02 VIII (E)). The instant petition does not include a listing of the field of search nor a detailed discussion of the references as required. It is also noted the Information Disclosure Statement referred to in the petition includes the statement that the filing of the IDS "is not to be construed as a representation that a search has been made or an admission that the information cited herein is, or is considered to be, material to patentability".

Accordingly the petition is **DENIED.**

Richard Crispino
Special Programs Examiner

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

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Paper No. None

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1425 K STREET, N.W.
SUITE 800
WASHINGTON DC 20005

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OFFICE OF PETITIONS

In re Application of
Ulf Tolfsen
Application No. 29/225,365
Filed: March 16, 2005
Attorney Docket No.: 3211-105
Title: WALKER

DECISION ON PETITION

This is a decision on the petition filed May 5, 2005, requesting that the above-identified application be accorded a filing date of March 16, 2005 as part of the original disclosure.

The application was deposited on March 16, 2005. However, on April 12, 2005, 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 deposit of a claim.

In response, on May 5, 2005, applicants filed the present petition. The petition is further accompanied by a substitute specification, which includes the addition of a single claim. Applicants request that the application, including the substitute specification, be accorded a filing date of March 16, 2005.

In this petition, Petitioner argues that a formal claim is not required.

A review of the record reveals that no formal claim was included with the application papers deposited on March 16, 2005. However, it is noted that the application papers deposited on March 16, 2005, 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: "Walker" the specification of which is attached hereto."

The requirement for a claim in a design application is a requirement of the statute. Section 171 of title 35 of the United States Code

makes § 112 applicable to design applications. Section 112 requires that the " specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention." Thus, the requirement for a claim in a design application is not pro forma, but is a necessary part of a complete design application.

A formal claim was not included with the application when it was deposited. However, since this is a design application, the above-quoted language in the declaration can be construed as the claim required by 35 U.S.C. § 112 insofar as this design application is concerned. The form of a claim in a design application is fixed by rule and is accordingly different from the claims of other applications. Accordingly, since this is a design application, and since the claim language quoted above does appear at the conclusion, or end, of the specification, there is no statutory prohibition against construing this language as the statutory required claim. It is also clear that there has been, and is, no doubt as to the form of, and what is to be claimed herein since this is a design application for which the form of the claim is set by 37 CFR 1.153. Under the circumstances, it is appropriate that the language quoted above from the declaration be construed as the claim for purposes of according this application a filing date of March 16, 2005.

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

Accordingly, the petition is **GRANTED**.

The petition fee of $400 will not be refunded, as this petition was not necessitated by any error on the part of the Office.

OIPE will be notified of this decision, and will be advised to process this application with a filing date of March 16, 2005, using the original application papers filed on that date and the formal claim submitted via the substitute specification which was submitted concurrently with this petition.

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

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
Alexandria, VA 22313-1450
www.uspto.gov

Date : February 23, 2007

Patent No. :D529,538
Inventor(s) : Simon Bathard
Issued :October 3, 2006
Title :GUILLOTINE WITH RULER EXTENSION
Docket No. :WYNNE-0010

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 dismissed.

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

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

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

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

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

Any inquiry concerning this communication should be directed to Ms. A. Green at (703) 308-9380 ext. 123.

Angie A. Green

For Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) 308-9390 or (703) 308- 9380 ext. 123

Millen, White, Zelano & Branigan , P.C.
2200 Clarendeon Blvd., Ste 1400
Arlington, VA 22201

CBN/arg

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DELIO & PETERSON
121 WHITNEY AVENUE
NEW HAVEN CT 06510

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MAY 1 1 2005

OFFICE OF PETITIONS

In re Application of
Longo, et al.
Application No. 29/225,413
Filed: March 15, 2005
Attorney Docket No. CORB100001000

DECISION ON PETITION

This is a decision on the " PETITION FOR GRANT OF FILING DATE AND RESPONSE TO NOTICE OF INCOMPLETE NON-PROVISIONAL APPLICATION," filed April 27, 2005, requesting that the "Notice of Incomplete Nonprovisional Application" mailed April 14, 2005, in the above-identified application be withdrawn.

The present design application was deposited on March 15, 2005. However, the required claim was omitted. On April 14, 2005, the Office mailed a "Notice of Incomplete Nonprovisional Application," informing applicants that a filing date had not been accorded because the specification as filed did not include one claim as required by 35 U.S.C. 112.

In response, petitioners timely filed the instant petition, requesting that the application be accorded a March 15, 2005 filing date. The petition includes an informal amendment adding a claim.

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

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

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

A review of the record reveals that the application as filed did not conclude with a formal claim.

However, the application papers deposited included a declaration stating that the inventors believes themselves to be

> the original, first and joint inventors ... of the subject matter which is claimed and for which a patent is sought on the invention entitled KEYPAD ESCUTCHEON... the specification of which is attached hereto.

Since this is a design application, this language in the declaration can be construed as the claim required by 35 U.S.C. 112, second paragraph, insofar as this design application is concerned. Accordingly, since this is a design application and since the claim language quoted above does appear at the conclusion or end of the specification, there is no statutory prohibition against construing this language as the claim required by statute. It is also clear that there has been, and is, no doubt as to the form of, and what is to be claimed herein since this is a design application for which the form of the claim is set by 37 CFR 1.153. Under the circumstances, it is appropriate that the language from the declaration be construed as the claim for filing date purposes and applicant be allowed to amend the application under §1.182.

Accordingly, the petition is **DISMISSED** to the extent that the Notice was not mailed in error and will not be withdrawn. The petition fee will not be refunded as the Notice's mailing was due to an error on the part of the petitioner. Moreover, consideration of a preliminary amendment is required to correct the error. The application is entitled to a filing date of March 15, 2005, and consideration of such a preliminary amendment.

However, petitioner is advised that a formal preliminary amendment adding the claim is required before the first Office action on the merits.

The application is being returned to the Office of Initial Patent Examination for further processing as a design application with a filing date of **March 15, 2005**, using the application papers filed on March 15, 2005.

Telephone inquiries related to this decision 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HANLEY, FLIGHT & ZIMMERMAN, LLC
150 S. WACKER DRIVE
SUITE 2100
CHICAGO, IL 60606

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OFFICE OF PETITIONS

In re Application of
Giuliano Galeazzi
Application No. 29/225,524
Filed: March 17, 2005
Attorney Docket No. 20099/A 101 145 F

ON PETITION

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

The petition is **GRANTED**.

The above-identified application became abandoned for failure to respond in a timely manner to the Notice of Allowability mailed March 13, 2007. A Notice of Abandonment was mailed on July 18, 2007. In response, on July 30, 2007, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected drawings, (2) the petition fee of $1,500, (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 submit corrected drawings as required by the Notice of March 13, 2007 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.

The application is being referred to the Office of Publications to oversee the review of the drawing filed March 13, 2007.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

VICTOR ALAN HENZI
ROBERT BOSCH CORPORATION
2800 SOUTH 25TH AVENUE
BROADVIEW IL 60155

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SEP 28 2007

OFFICE OF PETITIONS

In re Application of	:	
McCluskey et al.	:	
Application No. 29/225,534	:	ON PETITION
Filed: March 17, 2005	:	
Attorney Docket No. 2004/7021	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed September 22, 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 Transmittal with payment of the issue fee; (2) the petition fee; (3) the terminal disclaimer and fee; and (4)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) 272-3206.

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

HODES, PESSIN & KATZ, P.A.
901 DULANEY VALLY ROAD
SUITE 400
BALTIMOREMD 21204

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JUN 0 3 2008

OFFICE OF PETITIONS

In re Application of :
George H. Casson :
Application No. 29/225,543 :
Filed: March 17, 2005 :
For: CRAB KNIFE :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 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** 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(s) (1) and (4).

The Notice of Allowance/Notice of Allowability mailed April 27, 2007 requires a substitute oath or declaration. Also, a terminal disclaimer and fee is required for design applications in accordance with 37 CFR 1.137(d).

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

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

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

The centralized facsimile number is **(571) 273-8300.**

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

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES 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 19 2008
PATENT & TRADEMARK OFFICE

HODES, PESSIN & KATZ, P.A.
901 DULANEY VALLY ROAD
SUITE 400
BALTIMOREMD 21204

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JUN 03 2008

OFFICE OF PETITIONS

In re Application of :
George H. Casson :
Application No. 29/225,543 :
Filed: March 17, 2005 :
For: CRAB KNIFE :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 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** 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(s) (1) and (4).

The Notice of Allowance/Notice of Allowability mailed April 27, 2007 requires a substitute oath or declaration. Also, a terminal disclaimer and fee is required for design applications in accordance with 37 CFR 1.137(d).

RECEIVED 06/04/08

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

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

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

The centralized facsimile number is **(571) 273-8300.**

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

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HODES, PESSIN & KATZ, P.A.
901 DULANEY VALLY ROAD, SUITE 400
BALTIMORE MD 21204

MAILED

JUN 15 2009

OFFICE OF PETITIONS

In re Application of	:	
George H. Casson	:	
Application No. 29/225,543	:	DECISION ON PETITION
Filed: March 17, 2005	:	
Attorney Docket No. 04064-DPA	:	

This is a decision on the communication filed June 19, 2008 which is being treated as a renewed petition under the unintentional provisions of 37 CFR 1.137(b), 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; substitute declaration and terminal disclaimer/fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance mailed April 27, 2007, is accepted as having been unintentionally delayed.

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

This application is being referred to the Office of Data Management to be processed 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

Paper No.

DONNA HESTER
31 SOMERSET LANE
MILL VALLEY CA 94941

COPY MAILED
SEP 0 8 2006
OFFICE OF PETITIONS

In re Application of :
Donna C. Hester : DECISION ON PETITION
Application No. 29/225,553 :
Filed: March 18, 2005 :
Title: Combination Sprinkler/:
Sprayer :

This is in response to the letter received July 25, 2006, which is being treated as a Petition under § 1.181 to Withdraw the Holding of Abandonment. No fee is required for consideration of this petition.

The petition under § 1.181 is **DISMISSED**.

Any request for reconsideration pursuant to § 1.181 must be filed within **TWO (2) MONTHS** of the date of this decision in order to be considered timely. See 37 CFR §1.181(f).

The above-identified application became abandoned for failure to timely pay the issue fee within the three-month statutory period set in the Notice of Allowance and Fee(s) Due mailed February 2, 2006. The period for transmitting the issue fee is not extendable. No reply having been received, the above-identified application became abandoned on May 3, 2006. A courtesy Notice of Abandonment was mailed on June 30, 2006.

Petitioner states that she never received her notice of fees due or outstanding, until she received the notice of abandonment.

A review of the application file reveals no irregularities in the mailing of the Notice of Allowance mailed February 2, 2006.

Thus, there is a strong presumption that the correspondence was properly mailed to the applicant at the correspondence address of record. In the absence of demonstrated irregularities in mailing of this Notice, petitioner must submit evidence to overcome this presumption. The showing required to establish non-receipt of an Office communication must include a statement from the practitioner (or pro se applicant) stating that the Office communication was not received by the applicant and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. In addition, 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.

In response to this decision, applicant may submit such evidence of non-receipt. Where the Notice was properly mailed, a petition to withdraw the holding of abandonment cannot be granted without persuasive evidence that the Notice was not received at the correspondence address. The evidence submitted by applicant does not include any docket records. Applicant's statement is not sufficient alone.

If applicant cannot provide persuasive evidence of non-receipt of the Notice, applicant may submit a petition to revive pursuant to either § 1.137(a) or § 1.137(b). On petition to revive of a design application, a terminal disclaimer (and disclaimer fee) is required. For applicant's convenience, copies of the forms used for filing petitions to revive are enclosed.

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 concerning this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosures: Form PTO/SB/64, PTO/SB/65 and PTO/SB/63

PTO/SB/65 (10-05)
Approved for use through 04/30/2009. OMB 0651-0016
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 TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b))

Docket Number (Optional)

Mail to: 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.

Patent No. _____ Application Number _____

Issue Date _____ Filing Date _____

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable

The above-identified patent:

☐ is a reissue of original Patent No. _____ original issue date _____ ;
original application number _____ ,
original filing date _____ .

☐ resulted from the entry into the U.S. under 35 U.S.C. 371 of international application _____ filed on _____ .

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is
(1) 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 OR
(2) 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

This collection of information is required by 37 CFR 1.378(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 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.

1. SMALL ENTITY

☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g).

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
☐ $ _____	3 1/2 yr fee	(1551)	☐ $ _____	3 1/2 yr fee	(2551)
☐ $ _____	7 1/2 yr fee	(1552)	☐ $ _____	7 1/2 yr fee	(2552)
☐ $ _____	11 1/2 yr fee	(1553)	☐ $ _____	11 1/2 yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED $ _____

4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(1) of $ _____ (Fee Code 1557) must be paid as a condition of accepting unavoidably delayed payment of the maintenance fee.

SURCHARGE FEE BEING SUBMITTED $ _____

5. MANNER OF PAYMENT

☐ Enclosed is a check for the sum of $ _____

☐ Please charge Deposit Account No. _____ the sum of $ _____. A duplicate copy of this authorization is attached.

☐ Payment by credit card. Form PTO-2038 is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☐ The Director is hereby authorized to charge any maintenance fee, surcharge or petition fee deficiency to Deposit Account No. _____. A duplicate copy of this authorization is attached.

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.

7. OVERPAYMENT

As to any overpayment made please

☐ Credit to Deposit Account No. _____.

OR

☐ Send refund check.

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.

8. SHOWING

The enclosed statement will show that the delay in timely payment of the maintenance fee was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that this petition is being filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. The statement must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which the patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly.

9. PETITIONER(S) REQUESTS THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.

Signature(s) of Petitioner(s)	Date
Typed or printed name(s)	Registration Number, if applicable
Address	Telephone Number
Address	

ENCLOSURES:

☐ Maintenance Fee payment

☐ Statement why maintenance fee was not paid timely

☐ Surcharge under 37 CFR 1.20(i)(1) (fee for filing the maintenance fee petition)

☐ Other:

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.

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

Signature	Date
Typed or printed name	Registration Number, if applicable

STATEMENT

(In the space below, please provide the showing of unavoidable delay recited in paragraph 8 above.)

(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/64 (07-06)
Approved for use through 09/30/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to 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 as (571) 273-8300.

Date	Signature
	Typed or printed name of person signing certificate

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

PTO/SB/63 (07-06)
Approved for use through 09/30/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to a collection of information unless it displays a valid OMB control number.

TERMINAL DISCLAIMER TO ACCOMPANY PETITION

Docket Number (Optional)

In re Application of:

Name:

Application Number:

Filed:

For:

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

Check either box 1 or 2 below, if appropriate.

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

Signature	Date
Typed or Printed Name	Telephone Number

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

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

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

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

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

Paper No.

DONNA HESTER
31 SOMERSET LANE
MILL VALLEY CA 94941

COPY MAILED
DEC 11 2006
OFFICE OF PETITIONS

In re Application of :
Donna C. Hester : DECISION ON PETITION
Application No. 29/225,553 :
Filed: March 18, 2005 :
Title: Combination Sprinkler/:
Sprayer :

This is in response to the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed September 25, 2006.

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

The above-identified application became abandoned effective May 3, 2006 for failure to timely pay the issue fee within the three-month statutory period set in the Notice of Allowance and Fee(s) Due mailed February 2, 2006. A courtesy Notice of Abandonment was mailed on June 30, 2006. By decision mailed September 8, 2006, the initial Petition under § 1.181 to Withdraw the Holding of Abandonment filed July 25, 2006 was dismissed.

On instant petition to revive, applicant has submitted the required reply in the form of payment of the Issue Fee[1], payment of the petition fee and submission of the required statement of unintentional delay. The petition also includes the terminal disclaimer (and disclaimer fee) required to revive this design application.

[1] There was no distinct but concurrent requirement for payment of a publication fee or submission of drawings.

Petitioner has met all requirements to revive 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.

Telephone inquiries concerning 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CHARLES H. THOMAS
CISLO AND THOMAS LLP
233 WILSHIRE BOULEVARD
SUITE 900
SANTA MONICA, CA 90401-1211

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JUN 0 1 2006

OFFICE OF PETITIONS

In re Application of	:	
Jack Schmitt	:	
Application No. 29/225,569	:	DECISION ON PETITION
Filed: March 17, 2005	:	TO WITHDRAW
Attorney Docket No. T-4646	:	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 17, 2005 and resubmitted on May 4, 2005.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a). Finally, a proper reason for the withdrawal as enumerated in 37 C.F.R. § 10.40(b) or subsection (1)-(6) of 37 C.F.R § 10.40(c) must be provided.

A review of the file record indicates that, on filing of the application on March 17, 2005, the following documents were submitted: an executed declaration signed by sole inventor Jack Schmitt; a Power of Attorney and Correspondence Address Indication Form directing that correspondence be held with Customer Number 42556; and a Request for Withdrawal as Attorney or Agent and Change of Correspondence address, signed by Charles H. Thomas and directing that correspondence be held with Customer Number 25189.[1] The power of attorney is signed by Michael Amini as CEO of Amini Innovation Corp. Although the box on the power of attorney is checked indicating that a statement under 37 CFR 3.73(b) is enclosed, no such

[1] A review of Office records discloses that Mr. Thomas, Jr., is a practitioner under both customer numbers, but is the sole practitioner under Customer Number 42556.

statement is found of record in the application file. Therefore, as compliance with 37 CFR 3.73(b) has not been satisfied, the power of attorney is not acceptable. In view thereof, Charles Thomas, Jr., the person signing the request to withdraw as attorney, does not have power of attorney in this patent application, but has been employed or otherwise engaged in the proceedings in this patent application. As Mr. Thomas, Jr., has been employed or engaged in the proceedings in this patent application, an appropriate reason for withdrawal must be submitted. The request to withdraw cannot be approved at this time since the reason for withdrawal does not comply with one of the reasons set forth in 37 C.R.F. § 10.40. Further, as the assignee has not successfully intervened in this application, applicant Schmitt is the only party with authority in this case to change the correspondence address.

In view of the above, the request to withdraw as attorney of record and change the correspondence address to that of Customer Number 25189 cannot be granted at this time.

All future correspondence regarding this file will continue to be held with the below-listed address of Customer Number 42556, as requested by applicant Schmitt, until such time as appropriate instructions are received to the contrary.[2]

A reply to the Ex parte Quayle Office action of April 21, 2006 was received on May 15, 2006.

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

Frances Hicks
Petitions Examiner
Office of Petitions

cc:

Charles H. Thomas
Cislo & Thomas LLP
4201 Long Beach Boulevard, Suite 405
Long Beach, CA 90807-2022

[2] It is noted that the address of record has been improperly changed to that of Customer Number 25189; however, for the reasons indicated above, the address will be changed back to Customer Number 42556.

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CHARLES H. THOMAS
CISLO & THOMAS
4201 LONG BEACH BLVD
SUITE 405
LONG BEACH, CA 90807-2022

COPY MAILED
JUN 13 2006
OFFICE OF PETITIONS

In re Application of	:	
Jack Schmitt	:	
Application No. 29/225,581	:	DECISION ON PETITION
Filed: March 17, 2005	:	TO WITHDRAW
Attorney Docket No. T-4644	:	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, 2005.

The request is **NOT APPROVED**.

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

A review of the file record indicates that Charles H. Thomas and customer No. 42556 do not have power of attorney in this patent application but have been employed or otherwise engaged in the proceedings in this patent application. However, the Office cannot approve the request at this time since the reason provided does 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 of the permissive reasons listed in 37 CFR 10.40(c). The reason set forth in the request is "transfer of responsibility to different office of firm," does not meet any of the conditions set forth in 37 CFR 10.40.

A power of attorney submitted on March 17, 2005 was improper. In this regard, compliance with 37 CFR 3.73(b) has not been satisfied in that the reel and frame number where the recorded assignment appears in the assignment records of the USPTO has not been provided. Therefore, in order for the power of attorney to be acceptable, compliance with 37 C.F.R. 3.73(b) must be satisfied. A form for complying with the provisions of 37 C.F.R. 3.73(b) may be found on the USPTO.gov website (Form No. PTO/SB/96).

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

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

This application is being referred to Technology Center AU 2913.

Denise Pothier
Petitions Examiner
Office of Petitions

cc: CISLO & THOMAS
233 WILSHIRE BLVD
SUITE 900
SANTA MONICA, CA 90401-1211

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

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SEP 27 2007

OFFICE OF PETITIONS

In re Patent No. D535,721	:	
Issue Date: January 23, 2007	:	
Application No. 29/225,630	:	ON PETITION
Filed: March 17, 2005	:	
Attorney Docket No. 084331-000000US	:	

This is a decision on the petition filed April 19, 2007, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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27189
Procopio, Cory, Hargreaves & Savitch
530 B Street, Suite 2100
San Diego, CA 92101

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JUL 24 2006

OFFICE OF PETITIONS

In re Application of	:	
Niki Kipenhaver et al	:	
Application No. 29/225,649	:	DECISION ON PETITION
Filed: March 17, 2005	:	TO WITHDRAW
Attorney Docket No. 112370-DP06	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 2, 2005.

The request is **NOT APPROVED**.

A review of the file record indicates that power of attorney was never given to Customer Number 27189; power was only given to Gary L. Eastman. Accordingly, Gary L. Eastman has moved to another firm and has taken the records for the above application with him. The address has been updated to Mr. Eastman's new place of employment.

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

Telephone inquires concerning this decision should be directed to Terri Williams at 571-272-2991.

David Bucci
Petitions Examiner
Office of Petitions

cc: Gary L.Eastman
Eastman & Associates
707 Broadway Street, Suite 1800
San Diego,CA 92101

PTO/SB/27 (09-04)
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	To be assigned
Filing Date	To be assigned
First Named Inventor	Christjane BURG
Title	FOOTWEAR OUTSOLE
Atty Docket Number	63584-5130

11321 U.S. PTO
29/225651
031805

ADDRESS TO:

MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

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

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

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

Class D2 - Subclasses 896, 897, 898, 902, 906, 907, 908, 909, 909, 910, 911, 912, 915, 916, 917, 919, 920, 923, 925, 929, 929, 930, 931, 932, 933, 934, 935, 937, 938, 939, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 957, 958, 959, 960, 962, 969, 972, 973, 974, 975, 977, 978

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.

Signature: [signature] Date: 3.17.05

Typed or printed name: Steven R. Hansen Registration Number, if applicable: 39,214

Telephone Number: (310) 203-8080

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.

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03/22/2005 HTECKLU1 00000019 29225651
04 FC:1802 900.00 DA

Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Paper No.

Sandeep Seth
Seth & Associates
Suite 920
6750 West Loop South
Bellaire TX 77401

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APR 26 2007

OFFICE OF PETITIONS

In re Application of	:	
Barbara Kelly	:	
Application No. 29/225,656	:	DECISION ON
Filed: March 18, 2005	:	PETITION
Attorney Docket No. DP05021	:	

This is a decision on the PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE NOTICE OF ALLOWANCE filed January 31, 2007.

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 19, 2006, of the notice of allowance. This period is not extendable. No reply having been received, the above-identified application became abandoned effective December 20, 2006. A courtesy Notice of Abandonment was mailed on January 26, 2007.

In response, applicants timely filed the instant petition, asserting that the Notice was never received and requesting that the holding of abandonment be withdrawn.

A review of the application file reveals no irregularities in the mailing of the Notice mailed September 19, 2006. Thus, there is a strong presumption that the correspondence was properly mailed to the applicants at the correspondence address of record. In the absence of demonstrated irregularities in

mailing of this Notice, petitioner must submit evidence to overcome this presumption. The showing required to establish non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. In addition, 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.

Petitioner has supported his claim of non-receipt with such evidence.

In view thereof, the notice of abandonment mailed January 26, 2007 is hereby **VACATED**, and the holding of abandonment is hereby **WITHDRAWN**.

The petition under § 1.181 is **GRANTED**.

No fee is required on petition under § 1.181.

Technology Center AU 2914 has been advised of this decision. The application file is, thereby, forwarded to the Technology Center's technical support staff to withdraw the holding of abandonment and for re-mailing of the Notice of Allowance (and Notice of Allowability) and restarting of the period for reply.

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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PROCOPIO, CORY, HARGREAVES & SAVICH, LLP
530 B Street, Suite 2100
San Diego, CA 92101-4469

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JUL 24 2006

OFFICE OF PETITIONS

In re Application of	:	
Niki J. Kopenhaver, et. al	:	
Application No. 29/225/668	:	DECISION ON PETITION
Filed: September 2, 2005	:	TO WITHDRAW
Attorney Docket No. 112370-DP04	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 02, 2005

The request is **NOT APPROVED**.

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

The request cannot be approved because 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, do not meet any 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 Charles Smoot 571-272-3299.

David Bucci
Petitions Examiner
Office of Petitions

Conferee:

cc: Gary Eastman
707 Broadway, Suite 1800
San Diego, CA 92101

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DAVIS WRIGHT TREMAINE, LLP
1201 Third Avenue, Suite 2200
SEATTLE WA 98101-3045

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SEP 0 6 2007

OFFICE OF PETITIONS

In re Application of	:	
John A. Waner et al.	:	
Application No. 29/225,692	:	DECISION ON PETITION
Filed: March 17, 2005	:	
Attorney Docket No. 59130-35	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 7, 2007, 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 April 11, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed January 11, 2007. Accordingly, the date of abandonment of this application is April 12, 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, (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 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.

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

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

Liana Walsh
Petitions Examiner
Office of Petitions

cc: **Brian L. Johnson**
1501 Fourth Avenue, Suite 2600
Seattle, WA 98101-1688

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
29/225,697	03/18/2005	2914	215	63584-5129	6	1	1

CONFIRMATION NO. 1042

CORRECTED FILING RECEIPT

OC000000015728173

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

Date Mailed: 04/13/2005

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)

Christjane Burg, Ventura, CA;

Power of Attorney:

Bernard Gans--27443
Rod Berman--31483
Brian Kasell--33522
Steven Hansen--39214
Grant Langton--39739
George Tseng--41355

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 03/24/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US29/225,697

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

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

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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).

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
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	To be assigned
Filing Date	To be assigned
First Named Inventor	Christjane BURG
Title	FOOTWEAR UPPER
Atty Docket Number	63584-5129

ADDRESS TO:

MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 4/29/05
Jmstone
Jacqueline M. Stone, Director
Technology Center 1700

113241 U.S. PTO
29/225697
031905

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 D2 - Subclasses 896, 897, 898, 902, 906, 907, 908, 909, 909, 910, 911, 912, 915, 916, 917, 919, 920, 923, 925, 929, 929, 930, 931, 932, 933, 934, 935, 937, 938, 939, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 957, 958, 959, 960, 962, 969, 972, 973, 974, 975, 977, 978

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.

Signature	Date: 3-17-05
Typed or printed name: Steven R. Hansen	Registration Number, if applicable: 39,214
Telephone Number: (310) 203-8080	

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.

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03/22/2005 KBETEMA1 00000071 502711 29225697

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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	To be assigned
Filing Date	To be assigned
First Named Inventor	Christjane BURG
Title	FOOTWEAR UPPER
Atty Docket Number	63584-5129

ADDRESS TO:

MAIL STOP EXPEDITED DESIGN
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P.O. Box 1450
Alexandria, VA 22313-1450

Approved 5/20/05
JMSTONE
Jacqueline M. Stone, Director
Technology Center 1700

113241 U.S. PTO
29/225697
031905

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 D2 - Subclasses 896, 897, 898, 902, 906, 907, 908, 909, 909, 910, 911, 912, 915, 916, 917, 919, 920, 923, 925, 929, 929, 930, 931, 932, 933, 934, 935, 937, 938, 939, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 957, 958, 959, 960, 962, 969, 972, 973, 974, 975, 977, 978

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.

[signature]	3-17-05
Signature	Date
Steven R. Hansen	39,214
Typed or printed name	Registration Number, if applicable
(310) 203-8080	
Telephone Number	

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

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03/22/2005 KBETEMA1 00000071 502711 29225697

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OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

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OFFICE OF PETITIONS

In re Patent No. D533584

Issue Date: December 12, 2006

Application No. 29/225,709

Filed: March 21, 2005

Attorney Docket No. 122506

ON PETITION

This is a decision on the petition filed January 9, 2007, 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) 272-3222. 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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P.O. BOX 19928
ALEXANDRIA VA 22320

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OFFICE OF PETITIONS

In re Patent No. D532040 :
Issued: 11/14/2006 :
Application No. 29/225711 :
Filed: 03/21/2005 :
Atty Docket No. 122509 :

ON PETITION

This is a decision on the petition filed on 4 January, 2007, 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 petition is **granted**.

Telephone inquires concerning this matter may be directed to the undersigned at 571.272.3231. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificates of Correction Branch at 703.305.8309.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

[1] See Official Gazette of 22 June, 2004.

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United States Patent and Trademark Office
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SHERR & VAUGHN, PLLC
620 HERNDON PARKWAY
SUITE 200
HERNDON, VA 20170

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OFFICE OF PETITIONS

In re Application of	:	
Erik Overgaard	:	
Application No. 29/255,728	:	ON PETITION
Filed: March 9, 2006	:	
Attorney Docket No. 403-0004	:	

This is a decision on the renewed petition, filed December 11, 2008, 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 submit formal drawings on or before April 14, 2008. A Notice of Abandonment was mailed on May 13, 2008. On May 27, 2008, a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed September 30, 2008. In response, on December 11, 2008, 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 Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The petition lacks item (4) above. It is noted that an appropriate power of attorney has not been filed in this application. Accordingly, the terminal disclaimer cannot be accepted as the petitioner has no authority to sign the terminal disclaimer on behalf of the applicant. See 37 CFR 1.321(b)(1)(iv). Since the above-identified application is a design application, 37 CFR 1.137(d) requires a proper 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. 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

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.

113000 U.S. PTO
29/225800
032105

REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	To be assigned
Filing Date	To be assigned
First Named Inventor	Christjane BURG
Title	FOOTWEAR UPPER
Atty Docket Number	63584-5137

ADDRESS TO:

MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 7/18/05
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 D2 - Subclasses 896, 897, 898, 902, 906, 907, 908, 909, 909, 910, 911, 912, 915, 916, 917, 919, 920, 923, 925, 929, 929, 930, 931, 932, 933, 934, 935, 937, 938, 939, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 957, 958, 959, 960, 962, 969, 972, 973, 974, 975, 977, 978

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.

Signature: [signature]

Date: 3.18.05

Typed or printed name: Steven R. Hansen

Registration Number, if applicable: 39,214

Telephone Number: (310) 203-8080

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.

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03/23/2005 HTECKLU1 00000068 502711 29225800
04 FC:1802 900.00 DA

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P.O. Box 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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NOV 06 2006
OFFICE OF PETITIONS

In re Patent No. D,519,277	:	
Issue Date: April 25, 2006	:	
Application No. 29/225,884	:	NOTICE
Filed: March 21, 2005	:	
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 23, 2006. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

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

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**. Therefore, status as a small entity has been removed and all future fees paid must be paid at the large entity rate.

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

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DIW Mar-07

FROSS, ZELNICK, LEHRMAN & ZISSU, PC
866 UNITED NATIONS PLAZA
NEW YORK NY 10017

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MAR 2 6 2007

OFFICE OF PETITIONS

In re Patent No. D518,960	:	
Issued: 04/18/2006	:	
Application No. 29/225895	:	ON PETITION
Filed: 03/21/2005	:	
Atty. Docket No.: JCHO 0500043	:	

This is in response to the deficiency fee payment filed pursuant to 37 CFR 1.28(c) on 23 August, 2006.

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

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

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

Small entity status will no longer apply.

Telephone inquiries should be directed to the undersigned at (571) 272-3231.

DIWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

OIPE 4P17
JUN 25 2007
PATENT & TRADEMARK OFFICE

PTO/SB/27 (04-07)
Approved for use through 09/30/2007. 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 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	29/225,900
Filing Date	March 22, 2005
First Named Inventor	Herbert A. Gerretz, Jr.
Title	EXTRACTION VIAL
Atty Docket Number	WII-104US

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 6-29-07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

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:

128; 206/438,570; 215; 220; 264; 422/100, 101, 102, 99;
435/287.1, 288.1, 308.1, 436/177; 600; 604/403; d9; d24/224,225, 226

06/26/2007 CNEGA1 00000037 29225900
01 FC:1802 980.00 OP

Related applications: 29/225,901

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.

Signature — Date: June 21, 2007

Glenn M. Massina — Typed or printed name

40,081 — Registration Number, if applicable

(610) 407-0700 — 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.

O I P E IAP17
JUN 25 2007
PATENT & TRADEMARK OFFICE

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U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	29/225,901
Filing Date	March 22, 2005
First Named Inventor	Herbert A. Gerretz, Jr.
Title	EXTRACTION VIAL
Atty Docket Number	WII-102US

ADDRESS TO:

MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 6-29-07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

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:
128; 206/438,570; 215; 220; 264; 422/100, 101,102, 99; 435/287.1, 288.1, 308.1; 436/177; 600; 604/403; d9; d24/224,225, 226

Related applications: 29/225,900

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.

Signature	June 21, 2007 Date
Glenn M. Massina Typed or printed name	40,081 Registration Number, if applicable
(610) 407-0700 Telephone Number	

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

06/26/2007 CREGA1 00000038 29225901
01 FC:1802 980.00 OP

PTO/SB/27 (09-04)
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	To be assigned
Filing Date	To be assigned
First Named Inventor	Christjane BURG
Title	FOOTWEAR OUTSOLE
Atty Docket Number	63584-5138

ADDRESS TO:

MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

16003 U.S. PTO
29/225912
032105

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 D2 - Subclasses 896, 897, 898, 902, 906, 907, 908, 909, 909, 910, 911, 912, 915, 916, 917, 919, 920, 923, 925, 929, 929, 930, 931, 932, 933, 934, 935, 937, 938, 939, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 957, 958, 959, 960, 962, 969, 972, 973, 974, 975, 977, 978

Approved 9/15/05
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700

Related applications:

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:

- Formal drawings (see 37 CFR 1.84).
- The fee set forth in 37 CFR 1.17(k).
- An information disclosure statement in compliance with 37 CFR 1.98.

Signature	3.18.05 Date
Steven R. Hansen Typed or printed name	39,214 Registration Number, if applicable
(310) 203-8080 Telephone Number	

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03/24/2005 HTECKLU1 00000041 502711 29225912
04 FC:1802 900.00 DA

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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
29/225,913	03/10/2005	2913	215	54296/DAP/D572	1	1	1

CONFIRMATION NO. 1871

CORRECTED FILING RECEIPT

OC000000016055404

23363
CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

Date Mailed: 05/18/2005

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)

Mark Tirado, Huntington Beach, CA;

Power of Attorney: The patent practitioners associated with Customer Number **23363**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 04/13/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US29/225,913

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

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FRONT FACE OF A VEHICLE WHEEL

Preliminary Class
D12

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

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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 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

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29/225,914	03/10/2005	2913	215	53445/DAP/D572	1	1	1

CONFIRMATION NO. 1874

CORRECTED FILING RECEIPT

OC000000016083547

23363
CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

Date Mailed: 05/20/2005

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Applicant(s)

Mark Tirado, Huntington Beach, CA;

Power of Attorney: The patent practitioners associated with Customer Number **23363**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 04/12/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US29/225,914

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

Non-Publication Request: No

Early Publication Request: No

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Title

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VEHICLE WHEEL GUARD

Preliminary Class

D12

LICENSE FOR FOREIGN FILING UNDER
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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 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
29/225,915	03/10/2005	2913	215	54297/DAP/D572	1	1	1

CONFIRMATION NO. 1876

CORRECTED FILING RECEIPT

OC000000016041761

23363
CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

Date Mailed: 05/17/2005

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 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)

Mark Tirado, Huntington Beach, CA;

Power of Attorney: The patent practitioners associated with Customer Number **23363**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 04/14/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US29/225,915

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

BEST AVAILABLE COPY

Front face of a vehicle wheel

Preliminary Class

D12

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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NOT GRANTED

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3-24-05

CERTIFICATE OF MAILING
DATE 3/24/05 LABEL NO. ED 526500890US
I HEREBY CERTIFY THAT ON THE DATE INDICATED ABOVE I DEPOSITED THIS PAPER OR FEE WITH THE U.S. POSTAL SERVICE AND THAT IT WAS ADDRESSED FOR DELIVERY TO THE COMMISSIONER FOR PATENTS, PO BOX 1450, ALEXANDRIA, VA 22313-1450, BY "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE.

DOC NO. G108A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Joseph R. Lyons, George M. Brown

Serial No: 29/226110 Group Art Unit: 2914 Examiner: Yu, Daniel

Filed: 3-24-05

For: STUMP BOOT FOR A LOCKED ANKLE

PETITION TO MAKE SPECIAL

Hon. Commissioner of
Patents and Trademarks
Alexandria, VA 22313-1450

Sir:

Applicants hereby respectfully petitions that the above application be made special under MPEP Sec. 708.02 for the reason that both the applicant's ages are greater than 65.

a) No petition fee is included, in that said fee is waived according to 37 CFR 1.102(c).

b) A copy of the applicant's driver's licenses is included herewith.

c) A declaration in support of the applicant's ages is also included herewith.

PETITION GRANTED

Richard Crispino
Special Program Examiner
TC 1700
AUG 3 0 2005

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 10-25-07

TO SPE OF : **Technology Center** 2915 29/226204

SUBJECT : Request for Certificate of Correction on Patent No.: D551195S

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:

Gary D. Walton — **SPE**

2915 — **Art Unit**

PTO/SB/44 (09-07)
Approved for use through 08/31/2010. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO.	:	D551,195
APPLICATION NO.	:	29/226,204
ISSUE DATE	:	September 18, 2007
INVENTOR(S)	:	Yukio Uno

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:

In the Assignee:

Please add --Tottori Sanyo Electric Co., LTD (JP)--

MAILING ADDRESS OF SENDER (Please do not use customer number below):
Melvin C. Garner, Esq.
DARBY & DARBY P.C.
P.O. Box 770
Church Street Station
New York, New York 10008-0770

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DARBY & DARBY PC
PO BOX 770
CHURCH STREET STATION
NEW YORK NY 10008-0770

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MAY 0 9 2008

OFFICE OF PETITIONS

In re Patent No. D551,195	:	
Issue Date: September 18, 2007	:	
Application No. 29/226,204	:	DECISION ON PETITION
Filed: March 24, 2005	:	
Attorney Docket No. 04176/0202467-US0	:	

This is a decision on the "PETITION UNDER 37 CFR 1.183 AND REQUEST FOR CERTIFICATE OF CORRECTION PURSUANT TO 37 CFR 1.323", filed October 1, 2007.

The petition is **GRANTED**.

An application may issue in the name of an assignee rather than the applicant if requested prior to issuance of a patent.[1] However, in the event the request is not made prior to issuance, a Certificate of Correction under 37 CFR 1.323 may be requested. A request for a Certificate of Correction under 37 CFR 1.323 to correct the assignee's name will not be granted unless a petition under 37 CFR 3.81(b) is granted. Such request under 37 CFR 3.81(b) should include:

(A) the processing fee required by 37 CFR 1.17(i);

(B) a request for issuance of the application in the name of the assignee, or a request that a patent be corrected to state the name of the assignee;

---

[1] See 37 CFR 3.81.

(C) a statement that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent; and

(D) a request for a certificate of correction under 37 CFR 1.323 accompanied by the fee set forth in 37 CFR 1.20(a).[2]

Receipt of the $130 processing fee set forth in 37 CFR 1.17(i) and the $100 fee for the Certificate of Correction is acknowledged.

The file is being forwarded to the Certificate of Corrections Branch for issuance of the requested Certificate of Correction.

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

Cliff Congo
Petitions Attorney
Office of Petitions

[2] MPEP 307.

6-27-05

IFW

OIPE JC56
JUN 2 4 2005
PATENT & TRADEMARK OFFICE

PTO/SB/27 (09-04)
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	29/226,231
Filing Date	March 24, 2005
First Named Inventor	Sudhir MUNDHRA
Title	NON-ROLLING FLASHLIGHT
Atty Docket Number	05-14594

ADDRESS TO:

MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

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

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

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

Class D26/37, 46, 48, 50; Class 362/268

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.

Signature — Date: 6-23-05

Daniel M. Cislo, Esq. — Typed or printed name

32,973 — Registration Number, if applicable

(310) 451-0647 — 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.

06/29/2005 WABDELR1 00000065 29226231
01 FC:1802 900.00 OP

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.

Approved 9/15/05
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700

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OFFICE OF PETITIONS

THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
WINTON HILL BUSINESS CENTER - BOX 161
6110 CENTER HILL AVENUE
CINCINNATI, OH 45224

In re Application of Christopher Ramm, et al. Application No. 29/226,325 Filed: March 28, 2005 Attorney Docket No. 8179 / ZD00447	: : : : :	ON PETITION

This is a decision on the petition, filed June 21, 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 7, 2006. In response, on June 21, 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 21, 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

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ALEXANDRIA, VA 22313-1450
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THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
WINTON HILL BUSINESS CENTER - BOX 161
6110 CENTER HILL AVENUE
CINCINNATI, OH 45224

In re Application of Christopher Ramm, et al. Application No. 29/226,326 Filed: March 28, 2005 Attorney Docket No. 8180/ZD00446	: : : : :	ON PETITION

This is a decision on the petition, filed June 21, 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 29, 2006. The requisite issue fee, a terminal disclaimer and the present petition were filed on June 21, 2006.

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 21, 2006 has been entered and made of record.

The application is being referred to Publishing Division.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ANDRUS, SCEALES, STARKE & SAWALL, LLP
100 EAST WISCONSIN AVENUE, SUITE 1100
MILWAUKEE WI 53202

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JUN 29 2005

OFFICE OF PETITIONS

In re Application of
James A. Metz :
Application No. 29/226,330 : DECISION ON PETITION
Filed: March 28, 2005 :
Attorney Docket No. 5076-00002 :
:

This is a decision on the petition under 37 CFR 1.182, filed on May 5, 2005, requesting that the Office withdraw the Notice to File Missing Parts of Nonprovisional Application mailed on April 21, 2005.

Petitioner alleges that he filed an executed declaration with the original application papers on March 28, 2005. In support of the allegation, petitioner submitted copies of an executed declaration and a postcard receipt, listing a "Declaration and Power of Attorney 2 pp." Additionally, petitioner submitted a copy of the Design Patent Application Transmittal, indicating a newly executed declaration as an application element.

The Office file is the official record of the papers originally filed in this application. A review of the official file reveals that an executed declaration was not located among the application papers. A petitioner alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence. As stated above, the evidence relied on to support a petitioner's allegation is the postcard receipt and the Design Patent Application Transmittal.

The listing of papers on an application transmittal is evidence of the papers petitioner <u>intended</u> to submit on filing. However, it is not evidence of the papers that were <u>actually</u> submitted to the USPTO.

The Office has a well-established and well-publicized practice of providing a receipt for papers filed in the Office to any applicant desiring a receipt. The practice requires that any paper for which a receipt is desired be filed in the Office with a self-addressed postcard identifying the paper. A postcard receipt, which itemizes and properly identifies the papers, which are being filed, serves as prima facie evidence of receipt in the Office of all the items listed thereon on the date stamped by the Office. See MPEP 503.

The postcard receipt submitted in this case does not contain a USPTO date-stamp. For this reason, the postcard receipt cannot serve as prima facie evidence that petitioner filed an executed declaration with the original application papers on March 28, 2005.

In view of the above, the petition is dismissed. The Office will not withdraw the Notice of April 21, 2005.

The Office notes that effective December 8, 2004, the fee for a petition under 37 CFR 1.182 increased to $400.00. Deposit Account No. 01-2000 will be charged the $400.00 petition fee and the $65.00 surcharge, as authorized in the petition.

Any request for reconsideration should be filed within **TWO (2) MONTHS** of the 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.

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

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

By FAX: (703) 872-9306
Attn: Office of Petitions

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

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ANDRUS, SCEALES, STARKE & SAWALL, LLP
100 EAST WISCONSIN AVENUE, SUITE 1100
MILWAUKEE WI 53202

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OFFICE OF PETITIONS

In re Application of	:	
James A. Metz	:	DECISION ON PETITION
Application No. 29/226,330	:	
Filed: March 28, 2005	:	
Attorney Docket No. 5076-00002	:	

This is a decision on the renewed petition under 37 CFR 1.182, filed on July 11, 2005, requesting that the Office withdraw the Notice to File Missing Parts of Nonprovisional Application mailed on April 21, 2005.

On May 5, 2005, petitioner filed the original petition under 37 CFR 1.182, which was dismissed by the decision of June 29, 2005.

On July 11, 2005, petitioner filed the present renewed petition. Petitioner alleged that he filed an executed declaration with the original application papers on March 28, 2005. In support of the allegation, petitioner submitted a copy of his date-stamped postcard receipt, acknowledging receipt of a "Declaration and Power of Attorney 2 pp" in the USPTO on March 28, 2005. Additionally, petitioner submitted a copy of an executed declaration with the original petition on May 5, 2005.

The Office file is the official record of the papers originally filed in this application. A review of the official file reveals that an executed declaration was not located among the application papers. However, the evidence submitted by petitioner is convincing that the Office received an executed declaration on March 28, 2005, which was subsequently misplaced in USPTO.

In view of the above, the petition is granted. The Office will withdraw the Notice of April 21, 2005. The $400.00 petition fee and the $65.00 surcharge will be refunded to Deposit Account No. 01-2000, as requested.

This matter is being referred to the Office of Initial Patent Examination.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CHARLES H. THOMAS
CISLO & THOMAS
4201 LONG BEACH BLVD
SUITE 405
LONG BEACH, CA 90807-2022

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OFFICE OF PETITIONS

In re Application of	:	
Jack Schmitt	:	
Application No. 29/226,353	:	DECISION ON PETITION
Filed: March 29, 2005	:	TO WITHDRAW
Attorney Docket No. T-4638	:	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, 2005.

The request is **NOT APPROVED**.

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

A review of the file record indicates that Charles H. Thomas and customer No. 42556 do not have power of attorney in this patent application but have been employed or otherwise engaged in the proceedings in this patent application. However, the Office cannot approve the request at this time since the reason provided does 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 of the permissive reasons listed in 37 CFR 10.40(c). The reason set forth in the request is "transfer of responsibility to different office of firm," does not meet any of the conditions set forth in 37 CFR 10.40.

A power of attorney submitted on March 29, 2005 was improper. In this regard, compliance with 37 CFR 3.73(b) has not been satisfied in that the reel and frame number where the recorded assignment appears in the assignment records of the USPTO has not been provided. Therefore, in order for the power of attorney to be acceptable, compliance with 37 C.F.R. 3.73(b) must be satisfied. A form for complying with the provisions of 37 C.F.R. 3.73(b) may be found on the USPTO.gov website (Form No. PTO/SB/96).

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

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

This application is being referred to Technology Center AU 2913 to await a reply to the non-final Office action mailed May 8, 2006.

Denise Pothier
Petitions Examiner
Office of Petitions

cc: CISLO & THOMAS
233 WILSHIRE BLVD
SUITE 900
SANTA MONICA, CA 90401-1211

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CHARLES H. THOMAS
CISLO AND THOMAS LLP
4201 LONG BEACH BLVD STE 405
LONG BEACH, CA 90807

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In re Application of

SCHMITT, JACK
Application No. 29/226,365
Filed: March 29, 2005
Attorney Docket No. 05-14719

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 29, 2005 and resubmitted on May 5, 2005.

The request is **NOT APPROVED**.

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, *transfer of responsibility to different office of firm*, 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 below-listed address until otherwise notified by applicant.

There is an outstanding Office action mailed April 4, 2006 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Amelia Au at 571-272- 7414.

Amelia Au
Petitions Examiner
Office of Petitions

cc: CISLO & THOMAS, LLP
233 WILSHIRE BLVD
SUITE 900
SANTA MONICA CA 90401-1211

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CISLO AND THOMAS LLP
4201 LONG BEACH BLVD STE 405
LONG BEACH, CA 90807

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OFFICE OF PETITIONS

In re Application of	:	
Schmitt, Jack	:	DECISION ON PETITION
Application No. 29/226,367	:	TO WITHDRAW
Filed: March 29, 2005	:	FROM RECORD
Attorney Docket No. T-4594	:	

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 4, 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 Charles H. Thomas on behalf of all attorneys of record who are associated with Customer Number 42559.

All attorneys/agents associated with Customer Number 42559 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.

Telephone inquires concerning this decision should be directed to Petitions Examiner Liana Chase at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

David Bucci
Petitions Examiner
Office of Petitions

Cc: CISLO & THOMAS, LLP
233 WILSHIRE BLVD
SUITE 900
SANTA MONICA CA 90401-1211

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4201 LONG BEACH BLVD STE 405
LONG BEACH, CA 90807

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OFFICE OF PETITIONS

In re Application of	:	
Schmitt, Jack	:	DECISION ON PETITION
Application No. 29/226,371	:	TO WITHDRAW
Filed: March 29, 2005	:	FROM RECORD
Attorney Docket No. T-461	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed May 5, 2005.

The request is **NOT APPROVED.**

A grantable request to withdraw as attorney of record must be signed by every attorney 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 reason set forth in the request, "Transfer of responsibility to different office of firm," does not meet any 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 inquires concerning this decision should be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

Cc:

CISLO & THOMAS, LLP
233 WILSHIRE BLVD
SUITE 900
SANTA MONICA CA 90401-1211

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4201 LONG BEACH BLVD STE 405
LONG BEACH, CA 90807

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OFFICE OF PETITIONS

In re Application of :
Schmitt,Jack :
Application No. 29/226,375 : DECISION ON PETITION
Filed: March 29,2005 : TO WITHDRAW
Attorney Docket No. T-4596 : 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 4, 2005.

The request is **NOT APPROVED**.

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

The Office cannot approve the request at this time since the reason provided does 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 reason set forth in the request does not meet any 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 Petitions Examiner Liana Chase at 571-272- 3206. All other inquiries should be directed to the Technology Center.

David Bucci
Petitions Examiner
Office of Petitions

cc:

CISLO & THOMAS, LLP
233 WILSHIRE BLVD
SUITE 900
SANTA MONICA CA 90401-1211

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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4201 LONG BEACH BLVD STE 405
LONG BEACH, CA 90807

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In re Application of	:	
Schmitt,Jack	:	
Application No. 29/226,378	:	DECISION ON PETITION
Filed: March 29,2005	:	TO WITHDRAW
Attorney Docket No. T-4592	:	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, 2005.

The request is **NOT APPROVED**.

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

The Office cannot approve the request at this time since the reason provided does 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 reason set forth in the request does not meet any 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 Petitions Examiner Liana Chase at 571-272- 3206. All other inquiries should be directed to the Technology Center.

David Bucci for
Petitions Examiner
Office of Petitions

cc:

CISLO & THOMAS, LLP
233 WILSHIRE BLVD
SUITE 900
SANTA MONICA CA 90401-1211

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LEYENDECKER LEMIRE & DALEY, LLC
C/O PORTFOLIO IP
P.O. BOX 52050
MINNEAPOLIS MN 55402

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MAR 1 5 2007

OFFICE OF PETITIONS

In re Application of	:	
Joseph W. Bloomer	:	
Application No. 29/226,396	:	DECISION ON PETITION
Filed: March 28, 2005	:	
Attorney Docket No. JBO-004	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 9, 2006, 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 October 12, 2006, as required by the Notice of Allowance and Fee(s) Due, mailed July 12, 2006. Accordingly, the date of abandonment of this application is October 13, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $400 (2) the petition fee of $750; (3) a proper statement of unintentional delay; (4) Terminal Disclaimer.

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.

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

cc: KURT LEYENDECKER
9137 E, MINERAL AVENUE
SUITE 280
CENTINNIAL, CO 80112

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 4-23-07

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction on Patent No.: D535626 S (29/226423

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.

Innentorship

Thank You For Your Assistance

Thanks Eva James

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 : 5-21-07

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction on Patent No.: D535629 S (29/226423

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.

Second time for reply

Thank You For Your Assistance

Eva James
Certificates of Correction Branch
Tel. No. 703-305-8309

Thanks
A/S/A/P

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:

changes are approved. [illegible]

IAN SIMMONS
SUPERVISORY PATENT EXAMINER

SPE

2912
Art Unit

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OFFICE OF PETITIONS

FROSS ZELNICK LEHRMAN & ZISSU
866 UNITED NATIONS PLAZA
NEW YORK NY 10017

In re Patent No. D518,296	:	
Issue Date: April 4, 2006	:	
Application No. 29/226,447	:	NOTICE
Filed: March 28, 2005	:	
Attorney Docket No. JCHO 0500045	:	

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

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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FROSS ZELNICK LEHRMAN & ZISSU
866 UNITED NATIONS PLAZA
NEW YORK, NY 10017

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JAN 09 2007

OFFICE OF PETITIONS

In re Patent No. D520,743	:	
Issue Date: May 16, 2006	:	
Application No. 29/226,448	:	NOTICE
Filed: March 28, 2005	:	
Attorney Docket No. JCHO 0502162	:	

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

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GOLDSTEIN LAW OFFICES, P.C.
2071 CLOVE ROAD - 204
STATEN ISLAND, NY 10304

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SEP 1 5 2006

OFFICE OF PETITIONS

In re Application of

Manuel Murguia

Application No. 29/226,556

Filed: March 30, 2005

Attorney Docket No. G873B

DECISION ON PETITION

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

The petition 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 August 9, 2005, which set a statutory period for reply of three (3) months from its mailing date. Accordingly, the application became abandoned on November 10, 2005. A Notice of Abandonment was mailed on May 26, 2006.

The terminal disclaimer, filed December 6, 2005, is noted.

The issue fee payment is noted as being received on December 6, 2005.

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

112963 U.S. PTO
29/226643
033105

APPLICANT: Waldeck, Catherine

SERIAL NO.: To Be Assigned

FILED: Concurrently Herewith

FOR: FISH TANK

Approved 5/23/05
JMStone
Jacqueline M. Stone, Director
Technology Center 1700

Hon. Commissioner of Patents and Trademarks
PO Box 1450
Alexandria, VA 22313-1450

REQUEST FOR EXPEDITED EXAMINATION

Applicant requests that the Office expedite the examination of the above identified design application. In support of this request Applicant encloses

(1) Formal drawings in compliance with § 1.84;

(2) Applicant has conducted a pre-examination search. Copies of Form PTO/SB/08A are enclosed along with copies of the references. The search covered classes Design CLL D30 101, 102; and

(3) A check in the amount of $900 is enclosed to cover the fee set forth in § 1.17(k); and

Respectfully submitted,

Thomas A. O'Rourke
Reg. No.: 27,665
BODNER& O'ROURKE, L.L.P.
425 Broadhollow Road
Melville, New York 11747
(631) 423-2700

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OFFICE OF PETITIONS

STOEL RIVES LLP
900 SW FIFTH AVENUE
SUITE 2600
PORTLAND OR 97204-1268

In re Application of	:
Zaderey	:
Application No. 29/226,654	: ON PETITION
Filed: March 30, 2005	:
Attorney Dck't. No. 44500/200:54B	:

This application is before this office due to the petition filed October 4, 2006, requesting under 37 CFR 1.181 review of, or in the alternative, under 37 CFR 1.182 seeking extraordinary relief from, the examiner's denial of a priority claim under 35 U.S.C. § 120 which is being treated by this office solely as a request for clarification.

The petition considered only under 37 CFR 1.182 is dismissed without prejudice to renewal. This renewal may also be in fhe form of a request under 37 CFR 1.314 to defer issuance should it become necessary

Petitioner notes the dispute between himself and the examiner as to whether the instant, allowed design application may properly claim § 120 benefit of a prior provisional application, and seeks whatever extraordinary intervention as may be necessary to resolve the issue prior to the forthcoming issuance.

The USPTO will not normally resort to an extraordinary remedy under 37 CFR 1.182 or 1.183 if the rules of practice and the procedures before the USPTO already provide an avenue for the requested relief. See Cantello v. Rasmussen, 220 USPQ 664, 664 (Comm'r Pats. 1982). Here, 37 CFR 1.181(a)(3) provides for the requested first level review of the examiner's requirement, and that review is performed by the Group Director, not this office. See MPEP 1002.02(c), ¶ 3. As such, it does not appear, at this time, that there exists an extraordinary circumstance that requires extraordinary relief and intervention by this office. Nevertheless, this dismissal is without prejudice to renewal of the petition under 37 CFR 1.182 or 1.314 by petitioner should the provisions of § 1.181 become inadequate.

This application is being brought to the attention of the Technology Center for treatment of the petition under the provisions of 37 CFR 1.181.

Inquiries related to this decision should be directed to the undersigned at (571) 272-3217.

Brian Hearn
Petitions Examiner
Office of Petitions

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Mailed: 3-7-07

In re application of	:	
Zaderey	:	DECISION ON
Serial No. 29/226,654	:	PETITION
Filed: March 30, 2005	:	
For: RETICLE FOR A WEAPON AIMING DEVICE	:	

This is a response to applicant's petition under 37 C.F.R. 1.181. Applicant requests that applicant's claim to the benefit of a prior application under 35 U.S.C. 120 be entered.

DECISION

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee).

Under 35 U.S.C. 172 the right of priority provided for by subsections (a) through (d) of section 119 of this title and the time specified in section 102(d) shall be six months in the case of designs. The right of priority provided for by section 119(e) of this title shall not apply to designs.

35 U.S.C. 172 not only precludes a claim for priority under 35 USC 119(e), but it also evidences the type of application to which a design patent application cannot claim benefit. The priority provided by a provisional application is not available to a design patent application because provisional applications were created to provide utility patent applicants a right of domestic priority in response to the change in term of a US utility patent from 17 years from grant to 20 years from the application filing date. Because design patents retain the 14 year patent term from grant and are not affected by the 20 year patent term change, under 35 USC 172, design applications may not claim a right of priority from a provisional application, regardless of whether that claim is made under 35 USC 119 or 35 USC 120.

The Petition is **DISMISSED**.

William Krynski, Quality Assurance Specialist
Technology Center 1700/2900
Designs
Chemical and Materials Engineering

Kassim M. Ferris
Stoel Rives LLP
800 SW Fifth Avenue, Suite 2600
Portland, OR 97204-1268

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20080212

DATE : February 12, 2008

TO SPE OF : ART UNIT 2916

SUBJECT : Request for Certificate of Correction on Patent No.: 29226732

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:

SPE: /Ian Simmons/ SPE Art Unit 2916

UNITED STATES DEPARTMENT OF COMMERCE
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Date : 12/06/2006
Patent No. : D529,235 S
Inventor(s) : Zanner et al.
Issue Date : September 26, 2006
Title : **COOKWARE HANDLE HOLDER**
Doc./File No. : 04137P

Re: Certificate of Correction

Consideration has been given your request for a certificate of correction, for the above-identified patent under the provisions of Rule 1.322 and 1.323.

Respecting, the alleged error in the Inventor, item (75), the inventors data is printed in accordance with the present style for printing. Only if the patent is unassigned or the inventor is also the assignee, then the residential address is captured. No correction is in order here.

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

Future correspondence concerning this matter should be filed and directed to Decisions & Certificates of Correction Branch.

Ernest C. White, *LIE* (703) 308-9390 ext.#122
Cecelia B. Newman, *Supervisor* (703) 308-9390 ext. #101
Decisions & Certificates of Correction Branch

HOLLAND & BONZAGNI, P.C.
171 DWIGHT ROAD, SUITE 302
LONGMEADOW MA 01106-1700

ecw

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SHEEHAN PHINNEY BASS & GREEN PA
C/O PETER NIEVES
1000 ELM STREET
MANCHESTER, NH 03105-3701

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OFFICE OF PETITIONS

In re Application of
Charles Rozier
Application No. 29/226,761
Filed: March 31, 2005
Attorney Docket No. 17224-6102

: DECISION GRANTING PETITION
: UNDER 37 CFR 1.313(c)(3)

This is a decision on the petition under 37 CFR 1.313(c)(3), filed March 29, 2006 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on February 2, 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 March 29, 2006.

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

This matter is being referred to Technology Center AU 2912 for processing of the CPA and consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

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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	Pending
Filing Date	Herewith
First Named Inventor	Becker, Vera W.
Title	Flower Jewelry Piece
Atty Docket Number	050267

29/226772

ADDRESS TO:

MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 4-11-06
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 D11, Subclasses 40, 43, 48, 63, 67, 79, 81, and 84.

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.

Duane A. Stewart III
Signature

March 31, 2005
Date

Duane A. Stewart III
Typed or printed name

54,468
Registration Number, if applicable

412-562-1622
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.

04/05/2005 MAHMED1 00000094 29226772
04 FC:1602 900.00 OP

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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Buchanan Ingersoll, P. C.
One Oxford Centre, 301 Grant Street
20th Floor
Pittsburgh, PA 15219

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SEP 1 9 2005

OFFICE OF PETITIONS

In re Application of	:	
Vera Wang Becker	:	
Application No. 29/226,776	:	DECISION GRANTING
Filed: March 31, 2005	:	PETITION
Attorney Docket No. 050268	:	

This is a decision on the petition filed April 27, 2005, requesting that the above-identified application be accorded a filing date of March 31, 2005.

A review of the file record shows that the USPTO has, in fact, accorded the application a filing date of March 31, 2005. An official Filing Receipt that reflects the correct filing date was mailed to applicant on June 7, 2005.

In view of the above, the petition is **DISMISSED AS MOOT**.

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3223. Telephone inquiries related to OIPE processing should be directed to their hotline at (703) 308-1202.

Marianne E. Jenkins
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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DINSMORE & SHOHL, LLP
1900 CHEMED CENTER
255 EAST FIFTH STREET
CINCINNATI, OH 45202

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MAR 1 2 2007

OFFICE OF PETITIONS

In re Application of :
Basset, Yamazumi, Itaya, and King :
Application No.: 29/226,794 : ON PETITION
Filing Date: April 1, 2005 :
Attorney Docket No. 27735-64 :

This is a decision on the petition under 37 CFR 1.47 filed July 3, 2006, which will be treated as a petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.67.

The petition is **granted**.

The record reflects that, by a Notice of Allowability mailed April 5, 2006, the examiner assigned to the subject application indicated that the originally filed declaration was defective and required a supplemental declaration to be filed. On July 3, 2006, petitioner filed the supplemental declaration and the instant petition under 37 CFR 1.47 to correct the deficiency. Petitioner requests that the supplemental declaration be accepted without the signature of inventor Damien Basset because inventor Basset cannot be located to execute the supplemental declaration.

It is noted that the provisions of 37 CFR 1.47 only apply to the execution of the original oath or declaration under 37 CFR 1.63. A petition under 37 CFR 1.47 is not appropriate in this case because inventor Basset executed the original declaration. Relief can be granted, pursuant to 37 CFR 1.183, by the waiver or suspension of the requirements of 37 CFR 1.67 as to inventor Basset.

Accordingly, the instant petition will be treated as petition under 37 CFR 1.183 to waive the requirement of 37 CFR 1.67 so as to accept the declaration filed July 3, 2006, without the signature of inventor Basset. The petition is granted; the requirement of 37 CFR 1.67 that all joint inventors execute the declaration is waived as to inventor Basset.

The fee for the petition under 37 CFR 1.183 is $400.00 as per 37 CFR 1.183 and 1.17(f). Deposit account 04-1133 will be charged an additional $200.00, accordingly.

The application file will be forwarded to the Office of Patent Publications for further processing.

Telephone inquiries regarding this matter 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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United States Patent and Trademark Office
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DINSMORE & SHOHL, LLP
1900 CHEMED CENTER
255 EAST FIFTH STREET
CINCINNATI OH 45202

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OFFICE OF PETITIONS

In re Application of :
Basset, et al. :
Application No. 29/226,817 : ON PETITION
Filed: April 1, 2005 :
Attorney Docket No. 27735-60 :
For: LENS

This is a decision on the petition filed July 3, 2006 (certificate of mailing date June 29, 2006), entitled, "PETITION FOR FILNG PATENT APPLICATION ON BEHALF OF AN UNAVAILABLE INVENTOR UNDER 37 CFR 1.47(a)." The petition will be treated as a petition under CFR 1.183, requesting waiver of 37 CFR 1.63 and 1.67, which requires all of the joint inventors to execute a supplemental declaration.[1]

The petition under 37 CFR 1.183 to waive 37 CFR 1.63 and 1.67 is **DISMISSED**.

The petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**.

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 1.183 to waive 37 CFR 1.63 and 1.67" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.**

While this waiver petition is not a petition under 37 CFR 1.47, it is evaluated in much the same way a Rule 47 petition is. Therefore, a grantable petition requires:

(1) a petition including proof of the pertinent facts establishing that the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort,
(2) a proper oath or Declaration executed by the available joint inventor(s),

[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 or unavailability to sign a supplemental oath or declaration is waiver of 37 CFR 1.67. See MPEP 603.

(3) a petition fee, and
(4) the last known address of the omitted inventor(s).

This petition lacks item (2).

As to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 still has not been presented. The residence and mailing of non-signing inventor Basset is not included on the declaration.

The signing inventors must execute another declaration that contains the signers' own information and lists Mr. Basset's complete information.

The last known address of Mr. Basset should be utilized, since a more current address has not been discovered.

Regarding fees, petitioners submitted $200.00. The current Rule 183 petition fee is $400.00. Accordingly, deposit account no. 04-1133 will be charged the $200.00 balance due.

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

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

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

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

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DINSMORE & SHOHL, LLP
1900 CHEMED CENTER
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CINCINNATI OH 45202

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OFFICE OF PETITIONS

In re Application of :
Basset, et al. :
Application No. 29/226,817 : ON PETITION
Filed: April 1, 2005 :
Attorney Docket No. 27735-60 :
For: LENS

This is a decision on the reconsideration petition filed November 14, 2006, under CFR 1.183, requesting waiver of 37 CFR 1.63 and 1.67, which requires all of the joint inventors to execute a supplemental declaration.

The petition under 37 CFR 1.183 to waive 37 CFR 1.63 and 1.67 is **GRANTED**.

Petitioners have shown that the non-signing inventor, Damien B. Basset, cannot be located. Specifically, the original petition establishes that despite attempts to locate the inventor through the mail, through inquiries of his former employer, through telephone information searches, and through Internet searches, that Mr. Basset cannot be located. Petitioners have dilgently searched for Mr. Basset. Petitioners have submitted a supplemental declaration signed by the available joint inventors that is acceptable when taken with the ADS filed on July 27, 2006.

It is agreed that justice would be served by waiving the requirement for Mr. Basset's signature on the supplemental declaration filed on July 3, 2006.

The aforementioned supplemental declaration has been accepted, on petition, and placed in the file.

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

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

Shirene Willis Brantley

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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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AUG 14 2006

OFFICE OF PETITIONS

DINSMORE & SHOHL, LLP
1900 CHEMED CENTER
255 EAST FIFTH STREET
CINCINNATI OH 45202

In re Application of :
Basset, et al. : DECISION
Application No.: 29/226,822 :
Filed: April 1, 2005 :
Docket No.: 27735-68 :

This decision is in response to the petition under 37 CFR 1.47(a) submitted July 3, 2006. This matter is being treated under 37 CFR 1.183 to waive the requirements of 37 CFR 1.67(a)(1). The deficiency in petition fee ($200.00) has been charged to petitioners' deposit account.

This petition is not subject to the provisions of 37 CFR 1.47 as once a fully executed oath or declaration has been filed and been placed on the application for examination, the provisions of 37 CFR 1.47 no longer apply. Rather the remedy for treating an inventor's refusal to sign a supplemental declaration is waiver of 37 CFR 1.67. See MPEP 603. Nonetheless, it is appropriate to apply the principles of 37 CFR 1.47 in evaluating the merits of the instant petition. *See* MPEP 409.03(a).

In response to the Ex Parte Quayle action mailed April 5, 2006, petitioners have submitted, *inter alia*, the instant request for acceptance of a supplemental declaration under 37 CFR 1.67 signed by less than all of the inventors named in the instant application.

37 CFR 1.67(a)(1) states:

> "Deficiencies or inaccuracies relating to all the inventors or applicants (§§ 1.42, 1.43, or § 1.47) may be corrected with a supplemental oath or declaration signed by all the inventors or applicants."

Petitioners allege that inventor Damien B. Basset cannot be located. Petitioners have provided statements of facts as well as documentary evidence of efforts made to locate Mr. Basset.

In accordance with MPEP 603, "[w]hen an inventor who executed the original declaration is refusing or cannot be found to execute a required supplemental declaration, the requirement for that inventor to sign the supplemental declaration may be suspended or waived in accordance with 37 CFR 1.183. All available joint inventor(s) must sign the supplemental declaration on behalf of themselves, if appropriate, and on behalf of the nonsigning inventor. See MPEP §409.03(a)."

A grantable petition under 37 CFR 1.183 to waive the requirement of 37 CFR 1.67 requires petitioners to establish that this is an extraordinary situation where justice requires waiver of the rules.

Petitioners herein have set forth the steps taken to obtain the signature of Mr. Basset on the § 1.67 declaration. Furthermore, petitioners have shown that a *bona fide* effort has been made to present the § 1.67 declaration and supporting documentation to Mr. Basset. Under the circumstances, it is concluded that petitioners have demonstrated that this extraordinary situation warrants waiver of the rules.

In view of the circumstances outlined in the instant petition, the 37 CFR 1.67 declaration may be entered, despite the fact that the requirement that all of the inventors sign the supplemental declaration has not been satisfied.

Accordingly, the petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.67(a)(1) is hereby **GRANTED**.

The application file is being forwarded to Technology Center 2900 for further processing.

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

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CINCINNATI OH 45202

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In re Application of	:	
Basset, et al.	:	DECISION
Application No.: 29/226,823	:	
Filed: April 1, 2005	:	
Docket No.: 27735-67	:	

This decision is in response to the petition under 37 CFR 1.47(a) submitted July 3, 2006. This matter is being treated under 37 CFR 1.183 to waive the requirements of 37 CFR 1.67(a)(1). The deficiency in petition fee ($200.00) has been charged to petitioners' deposit account.

This petition is not subject to the provisions of 37 CFR 1.47 as once a fully executed oath or declaration has been filed and been placed on the application for examination, the provisions of 37 CFR 1.47 no longer apply. Rather the remedy for treating an inventor's refusal to sign a supplemental declaration is waiver of 37 CFR 1.67. See MPEP 603. Nonetheless, it is appropriate to apply the principles of 37 CFR 1.47 in evaluating the merits of the instant petition. *See* MPEP 409.03(a).

In response to the Ex Parte Quayle action mailed April 5, 2006, petitioners have submitted, *inter alia*, the instant request for acceptance of a supplemental declaration under 37 CFR 1.67 signed by less than all of the inventors named in the instant application.

37 CFR 1.67(a)(1) states:

> "Deficiencies or inaccuracies relating to all the inventors or applicants (§§ 1.42, 1.43, or § 1.47) may be corrected with a supplemental oath or declaration signed by all the inventors or applicants."

Petitioners allege that inventor Damien B. Basset cannot be located. Petitioners have provided statements of facts as well as documentary evidence of efforts made to locate Mr. Basset.

In accordance with MPEP 603, "[w]hen an inventor who executed the original declaration is refusing or cannot be found to execute a required supplemental declaration, the requirement for that inventor to sign the supplemental declaration may be suspended or waived in accordance with 37 CFR 1.183. All available joint inventor(s) must sign the supplemental declaration on behalf of themselves, if appropriate, and on behalf of the nonsigning inventor. See MPEP §409.03(a)."

A grantable petition under 37 CFR 1.183 to waive the requirement of 37 CFR 1.67 requires petitioners to establish that this is an extraordinary situation where justice requires waiver of the rules.

Petitioners herein have set forth the steps taken to obtain the signature of Mr. Basset on the § 1.67 declaration. Furthermore, petitioners have shown that a *bona fide* effort has been made to present the § 1.67 declaration and supporting documentation to Mr. Basset. Under the circumstances, it is concluded that petitioners have demonstrated that this extraordinary situation warrants waiver of the rules.

In view of the circumstances outlined in the instant petition, the 37 CFR 1.67 declaration may be entered, despite the fact that the requirement that all of the inventors sign the supplemental declaration has not been satisfied.

Accordingly, the petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.67(a)(1) is hereby **GRANTED**.

The application file is being forwarded to Technology Center 2900 for further processing.

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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BLACK LOWE & GRAHAM, PLLC
701 FIFTH AVENUE
SUITE 4800
SEATTLE WA 98104

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OFFICE OF PETITIONS

In re Application of	:	
Timothy T. Wickland	:	
Application No. 29/226835	:	
Filing or 371(c) Date: 04/01/2005	:	
Attorney Docket Number:	:	
MIKR-1-1039	:	ON PETITION

This is a decision on the "Petition to Grant Request to Rescind Notice of Abandonment and Accept Late Payment of Issue Fee Due to Patent Office Error," filed June 2, 2009. The petition is properly under 37 C.F.R. § 1.181.

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, and Notice of Allowability. Both Notices were mailed August 9, 2006, and set a non-extendable three (3) month period for reply. No response having been received, the application became abandoned on December 12, 2006. A Notice of Abandonment was mailed January 4, 2007.

With the present petition, Applicant has demonstrated non-receipt of the Office action by a preponderance of the evidence[1]. Applicant has also filed a reply to the Notices including the issue fee and a Substitute Declaration and Power of Attorney.

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn.

[1] Office records reveal that the oath/declaration filed with the application directed all correspondence to 701 Fifth Avenua, Suite 4800, Seattle, WA 98104. However, in the oath/declaration Applicants also appointed the attorneys associated with a customer number, which was not the customer number associated with the correspondence address. The Office entered the customer number from the oath/declaration. Applicants subsequently filed a paper to correct the customer number, which was not acted upon by this Office. Applicants have also filed a Substitute oath/declaration correcting, *inter alia*, the customer number of the appointed attorneys and practitioners.

No petition fee has been charged and none is due.

The application will be referred to the Office of Data Management for processing into a patent in the normal course of business.

Telephone inquiries concerning this Decision should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

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OFFICE OF PETITIONS

ULMER & BERNE, LLP
600 VINE STREET
SUITE 2800
CINCINNATI OH 45202

In re Application of	:	
Basset, et al.	:	
Application No. 29/226,843	:	ON PETITION
Filed: 1 April, 2005	:	
Attorney Docket No. 27735-66	:	

This is a decision on the petition filed on 22 January, 2007, under 37 C.F.R. §1.47.

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.

For the reasons set forth below, the petition under 37 C.F.R. §1.47(a) is **GRANTED**.

BACKGROUND

The record indicates:

- the instant application was filed on 1 April, 2005, without, *inter alia*, a fully executed oath/declaration;
- on 31 May, 2005, the Office mailed a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration (signed and dated) was required;
- on 22 January, 2006, Petitioner Eric M. Robbins (Reg. No. 52,170) filed, *inter alia*, the

petition, his statement of the last known/reasonably believed-current mailing address of the non-signing co-inventor Damien B. Basset (Mr. Basset), with a discussion of the actions taken in diligent effort to locate Mr. Basset, and statement (with a copy of the letter) in support of the requirement to transmit the entire application (description, claims, abstract and drawings) was sent to non-signing co-inventor Mr. Basset by U.S. Postal Service Express Mail at his last know address and delivered and that he has not responded; also an oath/declaration executed by co-inventors Yamazumi, Itaya and Hlopick for themselves and on behalf of the non-signing co-inventor Mr. Basset, all in satisfaction of the statutory and regulatory requirements.

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]

---

[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 —

(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.

This application and its papers have been reviewed and found in compliance with 37 C.F.R. §1.47(a).

This application hereby is **ACCORDED status under 37 C.F.R. §1.47(a)**.

As provided under 37 C.F.R. §1.47(a), the 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 also will be published in the Official Gazette.

This file is being released to OIPE for processing as necessary to reflect the instant decision before being released 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[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/Caller's action(s).

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

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

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Paper No: __

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AUG 0 6 2007

OFFICE OF PETITIONS

DAMIEN B. BASSET
622 MOULTON AVE./STE B.
LOS ANGELES, CA 90031

In re Application of	:	
Basset, et al.	:	
Application No. 29/226,843	:	COMMUNICATION
Filed: 1 April, 2005	:	
Attorney Docket No. 27735-66	:	

Dear Damien B. Basset:

You are named as 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,[1] ¶a, Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as inventor.

---

[1] The regulations at 37 C.F.R. §1.47 provide:

§ 1.47 Filing when an inventor refuses to sign or cannot be reached.

(a) If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, the fee set forth in §1.17(h), and the last known address of the nonsigning inventor. The nonsigning inventor may subsequently join in the application by filing an oath or declaration complying with §1.63.

(b) Whenever all of the inventors refuse to execute an application for patent, or cannot be found or reached after diligent effort, a person to whom an inventor has assigned or agreed in writing to assign the invention, or who otherwise shows sufficient proprietary interest in the matter justifying such action, may make application for patent on behalf of and as agent for all the inventors. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage, the fee set forth in §1.17(h), and the last known address of all of the inventors. An inventor may subsequently join in the application by filing an oath or declaration complying with §1.63.

© The Office will send notice of the filing of the application to all inventors who have not joined in the application at the address(es) provided in the petition under this section, and publish notice of the filing of the application in the *Official Gazette*. The Office may dispense with this notice provision in a continuation or divisional application, if notice regarding the filing of the prior application was given to the nonsigning inventor(s).

[47 Fed. Reg. 41275, Sept. 17, 1982, effective Oct. 1, 1982; 48 Fed. Reg. 2709, Jan. 20, 1983, effective Feb. 27, 1983; revised, 62 Fed. Reg. 53131, Oct. 10, 1997, effective Dec. 1, 1997; revised, 65 Fed. Reg. 54604, Sept. 8, 2000, effective Nov. 7, 2000]

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 C.F.R. §1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. §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 toll-free: (800) 972-6382 (outside the Washington D.C. area).

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/Caller's action(s).

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

Counsel of Record:
ULMER & BERNE, LLP
600 VINE STREET
SUITE 2800
CINCINNATI OH 45202

---

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

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OFFICE OF PETITIONS

In re Application of Basset et al. Application No. 29/226,844 Filed: April 1, 2005 Attorney Docket No. 27735-59 Title of Invention: All Terrain Vehicle	:	DECISION ON PETITION

This is in response to the petition under 37 C.F.R. §1.47(a), filed July 3, 2006. This petition is properly treated as a § 1.183 waiver of the requirement that all of the inventors sign the supplemental declaration.[1]

The petition is **Granted**.

The above-identified application was filed on April 1, 2005, with the executed declaration. However the Notice of Allowability required applicant to submit a supplemental declaration to correct deficiences noted.

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 sign a supplemental declaration is waiver of 37 CFR 1.67. See MPEP 603. Nevertheless, it is appropriate to apply the principles of 37 CFR 1.47 thereof to the situation at hand. All available joint inventor(s) must sign the supplemental declaration on behalf of themselves, if appropriate and on behalf of the non-signing inventor. See MPEP 409.03(a).

In order for a petition under 37 CFR 1.183 to be granted to waive this requirement that joint inventor Basset sign the supplemental declaration, petitioner must demonstrate that this is an extraordinary situation where justice requires waiver of the rules.

---

[1] 37 CFR 1.47 only applies when an inventor refuses to sign the original 37 CFR 1.63 oath or declaration.

On petition, applicants have set forth the steps taken to obtain inventor Basset signature on the supplemental declaration. Applicants have shown that diligent effort has been used to locate inventor Basset to present the supplemental declaration to inventor Basset.

Petitioner has shown that the non-signing inventor Basset cannot 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. The declaration presented is signed by eleven inventors on behalf of Basset. Petitioner has also submitted an application data sheet (ADS) to provide the last known address of inventor Basset. Under the circumstances, it is concluded that petitioner has demonstrated that this is an extraordinary situation requiring waiver of the rules.

This application does not have any Rule 1.47(a) status and no such status should appear on the file wrapper.

This application is being forwarded to the Office of Patent Publication for issuance into a patent.

Telephone inquiries regarding this decision 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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SUITE 300
12304 SANTA MONICA BLVD.
LOS ANGELES CA 90025

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OFFICE OF PETITIONS

In re Application of	:	
Eric James Thornberg	:	
Application No. 29/226,846	:	ON PETITION
Filed: April 4, 2005	:	
For: POOL TABLE	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 29, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

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

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(4).

A terminal disclaimer and fee is required for design applications in accordance with 37 CFR 1.137(d).

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

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

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

The centralized facsimile number is **(571) 273-8300.**

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

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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OFFICE OF PETITIONS

In re Application of	:
Eric James Thornberg	:
Application No. 29/226,846	: DECISION GRANTING PETITION
Filed: April 4, 2005	: UNDER 37 CFR 1.137(b)
For: POOL TABLE	:

This is a decision on the renewed petition under 37 CFR 1.137(b), filed November 7, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of corrected drawings and terminal disclaimer with fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowability mailed September 25, 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 March 29, 2007.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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EDWARD A. SOKOLSKI
3868 CARSON STREET, 105
TORRANCE, CA 90503

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OFFICE OF PETITIONS

In re Application of	:	
Ulrich et al.	:	
Application No. 29/226,871	:	DECISION ON PETITION
Filed: March 31, 2005	:	
Attorney Docket No. 5421.2	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 14, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee and submit formal drawings on or before July 2, 2008, as required by the Notice of Allowance and Fee(s) Due mailed April 2, 2008. Accordingly, the date of abandonment of this application is July 3, 2008. A Notice of Abandonment was mailed July 23, 2008.

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 $410.00 and corrected formal drawings; (2) the petition fee of $770.00; (3) a proper statement of unintentional delay; and (4) a Terminal Disclaimer with the accompanying $65.00 fee.

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

This application is being referred to the Office of Data Management for processing into a patent and review of formal drawings submitted on July 14, 2008.

/Liana Walsh/
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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THOMPSON E. FEHR
SUITE 300
GOLDENWEST CORPORATE CENTER
5025 ADAMS AVENUE
OGDEN UT 84403

COPY MAILED

APR 30 2008

OFFICE OF PETITIONS

In re Application of	:	
Jo Ann PARKER	:	
Application No. 29/226,874	:	DECISION ON PETITION
Filed: March 31, 2005	:	
Attorney Docket No. **PPARKJ-GC**	:	

This is a decision on the petition under 37 CFR 1.137(b), filed March 17, 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 corrected drawings on or before December 10, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed September 10, 2007, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on December 11, 2007. A Notice of Abandonment was mailed on January 17, 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 $410 issue fee and corrected drawings, (2) the petition fee of $770, (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 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 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

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	To be assigned
Filing Date	To be assigned
First Named Inventor	Christjane BURG
Title	FOOTWEAR OUTSOLE
Atty Docket Number	63584-5135

22764 U.S. PTO
112941 U.S. PTO 29/226880
040105

ADDRESS TO:

MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

5/16/05
Approved
JMStone
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 D2 - Subclasses 896, 897, 898, 902, 906, 907, 908, 909, 909, 910, 911, 912, 915, 916, 917, 919, 920, 923, 925, 929, 929, 930, 931, 932, 933, 934, 935, 937, 938, 939, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 957, 958, 959, 960, 962, 969, 972, 973, 974, 975, 977, 978

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.

[signature]	3.31.05
Signature	Date
Steven R. Hansen	39,214
Typed or printed name	Registration Number, if applicable
(310) 203-8080	
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.

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www.USCourtForms.com

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

JJGJR.: 07-05

Paper No: __

CHARLES E. BAXLEY, ESQ.
90 JOHN STREET
THIRD FLOOR
NEW YORK NY 10038

COPY MAILED
JUL 28 2005
OFFICE OF PETITIONS

In re Application of
Lee :
Application No. 29/226,937 : DECISION ON PETITION
Filing Date: 4 April, 2005 :
Attorney Docket No. 15465B (4776SF) :

This is a decision on the petition filed on 9 May, 2005, and considered as a petition under 37 C.F.R. §1.53 and §1.182.

The petition under 37 C.F.R. §1.53 is **DISMISSED**.

BACKGROUND

This application for a design patent was deposited on 4 April, 2005.

On 3 May, 2005, the Office mailed a Notice of Omitted Items in a Nonprovisional Application (the Notice), and indicated that while a filing date had been granted, it appeared that Fig. 4, as described in the specification, had been omitted on deposit of the application.

The Notice specified a reply period of two (2) months, and also indicated that Petitioner might evidence that the omitted item(s) was/were submitted on the original deposit, or supply the omitted item(s) and obtain the later filing date, or accept the application in the form the Office indicated that it had been deposited.

Petitioners responded on 9 May, 2005, and included, *inter alia*, a copy of a date-stamped

("040405") receipt card (see: MPEP §503)[1] submitted with what was averred to be Fig. 4, as described it the specification, deposited on 4 April, 2005.

ANALYSIS

A review of the file reveals that the application was deposited on 4 April, 2005, and that the date-stamped ("040405") receipt card states in pertinent part:

* * *

5. One (1) sheet of Specification;
6. Six (6) sheets of Drawings (figs. 1 - 8)
7. Acknowledgment Postcard

* * *

A further review of the application as filed indicates that the Office received and acknowledges receiving six (6) sheets of drawings, to wit:

---

[1] The commentary at MPEP §503 provides in pertinent part:

* * *

RETURN POSTCARD

If a receipt for 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. To ensure the receipt of return receipt postcards, users must either: (A) purchase already stamped postcards from the United States Postal Service (USPS) or affix postage stamps to their postcards; or (B) if a postage meter is used, ensure that the meter postmark does not show the date. Any return receipt postcard containing a dated meter postmark may not be delivered by the USPS to the address provided on the postcard.< 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 >a< 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 postcard 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.

Fig. 1	(1st Sheet)
Figs. 2 and 3	(2nd Sheet)
Fig. 5	(3rd Sheet)
Fig. 6	(4th Sheet)
Fig. 7	(5th Sheet)
Fig. 8	(6th Sheet)

(Note: While the figures are numbered, the sheets are unnumbered)

While Petitioner's receipt card itemizes the contents of the application on the receipt card, it is concluded that the application, including six (6) sheets of drawings were deposited with the Office on 4 April, 2005, however without Fig. 4, as described in the specification.

Accordingly, Fig. 4, as described in the specification, is not entitled to a filing date of 4 April, 2005.

The "Notice of Omitted Items" mailed on 3 May, 2005, was not sent in error and will not be disturbed.

The petition is **dismissed** and because no error of the Office prompted the petition, the fee will not be waived.

This application is released to OIPE for further processing with no change in the filing date heretofore set forth and without Fig. 4, as described in the specification.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3214.

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

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OIPE JC22
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United States Patent and Trademark Office
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JJGJR.: 07-05

Paper No: __

CHARLES E. BAXLEY, ESQ.
90 JOHN STREET
THIRD FLOOR
NEW YORK NY 10038

COPY MAILED
JUL 2 8 2005
OFFICE OF PETITIONS

In re Application of
Lee :
Application No. 29/226,937 : DECISION ON PETITION
Filing Date: 4 April, 2005 :
Attorney Docket No. 15465B (4776SF) :

This is a decision on the petition filed on 9 May, 2005, and considered as a petition under 37 C.F.R. §1.53 and §1.182.

The petition under 37 C.F.R. §1.53 is **DISMISSED**.

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This application for a design patent was deposited on 4 April, 2005.

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The Notice specified a reply period of two (2) months, and also indicated that Petitioner might evidence that the omitted item(s) was/were submitted on the original deposit, or supply the omitted item(s) and obtain the later filing date, or accept the application in the form the Office indicated that it had been deposited.

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("040405") receipt card (see: MPEP §503)[1] submitted with what was averred to be Fig. 4, as described it the specification, deposited on 4 April, 2005.

ANALYSIS

A review of the file reveals that the application was deposited on 4 April, 2005, and that the date-stamped ("040405") receipt card states in pertinent part:

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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.

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Fig. 1	(1st Sheet)
Figs. 2 and 3	(2nd Sheet)
Fig. 5	(3rd Sheet)
Fig. 6	(4th Sheet)
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Fig. 8	(6th Sheet)

(Note: While the figures are numbered, the sheets are unnumbered)

While Petitioner's receipt card itemizes the contents of the application on the receipt card, it is concluded that the application, including six (6) sheets of drawings were deposited with the Office on 4 April, 2005, however without Fig. 4, as described in the specification.

Accordingly, Fig. 4, as described in the specification, is not entitled to a filing date of 4 April, 2005.

The "Notice of Omitted Items" mailed on 3 May, 2005, was not sent in error and will not be disturbed.

The petition is **dismissed** and because no error of the Office prompted the petition, the fee will not be waived.

This application is released to OIPE for further processing with no change in the filing date heretofore set forth and without Fig. 4, as described in the specification.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3214.

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

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1750 TYSONS BOULEVARD, 12TH FLOOR
MCLEAN VA 22102

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JAN 0 9 2007

OFFICE OF PETITIONS

In re Application of :
Langberg et al. :
Application No. 29/226,939 : DECISION ON PETITION
Filed: 04/05/2005 :
Attorney Docket No. 43689.016600D :

This is a decision on the petition filed December 12, 2006, to withdraw the holding of abandonment for the above-identified application.

On July 7, 2006, the Office mailed a Notice of Allowance and Fee(s) Due, which set a three-month statutory period for reply. In the absence of a timely filed response, the application was held abandoned on October 8, 2006. A Notice of Abandonment was mailed on November 14, 2006.

In the present petition, the practitioner requested that the Office withdraw the holding of abandonment due to non-receipt, remail the Notice of Allowance, and restart the period for reply.

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 2912 has been advised of this decision. The matter is being referred to the Technology Center's technical support staff for mailing of a new Notice of Allowance. The three (3) month shortened statutory time period for responding to the Notice of Allowance will be set to run from the mailing date of the new Notice of Allowance.

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

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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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
29/226,949	04/05/2005	2913	430	05226/LH	5	1	1

CONFIRMATION NO. 7914

CORRECTED FILING RECEIPT

OC000000016012396

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

Date Mailed: 05/12/2005

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)

Masaki Ogino, Tokyo, JAPAN;
Akihiro Miyahara, Tokyo, JAPAN;
Kazuhito Sakaguchi, Sagamihara-shi, 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: 04/22/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US29/226,949

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

Non-Publication Request: No

Early Publication Request: No

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Title

Digital camera

Preliminary Class

D16

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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RABIN & BERDO, PC
1101 14TH STREET, NW
SUITE 500
WASHINGTON DC 20005

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JUL 12 2006

OFFICE OF PETITIONS

In re Application of :
Tomio Inoue :
Application No. 29/227,025 : ON PETITION
Filed: April 6, 2005 :
Attorney Docket No. KAW 127 :

This is a decision on the petition, filed July 5, 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 March 6, 2006, in the parent application is not refundable nor can it be applied towards any new Notice of Allowance which may issue on the CPA filed July 5, 2006.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KAREN SUE KELLER
8721 GOLDEN GARDENS DRIVE NW
SEATTLE, WA 98117

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DEC 28 2006

OFFICE OF PETITIONS

ON PETITION

In re Application of	:	
Karen Sue Keller	:	
Application No. 29/227,064	:	
Filed: April 7, 2005	:	
For: PONY-SHAPED PILLOWCASE	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 2, 2006, to revive the above-identified application.

The petition is **DISMISSED**.

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

The application became abandoned for failure to submit corrected formal drawings in a timely manner in reply to the Notice of Allowability, mailed December 29, 2005, which set a period for reply of three (3) months. Accordingly, this application became abandoned on March 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). The instant petition lacks item (4).

The filing of a terminal disclaimer (and fee of $65) is required in a design application as a condition for reviving an abandoned application. The terminal disclaimer submitted in a design application must dedicate to the public a terminal part of the term of any patent granted thereon

equivalent to the period of abandonment of the application. A blank terminal disclaimer form is attached for petitioner's convenience. The period to be disclaimed will be 10 months if filed prior to January 30, 2007 (calculated from the date of abandonment of March 30, 2006). If filed after January 30, 2007, the period to be disclaimed will be one additional month for each month thereafter.

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

ATTACHMENT: Blank Terminal Disclaimer Form
Privacy Act Statement

PTO/SB/62 (09-06)
Approved for use through 03/31/2007. OMB 0651-0031
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.

TERMINAL DISCLAIMER TO ACCOMPANY PETITION
(Period Specified)

Docket Number (Optional)

In re Application of:

Name:

Application Number:

Filed:

For:

The owner*, _____ of _____ percent interest in the above-identified application hereby disclaims the terminal _____months of any patent granted on the above-identified application or on any application that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to this application. This disclaimer is binding upon the grantee, 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 person signing is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

2. ☐ The undersigned is an attorney 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.

* Certification 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

KAREN SUE KELLER
8721 GOLDEN GARDENS DRIVE NW
SEATTLE, WA 98117

COPY MAILED

AUG 16 2007

OFFICE OF PETITIONS

In re Application of	:
Karen Sue Keller O	:
Application No. 29/227,064	: DECISION ON PETITION
Filed: April 7, 2005	:
For: PONY-SHAPED PILLOWCASE	:

This is a decision on the renewed petition under 37 CFR 1.137(b), filed February 13, 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 December 29, 2005, which set a period for reply of three (3) months. Accordingly, this application became abandoned on March 30, 2006. A first petition to revive was filed on October 2, 2006, and dismissed on December 28, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings, (2) the petition fee of $750, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the reply to the Notice of December 29,2005 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) 3218.

This application is being referred to Publishing Division for further processing in accordance with this decision accepting the unintentionally delayed submission of replacement drawings.

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

HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON, DC 20006-1109

COPY MAILED
JAN 16 2008
OFFICE OF PETITIONS

In re Application of	:	
Angelo Sudano	:	
Application No. 29/227,131	:	ON PETITION
Filed: April 7, 2005	:	
Attorney Docket No. 31168-2044	:	

This is a decision on the petition, filed August 2, 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 reply in a timely manner to the Restriction Requirement, mailed July 14, 2006, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on August 15, 2006.

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

[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.

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).

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

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

HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON, DC 20006-1109

COPY MAILED

APR 2 2 2008

OFFICE OF PETITIONS

In re Application of Angelo Sudano Application No. 29/227,131 Filed: April 7, 2005 Attorney Docket No. 31168-2044	: : : : :	ON PETITION

This is a decision in response to the renewed petition, filed February 1, 2008, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed July 14, 2006, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). A Notice of Abandonment was mailed on February 22, 2007. In response, on August 2, 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 1, 2008, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the response in the form of an election of the invention to be examined; (2) the petition fee of $1,500, (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 February 1, 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 2915 for consideration of the response filed February 1, 2008.

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

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 1 0 2009

OFFICE OF PETITIONS

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

In re Application of :
Angelo Sudano :
Application No. 29/227,131 : ON PETITION
Filed: April 7, 2005 :
Attorney Docket No. 09680.0479US01 :

This is a decision on the petition, filed May 4, 2009, 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 submit corrected drawings in a timely manner in reply to the Notice of Allowability, mailed June 23, 2008, which set a period for reply of three (3) months. Accordingly, this application became abandoned on September 24, 2008. A Notice of Abandonment was mailed on October 16, 2008. On May 4, 2009, the present petition was filed.

A grantable petition under 37 CFR 1.137(b)[1] must be accompanied by: (1) (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(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).

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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 and the terminal disclaimer must also apply to any patent granted on a continuing design application that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the application for which revival is sought. 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. To be effective, the terminal disclaimer must include the fee of $140 ($70 if small entity) pursuant to 37 CFR 1.20(d) and be signed in accordance with 37 CFR 1.33(b). 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 delivered through one of the following mediums:

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

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

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

By Internet: EFS-Web[3]

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[3] www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

UNITED STATES 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 25 2009

OFFICE OF PETITIONS

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

In re Application of
Angelo Sudano
Application No. 29/227,131
Filed: April 7, 2005
Attorney Docket No. 09680.0479US01

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed September 21, 2009, to revive the above-identified design application.

The petition is **GRANTED**.

This application became abandoned for a failure to timely submit corrected formal drawings on or before September 23, 2008, as required by the Notice of Allowability, mailed June 23, 2008. Accordingly, the date of abandonment of this application is September 24, 2008. On May 4, 2009 a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed by a decision mailed June 10, 2009.

On September 21, 2009, the present petition was filed. The petition includes a terminal disclaimer and payment of $1055 for a two-month extension ($245) and petition fee ($810). It is noted that while the terminal disclaimer indicates that the terminal disclaimer fee is included, no fee was submitted therefor.

Since no petition fee is required for a renewed petition under 37 CFR 1.137(b) (the requisite petition fee was submitted with the original petition on May 4, 2009), counsel's credit card will be refunded in the amount of $740 (the $810 petition fee overpaid less the $70 fee required for the terminal disclaimer).

In view of the above, the petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the corrected formal drawings, (2) the petition fee of $810, (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 September 21, 2009 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.

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

ALBIHNS STOCKHOLM AB
BOX 5581, LINNEGATAN 2
SE-114 85 STOCKHOLM; SWEDENn
STOCKHOLM SE SWEDEN

COPY MAILED

OCT 13 2006

OFFICE OF PETITIONS

In re Application of	:	
ZETTERSTORM, et al.	:	
Application No. 29/227,137	:	DECISION ON PETITION
Filed: April 7, 2005	:	TO WITHDRAW
Attorney Docket No. M11753	:	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 28, 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 Olivia Tolan on behalf of herself. Olivia Tolan has been withdrawn as attorney or agent of record; attorneys Reginald Finn and Timothy Platt remain of record. The correspondence address of record remains unchanged.

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

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

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OCT 13 2006

OFFICE OF PETITIONS

ALBIHNS STOCKHOLM AB
BOX 5581, LINNEGATAN 2
SE-114 85 STOCKHOLM; SWEDENn
STOCKHOLM SE SWEDEN

In re Application of	:	
REINIUS, et al.	:	
Application No. 29/227,138	:	DECISION ON PETITION
Filed: April 7, 2005	:	TO WITHDRAW
Attorney Docket No. M11758	:	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 28, 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 Olivia Tolan on behalf of herself. Olivia Tolan has been withdrawn as attorney or agent of record; attorneys Reginald Finn and Timothy Platt remain of record. The correspondence address of record remains unchanged.

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

David Bucci
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 1-23-07

TO SPE OF : ART UNIT 2914

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/227207 Patent No.: D531363

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 Drawings

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

Certificates of Correction Branch

703-308-9390 ext. 117

Thank You For Your Assistance

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

Note your decision on the appropriate box.

- [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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 1-23-07

TO SPE OF : ART UNIT 2914

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/227207 Patent No.: D531363

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 Drawings

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

Certificates of Correction Branch

703-308-9390 ext. 117

Thank You For Your Assistance

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

Note your decision on the appropriate box.

- [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

PTOL-306 (REV. 7/03) U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

PTO/SB/44 (02-01)
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 : D531,363 S

DATED : October 31, 2006

INVENTOR(S) : Scott David Siebers et al.

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

Drawings,
Replace black/white photographs, Figs. 1-8 with drawings Figs. 1-8, therefore. (copies of drawings attached)

MAILING ADDRESS OF SENDER:
Mark C. Young
STINSON MORRISON HECKER LLP
1201 Walnut, Suite 2900
Kansas City, MO 64106-2150

PATENT NO. D531,363

No. of additional copies
2 8

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comment on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

DEC 21 2006

OIPE IAP41
DEC 1 8 2006
PATENT & TRADEMARK OFFICE

Title: BALL GLOVE
Inventor: Scott David Siebers et al.
Attorney Docket No.: 520402-1045-0004
Express Mail No.: EV 577106117 US

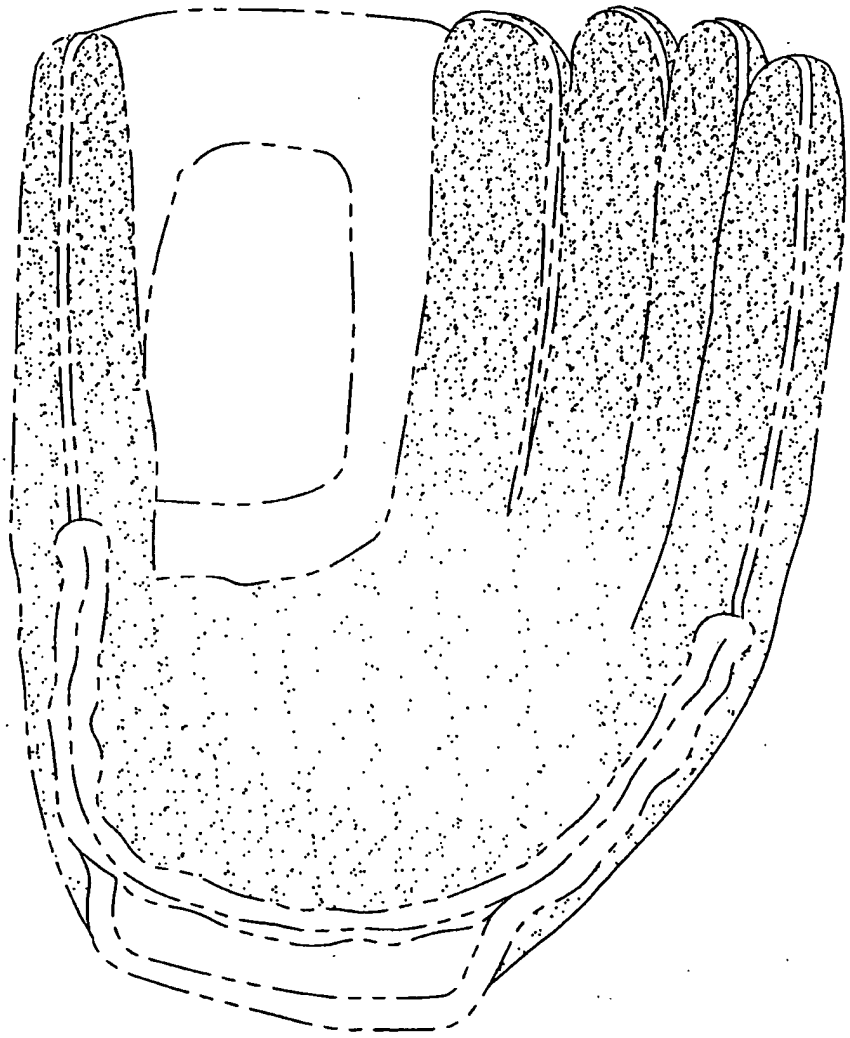

FIG. 1

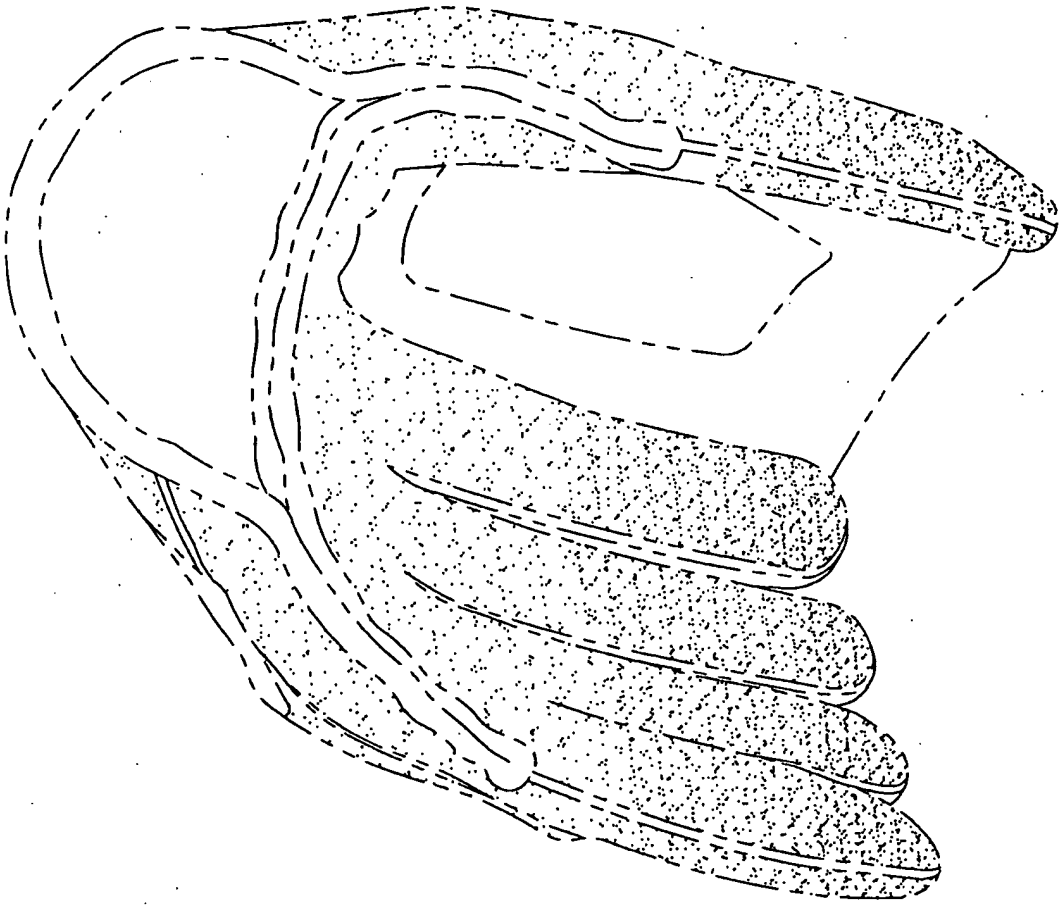

FIG. 2

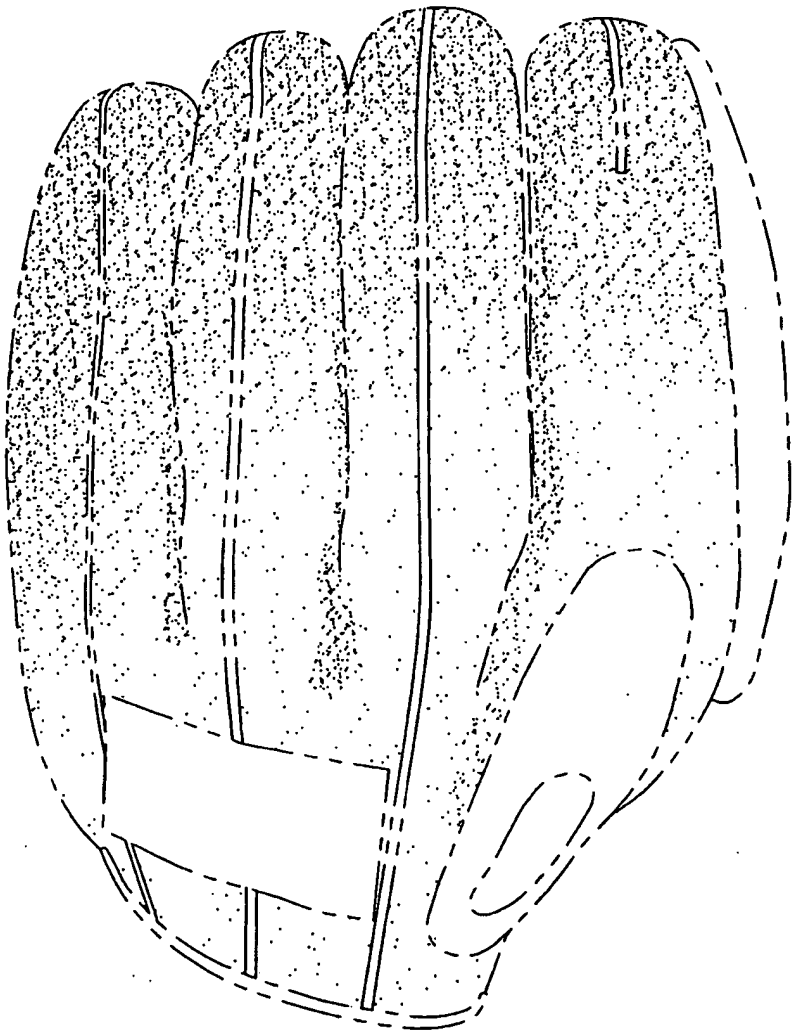

FIG. 3

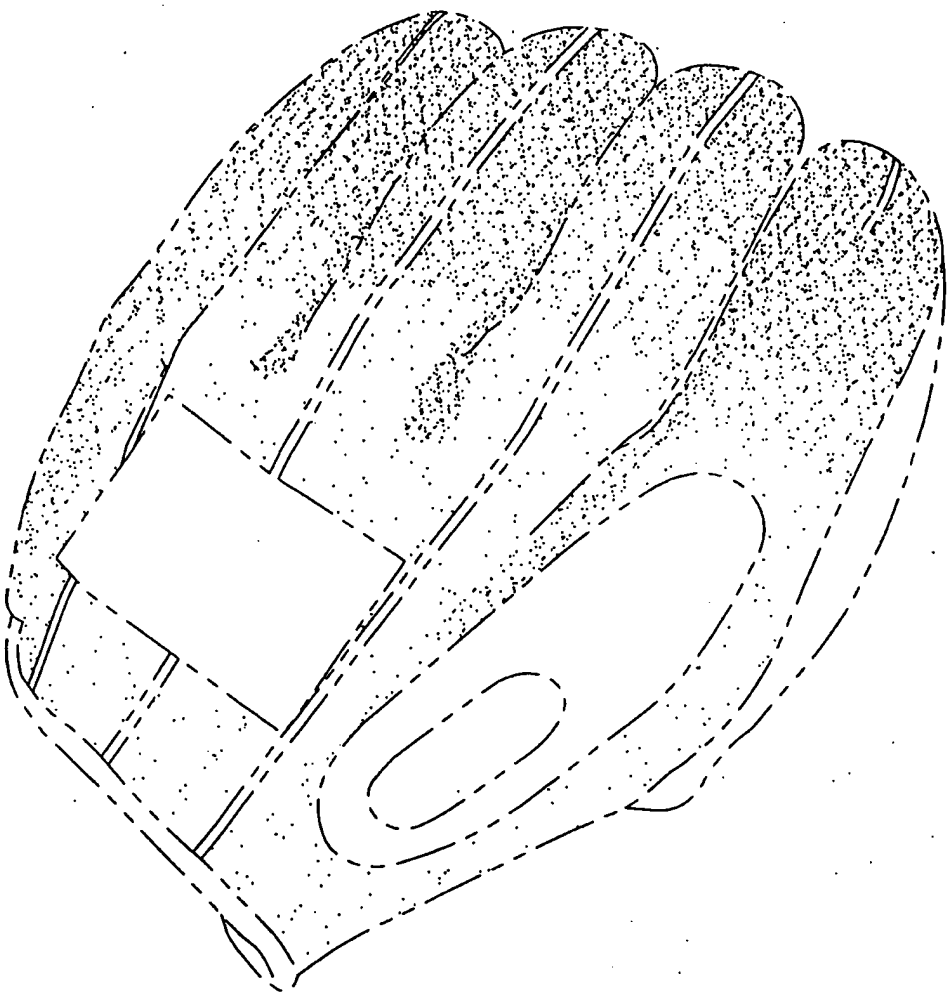

FIG. 4

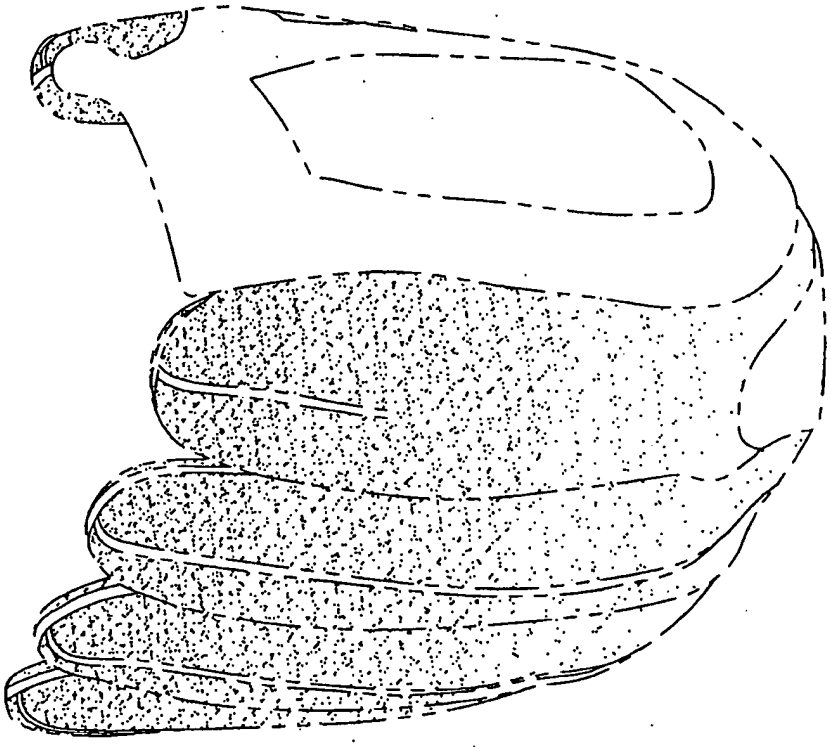

FIG. 5

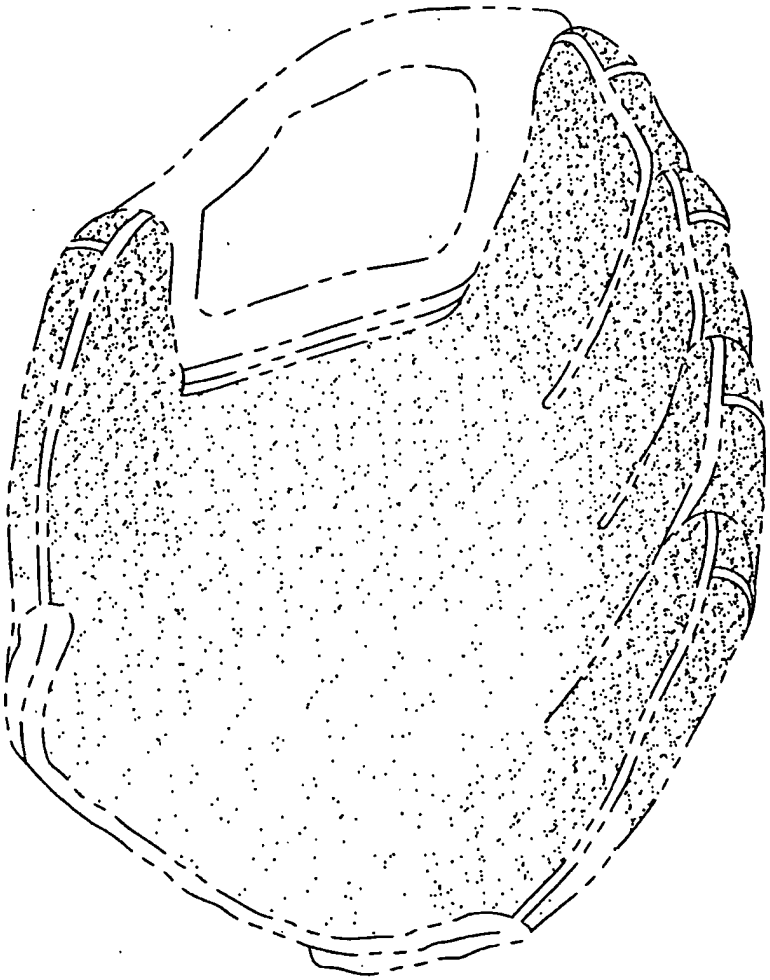

FIG. 6

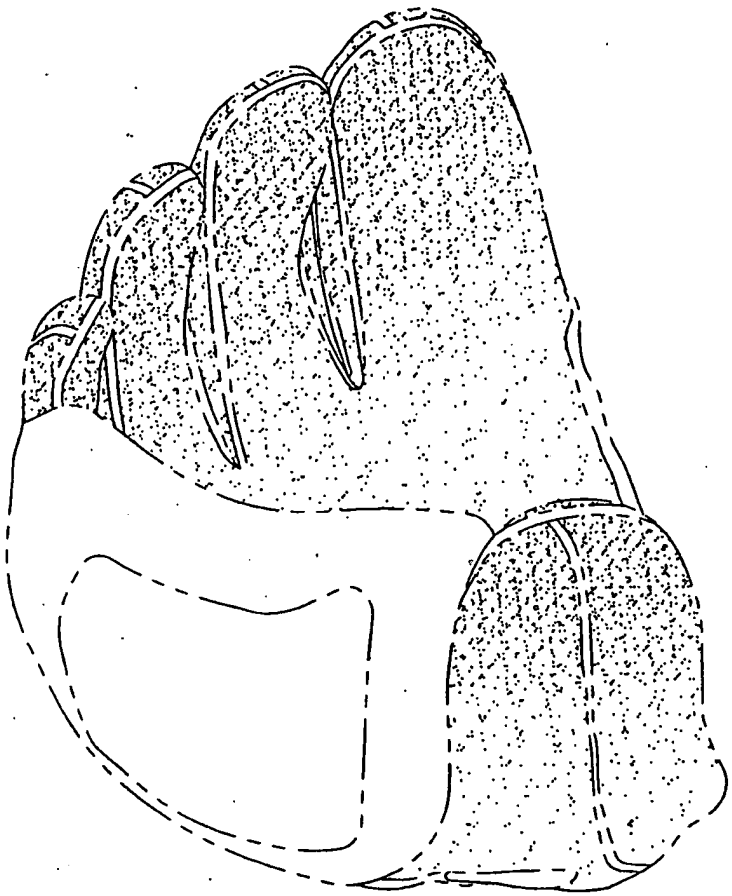

FIG. 7

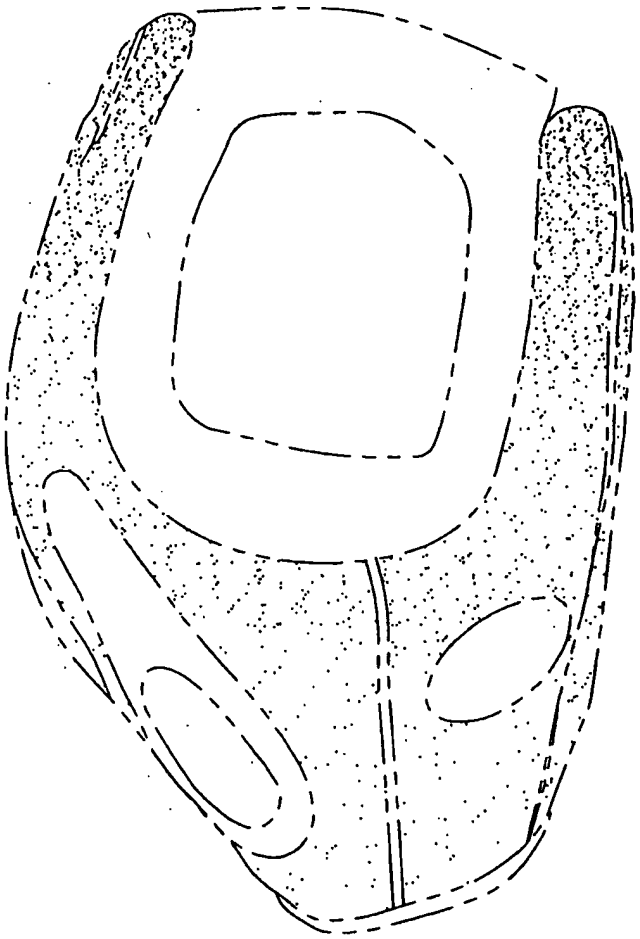

FIG. 8

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 2/2/08

TO SPE OF : **Technology Center** 2916

29/227220

SUBJECT : Request for Certificate of Correction on Patent No.: D526423S

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:

IAN SIMMONS
SUPERVISORY PATENT EXAMINER

SPE — 2916 **Art Unit**

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 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	N/A
Filing Date	N/A
First Named Inventor	MARK NALLEY
Title	WEIGHT STACK APPARATUS
Atty Docket Number	MN-7

113241 U.S. PTO
29/227244
040805

ADDRESS TO:

MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

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

Approved 9/15/05
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700

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

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

Class 482/93, 94, 97-103 USPTO/EAST IPC A63B 21/06+062
Class 70/181 (partial)
Class 292/40

Related applications: S.N. 10/868,065; Filed 06/16/04; S.N. 10/970,267; Filed 10/22/04

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). Two (2) Sheets; Five (5) Figures**
- **The fee set forth in 37 CFR 1.17(k). $900 Check No. 12546**
- **An information disclosure statement in compliance with 37 CFR 1.98.**

Signature — **April 7, 2005** **Date**

G. Donald Weber, Jr. — **Typed or printed name**

19862 — **Registration Number if applicable**

714-637-8350 — **Telephone Number**

04/11/2005 HTECKLU1 00000064 29227244
04 FC:1802 900.00 OP

WARNING: Information of this form may become public. Credit card information should not be included on this for. 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 5-10-04

TO SPE OF : ART UNIT 2911

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/220250 Patent No.: D518167

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 Drawings sheet

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

Certificates of Correction Branch

703-308-9390 ext. _____

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
www.uspto.gov

CARR LLP
670 FOUNDERS SQUARE
900 JACKSON STREET
DALLAS TX 75202

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SEP 0 7 2005

OFFICE OF PETITIONS

In re Application of
Jon Kenneth Lampert et al.
Application No. 29/227,305
Filed: April 7, 2005
Attorney Docket No. TRAX3181000

: DECISION GRANTING PETITION

This is a decision on the response to the Notice of Incomplete Application, filed July 8, 2005 (certificate of mail date, July 5, 2005), which is treated under 37 CFR 1.53, to accord the above identified application a filing date of April 7, 2005.

On the date of deposit, the filing included, inter alia, a transmittal letter, a specification, four (4) sheets of drawings containing Figures 1 through 4 and an unexecuted declaration.

On May 4, 2005, the Office of Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application "Notice" stating that the specification did not include at least one claim in compliance with 35 USC 112 and that the filing date of the application would be the date of receipt of a claim in compliance with 35 USC 112. The "Notice" also indicated that the oath or declaration provided was unsigned.

In response to the "Notice", petitioner files a specification with one claim, an explanation that the original filing included a three page specification and that the third page of the specification included the claim. In support thereof, a copy of a USPTO date stamped postcard receipt is included as proof of receipt of the specification and claim.

The U.S. Patent and Trademark Office (Office) file is the official record of the papers originally filed in this application and a review of the file does not reveal that a three page specification was filed in the Office on April 7, 2005.

The argument and evidence supplied with the petition have been carefully considered, but are not persuasive. The USPTO has a well-established and well-publicized practice of providing a receipt for papers filed in the USPTO to any applicant desiring a receipt. The practice requires that any paper for which a receipt is desired be filed in the USPTO with a self-addressed postcard identifying the paper. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie

evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO. See section 503, Manual of Patent Examining Procedure (MPEP 503). Unfortunately, petitioners' postcard receipt cannot serve as evidence that the specification filed was three pages in length when the postcard itemizes the number of pages to be two.

However, a review of the record reveals that the application papers deposited April 7, 2005 included a transmittal letter referring to the application by title and stating that the application contained a specification with one claim.

The specification identifies the inventors and indicates that the invention is for an "original and ornamental design for a VEHICLE MOUNTED COIL SPRING AND SHOCK ASSEMBLY". The declaration and power of attorney identifies the inventors of the "VEHICLE MOUNTED COIL SPRING AND SHOCK ASSEMBLY" and states that the inventors are:

> ".....the original, first and joint inventors for the subject matter that is claimed..... ."

An executed oath or declaration, a true copy of the oath or declaration submitted upon application, was filed July 8, 2005.

In view of the lack of proof that a third page of the specification which should have included a formal claim, was filed with the application, this is however a design application. The above-quoted language in the preamble of the specification and the language in the declaration and power of attorney can be construed as the claim, required by 35 USC 112 insofar as this design application is concerned. The form of a claim in a design application is fixed by rule and is accordingly different from the claims of other applications. Accordingly, since this a design application and since the claim language quoted above does appear at the conclusion, or end, of the specification, there is no statutory prohibition against construing this language as the statutory required claim. It is also clear that there has been, and is, no doubt as to the form of, and what is to be claimed herein since this is a design application for which the form of the claim is set by 37 CFR 1.153.

Under the circumstances, it is appropriate that the language quoted above from the declaration and power of attorney be construed as the claim, for purposes of according this application a filing date of April 7, 2005.

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

In view of the above, the petition under 37 CFR 1.53 is **GRANTED**.

The communication filed July 8, 2005, including a formal specification and claim will be considered as a preliminary amendment and will be entered in due course, and must be considered by the examiner for entry of new matter not described in the application as filed. 35 USC 112, first paragraph; 35 USC 132.

This matter is being referred to the Office of Initial Patent Examination to accord April 7, 2005 as the filing date, using the application papers filed April 7, 2005 and then the matter will be referred to Technology Center 2913 for examination in due course.

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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ALEXANDRIA, VA 22313-1450
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MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

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APR 21 2006
OFFICE OF PETITIONS

In re Application of :
Martin : DECISION ON PETITION
Application No. 29/227,321 :
Filed: April 8, 2005 :
Atty. Dkt. No.: 15568US02 :

This decision is in response to the petition under 37 CFR 1.137(a) filed March 13, 2006. This matter is being treated under 37 CFR 1.181 as a petition to withdraw the holding of abandonment. No fee is due in connection with this matter.

This application was held abandoned October 16, 2005, for failure to timely file a proper response to an Office communication purportedly mailed September 15, 2005. Notice of Abandonment was mailed March 2, 2006.

The Notice of Abandonment references the mailing of an Office communication on September 2, 2005. Petitioner contends non-receipt of said Office communication. There is no indication that an official Office communication was mailed on September 2, 2005.

A review of the application history reveals that an Office communication was slated to be mailed on September 15, 2005. There is no indication in the application file that such an Office communication was ever mailed.

Accordingly, the petition under 37 CFR 1.181 to withdraw the holding of abandonment is hereby **GRANTED**.

The Notice of Abandonment is hereby **VACATED** and the holding of abandonment is **WITHDRAWN**.

A refund of the previously submitted petition fee has been requested from the Finance Office, Refund Section.

This application is being directed to Technology Center 2900 for mailing of the Office communication.

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

Alesia M. Brown
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
29/227,338	04/08/2005	2913	430	Choi & Kim C-110	7	1	1

CONFIRMATION NO. 6682

23474
FLYNN THIEL BOUTELL & TANIS, P.C.
2026 RAMBLING ROAD
KALAMAZOO, MI 49008-1631

CORRECTED FILING RECEIPT

OC000000016777982

Date Mailed: 08/15/2005

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)

Joon-Suh Kim, Seoul, KOREA, REPUBLIC OF;
Soo-Min Sohn, Seoul, KOREA, REPUBLIC OF;
Chang-Soo Lee, Seoul, KOREA, REPUBLIC OF;

Power of Attorney: The patent practitioners associated with Customer Number **23474**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 05/04/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US29/227,338

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

Non-Publication Request: No

Early Publication Request: No

Title

Portable telephone

Preliminary Class

D14

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).

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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 Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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Alexandria, 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
29/227,339	04/08/2005	2913	430	Choi & Kim C-109	7	1	1

CONFIRMATION NO. 6680

CORRECTED FILING RECEIPT

OC000000016777563

23474
FLYNN THIEL BOUTELL & TANIS, P.C.
2026 RAMBLING ROAD
KALAMAZOO, MI 49008-1631

Date Mailed: 08/15/2005

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Power of Attorney: The patent practitioners associated with Customer Number **23474**.

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Early Publication Request: No

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Portable telephone

Preliminary Class

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PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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Title 37, Code of Federal Regulations, 5.11 & 5.15

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

11-3-05

wak

In re Application of	:	
Patrick Miles	:	
Serial Number: 29/227,372	:	DECISION
Filed: April 11, 2005	:	ON
For: Intervertebral Implant	:	PETITION

This is in response to the request filed April 11, 2005, requesting expedited examination of a design application under 37 CFR 1.155.

37 CFR 1.155 establishes an expedited procedure for design applications. A design application may qualify for expedited examination provided the following requirements are met:

(A) A request for expedited examination is filed (Form PTO/SB/27 may be used);

(B) The design application is complete and it includes drawings in compliance with 37 CFR 1.84 (see 37 CFR 1.154 and MPEP § 1503 concerning the requirements for a complete design application);

(C) A statement is filed indicating that a preexamination search was conducted (a search made by a foreign patent office satisfies this requirement). The statement must also include a list of the field of search such as by U.S. Class and Subclass (including domestic patent documents, foreign patent documents and nonpatent literature);

(D) An information disclosure statement in compliance with 37 CFR 1.98 is filed;

(E) The basic design application filing fee set forth in 37 CFR 1 .16(f) is paid; and

(F) The fee for expedited examination set forth in 37 CFR 1.17(k) is paid.

If an application requesting expedited examination fails to comply with one or more of the requirements for expedited examination under 37 CFR 1.155, but the application is otherwise complete, the applicant will be promptly notified and required to comply with all requirements under 37 CFR 1.155 within a shortened time period extendable under 37 CFR 1.136(a). Unless all requirements under 37 CFR 1.155 are timely met, the application will await action in its regular turn.

In this case, applicant has not provided a statement indicating that a preexamination search was conducted (a search made by a foreign patent office satisfies this requirement). The statement must also include a list of the field of search such as by U.S. Class and Subclass (including domestic patent documents, foreign patent documents and nonpatent literature).

The Request is **Denied**.

Jacqueline M. Stone

Jacqueline Stone, Director
Technology Center 2900
Designs

Jonathan Spangler
NU VASIVE, INC.
4545 Towne Centre Court
San Diego CA 92121

OIPE IAP85
OCT 2 7 2005
PATENT & TRADEMARK OFFICE

IFW

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	29/227,386
Filing Date	04/12/2005
First Named Inventor	Genevieve Tobib-Robson
Art Unit	2913
Examiner Name	Brooks, Cathron C
Attorney Docket Number	

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

Approved 4-20-06
Jacqueline M. Stone
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: Client wishes to proceed to issue without counsel.

CORRESPONDENCE ADDRESS

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

[ ] The address associated with Customer Number:

OR

[x] Firm or Individual Name	Genevieve Tobin-Robson				
Address	10940 Kendall Drive				
City	Westminster	State	Colorado	Zip	80020
Country	USA				
Telephone	(303) 431-8994	Email			
Signature					
Name	Scott Terrell	Registration No.	35709		
Date	10/21/05	Telephone No.	3032790705		

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

THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
WINTON HILL BUSINESS CENTER - BOX 161
6110 CENTER HILL AVENUE
CINCINNATI OH 45224

COPY MAILED

OCT 12 2006

OFFICE OF PETITIONS

In re Application of	:	
Pridmore et al.	:	
Application No. 29/227,436	:	ON PETITION
Filed: April 12, 2005	:	
Attorney Docket No. CD500	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed August 11, 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 the Issue Fee Transmittal with payment of the issue fee; (2) the petition fee; (3) the required statement of unintentional delay have been received; and (4) the terminal disclaimer. Accordingly, the response has been accepted as having been unintentionally delayed.

This matter is being referred to 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

29/227470
Paper No.: _____

DATE : February 08, 2007

TO SPE OF : ART UNIT 2912

29/227470

SUBJECT : Request for Certificate of Correction on Patent No.: D523348 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:

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

TROXELL LAW OFFICE PLLC
5205 LEESBURG PIKE
SUITE 1404
FALLS CHURCH VA 22041

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SEP 21 2005

OFFICE OF PETITIONS

In re Application of	:	
Holger Hoehn	:	
Application No. 29/227,528	:	DECISION ON PETITION
Filed: April 13, 2005	:	
Attorney Docket No. 3092-528	:	

This is a decision on the "PETITION", filed July 18, 2005, to accord the above-identified application a filing date of April 13, 2005, with Figure 7 of the drawings as part of the original disclosure.

The petition is **GRANTED**.

Application papers in the above-identified application were filed on April 13, 2005. However, on May 18, 2005, 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, Figure 7 of the drawings appeared to have been omitted.

In response, applicant filed the instant petition. Accompanying the petition was a copy of the drawings as originally filed, including Figure 7. Applicant maintains that the application as originally filed included Figure 4. In support thereof, applicant submitted a postcard receipt identifying this application, itemizing "4 sheets of Drawings; Figs 1 - 7" as enclosed, bearing a United States Patent and Trademark Office date-stamp of April 13, 2005, 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 $400 petition fee has been refunded to Deposit Account No. 50-1874.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of April 13, 2005, using the application papers received in the Office on that date and Figure 7 of the drawings as resupplied on petition filed July 18, 2005.

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

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
29/227,667	04/14/2005	2913	215	FSTYLE.1000	21	1	1

CONFIRMATION NO. 6457

CORRECTED FILING RECEIPT

OC000000016389791

HAYES SOLOWAY P.C.
4th Floor
175 Canal Street
Manchester, NH 03101

Date Mailed: 06/27/2005

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)

Susan de Melo, Somerset, MA;
Michael Blair Hopper, Worcester, MA;

Power of Attorney: The patent practitioners associated with Customer Number **26812**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 05/24/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US29/227,667

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Remote control

Preliminary Class

D14

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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JUL 0 5 2006

OFFICE OF PETITIONS

BOTKIN & HALL, LLP
105 E. JEFFERSON BLVD.
SUITE 400
SOUTH BEND, IN 46601

In re Application of :
Randall T. Gaines :
Application No. 29/227,726 : ON PETITION
Filed: April 14, 2005 :
Attorney Docket No. 795-002 PRO GRADE :

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

The petition is **GRANTED**.

The above-identified application became abandoned for failure to respond in a timely manner to the Notice of Allowability mailed November 29, 2005. This decision precedes the mailing of a Notice of Abandonment.

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

The application is being referred to the Office of Publications to oversee the review of the drawing filed March 14, 2006.

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

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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MUSKIN & CUSICK LLC
30 VINE STREET
SUITE 6
LANSDALE, PA 19446

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SEP 1 1 2007

OFFICE OF PETITIONS

In re Application of
Dean Fallander
Application No. 29/227,729
Filed: April 14, 2005
Attorney Docket No. 11886-3

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 15, 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 April 17, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed January 17, 2007, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on April 18, 2007. On May 15, 2007, the present petition was filed. A Notice of Abandonment was subsequently mailed on July 11, 2007.

The petition 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, (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 pay the issue fee as required by the Notice of January 17, 2007 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.

The application is being referred to Publishing Division.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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K.M. Rylander
Rylander & Associates, P.C.
406 West 12th Street
Vancouver, WA 98660

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JUN 14 2007

OFFICE OF PETITIONS

In re Application of	:	
Rolando Hernandez	:	
Application No. 29/227,786	:	ON PETITION
Filed: April 15, 2005	:	
Attorney Docket No. HERN01-DES	:	

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

The application became abandoned for failure to timely respond to the Notice of Allowability mailed August 25, 2006. A Notice of Abandonment was mailed on February 13, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b), in that, petitioner has supplied (1) the reply in the form of two (2) sheets of replacement drawings containing Figures 1-6; (2) the petition fee of $750; and (3) an adequate statement of unintentional delay. Therefore, the petition is **GRANTED**.

The Office acknowledges receipt of an amendment to the specification, a Terminal Disclaimer and $65 fee submitted on February 20, 2007.

This application file is being referred to the Office of Publications for review of the replacement drawings filed with the instant petition.

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
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MESCHKOW & GRESHAM
5727 NORTH SEVENTH STREET,
SUITE 409
PHOENIX AZ 85014

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MAR 23 2007

OFFICE OF PETITIONS

In re Application of	:
Christopher S. Morrison	:
Application No. 29/227,846	: DECISION GRANTING PETITION
Filed: April 15, 2005	: UNDER 37 CFR 1.137(b)
Attorney Docket No. 2309-090DES	:

This is a decision on the petition under 37 CFR 1.137(b), filed November 16, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the issue fee, declaration 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 July 26, 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

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

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NOV 20 2006

OFFICE OF PETITIONS

In re Application of	:	
Naohiko Suzuki	:	
Application No. 29/227,884	:	
Filing or 371(c) Date: 04/18/2005	:	
Attorney Docket Number: 07057.0108-0000	:	ON PETITION

This is a decision on the "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office action", filed August 18, 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 December 14, 2005. The Notice set a non-extendable three (3) month period for reply. No response having been received, the application became abandoned on May 10, 2006. A Notice of Abandonment was mailed June 30, 2006.

With the instant petition, Applicant has demonstrated non-receipt of the Notice by a preponderance of the evidence.

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 2916 for re-mailing of the Notice of Allowance and Issue Fee Due and Notice of Allowability.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 2/2/08

TO SPE OF : **Technology Center** 2915

29/227887

SUBJECT : Request for Certificate of Correction on Patent No.: D525173S

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:

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

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	
Filing Date	
First Named Inventor	Richard J. MADDOCKS
Title	Animatronic Character
Atty Docket Number	1-066A

ADDRESS TO:

MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 1-5-06
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700

112941 U.S. PTO
29/227911
041805

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:

D21/576,577,578,585,595,622-624,630; 446/97,153,226,268,296,301,369

Related applications: Atty. Dkt. No. 1-066B to Richard J. MADDOCKS et al. for "Animatronic Character," filed on even date.

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.

Signature	April 18, 2005 Date
Perry Hoffman Typed or printed name	37,150 Registration Number, if applicable
(847) 809-4285 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.

04/20/2005 AWONDAF1 00000022 503286 29227911
04 FC:1802 900.00 DA

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	
Filing Date	
First Named Inventor	Richard J. MADDOCKS
Title	Animatronic Character
Atty Docket Number	1-066B

ADDRESS TO:

MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 1-5-06
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700

112941 U.S. PTO
29/227912
041805

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:

D21/576,577,578,585,595,622-624,630; 446/97,153,226,268,296,301,369

Related applications: Atty. Dkt. No. 1-066A to Richard J. MADDOCKS et al. for "Animatronic Character," filed on even date.

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.

Signature — Date: April 18, 2005

Perry Hoffman — Typed or printed name

37,150 — Registration Number, if applicable

(847) 809-4285 — 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.

04/20/2005 AWONDAF1 00000021 503286 29227912
04 FC:1802 900.00 DA

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
29/227,951	04/26/2005	2914	430	BEN008-266D	5	1	1

CONFIRMATION NO. 4450

CORRECTED FILING RECEIPT

OC000000016483347

DIEDERIKS & WHITELAW, PLC
#301
12471 Dillingham Square
Woodbridge, VA 22192

Date Mailed: 07/08/2005

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)

Scott D. Raches, Jackson, TN;
Wayne M. VanLandingham, Texarkana, TX;
Karl R. C. Wendt, Des Moines, IA;

Power of Attorney:

Allan Orsund--30308
Everett Diederiks Jr--33323
Bruce Watson--35405
Nicholas Whitelaw--36418
Kirk Goodwin--46161
Rebecca Tapscott--47694
Victor Kernus--50146

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 05/25/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US29/227,951

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

Non-Publication Request: No

Early Publication Request: No

Title

Utensil holder for a dishwasher

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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Paper No. None

BURNS DOANE SWECKER & MATHIS L L P
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

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AUG 2 4 2004

OFFICE OF PETITIONS

In re Application of :
Joseph P. Ku :
Application No. 10/800,463 :
Filed: March 12, 2004 :
Attorney Docket No. 033499-006 :
Title: AIR DEODORIZER :

DECISION ON PETITION
UNDER 37 C.F.R. §1.53

This is a decision on the petition filed August 2, 2004.

On March 12, 2004, the above-identified application was deposited. On June 2, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Nonprovisional Application - Filing Date Not Granted (notice)", advising applicant that the application appeared to have been deposited without a specification, and that a filing date would be accorded upon the submission of the same.

On August 2, 2004, Petitioner submitted a "Petition for Grant of Filing Date and Assignment of Design Patent Application Serial Number," along with the petition fee.

Petitioner has set forth that this application is a design patent application, and as such, the required specification was in fact included on filing.

The electronic file has been reviewed by the undersigned[1], and the specification and the claim do appear to be representative of that which is found not in a utility application, but rather a design application.

1 It is noted that the specification refers to two drawings, but only Figure 1 has been located in the electronic file.

Copied from 10800463 on 05/18/2005

As such, the petition is **GRANTED**.

The Notice mailed June 2, 2004 was sent in error and is hereby **VACATED**. Therefore, no petition fee is necessary, and the petition fee of $130.00 will be refunded to Petitioner's Deposit Account, as authorized in the petition.

The application file is being returned to OIPE for further processing with a filing date of March 12, 2004. OIPE will then re-assign the application a serial number which corresponds to a design application, and mail a corrected filing receipt.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0011. Please note that on approximately September 28, 2004, the Office of Petitions will relocate to the new PTO location in Alexandria. Although the mailing address will remain the same, the general phone number for the Office of Petitions which should be used for status requests will change to 571-272-3282, and the telephone number for the undersigned will change to 571-272-3225.

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

Copied from 10800463 on 05/18/2005

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ATTN: PATENT DOCKETING
P.O. BOX 7037
ATLANTA, GA 30357-0037

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JUN 1 2 2009

OFFICE OF PETITIONS

In re Application of	:	
Whalen et al.	:	DECISION ON PETITION
Application No. 29/227,990	:	TO WITHDRAW
Filed: April 18, 2005	:	FROM RECORD
Attorney Docket No. W54023 1010 (1.1)	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 4, 2006.

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

A review of the file record indicates that the power of attorney to practitioners associated with Womble Carlyle Sandridge & Rice, PLLC has been revoked by the assignee of the patent application on February 26, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-6059.

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: GORDON & REES LLP
101 WEST BROADWAY
SUITE 1600
SAN DIEGO, CA 92101

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SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 06-17-06

TO SPE OF : ART UNIT ~~2871~~ 2916

SUBJECT : Request for Certificate of Correction for Appl. No.: **29/228038** Patent No.: **D520634**

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.

A. Green

Angela Green
Certificates of Correction Branch
703.308.9380 ext. 122

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 — Art Unit 2916

PTOL-308 (REV. 7/03) U.S. DEPARTMENT OF COMMERCE Patent and 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	Filed herewith
Filing Date	Filed herewith
First Named Inventor	Stephan Georgiev Vladamirov
Title	PYRAMID FOR HARMONIZES ENERGY
Atty Docket Number	05-14454

ADDRESS TO:

MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

11/21 U.S. PTO
29/228039
041905

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:

273/153P; 428/7, 8, 9; 446/115, 116; D11/125, 131, 140, 142; and D99/25

Approved 9/15/05
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700

Related applications: _____

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:

- Formal drawings (see 37 CFR 1.84).
- The fee set forth in 37 CFR 1.17(k).
- An information disclosure statement in compliance with 37 CFR 1.98.

Signature	4-19-05 Date
Daniel M. Cislo, Esq. Typed or printed name	32,973 Registration Number, if applicable
(310) 451-0647 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.

04/21/2005 EAREGAY1 00000013 032030 29228039
01 FC:1802 900.00 DA

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CLIFFORD W. BROWNING
SUITE 3700
111 MONUMENT CIRCLE
INDIANAPOLIS, IN 46204-5137

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JUN 1 5 2005

OFFICE OF PETITIONS

In re Application of	:	
Robert H. Freund	:	
Application No. 29/228,075	:	ON PETITION
Filed: April 19, 2005	:	
Attorney Docket No. 16957-3	:	

This is a decision on the papers styled, "Petition to Accord Filing Date of April 19, 2005," filed June 3, 2005, which has been treated as a petition under 37 CFR 1.53, requesting that the above-identified application be accorded a filing date of April 19, 2005, including four (4) sheet of drawings.

The application was submitted on April 19, 2005. However, on May 25, 2005, the Office of Initial Patent Examination (OIPE) mailed a "Notice Of Incomplete Nonprovisional Application" (Notice) that stated the application had not been accorded a filing date, and that the application was deposited without drawings.

In response, on June 3, 2005, the instant petition was submitted. Petitioner argues that four (4) sheets of drawings were filed on April 19, 2005. In support, the instant petition is accompanied by a copy of applicants' postcard receipt that acknowledges receipt of "4 sheets of drawings" on April 19, 2005. A review of the application file indicates the presence of zero (0) sheets of drawings filed on April 19, 2005. It is assumed that missing sheets of drawings were misplaced by the Office.

In view of the above, the petition is granted.

The $400.00 petition fee will be refunded by treasury check.

This application will be returned to OIPE for further processing with a filing date of April 19, 2005, using the four (4) sheets of drawings, supplied on June 3, 2005.

Telephone inquiries regarding 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

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United States Patent and Trademark Office
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BAKER & MCKENZIE LLP
Pennzoil Place, South Tower
711 Louisiana, Suite 3400
HOUSTON TX 77002-2716

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JAN 16 2007

OFFICE OF PETITIONS

In re Application of	:	
Miguel Flores	:	
Application No. 29/228,076	:	DECISION ON PETITION
Filed: 04/19/2005	:	
For: 31175330-001476	:	

This is a decision on the petition filed on 23 October, 2006, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on 1 October, 2006, for failure to timely submit corrected drawings in response to the Notice of Allowability mailed on 30 June, 2006, which set a three (3) month

---

[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)).

statutory period for reply. The filing of the present petition precedes the mailing of Notice of Abandonment.

Receipt of the one (1) page of corrected drawings is acknowledged.

Receipt of the Terminal Disclaimer filed with the petition is acknowledged.

The application is being forwarded to Technology Center Art Unit 2911 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

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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JOSEPH B. BOWMAN
5441 EAST GLENEAGLES DRIVE
TUCSON, AZ 85718-1805

In re Application of	:	
Daniel J. Lowinger	:	
Application No. 29/228,086	:	ON PETITION
Filed: April 19, 2005	:	
Attorney Docket No. FKLS.205022	:	

This is a decision on the petition under 37 CFR 1.137(b), filed on June 12, 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 Allowability mailed November 21, 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) (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
P.O. Box 1450
Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

JOSEPH B. BOWMAN
5441 EAST GLENEAGLES DRIVE
TUCSON, AZ 85718-1805

In re Application of	:	
Daniel J. Lowinger	:	
Application No. 29/228,086	:	ON PETITION
Filed: April 19, 2005	:	
Attorney Docket No. FKLS.205022	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed on October 25, 2006, to revive the above-identified application. The delay in responding is regretted.

The petition is **dismissed**.

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. 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.

On the other hand, the terminal disclaimer under 37 CFR 1.137(d), filed October 25, 2006, cannot be accepted since it is not signed by an attorney or agent of record.

37 CFR 1.321(b) states :

> An applicant or assignee may disclaim or dedicate to the public the entire term, or any terminal part of the term, of a patent to be granted. Such terminal disclaimer is binding upon the grantee and its successors or assigns. The terminal disclaimer, to be recorded in the Patent and Trademark Office, must:
>
> (1) Be signed:
> (i) By the applicant, or

(ii) If there is an assignee of record of an undivided part interest, by the applicant and such assignee, or
(iii) If there is an assignee of record of the entire interest, by such assignee, or
(iv) By an attorney or agent of record;
(2) Specify the portion of the term of the patent being disclaimed;
(3) State the present extent of applicant's or assignee's ownership interest in the patent to be granted; and
(4) Be accompanied by the fee set forth in §1.20(d).
(c) A terminal disclaimer, when filed to obviate judicially

In view of the above, an appropriate power of attorney or authorization of agent must be 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)." 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.**

Any questions 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
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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JOSEPH B. BOWMAN
5441 EAST GLENEAGLES DRIVE
TUCSON, AZ 85718-1805

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SEP 19 2008

OFFICE OF PETITIONS

In re Application of	:	
Daniel J. Lowinger	:	
Application No. 29/228,086	:	ON PETITION
Filed: April 19, 2005	:	
Attorney Docket No. FKLS.205022	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed on January 22, 2008 and supplemented on September 5, 2008, 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 six (6) sheets of drawings containing Figures 1-7; (2) the petition fee of $750; (3) a proper statement of unintentional delay; and (4) a terminal disclaimer under 37 CFR 1.137(d) with the $65 fee. Therefore, the petition is **GRANTED**.

The terminal disclaimer under 37 CFR 1.137(d), filed January 22, 2008, 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 Technology Center Art Unit 2912 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

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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HAMRE, SCHUMANN, MUELLER & LARSON, P.C.
P.O. BOX 2902-0902
MINNEAPOLIS, MN 55402

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OCT 21 2005

OFFICE OF PETITIONS

In re Application of :
Inoue :
Application No. 29/228,106 :
Filed: April 19, 2005 :
Attorney Docket No. 10921.304US01 :

Decision on Petition

This is a decision on the petition filed July 22, 2005, which is being treated as a petition under 37 CFR 1.53(e)(2), to establish that Figures 1, 2, and 3 were part of the originally filed application.

The application was filed on April 19, 2005.

On May 25, 2005, a Notice was mailed stating that Figures 1, 2, and 3 described in the specification did not appear to be included as part of the application filed.

The present petition alleges that the missing Figures were deposited on April 19, 2005. In support, petitioner has submitted a postcard receipt which acknowledges receipt of 4 sheets of drawings on April 19, 2005.[1]

The USPTO file for this application includes only 3 sheets of drawings and does not include a drawing sheet containing Figures 1, 2, and 3 described in the specification. However, based on the evidence submitted, the Office concludes the missing drawing sheet was part of the application but was later misplaced. Therefore, the petition is **granted**.

The petition fee of $400 will be credited to petitioner's deposit account.

The Notice mailed May 25, 2005, was sent in error and is hereby vacated.

The Office of Initial Patent Examination will be informed of the instant decision and will further process the application with a filing date of April 19, 2005, using the application papers filed on April 19, 2005, and the copy of the drawing sheet containing Figures 1, 2, and 3 filed on July 22, 2005.

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

Charles Steven Brantley
Petitions Attorney
Office of Petitions

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[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.

SPE: A. Douglas

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 10/19/06

TO SPE OF : ART UNIT 2911

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/228,139 Patent No.: D526705

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: _____

ALAN P. DOUGLAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2900
SPE

2911
Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 2/2/08

TO SPE OF : **Technology Center** 2916 29/228195

SUBJECT : Request for Certificate of Correction on Patent No.: D525377S

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:

IAN SIMMONS
SUPERVISORY PATENT EXAMINER

2916

SPE **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA22313-1450
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LITMAN LAW OFFICES, LTD.
P.O. BOX 15035
CRYSTAL CITY STATION
ARLINGTON VA 22215

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MAR 1 5 2007

OFFICE OF PETITIONS

In re Application of
Todd A. Mitchel :
Application No. 29/228,201 : ON PETITION
Filed: April 21, 2005 :
Attorney Docket Number: 26669.00 :

CORRECTED DECISION

This is a decision on the petition, filed February 15, 2007 under 37 CFR 1.137(b) [1], to revive the above identified application.

The petition is **GRANTED**.

This application became abandoned September 20, 2006 for failure to pay the issue fee. Accordingly, a Notice of Abandonment was mailed October 26, 2006.

All other requirements of 37 CFR 1.137(b), including the filing of a terminal disclaimer, having now been met, this matter is being referred to the Publishing Division to be processed into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

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

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

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MICHAEL A. CATANIA
CALLAWAY GOLF COMPANY
2180 RUTHERFORD ROAD
CARLSBAD CA 92008-7328

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SEP 29 2006

OFFICE OF PETITIONS

In re Application of :
Brookshire-Herron :
Application No. 29/228,227 : ON PETITION
Filed: April 20, 2005 :
Attorney Docket No. PD2185 :
For: PORTION OF GOLF SHAFT

This is a decision on the petition under 37 CFR 1.137(b), filed May 11, 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 November 29, 2005, which set a three month period for reply. This application became abandoned on March 1, 2006. A Notice of Abandonment was mailed on May 4, 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.

(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.

A draftsperson has indicated that the drawings filed on May 11, 2006 are acceptable.

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

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

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

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

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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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MICHAEL A. CATANIA
CALLAWAY GOLF COMPANY
2180 RUTHERFORD ROAD
CARLSBAD CA 92008-7328

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DEC 1 8 2006
OFFICE OF PETITIONS

In re Application of :
Brookshire-Herron :
Application No. 29/228,227 : ON PETITION
Filed: April 20, 2005 :
Attorney Docket No. PD2185 :
For: PORTION OF GOLF SHAFT

This is a decision on the reconsideration petition under 37 CFR 1.137(b), filed October 5, 2006, to revive the above-identified application.

This application became abandoned for failure to timely reply to the Notice of Allowability, mailed November 29, 2005, which set a three month period for reply. This application became abandoned on March 1, 2006. A Notice of Abandonment was mailed on May 4, 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 November 29, 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 matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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YOUNG & THOMPSON
209 Madison Street
Suite 500
ALEXANDRIA VA 22314

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OFFICE OF PETITIONS

In re Patent No. D570,433	:	
Issue Date: June 3, 2008	:	
Application No. 29/228,338	:	ON PETITION
Filed: April 22, 2005	:	
Attorney Docket No. 0616-1001	:	

This is a decision on the petition under 37 CFR 1.182, filed July 16. 2009, requesting issuance of a duplicate Letters Patent for the above-identified patent.

The petition is **GRANTED**.

The Office of Data Management is directed to issue duplicate Letters Patent.

A copy of this decision is being forwarded to the Office of Data Management for issuance of the duplicate Letters Patent.

As authorized, the $400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account.

Any questions concerning this matter may be directed to the undersigned at (571) 272-4584. Any questions concerning issuance of the duplicate Letters Patent should be directed to Niomi Farmer at (703)756-1556.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Niomi Farmer, P/ODM, Randolph Square Building, 9th Floor, 09/D30-B
FAX No. (571) 270-9753

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 03-20-09

TO SPE OF : ART UNIT 2914

29/228,424

SUBJECT : Request for Certificate of Correction for Appl. No.: ~~29/288424~~ Patent No.: D526393

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. 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: _____

2914

SPE **Art Unit**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 3/12/07

TO SPE OF : ART UNIT 2915

SUBJECT : Request for Certificate of Correction on Patent No.: D535259 29/228454

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.

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

Comments:

As SPE, I was not notified about this correction until today when the examiner brought it to me.

Gary D. Watson — SPE

2915 — Art Unit

(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO : **D535,259 S**

DATED : **January 16, 2007**

INVENTOR(S) : **Rodrigues**

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

On the front page of the patent, under the heading Inventors (75), delete "Julio F. Rodrigues, Collierville, TN (US); Salvatore J. Abbruzzese, Piscataway, NJ (US); Brian S. Welborn, The Woodlands, TX (US)" and insert therefor --Julio F. Rodrigues, Collierville, TN (US)--.

MAILING ADDRESS OF SENDER: **Salvatore J. Abbruzzese, Esq.**
Hoffmann Baron, LLP
6900 Jericho Turnpike
Syosset, New York 11791

PATENT NO. D535,259 S

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1180 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8403

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OFFICE OF PETITIONS

In re
William Pederson
Application No. 29/228,456
Filed: April 21, 2005
Patent No. D565,778
Issued: April 1, 2008
Attorney Docket No. D/3687-62

DECISION

This is a decision on the fee deficiency submission under 37 CFR 1.28(c), filed May 13, 2008.

The fee deficiency submission under 37 CFR 1.28 of $410, representing the difference between the small entity and large entity issue fee 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

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

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

In re Application of	:	
Barbara Z. STAWSKI et al.	:	
Application No. 29/228,469	:	DECISION ON PETITION
Filed: April 22, 2005	:	
Attorney Docket No. **1391/1626**	:	

This is a decision on the petition under 37 CFR 1.137(b), filed August 10, 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 July 03, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed April 03, 2007, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on July 04, 2007. A Notice of Abandonment was mailed on August 01, 2007.

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.

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 further processing in accordance with this decision on petition.

David Bucci
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : September 7, 2007

TO SPE OF : ART UNIT 1600(2915)

SUBJECT : Request for Certificate of Correction for Appl. No. 29/228481 patent no. D525849 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**.

Please check replacement drawings sent in on 4-25-2005 and let us know if they should be approved?

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: As per the Notice of Allowance, Publications were instructed to print the drawings in Artifact Folder 29/228481 ZA

Harry D. Walton

SPE **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ANGELA RANDAZZO BOWKER
1606 CHURCH ST.
SIMI VALLEY CA 93065

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MAR 2 8 2007

OFFICE OF PETITIONS

In re Application of	:	
ANGELA RANDAZZO BOWKER	:	
Application No.: 29/228489	:	DECISION ON
Filing or 371(c) Date: 06/14/2005	:	PETITION
Title of Invention:	:	
DRAGON	:	

This is a decision in response to the correspondence filed December 29, 2006, in response to receipt of a Notice of Abandonment. The correspondence is properly treated as a petition to withdraw the holding of abandonment. The delay in treating this petition is regretted.

This Petition is hereby **dismissed**.

Any further petition 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 [insert the applicable code section]." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowance and Issue Fee Due, mailed August 4, 2006. The Notice set a three (3) month period for reply. No reply having been received, the application became abandoned on November 5, 2006. A Notice of Abandonment was mailed December 19, 2006.

Petition under 37 CFR 1.181

Applicant files the instant petition and asserts that she did not receive the Notice of Allowance and Notice of Allowability. Applicant states that she has no documentation that it was not delivered.

Applicable Law, Rules and MPEP

The MPEP 711.03(c)A, Petition To Withdraw Holding of Abandonment Based on Failure To Receive Office Action, provides

> 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). (Emphasis supplied)

MPEP 711.03(c)

Analysis

Applicant has failed to demonstrate that the office action was not received. Applicant must, in addition to stating that the Notices were not received, also state that a search of her file jacket and docket records reveals that the Notices were not received, and provide a copy of her file jacket and docket records to this Office. The petition is dismissed without prejudice. Applicant should file a Request for Reconsideration of Petition and include the necessary statements and copies of docket records and file jacket.

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

By mail: Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

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

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

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
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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ANGELA RANDAZZO BOWKER
1606 CHURCH ST.
SIMI VALLEY CA 93065

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OFFICE OF PETITIONS

In re Application of	:	
ANGELA RANDAZZO BOWKER	:	
Application No.: 29/228489	:	DECISION ON
Filing or 371(c) Date: 06/14/2005	:	PETITION
Title of Invention:	:	
DRAGON	:	

This is a decision in response to the correspondence filed April 16, 2007. The correspondence is properly treated as a renewed petition to withdraw the holding of abandonment under 37 CFR 1.181(a).

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, mailed August 4, 2006. The Notice set a three (3) month period for reply. No reply having been received, the application became abandoned on November 5, 2006. A Notice of Abandonment was mailed December 19, 2006.

December 29, 2006 and January 8, 2007 Petition under 37 CFR 1.181

Applicant file a petition to withdraw the holding of abandonment on December 29, 2006 and re-filed on January 8, 2007, wherein Applicant asserted that she did not receive the Notice of Allowance and Notice of Allowability. Applicant averred that she had no documentation that it was not delivered. Applicant did not file any documentary evidence to support her assertions.

The March 28, 2007 Decision

The petition was dismissed in a Decision mailed March 28, 2007, for failing to meet the requirements of a grantable petition under 37 CFR 1.181.

The present petition

With the present petition, Applicant has demonstrated non-receipt of the Notice by a preponderance of the evidence.

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 2912 for re-mailing of the Notice of Allowance and Issue Fee Due and Notice of Allowability, and for re-setting the reply period.

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

KATTEN MUCHIN ROSENMAN LLP
575 MADISON AVENUE
NEW YORK NY 10022-2585

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AUG 16 2007

OFFICE OF PETITIONS

In re Application of :
Christina Van Vliet :
Application No. 29/228,490 : ON PETITION
Filed: April 22, 2005 :
Attorney Docket No. 298500-03121 :

This is a decision on the petition under 37 CFR 1.137(b), filed on January 11, 2007, 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 August 9, 2006. A Notice of Abandonment was mailed on December 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). 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:

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

KATTEN MUCHIN ROSENMAN, LLP
575 MADISON AVENUE
NEW YORK, NY 10022-2585

COPY MAILED

AUG 1 5 2008

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Christina Van Vliet :
Application No. 29/228,490 :
Filed: April 22, 2005 :
Attorney Docket No. 298500-03121 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed on September 5, 2007, 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 August 9, 2006. A Notice of Abandonment was mailed on December 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). 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 September 5, 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.

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.

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)

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 (08-08)
Approved for use through 08/31/2008. 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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KATTEN MUCHIN ROSENMAN, LLP
575 MADISON AVENUE
NEW YORK, NY 10022-2585

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SEP 29 2008

OFFICE OF PETITIONS

In re Application of :
Christina Van Vliet :
Application No. 29/228,490 : ON PETITION
Filed: April 22, 2005 :
Attorney Docket No. 298500-03121 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed on September 4, 2008, 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 $400 for payment of the issue fee, a substitute Oath/Declaration, and a terminal disclaimer with the $65 fee; (2) the petition fee of $750; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

The terminal disclaimer under 37 CFR 1.137(d), filed September 4, 2008, 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.

Finance records show that petitioner submitted $65 for the terminal disclaimer on September 5, 2007 and again on September 4, 2008. Since the terminal disclaimer filed on September 4, 2008 is acceptable, the $65 fee submitted on September 5, 2007 will be credited to petitioner's deposit account.

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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON VA 22201

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SEP 09 2008

OFFICE OF PETITIONS

In re Application of :
Dale A. McClellan :
Application No. 29/228,578 : ON PETITION
Filed: April 26, 2005 :
Atty Docket No. STS-0002 :
:

This is a decision on the petition under 37 CFR 1.47, filed on February 12, 2008, which is treated as (a) a petition to amend the inventive entity by the deletion of Alfred R. Clark, styled under 37 CFR 1.47(a), which is being treated as(a) a petition to amend the inventive entity by the deletion of Alfred R. Clark as an inventor; (2) a petition under 37 CFR 1.183 requesting waiver of 37 CFR 1.48(a)(2) which requires a statement from the person being deleted.[1]

The petition is **DISMISSED**.

On April 26, 2005 the above-identified application was filed. A Notice to File Missing Parts of Nonprovisional Application was mailed May 24, 2005 noting that the oath or declaration was missing. A declaration in compliance with 37 CFR 1.63 was filed August 24, 2005 listing Dale A. McClellan and Alfred R. Clark as joint inventors.

On February 12, 2008, the present petition under 37 CFR 1.183 was filed, whereby petitioner requests that Alfred R. Clark be deleted as an inventor.

Petitioner avers that named inventor Clark has refused to sign the statement of deceptive intent required by declaration naming the actual inventors as required by 37 CFR 1.48(a)(2). Petitioner asserts that a copy of the statement of lack of deceptive intent was sent to inventor Clark's last known address,

[1] Petitioners should note that where, as here, all of the named inventors executed an oath or declaration, 37 CFR 1.47 is not applicable. Rather, a waiver under 37 CFR 1.183 of 1.63 and 1.67 is required when a named inventor refuses or cannot be located to execute a supplemental declaration.

but that Clark has failed to sign and return statement of lack of deceptive intent. The petition notes that the copy was signed for by a V. Clark.

Petition Under 37 CFR 1.48(a) and 1.183

37 CFR 1.48(a) requires that an amendment to the named inventive entity be accompanied by:

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

(2) an oath or declaration by each actual inventor or inventors as required by 37 CFR 1.63 or as permitted by 37 CFR 1.42, 1.43 or 1.47;

(3) the fee set forth in 37 CFR 1.17(i), and

(4) the written consent of any existing assignee, if any of the originally named inventors has executed an assignment.

The petition lacks item (4). The consent of assignee submitted with the petition is not acceptable. It lists the wrong recordation date and the wrong Reel/Frame number. A search of Office records show the recordation date and reel/frame number are for a different patent application.

Petitioner should note that the fee for a petition under 37 CFR 1.183 is $400.00 and the fee for a petition under 37 CFR 1.48 is $130. The instant petition included a $200 petition fee (under 37 CFR 1.17(g)). The balance of $330 is charged to petitioner's deposit account as authorized in the petition.

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

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

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APR 30 2009

OFFICE OF PETITIONS

MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON VA 22201

In re Application of	:	DECISION
Dale A. McClellan	:	AMENDING INVENTORSHIP
Application No. 29/228,578	:	
Filed: April 26, 2005	:	
Attorney Docket No. STS-0002	:	

This is a decision on the renewed petition filed December 3, 2008, which is being treated under 37 CFR §§ 1.183 and 1.48(a) to waive the statement requirement of 37 CFR 1.48(a)(1), a statement from the person being deleted as an inventor.

The petitions are **GRANTED.**

The decision mailed September 9, 2008 dismissed the petition filed February 12, 2008 for failure to provide a proper written consent of assignee as required under 37 CFR 1.48(a)(4). The renewed petition includes a proper consent of assignee.

Petitioner has shown that the non-signing inventor has refused to sign the required statement that, as the deleted inventor, the error in naming him as a co-inventor occurred without deceptive intention on his part for the above-identified application. It is agreed that under the extraordinary circumstances of this application, justice would be served by waiver of the requirements of 37 CFR 1.48(a)(1).

In view of the papers filed February 12, 2008 and December 3, 2008, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, failed to properly set forth the inventorship, and accordingly, the inventorship has been corrected in compliance with 37 CFR 1.48(a).

The inventorship has been changed by the deletion of Alfred R. Clark.

Office PALM records have been corrected to reflect the correct inventorship of the application. A corrected Filing Receipt is enclosed.

This application is being referred to Technology Center Art Unit 2915 for examination in due course.

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

David Bucci
Petitions Examiner
Office of Petitions

Enclosure: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
29/228,578	04/26/2005	2915	560	STS-0002	1	1

CONFIRMATION NO. 1554

CORRECTED FILING RECEIPT

23599
MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON, VA 22201

OC000000035725281

Date Mailed: 04/30/2009

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Dale A. McClellan, Virginia Beach, VA;

Power of Attorney: The patent practitioners associated with Customer Number 23599

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 05/24/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 29/228,578**

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

Non-Publication Request: No

Early Publication Request: No

Title

Transparent projectile defeating shield

Preliminary Class

D29

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent

in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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.

113000 U.S.PTO
29/228580
042605

REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	Unknown
Filing Date	Herewith
First Named Inventor	Jesse D. Wells
Title	MEDIA DISC RETAINING DEVICE
Atty Docket Number	NEXPP0239US

ADDRESS TO:

MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

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

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

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

Classes D6/407, D14/407, D14/484, 206/308.1

Approved 9/15/05
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700

Related applications: _____

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:

- Formal drawings (see 37 CFR 1.84).
- The fee set forth in 37 CFR 1.17(k).
- An information disclosure statement in compliance with 37 CFR 1.98.

Jason A. Worgull	April 26, 2005
Signature	Date
Jason A. Worgull	48,044
Typed or printed name	Registration Number, if applicable
216-621-1113	
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.

04/28/2005 MAHMED1 00000046 29228580
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P.O. Box 1450
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www.uspto.gov

JANSSON SHUPE & MUNGER LTD.
245 MAIN STREET
RACINE WI 53403

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JUN 19 2007

OFFICE OF PETITIONS

In re Patent No. D519,043	:	
Issue Date: April 18, 2006	:	
Application No. 29/228,613	:	DECISION ON PETITION
Filed: April 26, 2005	:	
Attorney Docket No. EMP-143US	:	

This is a decision on the petition filed January 30, 2007 (certificate of mailing date January 25, 2007), which is being treated as a petition under 37 CFR 3.81(b) to accept the correction of the assignee on the front page of the above-identified patent. This is also a decision on the constructive petition under 37 CFR 1.182 to reprint the assignee's name on the front page of the Letters Patent.

The petition under 37 CFR 3.81(b) to correct the assignee's name is **GRANTED**.

The petition under 37 CFR 1.182 to reprint the front page of the Letters Patent is **GRANTED**.

Petitioner is advised that it is the practice of the U. S. Patent and Trademark Office (USPTO) to issue a certificate of correction to correct an error on the part of an application in those cases where the assignee or attorney data is incorrect or was inadvertently not provided at the time of payment of the issue fee or the inventor's name is misspelled or otherwise incorrect. Note 37 CFR 1.323 and MPEP 1482 (35 U.S.C. 255), which states:

> "Whenever a mistake of a clerical or typographical nature, or of minor character, which was not the fault of the Patent and Trademark Office, appears in a patent and a showing has been made that such mistake occurred in good faith, the Commissioner may, upon payment of the required fee, issue a certificate of correction, if the correction does not involve such changes in the patent as would constitute new matter or would require re-examination. Such patent, together with the certificate, shall have the same effect and operation in law on the trial of actions for causes thereafter arising as if the same had been originally issued in such correct form."

In view of the above, and since the desired correction of the assignee's name can be effected by way of a certificate of correction, it is unnecessary to reprint the front page of the Letters Patent.

However the USPTO will reprint the front page of the Letters Patent if the following conditions are met:

1. Submission of a petition under 37 CFR 1.182

2. Payment of a $400 petition fee
3. Payment of a $100 fee to place a certificate of correction in the USPTO archives

The $400.00 petition fee will be charged to deposit account no. 10-0270. Since petitioner has met the conditions noted above, the front page of the Letters Patent will be reprinted to include the assignee's name.

Petitioner is advised that the reprinted Letters Patent granted by this petition is the only one which will reflect the correction of the assignee's name on the front page. All other copies of the patent will reflect the correction of the assignee's name by the presence of a certificate of correction in Office records.

It is noted a certificate of correction was issued on August 1, 2006. The file is being referred to the Certificates of Correction Branch for reprinting the front page of the original Letters Patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230. Telephone inquiries regarding the reprinting of the front page of the Letters Patent should be directed to Krystal Paige in the Publishing Division at (703) 308-9250, Ext. 139.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

cc: Krystal Paige, South Tower, 8th Floor (Fax No. (571) 273-9756

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JANSSON SHUPE & MUNGER LTD.
245 MAIN STREET
RACINE WI 53403

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JUL 23 2007

OFFICE OF PETITIONS

In re Patent No. D518,745	:	
Issue Date: April 11, 2006	:	
Application No. 29/228,614	:	DECISION ON PETITION
Filed: April 26, 2005	:	
Attorney Docket No. EMP-144US	:	

This is a decision on the petition entitled, "PETITION FOR REPRINTING OF PATENT," filed January 30, 2007 (certificate of mailing date January 30,2 007), which is being treated as a petition under 37 CFR 3.81(b) to accept the correction of the assignee on the front page of the above-identified patent. This is also a decision on the petition under 37 CFR 1.182 to reprint the assignee's name on the front page of the Letters Patent.

The petition under 37 CFR 3.81(b) to correct the assignee's name is **GRANTED**.

The petition under 37 CFR 1.182 to reprint the front page of the Letters Patent is **GRANTED**.

On May 2, 2006, petitioner filed a "Request for a Certificate of Correction." This request was filed because an incorrect assignee was listed on the PTOL-85B and this resulted in an incorrect assignee being listed on the Letters Patent. Publications Division granted the request improperly. The request should have been treated under 37 CFR 3.81(b)[1] as a request to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

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

The request was accompanied by a certificate of correction (and fee) as required by 3.81(b). Further, Office assignment records reflect that Empire Level Mfg. Co. is the assignee of record. The required $130.00 processing fee will be charged to deposit account no. 10-0270. Accordingly, as the request complies with the provisions of 37 CFR 3.81(b), it was appropriate for a certificate of correction to be processed **after** it was treated under 37 CFR 3.81(b). This decision on request ratifies the premature issuance of the August 1, 2006 Certificate of Correction.

Petitioner is advised that it is the practice of the U. S. Patent and Trademark Office (USPTO) to issue a certificate of correction to correct an error on the part of an application in those cases where the assignee or attorney data is incorrect or was inadvertently not provided at the time of payment of the issue fee or the inventor's name is misspelled or otherwise incorrect. Note 37 CFR 1.323 and MPEP 1482 (35 U.S.C. 255), which states:

> "Whenever a mistake of a clerical or typographical nature, or of minor character, which was not the fault of the Patent and Trademark Office, appears in a patent and a showing has been made that such mistake occurred in good faith, the Commissioner may, upon payment of the required fee, issue a certificate of correction, if the correction does not involve such changes in the patent as would constitute new matter or would require re-examination. Such patent, together with the certificate, shall have the same effect and operation in law on the trial of actions for causes thereafter arising as if the same had been originally issued in such correct form."

In view of the above, and since the desired correction of the assignee's name can be effected by way of a certificate of correction, it is unnecessary to reprint the front page of the Letters Patent.

However the USPTO will reprint the front page of the Letters Patent if the following conditions are met:

1. Submission of a petition under 37 CFR 1.182
2. Payment of a $400 petition fee
3. Payment of a $100 fee to place a certificate of correction in the USPTO archives

Regarding (2) above, Petitioner submitted only $130.00 with the present petition. Pursuant to petitioner's authorization, deposit account no. 10-0270 will be charged the balance due, $270.00.

As petitioner has met the conditions noted above, the front page of the Letters Patent will be reprinted to include the assignee's name.

Petitioner is advised that the reprinted Letters Patent granted by this petition is the only one which will reflect the correction of the assignee's name on the front page. All other copies of the patent will reflect the correction of the assignee's name by the presence of a certificate of correction in Office records.

The file is being referred to the Certificates of Correction Branch for appropriate processing of a certificate of correction to be placed in the archives of the USPTO and for reprinting the front page of the original Letters Patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230. Telephone inquiries regarding the reprinting of the front page of the Letters Patent should be directed to Krystal Paige in the Publishing Division at (703) 308-9250, Ext. 139.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

cc: Krystal Paige, South Tower, 8th Floor (Fax No. (571) 273-9756

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAY 03 2007

OFFICE OF PETITIONS

In re Patent of	:	
Kim	:	
Patent No. D519,044	:	
Issue Date: April 18, 2006	:	Decision on Petition
Application No. 29/228,615	:	
Filing Date: April 26, 2005	:	
Attorney Docket No. EMP-145US	:	

This is a decision on the petition entitled, "PETITION FOR REPRINTING OF PATENT," filed January 30, 2007 (certificate of mailing date January 25, 2007). The petition will be treated as a request under 37 CFR 3.81 to accept the correction of the assignee data and a petition under 37 CFR 1.182 to reprint the front page of the Letters Patent.

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

The petition under 37 CFR 1.182 is **dismissed**.

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 submitted a completed certificate of correction and the required $100.00 fee. The request under 37 CFR 3.81(b) is dismissed.

When certain requirements are met, the Office will reprint the front page. Petitioner should note that the front page is reprinted for petitioner's records only, and the Office's records of the patent are not changed, except to add the certificate of correction. On the USPTO Internet web site, e.g., the original patent's front page remains as originally printed and is not replaced by the new front page.

The USPTO will reprint the front page of the Letters Patent if the following conditions are met:

I. Submission of a petition under 37 CFR 1.182,
II. Payment of a $400 petition fee, and
III. Payment of a $100 fee to place a certificate of correction in the USPTO archives.

Regarding finances, the $400.00 Rule 182 petition fee will be charged to deposit account no. 10-0270.

The petition under 37 CFR 1.182 is dismissed for the same reason the petition under 37 CFR 3.81(b) is dismissed. Petitioner must submit a completed certificate of correction and the $100.00 fee.

Only one completed certificate of correction and $100.00 fee is required for both reconsideration petitions.

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

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

In re Patent No. D518,746	:	
Application No. 29/228,636	:	
Filed: April 26, 2005	:	ON PETITION
Issued: April 11, 2006	:	
Attorney Docket No. EMP-146US	:	

This is a decision on the petition filed January 30, 2007, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

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 Petitions Examiner Liana Walsh at (571) 272-3206. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

Liana Walsh for
Frances Hicks
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA CA 91109-7068

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AUG 0 3 2005

OFFICE OF PETITIONS

In re Application of
Logan Flash Mandel
Application No. 29/228,700
Filed: April 27, 2005
Attorney Docket No. 54678/DRK/G323

: DECISION GRANTING PETITION

This is a decision on the petition filed July 18, 2005 under 37 CFR 1.10(c), requesting that the above-identified application be accorded a filing date of April 27, 2005 rather than the presently accorded filing date of April 28, 2005.

Petitioner alleges that the application was deposited in Express Mail service on April 27, 2005. Although petitioners have not submitted a copy of the Express Mail customer label, they have provided a copy of a the tracking report printed from the USPS Internet Track & Confirm and database which shows that a mailing bearing Express Mail Label No. EV327918449US (the same Express Mail number found on the itemized transmittal sheet accompanying the original application papers located in the official file) was "Accepted" on April 27, 2005. Additional evidence in the form of a USPS Pick-up Service Statement was also provided. The Pick-up Service Statement shows that a package bearing the same express mail label no. identified above, was picked up by the USPS on April 27, 2005.

In view of the evidence present in the file, it is concluded that the correct date of deposit in Express Mail service is April 27, 2005 and thus is entitled to a filing date of April 27, 2005.

The petition is GRANTED. No petition fee is due and none has been charged.

This matter is being referred to the Office of Initial Patent Examination for a correction of the filing date to April 27, 2005, not April 28, 2005, and for the mailing of a corrected filing receipt.

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
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OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8403

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JUL 14 2008

OFFICE OF PETITIONS

In re
William Pedersen
Application No. 29/228,703
Filed: April 27, 2005
Patent No. D567,996
Issued: April 29, 2008
Attorney Docket No. D3687-63

DECISION

This is a decision on the fee deficiency submission under 37 CFR 1.28(c), filed May 13, 2008.

The fee deficiency submission under 37 CFR 1.28 of $410, representing the difference between the small entity and large entity issue fee 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 2-22-07

TO SPE OF : ART UNIT 2911

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/228743 Patent No.: D 529402 1

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.

Can COFC be approved

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

Certificates of Correction Branch

703-308-9390 ext. 117

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: _____

CATHRON C. BROOKS
SUPERVISORY PATENT EXAMINER

SPE

2911
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/228,745	04/28/2005	Tetsuo Ban	0081-0159PUS1	5066

2292 7590 02/26/2007
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
BROOKS, LINDA G

ART UNIT	PAPER NUMBER
2911	

NOTIFICATION DATE	DELIVERY MODE
02/26/2007	ELECTRONIC

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

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

mailroom@bskb.com

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20070212

DATE : February 12, 2007

TO SPE OF : ART UNIT 2911

SUBJECT : Request for Certificate of Correction on Patent No.: D526,606

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:

ALAN P. DOUGLAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2900

SPE: Alan Douglas **Art Unit** 2911

RECEIVED
CENTRAL FAX CENTER
OCT 0 6 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Victor Wai	
For: Design for GARMENT CAGE ASSEMBLY	Art Unit: 2913
Application No.: 29/228,768	
Filing Date: April 28, 2005	Confirmation No. 6848
Seyfarth Shaw Matter No. 40150/2	Customer No. 27717

11-17-05

Approved
JMStone
Jacqueline M. Stone, Director
Technology Center 1700

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

REQUEST FOR EXPEDITED EXAMINATION
PURSUANT TO 37 CFR §1.155

SPECIAL PROCEDURES SUBMISSION
(Fax) 703-872-9306

Dear Sir:

Applicant requests Expedited Examination of the present design application and has included herewith:

1. Two drawing sheets in compliance with §1.84 were filed on April 28, 2005;

2. A preexamination search (previously submitted with the Information Disclosure Statement on April 28, 2005);

3. A request for expedited examination including:

   i) the amount of $900 for expedited fee pursuant to §1.17(k) should be charged to Deposit Account 19-1351.

   ii) Applicant has conducted a preexamination search in the following fields: U.S. classes 223/24, 84, 8/150 and 383/117.

CERTIFICATE OF FACSIMILE TRANSMISSION
I hereby certify that, on October 6, 2005, this document is being sent via fax (703-872-9306) addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Patricia A. Van Hecke

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: —

DATE : 7/7/08

TO SPE OF : ART UNIT 2911

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/128776 Patent No. D539095

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: PLEASE ENTER AMENDMENT TO TITLE

/Cathron Brooks/ SPE 2911

SPE Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 2-2-07

TO SPE OF : ART UNIT 2915

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/228809 Patent No.: D529363

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 Drawings

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

Certificates of Correction Branch

703-308-9390 ext. _____

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

2915
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
www.uspto.gov

Boyle Fredrickson, S.C.
840 North Plankinton Avenue
Milwaukee, WI 53203

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OFFICE OF PETITIONS

In re Application of :
Paul Omdoll et al. :
Application No. 29/228,818 :
Filed: April 28, 2005 :
Attorney Docket No. 1414.040 :

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 6, 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 fees on or before April 10, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed January 10, 2007. Accordingly, the date of abandonment of this application is April 11, 2007. A Notice of Abandonment was mailed on May 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(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.

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 the assignee, an assignee must comply with the requirements of 37 CFR 3.73(b).

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

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

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

The centralized facsimile number is **(571) 273-8300.**

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

Andrea Smith
Petitions Examiner
Office of Petitions

Attachments: Terminal Disclaimer to Accompany Petition
(Form No. PTO-SB63)
Privacy Act Statement

PTO/SB/63 (01-08)
Approved for use through 05/31/2008. 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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Boyle Fredrickson, S.C.
840 North Plankinton Avenue
Milwaukee, WI 53203

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SEP 22 2008

In re Application of :
Paul Omdoll et al. :
Application No. 29/228,818 :
Filed: April 28, 2005 :
Attorney Docket No. 1414.040 :

DECISION ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed June 13, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the Notice to File Missing Parts of Nonprovisional application, mailed January 17, 2007, which set a period for reply of two (2) months. Accordingly, the date of abandonment of this application is March 18, 2007.

The petition decision mailed June 17, 2008 dismissed the petition filed September 27, 2007 for failure to provide a proper terminal disclaimer. The renewed petition includes a proper terminal disclaimer.

This application became abandoned for failure to timely pay the issue fees on or before April 10, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed January 10, 2007. Accordingly, the date of abandonment of this application is April 11, 2007. A Notice of Abandonment was mailed on May 16, 2007.

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.

Petitioner should be aware that the power of attorney filed on September 12, 2005 contained an assignment. There is no record of this document being filed or recorded with the Assignment Services Branch. If you have any further questions about recordation of an assignment, contact the Assignment Branch at 571-272-3150.

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

This application is being referred to the Office of Data Management for further processing into a patent.

Carl Friedman
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

BOYLE FREDRICKSON S.C.
840 North Plankinton Avenue
MILWAUKEE WI 53203

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OCT 06 2008
OFFICE OF PETITIONS

In re Application of :
Paul Omdoll et al. :
Application No. 29/228,818 :
Filed: April 28, 2005 :
Attorney Docket No. 1414.040 :

ON PETITION

CORRECTED DECISION

This is a corrected decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed June 13, 2008, to revive the above-identified application.

For the reasons presented below, the petition decision mailed September 22, 2008 is **WITHDRAWN**.

The renewed petition filed June 13, 2008 is **GRANTED**.

The application became abandoned for failure to timely pay the issue fee and corrected drawings on or before April 10, 2007, as required by the Notice of Allowance/Allowability (Notice) mailed January 10, 2007. Accordingly, the date of abandonment is April 11, 2007.

The petition filed November 11, 2007 indicated the application went abandoned for failure to timely pay the issue fee. That petition was dismissed in a decision mailed June 6, 2008 for failure to provide the required terminal disclaimer. The instant renewed petition was then filed which included the required terminal disclalimer.

In fact, the application went abandoned for failure to provide the issue fee **and corrected drawings** as required in the Notice mailed January 10, 2007. Petitioner has not responded to the requirement for corrected drawings. A review of the Notice of Allowability shows that the examiner checked the box indicating the drawings submitted April 28, 2005 were acceptable but also checked the box that indicated corrected drawings were required. The examiner of record was contacted and he confirms that the drawings are acceptable and the indication that corrected drawings were needed was in error. Therefore, all the requirement for a petition under 37 CFR 1.137(b) have been met and the petition is granted.

This application is being referred to the Office of Data Management for further processing into a patent.

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

Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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SoCAL IP LAW GROUP LLP
310 N. WESTLAKE BLVD. STE 120
WESTLAKE VILLAGE CA 91362

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MAY 0 2 2007

OFFICE OF PETITIONS

In re Application of :
Nolen Patrick Niu :
Application No. 29/228,892 :
Filed: April 28, 2005 :
Attorney Docket No. E00-P06512US :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 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)." 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 on or before August 2, 2006, as required by the Notice of Allowance and Fee(s) Due, mailed May 2, 2006, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on August 3, 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).

A terminal disclaimer and (fee as set for in 37 CFR 1.20(d)) required by 37 CFR 1.137(d) is needed to revive an unintentional abandoned application.

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

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

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

The centralized facsimile number is **(571) 273-8300.**

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

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
www.uspto.gov

MARVIN E. JACOBS, ESQ.
1767 MARISOL DRIVE
VENTURA CA 93001

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JAN 07 2008

OFFICE OF PETITIONS

In re Application of	:	
Nolen Patrick Niu	:	
Application No. 29/228,892	:	DECISION ON PETITION
Filed: April 28, 2005	:	
Attorney Docket No. E006-P06512US	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed June 14, 2007, 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 August 2, 2006, as required by the Notice of Allowance and Fee(s) Due, mailed May 2, 2006. Accordingly, the date of abandonment of this application is August 3, 2006 .

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $400, (2) the petition fee of $750; (3) terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)); and (4) a proper statement of unintentional delay.

The revocation power of attorney filed June 14, 2007 has been received and approved.

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

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

Liana Walsh
Petitions Examiner
Office of Petitions

2913

5298

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Edward J. Sokolowski

Serial No.: Filed herewith 29/228893

Filed: Filed herewith 4-29-05

For: DESIGN FOR A DIVOT REPAIR TOOL

Pasadena, California 91101

April 28, 2005

PETITION TO MAKE SPECIAL

Honorable Commissioner for Patent

Alexandria, VA 22313-1450

Sir:

Applicant herein through his undersigned attorney of record, hereby petitions the commissioner to make this application special, and to advance it for prosecution.

The ground for this petition is the age of the inventor, Edward J. Sokolowski. His declaration stating his age to be seventy nine (79) years is attached hereto.

Consideration and granting of this petition, and advancement of prosecution of this application, are respectfully solicited.

Respectfully submitted,

Donald D. Mon
Attorney for Applicant
Registration No. 18,255

DDM:gk
(626) 793-98173

"Express Mail" mail label EV566723511US Date of Deposit 28 April 05

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under above and is addressed to the Commissioner for Patents. P. O. 1450

Donald D. Mon Reg. No. 18,255

PETITION GRANTED

Richard Crispino
Special Program Examiner
Technology Center 1700

JUN - 1 2005

SPE: C. Brooks

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 5/15/07

TO SPE OF : ART UNIT 2913

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/228,906 Patent No.: D538333

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: _____

Caron D Veynar

CARON D. VEYNAR
SUPERVISORY PATENT EXAMINER

SPE

2913

Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 06/18/2006

TO SPE OF : ART UNIT 2900 (2915)

SUBJECT : Request for Certificate of Correction on Patent No.: D543,917

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 3-922
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 drawings as requested in C of C?

Ernest C. White, LIE305-8339
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
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Alexandria, VA 22313-1450
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3-14-07

KUSNER & JAFFE
HIGHLAND PLACE SUITE 310
6151 WILSON MILLS ROAD
HIGHLAND HEIGHTS OH 44143

In re Application of	:
STEPHANSKY et al.	:
Serial No.: 29/228,940	: PETITION DECISION
Filed: April 29, 2005	:
Title: REFRACTORY BLOCK	:

This is a decision on the petition filed September 25, 2006 pursuant to 37 CFR 1.144, from the final restriction requirement made by the examiner on July 21, 2006.

The Petition is DENIED.

Applicant discloses two embodiments:

Embodiment 1 - Figs. 1-7

Embodiment 2 – Figs. 8-14

Designs are not distinct inventions if: (A) the multiple designs have overall appearances with basically the same design characteristics; and (B) the differences between the multiple designs are insufficient to patentably distinguish one design from the other. Differences may be considered patentably insufficient when they are de minimis or obvious to a designer of ordinary skill in the art. MPEP 1504.05(II)

Petitioner states the two designs meet both of the criteria above saying,

> The only difference between the refractory block shown in Embodiment 1 and the refractory block shown in Embodiment 2 is the depth of the block, i.e., the spacing between the front face and the back face of the respective blocks. A comparison of FIGS. 1 and 8 will show that the front face of Embodiment 1 projects a greater distance from the rib and recess of the block, as compared to FIG. 8. It is respectfully submitted that such a modification would be obvious to a designer of ordinary skill in the art.

The Office agrees the overall appearances of the two embodiments have basically the same design characteristics. However the difference shown in the first embodiment is not insignificant. Moreover no evidence is presented to conclude the difference is obvious.

Petitioner's standard of obviousness is somewhat unclear stating the designs are obvious "because of the clear similarity of the surface configurations of the respective blocks. Indeed, the surface configurations are identical." The Office presumes petitioner takes the position the designs are obvious because the difference between them is de minimis. However petitioner's

statement that the configurations are identical casts some doubt on our understanding his position.

In addition petitioner cites patent D516,734 as an example of retaining wall block having two embodiments found patentably indistinct.

In the D516,734 patent the differences shown by the second embodiment involves dimensional differences and a tapering of one surface. The examiner cited Patent 5,622,456, which shows these differences, supporting his statement that the differences "are deemed to be obvious variations and are being retained and examined in the same application."

In the present case, no prior art is of record showing the asymmetrical widening of a block having a ridge and groove configuration. The difference shown by the first embodiment is not immaterial and no argument is offered to say the difference is taught in the prior art.

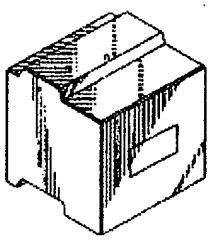

FIG. 1

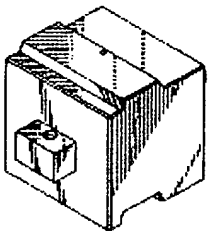

FIG. 2

Embodiment 1

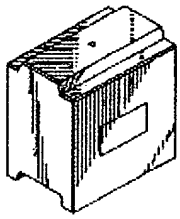

FIG. 8

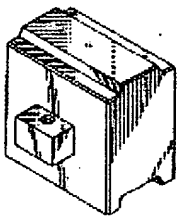

FIG. 9

Embodiment 2

For the reasons set forth above the requirement for restriction is considered proper.

Should there be any questions with regard to this letter please contact Joel Sincavage by letter addressed to the Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at (571) 272-2610.

js

Jacqueline M. Stone
Director, Technology Center 1700/2900

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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LAW OFFICES OF ADAM H. JACOBS
SUITE 726
1904 FARNAM STREET
OMAHA, NE 68102

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OFFICE OF PETITIONS

In re Application of	:	
Bunnie Levering	:	
Application No. 29/228,999	:	ON PETITION
Filed: May 2, 2005	:	
Attorney Docket No. 1485-001	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 21, 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, March 8, 2006, which set a shortened statutory period for reply of three (3) months. A one-month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on July 9, 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.

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 $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
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) 272-1642.

April M. Wise
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 OFFICES OF ADAM H. JACOBS
SUITE 726
1904 FARNAM STREET
OMAHA, NE 68102

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OFFICE OF PETITIONS

In re Application of	:	
Bunnie Levering	:	
Application No. 29/228,999	:	DECISION ON PETITION
Filed: May 2, 2005	:	
Attorney Docket No. 1485-001	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed January 9, 2008 with a certificate of mail of January 7, 2008, 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, March 8, 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 June 8, 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 $750, and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $60 extension of time fee submitted with the petition on June 21, 2007 was subsequent to the maximum extendable period for reply, petitioner may request a refund of this fee 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.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642.

This application is being referred to Technology Center AU 2913 for appropriate action by the Examiner in the normal course of business on the reply received June 21, 2007.

April M. Wise
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. None

Kenneth A. Roddy
Suite 100
2916 West T.C. Jester Boulevard
Houston TX 77018

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FEB 21 2007

OFFICE OF PETITIONS

In re Application of	:	
Jeanette Roberson Kern et al.	:	
Application No. 29/229,070	:	DECISION ON PETITION
Filed: May 2, 2005	:	UNDER 37 C.F.R. §1.181(A)
Title: GARMENT REAR FLAP	:	

This is a decision on the petition filed on November 15, 2006, pursuant to 37 C.F.R. §1.181(a), to withdraw the holding of abandonment.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed March 23, 2006, which set a shortened statutory period for reply of three 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 June 24, 2006. A notice of abandonment was mailed on October 10, 2006.

With the present petition, Petitioner has included a portion of a response to the Non-final Office action of March 23, 2006, along with a petition for a three-month extension of time that contains a certificate of mailing dated September 21, 2006.

It is noted that the electronic file contains an amendment, remarks, drawings, and a three-month extension of time which contains a certificate of mailing dated September 21, 2006. Each of these items was received on October 2, 2006, and it is further noted that the fee associated with a three-month extension of time was received on October 2, 2006.

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that a response was timely submitted.

Accordingly, the petition under 37 C.F.R. §1.181(a) is **GRANTED**. The holding of abandonment is WITHDRAWN.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment that was received on October 2, 2006 can be processed.

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

PTO/SB/27 (11-03)
Approved for use through 07/31/2006. OMB 0651-0031
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	to be assigned
Filing Date	herewith
First Named Inventor	Emily Virginia HILLERICH
Title	PURSE
Atty Docket Number	1377.281

Approved
JMStone 7/28/05
Jacqueline M. Stone, Director
Technology Center 1700

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

112949 U.S.PTO
29/229073
050305

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 D3 (Subclasses 232-246); Class 206 (Subclasses 522, 538 and 819); Class 229 (Subclass 87.02); Class 383 (Subclasses 4 and 110); and Class 428 (Subclasses 166 and 343)

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.

May 3, 2005	Perry J. Saidman
Date	Signature
301-585-8601	Perry J. Saidman
Telephone Number	Typed or printed name

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

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

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

OIPE JC104
JUN 13 2005
PATENT & TRADEMARK OFFICE

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Sunae Kim

Group Art Unit:

Serial No.: 29/229,109

Examiner:

Filed : 05/04/2005

Title : TWO STRAP HEELLESS BALLET SHOE

Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Attn: Group Director, Group ____ (MPEP § 1002.02(c))

PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER MPEP § 1002.02, VIII

1. Petition

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

2. Claims

Check and complete all applicable items (a) through (c).

(a) X All the claims in this case are directed to a single invention.

(b) X If the Office determines that all the claims presented are not obviously directed to a single invention applicant will make an election without traverse as a prerequisite to the grant of special status.

(c) ___ If claim(s)are found not to be examinable in this case with claim(s) _____ applicant hereby elects claim(s) for the prosecution of this case.

3. Search

Check all applicable items (d) through (g).

A search has been made by

06/14/2005 SDENBOB1 00000049 29229109
01 FC:1464 130.00 OP

(d) ___ the inventor
(e) X attorney
(f) ___ professional searcher
(g) ___ foreign patent office

PETITION GRANTED

Richard Crispino
Special Program Examiner
TC 1700

JUN 29 2005

IFW

DANIEL K 3.1-002

OIPE JC103
MAY 2 0 2005
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of :
DANIEL KOREN

:Group Art Unit: 2913

Serial No.: 29/229,174

: Examiner

Filed: May 4, 2005

:

For: **ETERNITY BAND WITH U-SHAPED SEATS FOR GEMSTONES** :

:

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

PETITION TO MAKE SPECIAL
(MPEP Section 708.02)

Sir:

Applicant hereby files this Petition to Make Special this application for purposes of examination and payment of the issue fee, on the grounds of a pre-examination search. Applicant also submits the petition fee.

The application presents claims directed to a single invention. In case the Examiner believes that there is more than one invention, applicant hereby elects without traverse Claim 1.

05/23/2005 GWORDOF1 00000022 29229174
01 FC:1464 130.00 OP

PETITION GRANTED

Richard Crispino
Special Program Examiner
JUN 14 2005

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : February 1, 2006

TO SPE OF : ART UNIT 2833

SUBJECT : Request for Certificate of Correction on Patent No.: D513,298

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:

IAN SIMMONS
SUPERVISORY PATENT EXAMINER

2916

SPE **Art Unit**