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INTELLECTUAL PROPERTY DEPARTMENT
100 BOSCH BOULEVARD
NEW BERN NC 28562**

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AUG 03 2007
OFFICE OF PETITIONS**

In re Application of :
Baacke et al. :
Application No. 29/259,939 : ON PETITION
Filed: May 16, 2006 :
Attorney Docket No. 2005M02416US :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed July 19, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to reply in a timely manner to the Office action under Ex parte Quayle, 1935 Dec. Comm'r Pat. 11 (1935), mailed November 6, 2006, which set a shortened statutory period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on January 7, 2007. A Notice of Abandonment was mailed June 13, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) the required reply,
- (2) the petition fee,
- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
- (4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Where there is a question as to whether either the abandonment or the delay in filing a petition, under 37 CFR 1.137 was unintentional, the Commissioner may require additional information.²

¹ In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

The instant petition lacks item (4). A terminal disclaimer must be submitted with a petition under 37 CFR 1.137(b) submitted in a design application. A blank form is enclosed for petitioner's convenience.

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

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

By hand: Customer Window located at:

 U.S. Patent and Trademark Office
 Customer Service Window Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.


Liana Walsh
Petitions Examiner
Office of Petitions

Enclosure: PTO/SB/63

² See MPEP 711.03(c)(III)(C) and (D).

TERMINAL DISCLAIMER TO ACCOMPANY PETITION

Docket Number (Optional)

In re Application of:

Name:

Application Number:

Filed:

For:

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

Check either box 1 or 2 below, if appropriate.

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

Signature_____
Date_____
Typed or Printed Name_____
Telephone Number

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

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

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

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

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

Privacy Act Statement

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

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

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



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OFFICE OF PETITIONS

In re Application of :
Baacke et al. :
Application No. 29/259,939 :
Filed: May 16, 2006 :
Attorney Docket No. 2005M02416US :

ON PETITION

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed September 10, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The requisite terminal disclaimer and fee have been received.

This matter is being referred to Technology Center 2900 for further examination on the merits.

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


Liana Walsh
Petitions Examiner
Office of Petitions



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NEW BERN NC 28562**

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APR 23 2008

OFFICE OF PETITIONS

In re Application of :
Sven Baacke et al :
Application No. 29/259,944 : **ON PETITION**
Filed: May 16, 2006 :
Attorney Docket No. 2005M02400US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 19, 2007 and supplemented on 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.

The application became abandoned for failure to timely file a proper reply to the Office letter mailed November 6, 2006.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional; the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (1).

An inquiry to the examiner indicates that the amendment submitted with the petition on July 19, 2007, introduce new matter.

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

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

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

The centralized facsimile number is **(571) 273-8300**.

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



Karen Creasy
Petitions Examiner
Office of Petitions



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DEC 23 2008

OFFICE OF PETITIONS

In re Application of :
Sven Baacke et al :
Application No. 29/259,944 : **DECISION ON PETITION**
Filed: May 16, 2006 :
Attorney Docket No. 2005M02400US :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed August 18, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment/drawings and terminal disclaimer; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Ex Parte Quayle Action mailed November 6, 2006, is accepted as having been unintentionally delayed.

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

This application is being referred to Technology Center AU 2912 for appropriate action by the Examiner in the normal course of business on the reply received August 18, 2008.

Karen Creasy
Petitions Examiner
Office of Petitions



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APR 23 2008

In re Application of :
Sven Baacke et al :
Application No. 29/259,945 : DECISION GRANTING PETITION
Filed: May 16, 2006 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 2005M02409US :

OFFICE OF PETITIONS

This is a decision on the petition under 37 CFR 1.137(b), filed July 19, 2007 and supplemented on September 10, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of amendment, declaration, replacement drawings and terminal disclaimer; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Ex Parte Quayle Action mailed November 6, 2006, is accepted as having been unintentionally delayed.

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

This matter is being referred to Technology Center AU 2912.

Karen Creasy
Karen Creasy
Petitions Examiner
Office of Petitions



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APR 23 2008

OFFICE OF PETITIONS

In re Application of :
Sven Baacke et al :
Application No. 29/259,946 :
Filed: May 16, 2006 :
Attorney Docket No. 2005M02418US :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 19, 2007 and supplemented on 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.

This application became abandoned for failure to timely file a proper reply to the Ex Parte Quayle Action mailed November 28, 2006.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (1).

An inquiry to the examiner indicates that the amendment submitted with the petition on July 19, 2007, introduce new matter.

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

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

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

The centralized facsimile number is (571) 273-8300.

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


Karen Creasy
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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DEC 23 2008

OFFICE OF PETITIONS

In re Application of :
Sven Baacke et al :
Application No. 29/259,946 : **DECISION ON PETITION**
Filed: May 16, 2006 :
Attorney Docket No. 2005M02418US :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed August 18, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment/drawings and terminal disclaimer; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Ex Parte Quayle Action mailed November 28, 2006, is accepted as having been unintentionally delayed.

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

This application is being referred to Technology Center AU 2912 for appropriate action by the Examiner in the normal course of business on the reply received August 18, 2008.

Karen Creasy
Petitions Examiner
Office of Petitions



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APR 23 2008

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Sven Baacke et al :
Application No. 29/259,947 :
Filed: May 16, 2006 :
Attorney Docket No. 2005M02419US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 19, 2007 and supplemented on 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.

This application became abandoned for failure to timely file a proper reply to the Ex Parte Quayle Action mailed November 6, 2006.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (1).

An inquiry to the examiner indicates that the amendment submitted with the petition on July 19, 2007, introduce new matter.

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

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

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

The centralized facsimile number is (571) 273-8300.

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


Karen Creasy
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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DEC 23 2008

OFFICE OF PETITIONS

In re Application of :
Sven Baacke et al :
Application No. 29/259,947 : **DECISION ON PETITION**
Filed: May 16, 2006 :
Attorney Docket No. 2005M02419US :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed August 18, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment/drawings and terminal disclaimer; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Ex Parte Quayle Action mailed November 6, 2006, is accepted as having been unintentionally delayed.

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

This application is being referred to Technology Center AU 2912 for appropriate action by the Examiner in the normal course of business on the reply received August 18, 2008.

Karen Creasy
Petitions Examiner
Office of Petitions



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APR 23 2008

OFFICE OF PETITIONS

In re Application of :
Sven Baacke et al :
Application No. 29/259,948 : DECISION GRANTING PETITION
Filed: May 16, 2006 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 2005M02396US :

This is a decision on the petition under 37 CFR 1.137(b), filed July 19, 2007 and supplemented on September 10, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment/drawings; 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 Nonfinal Rejection mailed November 16, 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 Technology Center AU 2912.

Karen Creasy
Petitions Examiner
Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: George Saah
Date Filed: May 18, 2006
Title: Flip-It-Up Transducer Mount with Thumb-Release Spring-Loaded Lock System for Up or Down Locked Positioning

29/259964
2913

May 18, 2006

PETITION TO MAKE SPECIAL PURSUANT TO 37 CFR 1.102(c)

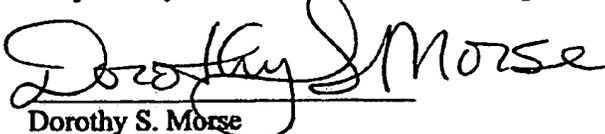
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

Due to the fact that the applicant herein, George Saah, is over 65 years old, he petitions the Commissioner to accord 'special' status to the instant patent application entitled "Flip-It-Up Transducer Mount with Thumb-Release Spring-Loaded Lock System for Up or Down Locked Positioning", so that it can be advanced out of turn for expedited examination. No fee accompanies this Petition, however, a copy of his Birth Certificate is attached hereto as evidence of age being greater than 65 years.

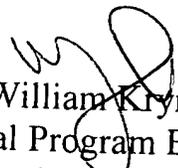
For the above-stated reasons, the applicant herein respectfully requests that the Commissioner give the instant patent application 'special' status, so that it may receive expedited examination.

Respectfully submitted on behalf of George Saah, by:



Dorothy S. Morse
515 Park Drive, N.W.
Bradenton, FL 34209-1847
(941) 747-4313 (phone) / (941) 748-4008 (fax)
U.S. Patent and Trademark Office Registration Number: 38,977

PETITION GRANTED



William Krynski
Special Program Examiner
Technology Center 1700

SEP 19 2006



WARNER NORCROSS & JUDD LLP
900 FIFTH THIRD CENTER
111 LYON STREET NW
GRAND RAPIDS, MI 49503-2487

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JUL 05 2007

OFFICE OF PETITIONS

In re Application of	:
Manon Belley	: DECISION GRANTING PETITION
Application No. 29/259,972	: UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: May 18, 2006	:
Attorney Docket No. 001621.116289	:

This is a decision on the petition under 37 CFR 1.313(c)(3), filed July 2, 2007, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on January 30, 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 July 2, 2007.

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

This matter is being referred to Technology Center AU 2912 for processing of the CPA and consideration of the concurrently filed Information Disclosure Statement.


 Frances Hicks
 Petitions Examiner
 Office of Petitions



KRAJEC PATENT OFFICES, LLC
820 WELCH AVENUE
BERTHOUD CO 80513

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APR 29 2008

OFFICE OF PETITIONS

In re Application of :
Carl F. GIBSON :
Application No. 29/259,980 :
Filed: May 18, 2008 :
Attorney Docket No. GIBS01USD1 :

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 17, 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 formal drawings in a timely manner in reply to the Notice of Allowability, mailed November 16, 2007, which set a period for reply of three (3) months. Accordingly, this application became abandoned on February 17, 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 lacks item(s) (4).

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

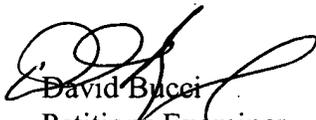
By Mail: Mail Stop PETITION

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

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

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.


David Bucci
Petitions Examiner
Office of Petitions



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820 WELCH AVENUE
BERTHOUD CO 80513

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SEP 16 2008

In re Application of : **OFFICE OF PETITIONS**
Carl F. GIBSON :
Application No. 29/259,980 : **DECISION ON PETITION**
Filed: May 18, 2006 :
Attorney Docket No. GIBS01USD1 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed September 04, 2008, 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 November 16, 2007, which set a period for reply of three (3) months. Accordingly, this application became abandoned on February 17, 2008.

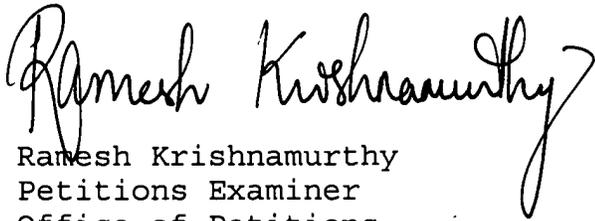
The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the \$410 issue fee, (2) the petition fee of \$770, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, 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.

In view of the above, the petition fee of \$400 submitted with petition will be refunded to petitioner's Credit Card in due course.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571)272-2783.

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

A handwritten signature in cursive script that reads "Ramesh Krishnamurthy". The signature is written in black ink and is positioned above the typed name.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Sandra Stein	Confirmation No.:	To be assigned
Serial No.:	To be assigned (continuation of Serial No.: 10/919,494)	Art Unit:	To be assigned
Filed:	Herewith	Examiner:	To be assigned
For:	KEY LOCATOR	Attorney Docket No.:	11742-003-999

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

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

Approved *7-13-06*
Jacqueline M. Stone
 Jacqueline M. Stone, Director
 Technology Center 1700/2900

Sir:

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

The only application related to the above-identified application is 10/919,494, from which the above-identified application claims priority.

A preexamination search was conducted. The field of search was 150/106 and 24/36. Results from this search are reported in an Information Disclosure Statement and List of References Cited by Applicant that are enclosed with the filing of this application.

The Commissioner is authorized to charge the fee set forth in 37 C.F.R. § 1.17(k) and any additional required fee or credit overpayment to Jones Day Deposit Account No. 50-3013.

Date: May 16, 2006

Brett Lovejoy
 Brett Lovejoy, Reg. No. 42,813
 JONES DAY
 222 East 41st Street
 New York, New York 10017
 (212) 326-3939



Albert Bordas, P.A.
5975 Sunset Drive
Suite 607
Miami, FL 33143

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MAY 21 2008

OFFICE OF PETITIONS

In re Application of	:	
Juan Carlos Fraga	:	
Application No. 29/260,095	:	DECISION ON PETITION
Filed: May 19, 2006	:	TO WITHDRAW
Attorney Docket No. 070008.11	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed December 6, 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 Albert Bordas on behalf of all attorneys/agents associated with customer number 58110. All attorneys/agents associated with customer number 58110 have been withdrawn.

The correspondence address has been changed and is copied below.

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

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

Kimberly Inabinet
 Kimberly Inabinet
 Petitions Examiner
 Office of Petitions

cc: Juan C. Fraga
2840 N. 2nd Street
N. Fort Myers, FL 33917



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
29/260,095	05/19/2006	Juan Carlos Fraga	070008.11

CONFIRMATION NO. 1051

POWER OF ATTORNEY NOTICE



0000000030062156

58110
ALBERT BORDAS, P.A.
5975 SUNSET DRIVE
SUITE 607
MIAMI, FL 33143

Date Mailed: 05/21/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/06/2007.

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

/kainabinet/

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



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Paper No. None

VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

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JUL 23 2007

OFFICE OF PETITIONS

In re Application of :
Yi Chen :
Application No. 29/260,110 : DECISION ON PETITION
Filed: May 19, 2006 : UNDER 37 C.F.R. §1.137(b)
Attorney Docket Number: 59369- :
231457 :
Title: MOBILE AIR CONDITIONER :

This is a decision on the petition, pursuant to 37 C.F.R. §1.137(b)¹, to revive the above-identified application, filed on February 1, 2007.

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 October 30, 2006, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting issue fees². Accordingly, the above-identified application became abandoned

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).

on January 31, 2007. A Notice of Abandonment was mailed on June 15, 2007.

Petitioner has submitted the petition and issue fees, and has made the required statement of unintentional delay.

Due to the fact that the present application is a design application, a terminal disclaimer is required. Petitioner has submitted a terminal disclaimer along with the required fee, however this submission cannot be accepted.

Petitioner will note that form PTO/SB/64 directs applicants towards form PTO/SB/63 when a terminal disclaimer is required. Instead, Petitioner submitted form PTO/SB/62, and disclaimed a period of two days (the period of time between the abandonment of the present application and the present submission).

This is an incorrect period of time, for it is the entire period of abandonment that must be disclaimed; the termination of this period is determined not by the submission of a petition to revive, but rather the mailing of a decision that grants said request. As such, form PTO/SC/63 is the proper form to submit, since petitioners are not able to predict the date on which the Office will mail a favorable decision on a particular matter.

It follows that the present petition must be **DISMISSED**.

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

Petitioner may wish to consider submitting a proper terminal disclaimer (using form PTO/SB/63) on renewed petition.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail³, hand-delivery⁴, or facsimile⁵.

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

3 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

4 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

5 (571) 273-8300- please note this is a central facsimile number.

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) 272-3225⁶. 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 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).



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Paper No.

VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

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JAN 22 2008

OFFICE OF PETITIONS

In re Application of	:	
Yi Chen	:	
Application No. 29/260,110	:	DECISION ON RENEWED PETITION
Filed: May 19, 2006	:	UNDER 37 C.F.R. § 1.137(b)
Attorney Docket Number: 59369-	:	
231457	:	
Title: MOBILE AIR CONDITIONER	:	

This is a decision on the renewed petition, pursuant to 37 C.F.R. § 1.137(b)¹, to revive the above-identified application, filed on August 20, 2007.

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 October 30, 2006, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting issue fees². Accordingly, the above-identified application became abandoned

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).

on January 31, 2007. A Notice of Abandonment was mailed on June 15, 2007.

An original petition was filed on February 1, 2007, along with the petition and issue fees, and the required statement of unintentional delay. The petition was dismissed via the mailing of a decision on July 23, 2007, for failure to submit an acceptable terminal disclaimer.

With this renewed petition, Petitioner has submitted an acceptable terminal disclaimer.

This renewed petition is **GRANTED**.

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

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225³. All other inquiries 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

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



**VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998**

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JUN 27 2007

OFFICE OF PETITIONS

In re Application of :
Chengcai HOU et al. :
Application No. 29/260,113 : **DECISION ON PETITION**
Filed: May 19, 2006 :
Attorney Docket No. **59369-231458** :

This is a decision on the petition under 37 CFR 1.137(b), filed February 01, 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 January 30, 2007 as required by the Notice of Allowance and Fee(s) Due, mailed October 30, 2006, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on January 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 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 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



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ALEXANDRIA, VA 22313-1450
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JUL 2 2 2008

OFFICE OF PETITIONS

MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

In re Application of :
Christopher Loew, et al. :
Application No. 29/260,129 : **ON PETITION**
Filed: May 20, 2006 :
Attorney Docket No. 599852001200 :

This is a decision on the petition under 37 CFR 1.137(b), filed March 28, 2008, to revive the above-identified application.

The petition is **GRANTED**.

A review of the record shows that a Notice of Allowance and Fee(s) Due was mailed on December 13, 2007. On March 13, 2008, an improper Request for Continued Examination (RCE) under 37 CFR 1.114 was filed. On March 14, 2008, the application became abandoned for a failure to pay the issue fee. On March 28, 2008, the present petition was filed, including, *inter alia*, a Terminal Disclaimer and Request for a Continued Prosecution Application (CPA). A Notice of Abandonment was subsequently mailed on June 4, 2008.

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 \$410 is being charged to counsel's deposit account as authorized.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the \$410 issue fee, (2) the petition fee of \$770, (3) an adequate statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to timely pay the issue fee as required by the Notice of June 14, 2007 is accepted as being unintentionally delayed.

Petitioner is reminded that the issue fee paid on March 28, 2008 in the parent application is not refundable nor can it be applied towards the new Notice of Allowance resulting from the CPA filed March 28, 2008. However, under the circumstances of this case, the \$405 filing fees paid for the improper RCE on March 13, 2008 is being credited to counsel's deposit account.

The terminal disclaimer filed March 28, 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.

In view of this decision, the application is being returned to Technology Center 2916 for further processing of the CPA filed on March 28, 2008.

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



Sherry D. Brinkley
Petitions Examiner
Office of Petitions



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Commissioner for Patents
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.||| 29 2008

In re Application of
Christopher Loew, et al.
Application No. 29/260,130
Filed: May 20, 2006
Attorney Docket No. 599852001300

:
:
:
:
:
:

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed March 28, 2008, to revive the above-identified application.

The petition is **GRANTED**.

A review of the record shows that a Notice of Allowance and Fee(s) Due was mailed on December 13, 2007. On March 13, 2008, an improper Request for Continued Examination (RCE) under 37 CFR 1.114 was filed. On March 14, 2008, the application became abandoned for a failure to pay the issue fee. On March 28, 2008, the present petition was filed, including, *inter alia*, a Terminal Disclaimer and Request for a Continued Prosecution Application (CPA). A Notice of Abandonment was subsequently mailed on June 4, 2008.

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 \$410 is being charged to counsel's deposit account as authorized.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the \$410 issue fee, (2) the petition fee of \$770, (3) an adequate statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to timely pay the issue fee as required by the Notice of December 13, 2007 is accepted as being unintentionally delayed.

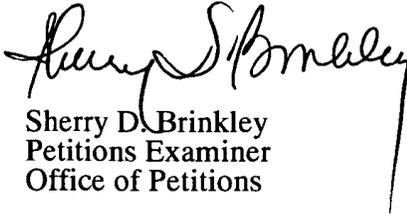
Petitioner is reminded that the issue fee paid on March 28, 2008 in the parent application is not refundable nor can it be applied towards the new Notice of Allowance resulting from the CPA filed March 28, 2008. However, under the circumstances of this case, the \$405 filing fees paid for the improper RCE on March 13, 2008 is being credited to counsel's deposit account.

The terminal disclaimer filed March 28, 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.

In view of this decision, the application is being returned to Technology Center 2916 for further processing of the CPA filed on March 28, 2008.

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



Sherry D. Brinkley
Petitions Examiner
Office of Petitions



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

Paper No.

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NOV 22 2006

OFFICE OF PETITIONS

In re Application of :
James Kesler : DECISION ON PETITION
Application No. 29/260,157 :
Filed: May 19, 2006 :
Title: RADIO TRANSMITTER :

This is in response to the REPLY TO NOTICE OF OMITTED ITEMS IN A NONPROVISIONAL APPLICATION filed July 27, 2006. This paper is being treated as a petition to accord the above-identified application a filing date of May 19, 2006, with figures 1, 13 and 14 considered a part of the original application disclosure.

The petition is **dismissed**.

Any request for reconsideration 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). This time period may not be extended pursuant to 37 CFR 1.136(a) or (b).

The application was filed on May 19, 2006. However, on June 20, 2006, the Office mailed a "Notice of Omitted Items" stating that the application had been accorded a filing date; however, Figures 1, 13 and 14 described in the specification appeared to have been omitted.

In response, applicant filed the instant petition with "a complete copy of the original submission of May 19, 2006, which includes Figures 1, 13 and 14."

37 CFR 1.53(e)(2) provides that:

Any request for review of a notification pursuant to paragraph (e)(1) of this section, or a notification that

the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f). In the absence of a timely (§ 1.181(f)) petition pursuant to this paragraph, the filing date of an application in which the applicant was notified of a filing error pursuant to paragraph (e)(1) of this section will be the date the filing error is corrected.

Accordingly, the mailing of a "Notice of Omitted Items" permits the applicant to: (1) promptly establish prior receipt in the PTO of the drawing(s) at issue (generally by way of a date-stamped postcard receipt (MPEP 503)), or (2) promptly submit the omitted drawing(s) in a nonprovisional application and accept the date of such submission as the application filing date (or to accept the application as filed without the omitted drawings). An applicant asserting that the missing drawings were in fact deposited in the PTO with the application papers must file a petition (and the appropriate petition fee) with evidence of such deposit. An applicant desiring to submit the omitted drawings in a nonprovisional application and accept the date of such submission as the application filing date must file any omitted drawing(s) with an oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such drawing(s) and a petition under 37 CFR 1.182 (with the petition fee under 37 CFR 1.17(f)) requesting the later filing date within two months of the date of the "Notice of Omitted Items" (37 CFR 1.181(f)).

In this case, petitioner contends that the missing drawing figures were deposited on May 19, 2006.

Petitioners' contention has been considered, but not found persuasive that figures 1, 13 and 14 were filed as a part of the original application papers. Papers not present in the application file are not considered present in the application absent convincing evidence to the contrary (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.) The image file wrapper of the application has been reviewed and figures 1, 13 and 14 are not among the papers received on May 19, 2006.

Moreover, the petition does not include convincing evidence that the drawings were present as part of the original application papers filed on May 19, 2006. Petitioner supplies a copy of the

references the application transmittal. Unfortunately, the transmittal is not convincing evidence as it is not reviewed by the Office upon receipt of the application papers to confirm the presence of the items denoted therein. Whereas, a return postcard is reviewed by the Office to acknowledge receipt of all of the items received in the application. In fact, the purpose of the submission of a return postcard with any submission is to have adequate proof of its filing. See MPEP 503. In this instance it does not appear that applicant utilized a return postcard receipt and applicant has no other convincing evidence of the submission of figures 1, 13 and 14 on May 19, 2006.

In view thereof, the petition must be dismissed.

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

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

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

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

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of May 19, 2006, using the papers received on that date.

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



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

**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	Kayko Inhi Chung
Title	PORTION OF A SHOE UPPER
Attorney Docket Number	2465-7763US

ADDRESS TO:

MAIL STOP EXPEDITED DESIGN
COMMISSION FOR PATENTS
P.O. BOX 1450
Alexandria, VA 22313-1450

Approved *6-6-06*
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

113000 U.S. PTO

29/260259

052206

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

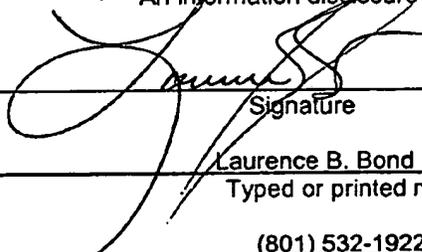
A preexamination search was conducted. The field of search was:

US. CL. D2/896, D2/897, D2/902, D2/907, D2/908, D2/910 D2/911, D2/912, D2/916, D2/922, D2/935, D2/969, D2/970, D2/971, D2/972, 36/45, 36/50.1, 36/83, 36/88, 36/89, 36/93, 36/101, 36/102, 36/103, 36/104, 36/106, 36/108, 36/109, 36/113, 36/114, 36/115, 36/116, 36/126, 36/127, 36/128, 36/129, 36/130

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
Laurence B. Bond

Typed or printed name
(801) 532-1922

Telephone Number

22 May 2006

Date

30,549

Registration Number, if applicable

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 22343-1450. 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 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	Jason Carter Mayden
	Title	PORTION OF A SHOE UPPER
	Attorney Docket Number	2465-7767US

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

Approved
6-6-06
Jacqueline M. Stone
 Jacqueline M. Stone, Director
 Technology Center 1700/2900

113000 U.S. PTO
 29/260260
 052206

This is a request for expedited examination of a design application under 37 CER 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:

US. CL. D2/896, D2/897, D2/902, D2/907, D2/908, D2/910 D2/911, D2/912, D2/916, D2/922, D2/935, D2/969, D2/970, D2/971, D2/972, 36/45, 36/50.1, 36/83, 36/88, 36/89, 36/93, 36/101, 36/102, 36/103, 36/104, 36/106, 36/108, 36/109, 36/113, 36/114, 36/115, 36/116, 36/126, 36/127, 36/128, 36/129, 36/130

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.

Laurence B. Bond

 Signature

22 May 2006

 Date

Laurence B. Bond

 Typed or printed name

30,549

 Registration Number, if applicable

(801) 532-1922

 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 22343-1450.

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



ROBERT W. BECKER & ASSOCIATES
707 HIGHWAY 333
SUITE B
TIJERAS NM 87059-7507

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MAR 19 2009

OFFICE OF PETITIONS

ON PETITION

In re Application of
In Jae Park
Application No. 29/260,301
Filed: May 23, 2006
Attorney Docket No.: OUSD 25-17D

This is a decision on the petition filed March 2, 2009 under 37 CFR 1.181 to withdraw the holding of abandonment for the above-identified application.

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

The application was held abandoned on February 3, 2009, for failure to timely file corrected drawings in response to the Notice of Allowability mailed October 31, 2008. Accordingly, a Notice of Abandonment was mailed February 23, 2009.

Petitioner asserts that a 312 Amendment and Replacement Drawings were mailed January 6, 2009 and provides as proof a copy of the transmittal with a certificate of mail dated January 6, 2009. Additionally, a copy of the 312 Amendment and Replacement Drawings was included with the petition.

A search of the application file and the USPTO records does not reveal receipt of the 312 Amendment and Replacement Drawings but in view of the evidence provided, the petition is compliant with 37 CFR 1.8(b) and accordingly, the abandonment is hereby withdrawn. No petition fee is necessary and none has been charged.

This matter will be referred to Technology Center 2916 for treatment of the 312 Amendment mailed January 6, 2009, a copy of which has been submitted with the petition.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MILDE & HOFFBERG, LLP
10 BANK STREET
SUITE 460
WHITE PLAINS NY 10606

COPY MAILED

JUN 20 2007

OFFICE OF PETITIONS

In re Application of :
Stein, Michael :
Application No. 29/260,334 : **ON PETITION**
Filed: May 23, 2006 :
Attorney Docket No. HH 314-KFM :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed April 26, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) the required reply,
- (2) the petition fee,
- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
- (4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Where there is a question as to whether either the abandonment or the delay in filing a petition, under 37 CFR 1.137 was unintentional, the Commissioner may require additional information.²

The instant petition lacks item (4). Since the instant application is a design application, a terminal disclaimer and fee is required for revival. A blank terminal disclaimer is enclosed for petitioner's convenience.

¹ In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

² See MPEP 711.03(c)(III)(C) and (D).

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

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

By hand: Customer Window located at:

 U.S. Patent and Trademark Office
 Customer Service Window Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.


Liana Walsh
Petitions Examiner
Office of Petitions

Enclosure: PTO/SB/63

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

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MILDE & HOFFBERG, LLP
10 BANK STREET
SUITE 460
WHITE PLAINS NY 10606

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JUL 25 2007

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Stein, Michael :
Application No. 29/260,334 :
Filed: May 23, 2006 :
Attorney Docket No. HH 314-KFM :

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed June 25, 2007, to revive the above-identified application.

The petition is **GRANTED**.

Petitioner has now supplied the terminal disclaimer and fee.

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

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


Liana Walsh
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**PATENT GROUP
C/O DLA PIPER US LLP
203 N. LASALLE ST., SUITE 1900
CHICAGO IL 60601**

COPY MAILED

NOV 29 2007

OFFICE OF PETITIONS

In re Application of :
Timothy Seckel et al. :
Application No. 29/260,370 : **ON PETITION**
Filed: May 23, 2006 :
:

This is a decision on the petition under 37 CFR 1.137(b), filed September 20, 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 above-identified application became abandoned for failure to correct an inconsistency between the drawings and specification in a timely manner in reply to the Notice of Drawing Inconsistency With Specification mailed June 7, 2007 which set a statutory period for reply of one (1) month. Accordingly, by operation of law, the above-identified application became abandoned on July 8, 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). A proper terminal disclaimer is required for all design applications.

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

Application No. 29/260,370

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 Carl Friedman at (571) 272-6842.



David Bucco
Petitions Examiner
Office of Petitions



**PATENT GROUP
C/O DLA PIPER US LLP
203 N. LASALLE ST., SUITE 1900
CHICAGO IL 60601**

COPY MAILED

FEB 07 2008

OFFICE OF PETITIONS

In re Application of :
Timothy Seckel et al. :
Application No. 29/260,370 : **ON PETITION**
Filed: May 23, 2006 :
Attorney Docket No. RFI-06-5351 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed December 19, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to correct an inconsistency between the drawings and the specification in a timely manner in response to the Notice of Drawings Inconsistency With Specification mailed June 7, 2007, which set a statutory period for reply of one (1) month. Accordingly, by operation of law, the above-identified application became abandoned on July 8, 2007.

The petition decision mailed November 29, 2007 indicates the petition under 37 CFR 1.137(b) filed September 27, 2007 was dismissed as failing to provide a proper terminal disclaimer.

The renewed petition includes a proper terminal disclaimer.

The terminal disclaimer fee of \$65 has been charged to petitioner's deposit account No. 18-2284 as authorized by R. Blake Johnston.

The renewed 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 corrected specification; (2) the petition fee of \$770; (3) the required statement of unintentional delay; and (4) the terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d) have been received. Accordingly, the filing of the corrected specification is accepted as having been unintentionally delayed.

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

The application file is being referred to the Office of Patent Publication.



David Bucci
Petitions Examiner
Office of Petitions

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicati n No.: pending §
§
Filing Date: pending §
§
Inventor(s): YOUNG, Robert Allen, §
WHITE, Patrick Michel, and §
KHOWAYLO, Mike §

Docket No. DUS-P001-041
Title: BONE PLATE
Assignee: Precimed S.A.

113241 U.S. PTO
29/260393
052506

CERTIFICATE OF TRANSMISSION UNDER 37 CFR §1.8. I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office

On _____

Typed or printed name of person signing this certificate: _____

Signature of person signing this certificate: _____

REQUEST UNDER 37 CFR §1.155 (MPEP 1504.30) FOR EXPEDITED EXAMINATION—DESIGN PATENTS

Via facsimile to 001-703-746-4060* OIPE
001-571-273-8300:

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

Approved 6-6-06
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

Dear Sir,

Applicant requests that the Office expedite the examination of the accompanying Design Patent Application according to the provisions of 37 CFR §1.155. In compliance with this section, the applicant has:

- (1) included drawings in compliance with § 1.84;
 - (2) conducted a preexamination search in search fields D24/155 and D24/171;
 - (3) prepared an Information Disclosure Statement in compliance with § 1.98, attached;
- and
- (4) files this request for expedited examination including:

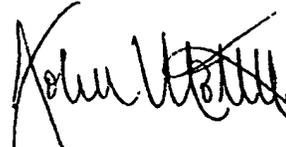
(i) the fee set forth in § 1.17(k), currently published as \$900 (see Fee transmittal, attached),

(ii) the filing fee for a design patent application, as set for the in examination (e.g., missing basic filing fee) even if the applicant files a request § 1.16(b)(2), last published to be \$215.00, for a small entity, which the Undersigned confirms that the applicant is (see Fee transmittal, attached),



If the Examiner has further questions, he is invited to contact the undersigned at phone 011-4171-230-1000 or fax at 011-4171-230-1001.

Respectfully submitted,



John MOETELI
U.S. Reg. No. 35,289

Date: May 22, 2006

Enclosure: Information Disclosure Statement



UNITED STATES PATENT AND TRADEMARK OFFICE

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

May 21, 2008

Richard M. LaBarge
MARSHALL, GERSTEIN & BORUN LLP
233S. Wacker Drive, Suite 6300
Sears Tower
Chicago, IL 60606-6357

Patent No.: D548, 083 S
Application No.: 29/260,394
Inventor(s): Damien Bourne
Issued: August 7, 2007
Title: BOTTLE

Re: Request for Certificate of Correction

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

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

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

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

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

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

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

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

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

By fax: (571) 273-0025
 ATTN: Office of Petitions

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



Virginia Tolbert
For Mary Diggs, Supervisor
Decisions & Certificate of Correction Branch
(703) 305-8309 or (703) **308-9390 ext 113**

vt



UNITED STATES PATENT AND TRADEMARK OFFICE

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

MARSHALL, GERSTEIN & BORUN LLP
233 S. WACKER DRIVE, SUITE 6300
SEARS TOWER
CHICAGO IL 60606

COPY MAILED

In re Patent No. D548,083

SEP 25 2008

Issue Date: August 7, 2007

OFFICE OF PETITIONS

Application No. 29/260,394

ON PETITION

Filed: May 24, 2006

Attorney Docket No. **28944/41916**

This is a decision on the request under 37 CFR 3.81(b)¹ to correct the assignee data on the front page of the above-identified patent by way of Certificate of Correction. The request was filed June 10, 2008.

The request is **granted**. The certificate of correction filed March 31, 2008, is noted and should be issued by the Certificate of Correction Branch.

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.



HARRY W EBERLE III / BLUE HERON
PO BOX 5389
NORTH BRANCH NJ 08876

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FEB 01 2008

OFFICE OF PETITIONS

In re Application of :
Harry W. Eberle, III. :
Application No. 29/260,404 : DECISION ON PETITION
Filed: May 24, 2006 :
Attorney Docket No. HWE-114D :

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

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 June 28, 2007. This Notice set a statutory period for reply of three months. No extensions of time under 37 CFR 1.136(a) were available. No issue fee having been received, the application became abandoned on September 29, 2007. A Notice of Abandonment was mailed on October 25, 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).

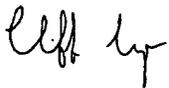
The instant petition lacks item (4). The instant application is a design application, and accordingly requires a terminal disclaimer and accompanying fee. See 37 CFR 1.137(d).

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



HARRY W EBERLE III / BLUE HERON
PO BOX 5389
NORTH BRANCH NJ 08876

COPY MAILED

APR 2 8 2008

OFFICE OF PETITIONS

In re Application of :
Harry W. Eberle, III. :
Application No. 29/260,404 : DECISION ON PETITION
Filed: May 24, 2006 :
Attorney Docket No. HWE-114D :

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

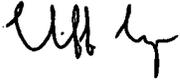
The petition is **GRANTED**.

The above-identified application became abandoned for failure to submit replacement drawings and an oath or declaration in response to the Notice of Allowability mailed June 28, 2007. This Notice set a statutory period for reply of three months. No extensions of time under 37 CFR 1.136(a) were available. No drawings and oath or declaration having been received, the application became abandoned on September 29, 2007. A Notice of Abandonment was mailed on October 25, 2007. Applicant filed a petition to revive under 37 CFR 1.137(b) on November 8, 2007. However, because the petition lacked a terminal disclaimer, the petition was dismissed in a decision mailed on February 1, 2008. Application No. 29/260,404 Page 2

With the instant petition, applicant submitted a terminal disclaimer and accompanying fee. The other requirements for a grantable petition were met in the petition filed November 8, 2007.

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



**MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO
ONE FINANCIAL CENTER
BOSTON MA 02111**

COPY MAILED

DEC 04 2009

OFFICE OF PETITIONS

NOTICE

In re Application of :
Karl Dallas Kirk III, et al. :
Application No. 29/260,405 :
Filed: May 24, 2006 :
Attorney Docket No. 105121-56749 :

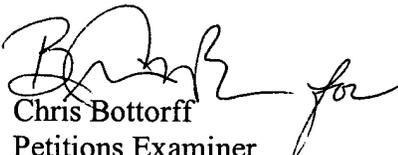
This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

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 Terri Johnson at (571) 272-2991.


Chris Bottorff
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

KAGAN BINDER, PLLC
SUITE 200, MAPLE ISLAND BUILDING
221 MAIN STREET NORTH
STILLWATER MN 55082

COPY MAILED

JUL 26 2006

OFFICE OF PETITIONS

In re Application of :
Bakic :
Application No. 29/260,413 :
Deposited: May 24, 2006 :
Attorney Docket No. VOS0029/US/2 :
For: COSMETIC CONTAINERS :

ON PETITION

This is a decision on the petition, filed July 3, 2006, requesting that the above-identified application be accorded a filing date of May 24, 2006. The petition will be treated under 37 CFR 1.182.

The petition under 37 CFR 1.182 is **GRANTED**.

The application was deposited on May 24, 2006. On June 14, 2006, the Office of Initial Patent Examination mailed a Notice informing petitioner that no filing date had been accorded to the application papers deposited on May 24, 2006 because a specification containing a claim was not filed. These items are required by 35 U.S.C. 112.

In response to the Notice, petitioner filed the present petition. Petitioner requests that the above-identified application be accorded a filing date of May 24, 2006 on the basis that the present design application contains a claim, albeit informal.

There is a basis for according the application, as filed, a filing date of May 24, 2006. In Vas-Cath Inc. v. Mahurkar, 935 F.2d 1555, 19 USPQ2d 1111 (Fed. Cir. 1991), the Federal Circuit held that "under proper circumstances, drawings alone may provide a 'written description' of an invention as required by § 112.

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.

A review of the record reveals that no formal claim was included with the application papers deposited on May 24, 2006. However, the application papers deposited May 24, 2006 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 "COSMETIC CONTAINERS"

Neither a formal specification (written description) nor a formal claim was included with the application when it was deposited. However, since this a design application, the drawings and the above-quoted language in the declaration can be construed as the specification (written description) and claim, respectively, 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 a design application and since the claim language quoted above is present, 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 drawings 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 May 24, 2006. The petition is granted. The petition fee is required, and will not be refunded.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **May 24, 2006**, using only the application papers filed on that date. Petitioner should file a preliminary amendment adding a formal claim promptly.

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



Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



PHILLIP ELLIOTT HOUSE
7056 TULIP TRAIL DRIVE
MEMPHIS, TN 38133

COPY MAILED

JUN 27 2008

OFFICE OF PETITIONS

In re Application of	:	
HOUSE , Phillip E.	:	
Application No. 29/260,418	:	DECISION ON PETITION
Filed: May 25, 2006	:	UNDER 37 CFR 1.137(b)
Attorney Docket No.	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 22, 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 May 9, 2007, as required by the Notice of Allowance and Fee(s) Due mailed, February 9, 2007. Accordingly, the date of abandonment of this application is May 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 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 February 22, 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 Office of Data Management for processing into a patent.

Brian W. Brown
Petitions Examiner
Office of Petitions

"SPECIAL PROCEDURES SUBMISSION"

EXPEDITED DESIGN

37 CFR 1.155

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
RECEIVED
CENTRAL FAX CENTER

In re the Application of
Andrew P. CHICK et al.

JUN 26 2006

Application No.: 29/260,495

Filed: May 26, 2006

Docket No.: 128200

For: A PORTION OF A GOLF CLUB HEAD

REQUEST FOR EXPEDITED EXAMINATION OF DESIGN PATENT APPLICATION
UNDER 37 CFR 1.155

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

Approved *7-6-06*
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

Sir:

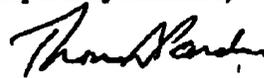
Expedited Examination is requested for this design patent application. In accordance with 37 CFR 1.155, the following information is submitted:

1. The application was filed on May 26, 2006 with all fees paid and drawings in compliance with 37 CFR 1.84;
2. The applicant conducted a pre-examination search. An Information Disclosure Statement was filed on May 26, 2006 and a Supplemental Information Disclosure Statement was filed June 26, 2006 to submit the results of the pre-examination search. The field of search included Class 473, Subclass 345, and Class D21, Subclasses 733, 752 and 759. The search also encompassed forward and backward reference citations based on the uncovered patents, as well as a review of a private collection of golf industry publications;

The U.S. Patent and Trademark Office is authorized to debit our Deposit Account No. 15-0461 in the amount of \$900.00 under 37 CFR 1.17 (k) to effect filing of this request for expedited examination.

The Declaration for this application was filed on June 26, 2006. All formal filing requirements have been satisfied. Expedited Examination is respectfully requested.

Respectfully submitted,



Edward P. Walker
Registration on No. 31,450

Thomas J. Pardini
Registration No. 30,411

06/28/2006 LWONDIM1 00000011 150461 29260495
01 FC:1802 900.00 DA

EPW:TJP/cdk

Date: June 26, 2006

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE
AUTHORIZATION
Please grant any extension
necessary for entry;
Charge any fees due to our
Deposit Account N . 15-0461



SAIDMAN DESIGNLAW GROUP
8601 GEORGIA AVENUE, SUITE 603
SILVER SPRING, MD 20910

COPY MAILED

APR 02 2007

OFFICE OF PETITIONS

In re Application of :
Shinno Kato et al : DECISION GRANTING PETITION
Application No. 29/260,511 : UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: May 25, 2006 :
Attorney Docket No. 1721.018 :

This is a decision on the petition under 37 CFR 1.313(c)(3), filed April 2, 2007, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on January 25, 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 April 2, 2007.

The CPA was accompanied by “[a] new U.S. Design Patent Application, including three (3) pages of Specification, one Claim, one (1) sheet of drawings comprising FIGS. 1-4, and an appendix comprising one (1) page of photographs, along with a copy of the Declaration and Power of Attorney by Inventors.”

Petitioner is advised that any new specification filed with the CPA request will not be considered part of the original application papers, but will be treated as a substitute specification in accordance with 37 CFR 1.125(b). However, the applicant must comply with the requirements of 37 CFR 1.125(b) before the substitute specification will be entered into the CPA. *Note* MPEP 201.06(d)(II)(A).

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

This matter is being referred to Technology Center AU 2916 for processing of the CPA in accordance with this decision on petition and for consideration of the concurrently filed 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

THE BLACK & DECKER CORPORATION
701 EAST JOPPA ROAD, TW199
TOWSON MD 21286

COPY MAILED

MAY 30 2007

OFFICE OF PETITIONS

In re Application of :
BUCK, John E. : **DECISION GRANTING PETITION**
Application No. 29/260,538 : **UNDER 37 CFR 1.313(c)(3) (CPA)**
Filed: May 26, 2006 :
Attorney Docket No. D-US-JK-11208 :

This is a decision on the petition under 37 CFR 1.313(c)(3), filed May 24, 2007, to withdraw the above-identified application from issue after payment of the issue fee.

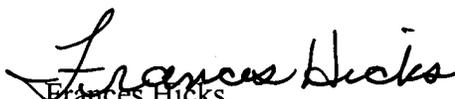
The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on April 3, 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 24, 2007.

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

This matter is being referred to Technology Center AU 2915 for processing of the CPA and consideration of the concurrently filed 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
DM Nov-07

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

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NOV 19 2007

OFFICE OF PETITIONS

In re Application of :
Takuya Niitsu : DECISION ON PETITION TO
Application Number: 29/260582 : WITHDRAW HOLDING OF
Filing Date: 05/30/2006 : ABANDONMENT
Attorney Docket Number: SER- :
0045 :

This is a decision on the petition filed on October 17, 2007, to withdraw the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

A review of the record reveals that on May 9, 2007, a Notice of Allowance and Fee(s) Due and Notice of Allowability were mailed, setting a three (3) month statutory period for reply. The issue fee was paid on July 21, 2007. Notice of Abandonment was mailed on September 7, 2007.

The application was held abandoned for failure to timely submit corrected drawings as indicated in the Notice of Allowability.

Petitioner asserts that no drawings were required, and that the indication on the Notice of Allowability that drawings were required was in error, as the Examiner's Amendment attached to the Notice of Allowability did not require new drawings.

Upon review, petitioner's argument is well taken, as the examiner has indicated that no drawing corrections were needed.

As such, the showing of record is that the Notice of Abandonment was mailed in error, and that there is no abandonment in fact.

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

The Office regrets any inconvenience to petitioners.

The application is being referred to the Office of Patent Publications for processing into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

113000 U.S. PTO
29/260624



053006

In re: Application of: Asher Hoffman and Mike So
Serial No.: Not yet assigned
Art Unit: Not yet assigned
Examiner: Not yet assigned
Confirmation No.: Not yet assigned
Filing Date: Concurrently herewith
Title: **BRACELET AND RING**

Attorney Docket No.: 1693.015

Approved

8-4-06

Jacqueline M. Stone

Jacqueline M. Stone, Director
Technology Center 1700/2900

COMMISSIONER FOR PATENTS
Mail Stop: Expedited Design
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR EXPEDITED EXAMINATION UNDER 37 C.F.R. §1.155

Sir:

Pursuant to provisions of 37 C.F.R. § 1.155, Applicant respectfully requests expedited examination of the accompanying Application for Design Patent.

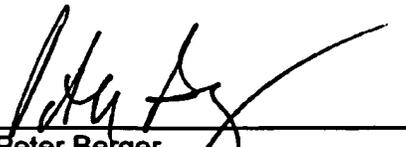
The present Application qualifies for expedited examination under 37 C.F.R. §1.155 because Drawings are included with the Application, the Applicant has conducted a preexamination search in the field of men's rings and bracelets made of metal links (class 63, subclasses 3, 4, 9, 15, 15.7 and 38, and design class 11, subclasses 3, 14, 15, 26, 30 and 37-39), and an Information Disclosure Statement is attached; and an American Express slip for the fee set forth in 37 C.F.R. § 1.17 is submitted herewith.

The Office is hereby requested and authorized to charge and any additional fees, including fees for extensions of time, or other fees, except the Issue Fee, to the undersigned attorney's deposit account No. 02-2105.

113000 U.S. PTO
29/260624

053006

Respectfully submitted,



Dated: May 25, 2006

Peter Berger
Registration No. 24,570
Attorney for Applicant

LEVISOHN, BERGER & LANGSAM, LLP
805 Third Avenue, 19th Floor
New York, New York 10022
Tel: (212) 486-7272 Ext. 302
Fax: (212) 486-0323
Email: pberger@LLBL.com

Design Patent Application

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

113000 U.S.PTO
29/260625
053006

In re: Application of:	Asher Hoffman and Mike So
Serial No.:	Not yet assigned
Art Unit:	Not yet assigned
Examiner:	Not yet assigned
Confirmation No.:	Not yet assigned
Filing Date:	Concurrently herewith
Title:	BRACELET AND RING
Attorney Docket No.:	1693.016

Approved *8-4-06*
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

COMMISSIONER FOR PATENTS
Mail Stop: Expedited Design
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR EXPEDITED EXAMINATION UNDER 37 C.F.R. §1.155

Sir:

Pursuant to provisions of 37 C.F.R. § 1.155, Applicant respectfully requests expedited examination of the accompanying Application for Design Patent.

The present Application qualifies for expedited examination under 37 C.F.R. § 1.155 because Drawings are included with the Application, the Applicant has conducted a preexamination search in the field of men's rings and bracelets made of metal links (class 63, subclasses 3, 4, 9, 15, 15.7 and 38, and design class 11, subclasses 3, 14, 15, 26, 30 and 37-39) and an Information Disclosure Statement is attached; and an American Express slip for the fee set forth in 37 C.F.R. § 1.17 is submitted herewith.

06/01/2006 DENMANU1 00000119 29260625

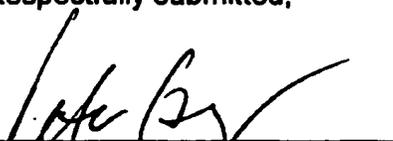
04 FC:1802

900.00 DP

The Office is hereby requested and authorized to charge and any additional fees, including fees for extensions of time, or other fees, except the Issue Fee, to the undersigned attorney's deposit account No. 02-2105.

113000 U.S. PTO
29/260625
053006

Respectfully submitted,



Dated: May 25, 2006

Peter Berger
Registration No. 24,570
Attorney for Applicant

LEVISOHN, BERGER & LANGSAM, LLP
805 Third Avenue, 19th Floor
New York, New York 10022
Tel: (212) 486-7272 Ext. 302
Fax: (212) 486-0323
Email: pberger@LLBL.com

Design Patent Application

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of:	Asher Hoffman and Mike So
Serial No.:	Not yet assigned
Art Unit:	Not yet assigned
Examiner:	Not yet assigned
Confirmation No.:	Not yet assigned
Filing Date:	Concurrently herewith
Title:	BRACELET AND RING
Attorney Docket No.:	1693.018



Approved *8-4-06*
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

COMMISSIONER FOR PATENTS
Mail Stop: Expedited Design
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR EXPEDITED EXAMINATION UNDER 37 C.F.R. §1.155

Sir:

Pursuant to provisions of 37 C.F.R. § 1.155, Applicant respectfully requests expedited examination of the accompanying Application for Design Patent.

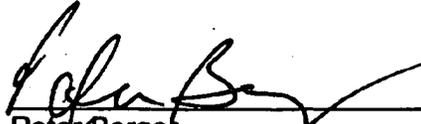
The present Application qualifies for expedited examination under 37 C.F.R. § 1.155 because Drawings are included with the Application, the Applicant has conducted a preexamination search in the field of men's rings and bracelets made of metal links (class 63, subclasses 3, 4, 9, 15, 15.7 and 38, and design class 11, subclasses 3, 14, 15, 26, 30 and 37-39), and an Information Disclosure Statement is attached; and an American Express slip for the fee set forth in 37 C.F.R. § 1.17 is submitted herewith.

The Office is hereby requested and authorized to charge and any additional

fees, including fees for extensions of time, or other fees, except the Issue Fee, to the undersigned attorney's deposit account No. 02-2105.

Respectfully submitted,

Dated: May 25, 2006


Peter Berger
Registration No. 24,570
Attorney for Applicant



LEVISOHN, BERGER & LANGSAM, LLP
805 Third Avenue, 19th Floor
New York, New York 10022
Tel: (212) 486-7272 Ext. 302
Fax (212) 486-0323
Email: pberger@LLBL.com

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 6/14/07

Paper No.: _____

TO SPE OF : ART UNIT 2914

SUBJECT : Request for Certificate of Correction for Appl. No. 29/200626 Patent No. D543477

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: _____

_____ For L Zarfus 2914

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, VA 22313-1450
www.uspto.gov

JORDAN AND HAMBURG LLP
122 EAST 42ND STREET
SUITE 4000
NEW YORK NY 10168

In re Application of :
MATSUMOTO, HIROYUKI et al. :
Application No.: 29/260,633 : AUG 13 2009
Filing or 371(c) Date: 5/13/06 : DECISION ON
Attorney Docket Number: F-9059 : PETITION

This is a decision on the Petition to Withdraw Holding of Abandonment under 37CFR § 1.81 (a), received in the United States Patent and Trademark Office (USPTO) June 30, 2008.

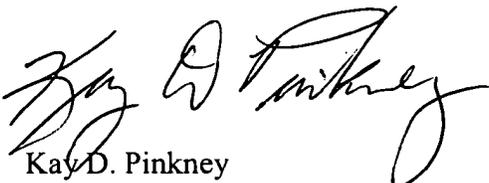
This petition is **GRANTED**.

The application was held abandoned for failure to timely submit the Issue Fee and Publication fee as required by the Notice of Allowance, mailed February 26, 2008 which set forth a three (3) month statutory period of reply. The Notice of Abandonment was mailed on June 20, 2008.

Petitioner states that the issue fee transmittal and payment were timely filed via the USPTO on March 31, 2008. Petitioner submitted a copy of the original submission which included a properly completed Certificate of Mailing/Transmission.

In view of the foregoing, the holding of abandonment for failure to timely pay the issue fee is hereby withdrawn and the application restored to pending status. The Issue Fee has been charged to Form PTO-2038.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 756-1547.


Kay D. Pinkney
Application Assistance Unit
Office of Data Management

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of:	Asher Hoffman and Mike So
Serial No.:	Not yet assigned
Art Unit:	Not yet assigned
Examiner:	Not yet assigned
Confirmation No.:	Not yet assigned
Filing Date:	Concurrently herewith
Title:	BRACELET AND RING
Attorney Docket No.:	1693.017

113006 U.S. PTO
29/260667
053006

COMMISSIONER FOR PATENTS
Mail Stop: Expedited Design
 P.O. Box 1450
 Alexandria, VA 22313-1450

Approved *7-6-06*
Jacqueline M. Stone
 Jacqueline M. Stone, Director
 Technology Center 1700/2900

REQUEST FOR EXPEDITED EXAMINATION UNDER 37 C.F.R. §1.155

Sir:

Pursuant to provisions of 37 C.F.R. § 1.155, Applicant respectfully requests expedited examination of the accompanying Application for Design Patent.

The present Application qualifies for expedited examination under 37 C.F.R. § 1.155 because Drawings are included with the Application, the Applicant has conducted a preexamination search in the field of men's rings and bracelets made of metal links (class 63, subclasses 3, 4, 9, 15, 15.7 and 38, and design class 11, subclasses 3, 14, 15, 26, 30 and 37-39), and an Information Disclosure Statement is attached; and an American Express slip for the fee set forth in 37 C.F.R. § 1.17 is submitted herewith.

The Office is hereby requested and authorized to charge and any additional

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of:	Asher Hoffman and Mike So
Serial No.:	Not yet assigned
Art Unit:	Not yet assigned
Examiner:	Not yet assigned
Confirmation No.:	Not yet assigned
Filing Date:	Concurrently herewith
Title:	BRACELET AND RING
Attorney Docket No.:	1693.017

113006 U.S. PTO
29/260667
053006

COMMISSIONER FOR PATENTS
Mail Stop: Expedited Design
P.O. Box 1450
Alexandria, VA 22313-1450

Approved *7-6-06*
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

REQUEST FOR EXPEDITED EXAMINATION UNDER 37 C.F.R. §1.155

Sir:

Pursuant to provisions of 37 C.F.R. § 1.155, Applicant respectfully requests expedited examination of the accompanying Application for Design Patent.

The present Application qualifies for expedited examination under 37 C.F.R. § 1.155 because Drawings are included with the Application, the Applicant has conducted a preexamination search in the field of men's rings and bracelets made of metal links (class 63, subclasses 3, 4, 9, 15, 15.7 and 38, and design class 11, subclasses 3, 14, 15, 26, 30 and 37-39), and an Information Disclosure Statement is attached; and an American Express slip for the fee set forth in 37 C.F.R. § 1.17 is submitted herewith.

The Office is hereby requested and authorized to charge and any additional



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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MINNEAPOLIS MN 55402

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OFFICE OF PETITIONS

In re Application of :
Peter D. Thompson : DECISION GRANTING PETITION
Application No. 29/260,682 : UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: May 30, 2006 :
Attorney Docket No. 36519.2 :

This is a decision on the petition under 37 CFR 1.313(c)(3), filed November 2, 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 October 10, 2006 in the parent application is not refundable nor can it be applied towards any new Notice of Allowance which may issue on the CPA filed November 2, 2006.

Telephone inquiries should be directed to Terri Williams at (571) 272-2991.

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

Karen Crosson
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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/260,691	05/31/2006	Hossein E. Tabrizi		4475

7590 02/21/2007
HOSSEIN E. TABRIZI
835 AMIGOS WAY #1
NEWPORT BEACH, CA 92660

EXAMINER

CADMUS, STACIA A

ART UNIT PAPER NUMBER

2913

MAIL DATE DELIVERY MODE

02/21/2007

PAPER

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



UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

Address : COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
29260691	5/31/2006	TABRIZI ET AL.	

HOSSEIN E. TABRIZI
835 AMIGOS WAY #1
NEWPORT BEACH, CA 92660

EXAMINER

Joel Sincavage

ART UNIT	PAPER
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2900

20070220

DATE MAILED:

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

Commissioner for Patents

This is a decision on the Petition to Make Special Pursuant to 37 CFR 1.102(c)(1) The applicant's age or health - filed 1/16/2007:

In view of the fact the this application is in the process of being allowed, consideration of the petition can serve no useful purpose and may hinder advancing the application to issue. Therefore, THE PETITION IS DISMISSED.

JOEL A. SINCAVAGE
SUPERVISORY DESIGN 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

AVERY DENNISON CORPORATION
PATENT GROUP
LAW DEPARTMENT - 3 SOUTH
PO BOX 7090
PASADENA CA 91109-7090

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NOV 29 2007

OFFICE OF PETITIONS

In re Application of :
Hugo Escobedo :
Application No. 29/260,719 : DECISION ON PETITION
Filed: May 31, 2006 :
Attorney Docket No. 4223-US :

This is a decision on the petition to revive the above identified application under 37 CFR 1.137(b), filed September 7, 2007.

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 3, 2007. This Notice set a statutory period for reply of three (3) months. No drawings having been received, the application became abandoned on August 4, 2007. The mailing of this decision precedes the mailing of a Notice of Abandonment.

With the instant petition, petitioner has submitted a terminal disclaimer, paid the petition fee, made the proper statement of unintentional delay, and submitted corrected drawings.

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.

A handwritten signature in cursive script, appearing to read "Cliff Congo".

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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ZUBER & TAILLIEU LLP
10866 WILSHIRE BLVD., SUITE 300
LOS ANGELES CA 90024

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JUL 1 0 2008

OFFICE OF PETITIONS

In re Application of	:	
TONSOR, Dawn M.	:	
Application No. 29/260,872	:	DECISION ON PETITION
Filed: June 02, 2006	:	TO WITHDRAW
Attorney Docket No. 0904-1005	:	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 07, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by John Carr on behalf of all attorneys of record who are associated with customer No. 73276. All attorneys/agents associated 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 Dawn M. Tonsor at the address indicated below.

The application became abandoned for failure to timely pay the issue fee and publication fee indicated in the Notice of Allowance and Fee(s) Due mailed January 25, 2008.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **DAWN TONSOR (OWNER/OPERATOR)**
C/O TONSERIO
1158 26TH STREET, # 878
SANTA MONICA, CA 90403



**DAWN M. TONSOR
C/O TONSERIO
1158 26TH STREET, #878
SANTA MONICA, CA 90403**

COPY MAILED

JUL 16 2008

In re Application of :
Dawn M. TONSOR :
Application No. 29/260,872 : **DECISION ON PETITION**
Filed: June 02, 2006 :
Attorney Docket No. 0904-1005 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 28, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue fee on or before April 25, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed January 25, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on April 26, 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; (2) the petition fee of \$770.00; (3) a proper statement of unintentional delay and; (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the issue fee payment is 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 Michelle R. Eason at (571) 272-4231.

This application is being referred to Office of Data Management.

Michelle R. Eason
Paralegal Specialist
Office of Petitions



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

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OCT 26 2007

OFFICE OF PETITIONS

In re Application of :
Mark PICKETT :
Application No. 29/260,880 : **DECISION ON PETITION**
Filed: June 02, 2006 :
Attorney Docket No. 4545-D41 :

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 application became abandoned for failure to timely pay the issue fee on or before March 06, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed December 06, 2006, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on March 07, 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.

Denise Pothier
Petitions Examiner
Office of Petitions



SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
333 SOUTH HOPE STREET
48TH FLOOR
LOS ANGELES, CA 90071-1448

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MAR 27 2007

In re Application of :
Wood and Hon :
Application No. 29/260,908 :
Filed: June 1, 2006 :
Attorney Docket No. 0SEM-123982 :
For: Grill :

OFFICE OF PETITIONS
Decision According Status
Under 37 CFR 1.47(a)

This is a decision on the petition under 37 CFR 1.47(a), filed December 20, 2006.

The petition is **granted**.

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

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

The Office of Initial Patent Examination will be informed of the instant decision so that it may continue to prepare the application for examination.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

William J. Mason
Maccord Mason PLLC
Post Office Box 1489
Wrightsville Beach, NC 28480

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NOV 06 2009

OFFICE OF PETITIONS

In re Harold W. Thompson et al.
Application No.: 29/260,937
Filed: June 5, 2006
Patent No.: D533,802
Issued: December 19, 2006

:
: **DECISION**
: **GRANTING**
: **PETITION**
:

This is a decision on the January 23, 2007 petition requesting reprinting of D533,802 ("the January 23, 2007 petition").

The January 23, 2007 petition is before the Office of Patent Legal Administration (OPLA) for consideration.

The January 23, 2007 petition is **granted**.

The Image for U.S. Patent No. D533,802 in the USPTO Patent Full-Text and Image Database maintained by the Office has been updated to contain the original, incorrectly printed patent and the corrected patent in the form of the September 15, 2009 Certificate of Correction. In addition, the Office provided on September 15, 2009, a courtesy corrected reprint of U.S. Patent No. D533,802 for patent owner's records

Any inquiry concerning this decision should be directed to Raul Tamayo, Legal Advisor, at (571) 272-7728.



Brian E. Hanlon
Director
Office of Patent Legal Administration
Office of the Associate Commissioner
for Patent Examination Policy



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UNITED STATES PATENT AND TRADEMARK OFFICE
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Paper No.

Nancy N Quan, Esq.
15029 Northwind Lane
North Hills CA 91343

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JAN 07 2008

OFFICE OF PETITIONS

In re Application of	:	
Glen D. Quan	:	
Application No. 29/260,972	:	
Filed: June 5, 2006	:	DECISION ON PETITION
Attorney Docket No. PAT-05-US-	:	UNDER 37 C.F.R. § 1.181(A)
01	:	
Title: BRIDGE FOR A MUSICAL	:	
INSTRUMENT	:	

This is a decision on the petition under 37 C.F.R. § 1.181(a) to withdraw the holding of abandonment, filed on December 3, 2007.

BACKGROUND

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 (notice), mailed June 28, 2007, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting formal drawings or issue fees¹. Accordingly, the above-identified application became abandoned on September 29, 2007. A Notice of Abandonment was mailed on October 23, 2007.

With the present petition, Petitioner has alleged that the communication was not received, and has included a copy of the docket report.

¹ See MPEP §710.02(e).

CONCLUSION

Petitioner has met the requirements of Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), in that she has asserted that the mailing was not received, that she has searched the file jacket and the docket record, and she 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 her 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**.

It is noted that along with the present petition, Petitioner has submitted issue and the publication fees. It does not appear that corrected drawings were submitted. Moreover, the notice did not require a publication fee, and as such, this fee will be refunded via the preparation of a Treasury Check in due course.

The Technology Center will be notified of this decision. The Technology Center's support staff will re-mail the Notice of Allowance and Issue Fee Due of June 28, 2007, and will set a new period for response.

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



THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION - WEST BLDG.
WINTON HILL BUSINESS CENTER - BOX 412
6250 CENTER HILL AVENUE
CINCINNATI OH 45224

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JUL 18 2007

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Christopher Eugene Bates et al :
Application No. 29/260,974 :
Filed: 5 June 2006 :
Attorney Docket No. D1085 :

This is a decision on the petition under 37 CFR 1.137(b), filed February 1, 2007 to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure submit the issue fee and publication fee in a timely manner in reply to the Notice of Allowance and Fee(s) Due, mailed October 6, 2006, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on January 7, 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 petition; (2) the petition fee of \$1500.00; (3) an adequate statement of unintentional delay; and (4) a Terminal Disclaimer.

The Office acknowledges receipt of the issue fee, which was submitted with the petition.

Telephone inquiries concerning this decision should be directed to Charles Smoot at (571)272-3299, or in his absence the undersigned at (571) 272-7099.

The application file is being referred to the Publishing Division to be processed into a patent.


David Bucci
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

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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	63584-5153

ADDRESS TO: MAIL STOP EXPEDITED DESIGN COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, VA 22313-1450	Approved <i>7-6-06</i> <i>Jacqueline M. Stone</i> Jacqueline M. Stone, Director Technology Center 1700/2000
--	--

112949 U.S. PTO
29/260998



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.

Michelle C. Kim

Signature

June 5, 2006

Date

Michelle C. Kim

Typed or printed name

51,881

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 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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DAVID W. HIGHET, VP & CHIEF IP COUNSEL
BECTON, DICKINSON AND COMPANY
(THE WEBB FIRM)
1 BECTON DRIVE, MC 110
FRANKLIN LAKES NJ 07414-1880

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AUG 21 2008

In re Patent No. D569975 :
Issue Date: 05/27/2008 :
Application Number: 29/261123 : ON PETITION
Filing or 371(c) Date: 06/07/2006 :
Attorney Docket Number: 3896-061774 (P- :
6461/3) :

This is a decision on the petition filed on May 12, 2008, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3231. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

Receipt of the processing fee of \$130.00 and certificate of correction fee of \$100 00 is acknowledged.

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.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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

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

By fax: (571) 273-0025
ATTN: Office of Petitions

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

Ennis Young
For Mary Diggs
Decisions & Certificates
of Correction Branch
(703) 756-1542 or (703) 756-1814

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	Sebastien Mermet
	Title	PORTION OF A SHOE UPPER
	Attorney Docket Number	2465-7797US

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

Approved *7-6-06*
Jacqueline M. Stone
 Jacqueline M. Stone, Director
 Technology Center 1700/2900

11292 U.S. PTO
 29/261260
 060906

This is a request for expedited examination of a design application under 37 CER 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:

US. CL. D2/896, D2/897, D2/902, D2/907, D2/908, D2/910 D2/911, D2/912, D2/916, D2/922, D2/935, D2/969, D2/970, D2/971, D2/972, 36/45, 36/50.1, 36/83, 36/88, 36/89, 36/93, 36/101, 36/102, 36/103, 36/104, 36/106, 36/108, 36/109, 36/113, 36/114, 36/115, 36/116, 36/126, 36/127, 36/128, 36/129, 36/130

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

06/08/06

 Date

Allen C. Turner, Reg. No 33,041 for Laurence B. Bond

 Typed or printed name

30,549

 Registration Number, if applicable

(801) 532-1922

 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 22343-1450. If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction ACT of 1985, 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	Paul Eugene Caron
	Title	PORTION OF A SHOE UPPER
	Attorney Docket Number	2465-7765US

112921 U.S. PTO
29261261**ADDRESS TO:**

MAIL STOP EXPEDITED DESIGN
COMMISSION FOR PATENTS
P.O. BOX 1450
Alexandria, VA 22313-1450

Approved

7-6-06
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

This is a request for expedited examination of a design application under 37 CER 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:

US. CL. D2/896, D2/897, D2/902, D2/907, D2/908, D2/910 D2/911, D2/912, D2/916, D2/922, D2/935, D2/969, D2/970, D2/971, D2/972, 36/45, 36/50.1, 36/83, 36/88, 36/89, 36/93, 36/101, 36/102, 36/103, 36/104, 36/106, 36/108, 36/109, 36/113, 36/114, 36/115, 36/116, 36/126, 36/127, 36/128, 36/129, 36/130

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.

Allen C. Turner
Signature

6/8/06
Date

Allen C. Turner, Reg. No 33,041 for Laurence B. Bond
Typed or printed name

30,549
Registration Number, if applicable

(801) 532-1922
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 22343-1450. If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

06/13/2006 HWJUNG1 00000046 29261261

04 FC:1802

900.00 DP



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United States Patent and Trademark Office
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EMERY L. TRACY
P.O. BOX 1518
BOULDER, CO 80306

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SEP 17 2008

In re Application of :
Norman A. Moxey :
Application No. 29/261,286 : DECISION ON PETITION
Filed: June 12, 2006 :
Attorney Docket No. P020.PAT-2 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 29, 2008, 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 31, 2008, as required by the Notice of Allowance and Fee(s) Due mailed October 31, 2007. Accordingly, the date of abandonment of this application is February 1, 2008. A Notice of Abandonment was mailed February 25, 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; (2) the petition fee of \$770.00; (3) a proper statement of unintentional delay; and (4) a Terminal Disclaimer.

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.

Liana Walsh
Petitions Examiner
Office of Petitions



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

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NOV 23 2009

OFFICE OF PETITIONS

In re Application of :
Ronald Kronenberger :
Application No. 29/261,298 :
Filed: June 12, 2006 :
Attorney Docket No. 00130D00090US :

**DECISION GRANTING
PETITION**

This is a decision on the petition filed October 14, 2008, requesting withdrawal of the holding of abandonment in the above-identified application.

This application was held abandoned for failure to timely respond to the non-final Office action mailed March 17, 2008. A Notice of Abandonment was mailed on September 30, 2008.

Petitioner states that a reply was in fact timely mailed on September 17, 2008. To support this assertion, petitioner submits a copy of a post card receipt, which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on September 22, 2008 of, *inter alia*, an amendment, two sheets of replacement drawings, a petition for extension of time and check in the amount of \$525. It is noted that the documents contain a Certificate of Mailing under 37 CFR 1.8 dated September 17, 2008.

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

This application file is being referred to Technology Center Art Unit 2913 for review of the response filed on September 22, 2008.

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

/Andrea Smith/
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

DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
WASHINGTON, DC 20006-5403

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JUN 05 2008

OFFICE OF PETITIONS

In re Application of :
Tetsu MORINO :
Application No. 29/261,319 : **DECISION ON PETITION**
Filed: June 13, 2006 :
Attorney Docket No. R2178.0121/P121 :

This is a decision on the petition under 37 CFR 1.137(b), filed April 11, 2008, 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 10, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed January 10, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on April 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 \$820.00 issue fee, (2) the petition fee of \$1,540.00, (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 Michelle R. Eason at (571) 272-4231.

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

DAVID LINDSEY HOHN
1560 FOUR MILE POST ROAD
HUNTSVILLE AL 35802

COPY MAILED
JUL 21 2008

In re Application of :
David Lindsey HOHN :
Application No. 29/261,370 : DECISION ON PETITION
Filed: July 17, 2006 :
Attorney Docket No. :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 12, 2008, 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 February 20, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed November 20, 2007, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on February 21, 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; (2) the petition fee of \$770; (3) the required statement of unintentional delay; and (4) a Terminal Disclaimer.

The Terminal Disclaimer is accepted and has been made of record.

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

This application is being referred to the Office of Data Management for processing.

for Thurman Page
Petitions Examiner
Office of Petitions

113000 U.S. PTO
 29/261383



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	Michael Hui
	Title	PORTION OF A SHOE UPPER
	Attorney Docket Number	246S-7766US

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

Approved *7-6-06*
Jacqueline M. Stone
 Jacqueline M. Stone, Director
 Technology Center 1700/2900

This is a request for expedited examination of a design application under 37 CER 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:

US. CL. D2/896, D2/897, D2/902, D2/907, D2/908, D2/910, D2/911, D2/912, D2/916, D2/922, D2/935, D2/969, D2/970, D2/971, D2/972, 36/45, 36/50.1, 36/83, 36/88, 36/89, 36/93, 36/101, 36/102, 36/103, 36/104, 36/106, 36/108, 36/109, 36/113, 36/114, 36/115, 36/116, 36/126, 36/127, 36/128, 36/129, 36/130

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
 Laurence B. Bond
 Typed or printed name

 Date
 16 June 2006

 Telephone Number
 (801) 532-1922

 Registration Number, if applicable
 30,549

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 22343-1450.**
 If you need assistance in completing the form, call 1-800-PTO-0199 and select option 2.



BATTELLE MEMORIAL INSTITUTE
505 KING AVENUE
COLUMBUS OH 43201-2693

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JUN 26 2007

OFFICE OF PETITIONS

In re Application of :
Harpham et al. : DECISION GRANTING PETITION
Application No. 29/261411 :
Filed: 06/13/2006 :
Atty Dckt No. :
15237USR/BAT0109DA/40078. :

This is a decision in reference to the "PETITION TO CORRECT FILING DATE (37 CFR § 1.10(c))" filed on 27 April, 2007, requesting that the above-identified application be accorded a filing date of 13 June, 2006, rather than the currently-accorded filing date of 14 June, 2006.

The petition is granted.

Petitioners assert that the application was deposited in Express Mail Service on 13 June, 2006. In support, petitioner has provided a copy of the Express Mail Customer Label ED469654105US (the same Express Mail number found on the itemized design application transmittal sheet accompanying the original application papers located in the official file). The "date-in" on the Express Mail label is "6-13-06".

As such, the showing of record is that the correct date of deposit in Express Mail is 13 June, 2006.

In view of the above, the petition is granted. As no fee is required the fee paid with the petition is being credited to counsel's deposit account.

The application is being referred to the Office of Initial Patent Examination (OIPE) for correction of the filing date to **13 June, 2006**, and for issuance of a corrected Filing Receipt.

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



BATTELLE MEMORIAL INSTITUTE
505 KING AVENUE
COLUMBUS OH 43201-2693

COPY MAILED
JAN 24 2008
OFFICE OF PETITIONS

In re Application of :
Harpham et al. :
Application Number: 29/261411 : DECISION ON PETITION
Filing or 371(c) Date: 06/13/2006 :
Attorney Docket Number: :
15237USR/BAT0109DA/40078 . :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed on December 14, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on September 29, 2007, for failure to timely submit the issue fee in response to the Notice of Allowance and Fee(s) Due mailed on June 28, 2007, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on October 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 the issue fee, (2) the petition fee of \$770.00, 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.

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

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


Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



JEROME R. SMITH, JR
LATHROP & GAGE LLP
4845 PEARL EAST CIRCLE
SUITE 201
BOULDER CO 80301

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JUL 14 2009

OFFICE OF PETITIONS

In re Application of :
Robert Elloit et al. :
Application No. 29/267,416 : **DECISION ON PETITION**
Filed: October 13, 2006 :
Attorney Docket No. 454474 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 3, 2008 and resubmitted of April 13, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

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

The application became abandoned for failure s to timely pay the issue and publication fees on or before August 20, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed May 18, 2007, which set a statutory period for reply of three (3) months. The petitioner filed an Information disclosure and a RCE on August 20, 2007 instead of the required CPA under 37 CFR 1.53(d). Accordingly, the application became abandoned on August 21, 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)(II)(C) and (D). The petition lacks (4) above an approved terminal disclaimer.

The terminal disclaimer is **not accepted** by the office since it was not signed by an attorney of record.

Telephone inquiries concerning this decision should be directed to Newton Edwards at (571) 272-6052 or in his absence to the undersigned at 571-272-7099.



David Bucci
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DW Apr-09

RONALD W RESETARITS
75 MEADOWVIEW LANE
WILLIAMSVILLE NY 14221

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APR 03 2009

OFFICE OF PETITIONS

In re Application of :
Ronald W. Resetarits :
Application Number: 29/261422 : DECISION ON PETITION
Filing Date: 06/15/2006 :
For: GAME :

This is a decision on the renewed petition filed on March 2, 2009, under 37 CFR 1.137(b),¹ to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on January 15, 2009, for failure to timely file corrected drawings as required by the Notice of Allowability For A Design Application mailed on October 14, 2008, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on February 18, 2009.

The terminal disclaimer filed on March 2, 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

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)).

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 March 2, 2009, will be equivalent to the lesser period (1) or (2), as noted above, for this application.

Receipt of the corrected sheet of drawings filed on March 2, 2009 is acknowledged.

The application is 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.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

² 65 Fed. Reg. 54,674 (2000).



Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MIRICK, O'CONNELL, DEMALLIE & LOUGEE, LLP
1700 WEST PARK DRIVE
WESTBOROUGH, MA 01581

MAILED

JUN 19 2009

OFFICE OF PETITIONS

In re Application of	:	
Gerson et al.	:	DECISION ON PETITION
Application No. 29/261,488	:	TO WITHDRAW
Filed: June 14, 2006	:	FROM RECORD
Attorney Docket No. 40032-015001	:	

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 14, 2009.

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

A review of the file record indicates that on June 12, 2009 the power of attorney to Mirick, O'Connell, Demallie & Lougee, LLP was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Occhiuti Rohlicek & Tsao, LLP
10 Fawcett Street
Cambridge MA 02138



MARK C. JACOBS, ESQ.
3033 EL CAMINO AVENUE
SACRAMENTO, CA 95821

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FEB 04 2008

OFFICE OF PETITIONS

In re Application of Gray et al. :
Application No. 29/261,510 :
Filing Date: June 12, 2006 :
Attorney Docket No. 4208 :

Decision on Petition

This is a decision on the petition under 37 CFR 1.137(a), filed October 12, 2007, to revive the application. The petition will also be treated as a petition under 37 CFR 1.181 requesting withdrawal of the holding of abandonment.

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

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

Facts:

The application was filed June 12, 2006.

The transmittal sheet incorrectly stated all correspondence should be sent to the address associated with Customer No. 24043. The address associated with Customer No. 24043 is,

Regina Emerson
PO Box 47195
Doraville, GA 30340

The executed declaration filed with the application stated all correspondence should be sent to:

Mark C. Jacobs
3033 El Camino Avenue
Sacramento, CA 95821

The Office entered the address associated with Customer No. 24043 as the correspondence address of record.

On November 2, 2006, the Office mailed a non-final Office action including a requirement for restriction/election which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later).

As a result of the Office action being mailed to the address associated with the Customer Number, petitioner did not receive the Office action.

The last date a reply could have been timely filed without an extension of time was Monday, December 4, 2006. Petitioner did not file a request for an extension of time. Petitioner did not file a reply by Monday, December 4, 2006. Therefore, the application became abandoned as of December 5, 2006.

The instant petition was filed October 12, 2007.

The petition under 37 CFR 1.137(a):

The Office will not consider the merits of a petition absent payment of the petition fee. The fee required for a petition under 37 CFR 1.137(a) is \$255 for a small entity. Petitioner has not submitted \$255. Therefore, the Office will not consider the merits of the petition at this time.

The petition under 37 CFR 1.181:

The header for the petition states the petition is a "PETITION TO REVIVE." The body of the petition states,

[T]he USPTO is requested to deem this to be an unavoidable abandonment on the part of applicant and counsel for which no fee is required, and to then revive the case and set a new period for response.

The language in the petition indicates petitioner *may* have intended the instant petition to be a petition requesting withdrawal of the holding of abandonment rather than a petition to revive under 37 CFR 1.137(a).

Since a fee is not required for petition to withdraw the holding of abandonment, the Office will consider the merits of the petition to the extent necessary to determine if the holding of abandonment should be withdrawn.

In order for the petition to be granted, petitioner must demonstrate the Office acted improperly when it sent the Office action to the address associated with Customer No. 24043. A review of the facts fails to indicate the Office acted improperly when it mailed the Office action.

Although the declaration contained petitioner's address, the transmittal sheet listed a different address. Per MPEP 403, the Office acted properly when it made the address on the transmittal sheet, rather than the address in the declaration, the address of record. MPEP 403 states,

37 CFR 1.33(a) provides that in a patent application the applicant must specify a correspondence address to which the Office will send notices, letters and other communications relating to the application.... Where more than one correspondence address is specified, the Office will select one of the correspondence addresses for use as the correspondence address. This is intended to cover, for example, the situation where an

application is submitted with multiple addresses, such as one correspondence address being given in the application transmittal letter, and a different one in an accompanying 37 CFR 1.63 oath or declaration, or other similar situations. The Office will select which of the multiple correspondence addresses to use according to the following order: (A) application data sheet (ADS); (B) application transmittal; (C) oath or declaration (unless power of attorney is more current); and (D) power of attorney.

Since the Office acted properly when it mailed the Office action to the address associated with the Customer Number, withdrawal of the holding of abandonment is unwarranted.

Per the request on the last page of the petition, the correspondence address has now been changed to:

MARK C. JACOBS, ESQ.
3033 EL CAMINO AVENUE
SACRAMENTO, CA 95821

Requesting reconsideration:

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.

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 to the outstanding Notices, the required petition fee (\$770 for a small entity), 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. Since the instant application is a design application, the petition must also include a terminal disclaimer.

A copy of a PDF "fillable" petition form and terminal disclaimer form can be found at the locations noted below:

- (1) http://www.uspto.gov/web/forms/sb0064_fill.pdf
- (2) http://www.uspto.gov/web/forms/sb0063_fill.pdf

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

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

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

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

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



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions



MARK C. JACOBS, ESQ.
3033 EL CAMINO AVENUE
SACRAMENTO, CA 95821

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MAR 25 2008

OFFICE OF PETITIONS

In re Application of Gray et al. :
Application No. 29/261,510 : Decision on Petition
Filing Date: June 12, 2006 :
Attorney Docket No. 4208 :

This is a decision on the petition under 37 CFR 1.181 filed February 22, 2008, requesting withdrawal of the holding of abandonment.

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

Facts:

The application was filed June 12, 2006.

The transmittal page in the file did not include a handwritten or typed address. Instead, the transmittal sheet incorrectly stated all correspondence should be sent to the address associated with Customer No. 24043

The address associated with Customer No. 24043 is,

Regina Emerson
PO Box 47195
Doraville, GA 30340

The executed declaration filed with the application and Power of Attorney and Correspondence Address Indication Forms stated all correspondence should be sent to:

Mark C. Jacobs
3033 El Camino Avenue
Sacramento, CA 95821

The Office entered the address associated with Customer No. 24043 as the correspondence address of record.

On November 2, 2006, the Office mailed a non-final Office action including a requirement for restriction/election which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later).

As a result of the Office action being mailed to the address associated with the Customer Number, petitioner did not receive the Office action.

The last date a reply could have been timely filed without an extension of time was Monday, December 4, 2006. Petitioner did not file a request for an extension of time. Petitioner did not file a reply by Monday, December 4, 2006. Therefore, the application became abandoned as of December 5, 2006.

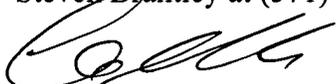
Discussion:

Petitioner has proven withdrawal of the holding of abandonment is warranted. Therefore, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

A new non-final Office action will be mailed and the period for reply will be re-started.

Technology Center Art Unit 2916 will be informed of the instant decision. Thereafter, the Technology Center's technical support staff will mail a new copy of the non-final Office action originally mailed November 2, 2006. The time period for responding to the new non-final Office action will be set to run from the mailing date of the new non-final Office action.

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

Date :05/07/07

Patent No. : D539607 S
Ser. No. : 29/261,514
Inventor(s) : LAPSKER, RON
Issued : 04/03/07
Title : **BEVERAGEWARE**

Docket No. : 017789.00087

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

HODGSON RUSS LLP
THE GUARANTY BUILDING
140 PEARL STREET
SUITE 100
BUFFALO NY 14202-4040

LMN



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

Troxell Law Office, PLLC
Suite 1404
5205 Leesburg Pike
Falls Church, VA 22041

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JUN 06 2008

In re Application of :
Ray Chang :
Application No. 29/261,559 : DECISION ON PETITION
Filed: June 16, 2006 :
Attorney Docket No. BHT-3095-250 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed April 18, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee on or before July 23, 2007, as required by the Notice of Allowance and Fee(s) Due mailed April 23, 2007. Accordingly, the date of abandonment of this application is July 24, 2007. A Notice of Abandonment was mailed on August 16, 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 \$410, (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 issue fee 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 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

 UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
29/261,576	06/15/2006	2916	560	ABB-108-A	2	1	1

CONFIRMATION NO. 6909

 048980
 YOUNG & BASILE, P.C.
 3001 WEST BIG BEAVER ROAD
 SUITE 624
 TROY, MI 48084

CORRECTED FILING RECEIPT


OC000000020608849

Date Mailed: 12/14/2006

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)

 John Andrew Trissel, Canton, GA;
 Ray Adams Lathrop, Atlanta, GA;
 David Buenger, Roswell, GA;

Power of Attorney:

 Andrew Basile--24753
 William Hanlon Jr--28422
 Denise Glassmeyer--31831
 Thomas Helmholdt--33181
 Andrew Basile Jr--35438

Domestic Priority data as claimed by applicant
Foreign Applications
If Required, Foreign Filing License Granted: 07/03/2006
The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US29/261,576
Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

Title

Lancet

Preliminary Class

D24

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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SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
333 SOUTH HOPE STREET
48TH FLOOR
LOS ANGELES CA 90071-1448

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APR 12 2007

OFFICE OF PETITIONS

In re Application of :
Chau, Sedberry, Wood, and Hon :
Application No. 29/261,581 : DECISION ACCORDING STATUS
Filed: 14 June, 2006 : UNDER 37 CFR 1.47(a)
Atty Docket No. 0SEM-123983 :

This is in response to the petition filed under 37 CFR 1.47(a) on 5 January, 2007.

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventor, Brian Wood, has refused to sign and return the declaration after having been sent a copy of the application via his counsel. Specifically, petitioners have shown that a copy of the application papers were sent to the attorney for the non-signing inventor, Richard M. Abernathy, Esq., but that the non-signing inventor failed to sign and return the declaration naming him as a joint inventor along with Nam Wai Chau, Erica Pitman Sedberry, and Siu Cheong Hon.

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 is being referred to Technology Center Art Unit 2915 for examination in due course.

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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DWM AP-07

Brian Wood
906 Parkwood Court
McKinney TX 75070

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APR 12 2007

OFFICE OF PETITIONS

In re Application of
Chau et al.
Application No. 29/261,581
Filed: 14 June, 2006
For: GRILL LID

Dear Mr. Wood:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at 571/272-3231. Requests for information regarding your application should be directed to the File Information Unit at 571-272-3150. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 571-272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
333 SOUTH HOPE STREET
48TH FLOOR
LOS ANGELES CA 90071-1448



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LOS ANGELES CA 90071-1448

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In re Application of	:	
Chau et al.	:	
Application No. 29/261584	:	DECISION GRANTING
Filing or 371(c) Date: 06/14/2006	:	STATUS UNDER
Title of Invention:	:	37 CFR 1.47(a)
GRILL LID	:	

This is in response to a Petition Under 37 C.F.R. § 1.47(a), filed January 50, 2007, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor. The delay in treating this petition is regretted.

The petition is **granted**.

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

Petitioner has shown that the non-signing inventor, Brian Wood, refuses to join in the application.

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

The application file is being referred to the Office of Initial Patent Examination 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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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MR. RICHARD M. ABERNATHY, ESQ.
ABERNATHY, ROEDER, BOYD & JOPLIN, P.C.
1700 REDBUD BLVD., STE. 300
P.O. BOX 1210
McKINNEY, TX 75069-1210

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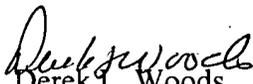
In re Application of :
Chau et al. :
Application No. 29/261584 : LETTER
Filing or 371(c) Date: 06/14/2006 :
Title of Invention: :
GRILL LID ::

Dear Mr. Wood:

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

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

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


Derek L. Woods
Attorney
Office of Petitions

CC: SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
333 SOUTH HOPE STREET
48TH FLOOR
LOS ANGELES CA 90071-1448



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FRIEDRICH KUEFFNER
317 MADISON AVENUE, SUITE 910
NEW YORK, NY 10017

MAILED

JAN 20 2010

OFFICE OF PETITIONS

In re Application of :
Helmut FRANK :
Application No. 29/261,613 : **DECISION ON PETITION**
Filed: June 16, 2006 : **UNDER 37 CFR 1.137(b)**
Attorney Docket No. **BE-177** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 5, 2007 to revive the above-identified application.

The petition is **DISMISSED**.

This application became abandoned for failure to timely pay the issue fee on or before September 27, 2007 as required by the Notice of Allowance and Fee(s) Due mailed June 27, 2007. Accordingly, the date of abandonment of this application is 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 item (4) a terminal disclaimer and fee required by 37 CFR 1.137(d).

Since the above-identified application is a design application, 37 CFR 1.137(d) requires a terminal disclaimer (and fee) 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 filing a grantable petition. If the terminal disclaimer is signed by an assignee, the assignee must comply with the requirements of 37 CFR 3.73(b). PTO/SB/63 may be helpful in this regard and a copy of this form is attached.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

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.



Christopher Bottorff
Petitions Examiner
Office of Petitions

Attachment: PTO/SB/63 Terminal Disclaimer Form

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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FRIEDRICH KUEFFNER
317 MADISON AVENUE, SUITE 910
NEW YORK, NY 10017

MAILED

APR 26 2010

OFFICE OF PETITIONS

In re Application of :
Helmut FRANK :
Application No. 29/261,613 :
Filed: June 16, 2006 :
Attorney Docket No. **BE-177** :

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed February 1, 2010, 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 September 27, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed June 27, 2007. Accordingly, the date of abandonment of this application is 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 payment of the issue fee of \$860, (2) the petition fee of \$1540, (3) an adequate statement of unintentional delay; and (4) terminal disclaimer and fee as required by 37 CFR 1.137(d).

Petitioner is advised that the current issue fee for a design application is \$860. The issue fee submitted on October 3, 2007 of \$800 is deficient \$60 and has been charged to deposit account 11-1835 as authorized in the PTO L-85/B - Fee Transmittal received on October 3, 2007.

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.


Thurman K. Page
Petitions Examiner
Office of Petitions



FRIEDRICH KUEFFNER
317 MADISON AVENUE, SUITE 910
NEW YORK, NY 10017

MAILED

MAY 24 2010

In re Application of
Helmut FRANK
Application No. 29/261,613
Filed: June 16, 2006
Attorney Docket No. **BE-177**

OFFICE OF PETITIONS

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

CORRECTED DECISION

This is a corrected decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed February 1, 2010, 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 September 27, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed June 27, 2007. Accordingly, the date of abandonment of this application is 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 payment of the issue fee of \$860, (2) the petition fee of \$1540, (3) an adequate statement of unintentional delay; and (4) terminal disclaimer and fee as required by 37 CFR 1.137(d).

The terminal disclaimer filed February 1, 2010 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.

Petitioner is advised that the current issue fee for a design application is \$860. The issue fee submitted on October 3, 2007 of \$800 is deficient \$60 and has been charged to deposit account 11-1835 as authorized in the PTOL-85/B - Fee Transmittal received on October 3, 2007.

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.

Thurman K. Page
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

FRIEDRICH KUEFFNER
317 MADISON AVENUE, SUITE 910
NEW YORK, NY 10017

COPY MAILED

JUL 09 2008

OFFICE OF PETITIONS

In re Application of :
FRANK, Helmut :
Application No. 29/261,616 :
Filed: June 16, 2006 :
Attorney Docket No. **BE-174** :

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed 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.

This application became abandoned for failure to timely pay the issue and publication fees on or before January 23, 2008 as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed October 23, 2007. Accordingly, the date of abandonment of this application is January 24, 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)(1)(C) and (D). The instant petition lacks item (4) a terminal disclaimer and fee required by 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 Monica A. Graves at
(571) 272-7253.



Brian W. Brown
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

FRIEDRICH KUEFFNER
317 MADISON AVENUE, SUITE 910
NEW YORK, NY 10017

COPY MAILED

FEB 09 2009

OFFICE OF PETITIONS

In re Application of
Helmut FRANK
Application No. 29/261,616
Filed: June 16, 2005
Attorney Docket No. **BE-174**

:
:
:
:
:
:

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed September 29, 2008, 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 23, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed October 23, 2007. Accordingly, the date of abandonment of this application is January 24, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form payment of the issue fee of \$820, a terminal disclaimer and fee of \$65, (2) the petition fee of \$1540; and (3) an adequate statement of unintentional delay.

The terminal disclaimer filed September 29, 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.

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.


Chris Bottorff
Petitions Examiner
Office of Petitions



HODES, PESSIN & KATZ, P.A
901 DULANEY VALLY ROAD
SUITE 400
BALTIMORE, MD 21204

COPY MAILED

MAR 17 2008

OFFICE OF PETITIONS

In re Application of :
Remo Corghi :
Application No. 29/261,696 :
Filed: June 19, 2006 :
Attorney Docket No. 06080-DPA (0030.0555) :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 3, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to submit formal drawings and a substitute declaration in a timely manner in reply to the Notice of Allowability, mailed March 23, 2007, which set a period for reply of three (3) months. Accordingly, this application became abandoned on June 24, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1).

The drawings fail to comply with the requirement of 37 CFR 1.84(d) which states:

Drawings: One or more application drawings shall be amended in the following manner: Any changes to an application drawing must be in compliance with § 1.84 and must be submitted on a replacement sheet of drawings which shall be an attachment to the amendment document and, in the top margin, labeled "Replacement Sheet". Any replacement sheet of drawings shall include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is

amended. Any new sheet of drawings containing an additional figure must be labeled in the top margin as "New Sheet". All changes to the drawings shall be explained, in detail, in either the drawing amendment or remarks section of the amendment paper.

(1) A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be included. The marked-up copy must be clearly labeled as "Annotated Sheet" and must be presented in the amendment or remarks section that explains the change to the drawings.

(2) A marked-up copy of any amended drawing figure, including annotations indicating the changes made, must be provided when required by the examiner.

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
www.uspto.gov

HODES, PESSIN & KATZ, P.A
901 DULANEY VALLEY ROAD
SUITE 400
BALTIMORE, MD 21204

COPY MAILED

DEC 08 2009

OFFICE OF PETITIONS

In re Application of :
Remo Corghi :
Application No. 29/261,696 : **DECISION ON PETITION**
Filed: June 19, 2006 :
Attorney Docket No. 06080-DPA (0030.0555) :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 14, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit corrected formal drawings on or before June 23, 2007, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed March 23, 2007. Accordingly, the date of abandonment of this application is June 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 formal 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 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.

The drawings have been approved by the USPTO draftsman.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning this application should be directed to the Office of Data Management at their hotline 571-272-4200.

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



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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LITMAN LAW OFFICES, LTD
PO BOX 15035
CRYSTAL CITY STATION
ARLINGTON, VA 22215

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DEC 01 2006
OFFICE OF PETITIONS

In re Application of	:	
Michael Shane O'Connell	:	
Application No. 29/261,720	:	DECISION ON PETITION
Filed: June 20, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 28504.00	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 20, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from Inventor Michael Shane O'Connell stating that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at 571-272-3210.

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

The application is being forwarded to the Technology Center Art Unit 2912 for action on the merits commensurate with this decision.


Irvin Dingle
Petitions Examiner
Office of Petitions

112935 U.S. PTO
29/261733**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	
Title	PORTION OF A SHOE UPPER
Attorney Docket Number	2465-7760US

ADDRESS TO:

MAIL STOP EXPEDITED DESIGN
COMMISSION FOR PATENTS
P.O. BOX 1450
Alexandria, VA 22313-1450

Approved

7-6-06
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

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

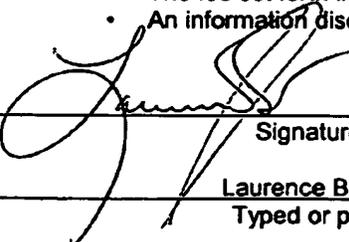
NOTE: If the Request made by this form accompanies original application papers, include form PTO/SB/18 "Design Patent Application Transmittal" or its equivalent. A preexamination search was conducted. The field of search was:

US. CL. D2/896, D2/897, D2/902, D2/907, D2/908, D2/910 D2/911, D2/912, D2/916, D2/922, D2/935, D2/969, D2/970, D2/971, D2/972, 36/45, 36/50.1, 36/83, 36/88, 36/89, 36/93, 36/101, 36/102, 36/103, 36/104, 36/106, 36/108, 36/109, 36/113, 36/114, 36/115, 36/116, 36/126, 36/127, 36/128, 36/129, 36/130

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
Laurence B. Bond

Typed or printed name

(801) 532-1922

Telephone Number

19 June 2006

Date

30,549

Registration Number, if applicable

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 22343-1450.
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

06/21/2006 SSITHIB1 00000047 29261733

04 FC:1802

900.00 DP

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	Scott Portzline
	Title	PORTION OF A SHOE UPPER
	Attorney Docket Number	2465-7768US

112935 U.S. PTO
 29/261734
 061906

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

Approved *7-6-06*
Jacqueline M. Stone
 Jacqueline M. Stone, Director
 Technology Center 1700/2900

This is a request for expedited examination of a design application under 37 CER 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:

US. CL. D2/896, D2/897, D2/902, D2/907, D2/908, D2/910 D2/911, D2/912, D2/916, D2/922, D2/935, D2/969, D2/970, D2/971, D2/972, 36/45, 36/50.1, 36/83, 36/88, 36/89, 36/93, 36/101, 36/102, 36/103, 36/104, 36/106, 36/108, 36/109, 36/113, 36/114, 36/115, 36/116, 36/126, 36/127, 36/128, 36/129, 36/130

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

19 June 2006
 Date

 Laurence B. Bond
 Typed or printed name

 30,549
 Registration Number, if applicable

 (801) 532-1922
 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 22343-1450.
 If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

06/21/2006 SSITHIB1 00000048 29261734
 01 FC:1802

900.00 GP



UNITED STATES PATENT AND TRADEMARK OFFICE

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

RUTH EURE
4795 EDISON AVENUE
BOULDER CO 80301

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AUG 29 2007

In re Application of : **OFFICE OF PETITIONS**
Thong Khamsitthisack et al :
Application No. 29/261,761 : **ON PETITION**
Filed: June 20, 2006 :
Attorney Docket No. Thong :

This is a decision on the petition under 37 CFR 1.137(b), filed April 5, 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 replacement drawings on or before January 31, 2007, as required by the Notice of Allowability mailed October 31, 2006. A Notice of Abandonment was mailed on March 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 (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).

The rule at 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." The statement in the petition varies from the required language of the rule.

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.

A handwritten signature in cursive script that reads "Frances Hicks". The signature is written in black ink and is positioned above the printed name.

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

RUTH EURE
4795 EDISON AVENUE
BOULDER CO 80301

COPY MAILED

NOV 29 2007

OFFICE OF PETITIONS

In re Application of :
Thong Khamsitthisack et al :
Application No. 29/261,761 : DECISION ON PETITION
Filed: June 20, 2006 :
Attorney Docket No. Thong :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed September 6, 2007, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely file replacement drawings on or before January 31, 2007, as required by the Notice of Allowability mailed October 31, 2006. A Notice of Abandonment was mailed on March 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).

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 on April 5, 2007 for Figures 8 and 9, (2) the petition fee of \$750, (3) an adequate statement of unintentional delay,¹ and (4) a terminal disclaimer and fee as

¹ The rule at 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

required by 37 CFR 1.137(d). Accordingly, the reply to the Notice of October 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 the Office of Data Management for further processing in accordance with this decision reviving the application.


Frances Hicks
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 7-30-08

TO SPE OF : ART UNIT 2911

SUBJECT : Request for Certificate of Correction for Appl. No. 29/aw 713 Patent No. D557,581

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

E. Yarb
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.

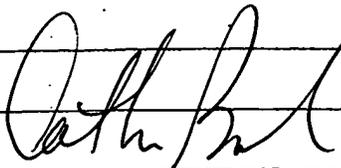
Approved in Part

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

Kathy Manke
Avago Technologies Limited
4380 Ziegler Road
Fort Collins CO 80525

COPY MAILED

DEC 20 2007

OFFICE OF PETITIONS

In re Application of :
Su Oon et al. : DECISION GRANTING PETITION
Application No. 29/261,775 : UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: June 19, 2006 :
Attorney Docket No. 700060131-1 :

This is a decision on the petition under 37 CFR 1.313(c)(3), filed December 19, 2007, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on August 30, 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 December 19, 2007.

Telephone inquiries should be directed to Terri Williams at (571) 272-2991.

This matter is being referred to Technology Center AU 2912 for processing of the CPA and consideration of the concurrently filed Information Disclosure Statement.


Frances Hicks
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

12-13-06

In re Application of	:	wk
Gilley et al.	:	
Serial Number: 29/261,796	:	DECISION
Filed: June 21, 2006	:	ON
For: Beverage Holder	:	PETITION

This is in response to the request filed July 27, 2006, 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.

29/261,796

- In this case, applicant has not provided an information disclosure statement in compliance with 37 CFR 1.98 .

The Request is **Denied**.



Jacqueline Stone, Director
Technology Center 2900
Designs

Todd A. Vaughn, Esq.
3150 Commonwealth Avenue
Alexandria VA 22305



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

**WILLIAM L. CHAPIN
ATTORNEY AT LAW
LAW OFFICES OF WILLIAM L. CHAPIN
16791 SEA WITCH LANE
HUNTINGTON BEACH, CA 92649**

COPY MAILED

OCT 02 2006

In re Application of :
Rich, Robert L. :
Application No. 29/261,918 :
Filed: June 23, 2006 :
Attorney Docket No. MM6-111D :

OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 23, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a Declaration from the applicant, Robert L. Rich. Accordingly, the above-identified application has been accorded "special" status.

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

This matter is being referred to the Technology Center Art Unit 2914 for action on the merits commensurate with this decision.


Liana Chase
Petitions Examiner
Office of Petitions



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FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

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OCT 12 2006

OFFICE OF PETITIONS

In re Application of	:	
Torney, et al.	:	
Application No. 29/261,921	:	DECISION ON PETITION
Filed: June 21, 2006	:	
Attorney Docket No. 00945.006031	:	

This is a decision on the petition under 37 CFR 1.10(d), filed August 8, 2006, to accord the application a filing date of June 21, 2006.

The petition is **granted**.

The record reflects that the subject application arrived at the Patent and Trademark Office in an Express Mail envelope with Express Mail label EV095152145USUS showing a date-in of June 22, 2006. By the instant petition, the argument is made that the application should have been accorded a filing date of June 21, 2006, as that was date the application was deposited with the United States Postal service (USPS) Express Mail service.

Title 37, Section 1.10(d) of the Code of Federal Regulations reads, in pertinent part:

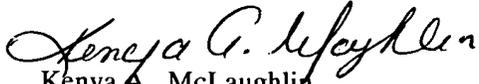
Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Commissioner to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:

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

All of the above requirements have been met. The application will, therefore, be accorded a filing date of June 21, 2006.

The application file is being forwarded to the Office of Initial Patent Examination where the application will be accorded a filing date of June 21, 2006, and a corrected filing receipt generated.

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



Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



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30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

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OCT 12 2006

OFFICE OF PETITIONS

In re Application of
Torney, et al.
Application No. 29/261,922
Filed: June 21, 2006
Attorney Docket No. 00945.006029

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.10(d), filed August 8, 2006, to accord the application a filing date of June 21, 2006.

The petition is **granted**.

The record reflects that the subject application arrived at the Patent and Trademark Office in an Express Mail envelope with Express Mail label EV095152114US showing a date-in of June 22, 2006. By the instant petition, the argument is made that the application should have been accorded a filing date of June 21, 2006, as that was date the application was deposited with the United States Postal service (USPS) Express Mail service.

Title 37, Section 1.10(d) of the Code of Federal Regulations reads, in pertinent part:

Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Commissioner to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:

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

All of the above requirements have been met. The application will, therefore, be accorded a filing date of June 21, 2006.

The application file is being forwarded to the Office of Initial Patent Examination where the application will be accorded a filing date of June 21, 2006, and a corrected filing receipt generated.

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


Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



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COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
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ARENT FOX PLLC
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

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JAN 17 2007

OFFICE OF PETITIONS

In re Application of :
Allan A. Torney, et al. :
Application No. 29/261,924 : DECISION GRANTING PETITION
Filed: June 21, 2006 :
Attorney Docket No. 022141.00011.PA.0128:

This is a decision on the petition under 37 CFR 1.10(d) filed August 6, 2006, requesting that the above-identified application be accorded a filing date of June 21, 2006, instead of the presently accorded date of June 22, 2006.

Petitioners request the earlier filing date on the basis that the application was purportedly deposited in Express Mail service with the U. S. Postal Service (USPS) on June 21, 2006. In support, petitioners provided, *inter alia*, a copy of the Express Mail label, receipt No. EV095152131US, as well as a copy of a letter signed by Customer Service Supervisor Phillip Grant, an employee of the USPS. The same express mail label number appears on the transmittal letter found in the 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 Commissioner to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:

- (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
- (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and
- (3) The petition includes a showing which establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS. Any statement submitted in support of such a showing pursuant to this paragraph must be a verified

statement if made by a person other than an employee of the USPS or a practitioner as defined in ' 10.1(r) of this chapter.

All of the above requirements have been met. Accordingly, the petition is GRANTED.

The application is being referred to Initial Patent Examination Division (OIPE) to correct the filing date to **June 21, 2006** and to issue a corrected filing receipt.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4000.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions



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**HODGSON RUSS LLP
THE GUARANTY BUILDING
140 PEARL STREET
SUITE 100
BUFFALO NY 14202-4040**

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JUL 18 2007

OFFICE OF PETITIONS

In re Patent No. D539,610 :
Application No. 29/261,933 :
Filed: June 22, 2006 : **ON PETITION**
Issued: April 3, 2007 :
Attorney Docket No. 017789.00084 :

This is a decision on the petition filed May 15, 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.


Frances Hicks
Petitions Examiner
Office of Petitions

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



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United States Patent and Trademark Office
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WALTER D. FIELDS
FIELDS IP, PS
601 MAIN STREET
SUITE 405
VANCOUVER, WA 98660

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MAY 07 2007

OFFICE OF PETITIONS

In re Application of :
Dale Anton Tollefson : DECISION GRANTING PETITION
Application No. 29/261,942 : UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: June 21, 2006 :
Attorney Docket No. 1600.011.00/US :

This is a decision on the petition under 37 CFR 1.313(c)(3), filed May 3, 2007, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 27, 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 3, 2007.

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

This matter is being referred to Technology Center AU 2912 for processing of the CPA and consideration of the concurrently filed Information Disclosure Statement.


Irvin Dingle
Petition Examiner
Office of Petitions

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

Application Number	
Filing Date	
First Named Inventor	Paul R. Scharr
Title	Combined Jewelry Component and a Cap
Atty Docket Number	

ADDRESS TO:

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

113006 U.S. Pat.
29/261963
062306

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:

D8/382; 384, 385, 387, 388, 411/403, 411/405

Related applications: (29/255,393 dated 03-08-2006) (-On 6/23/06 --2 applications filed with same title)

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.

Approved

7-12-06
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

Paul R. Scharr

Signature

6/23/06

Date

Paul R. Scharr

Typed or printed name

Registration Number, if applicable

480-488-8604

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.

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16/27/2006 RNEBRAHT 00000102 29261963

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

Application Number	
Filing Date	
First Named Inventor	Paul R. Scharr
Title	Combined Jewelry Component and a Cap
Atty Docket Number	

ADDRESS TO:

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

113016 U.S. PTO
29/261964



062306

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:

D8/382; 384, 385, 387, 388, 411/403, 411/405

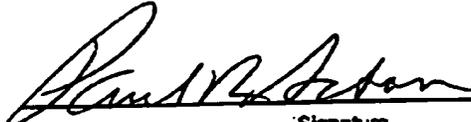
Related applications: (29/255,393 dated 03-08-2006) (--On 6/23/06 --2 applications filed with same title)

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.

Approved

7.12.06
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900


Signature

6/23/06

Date

Paul R. Scharr

Typed or printed name

480-488-8604

Telephone Number

Registration Number, if applicable

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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.

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	
	Title	PORTION OF A SHOE UPPER
	Attorney Docket Number	2465-7770US

ADDRESS TO: MAIL STOP EXPEDITED DESIGN COMMISSION FOR PATENTS P.O. BOX 1450 Alexandria, VA 22313-1450	Approved <i>7-12-06</i> <i>Jacqueline M. Stone</i> Jacqueline M. Stone, Director Technology Center 1700/2900
--	---

118006 U.S. PTO
29/262015

062306

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

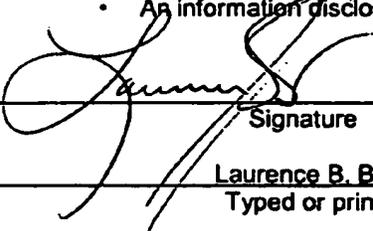
A preexamination search was conducted. The field of search was:

US. CL. D2/896, D2/897, D2/902, D2/907, D2/908, D2/910 D2/911, D2/912, D2/916, D2/922, D2/935, D2/969, D2/970, D2/971, D2/972, 36/45, 36/50.1, 36/83, 36/88, 36/89, 36/93, 36/101, 36/102, 36/103, 36/104, 36/106, 36/108, 36/109, 36/113, 36/114, 36/115, 36/116, 36/126, 36/127, 36/128, 36/129, 36/130

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
Laurence B. Bond

Typed or printed name
(801) 532-1922

Telephone Number

23 JUNE 2006

Date
30,549

Registration Number, if applicable

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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 22343-1450.

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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	
	Title	PORTION OF A SHOE UPPER
	Attorney Docket Number	2465-7575US

ADDRESS TO: MAIL STOP EXPEDITED DESIGN COMMISSION FOR PATENTS P.O. BOX 1450 Alexandria, VA 22313-1450	Approved <i>7-12-06</i> <i>Jacqueline M. Stone</i> Jacqueline M. Stone, Director Technology Center 1700/2900	13006 U.S. PTO 29/262016 062306
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This is a request for expedited examination of a design application under 37 CER 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.

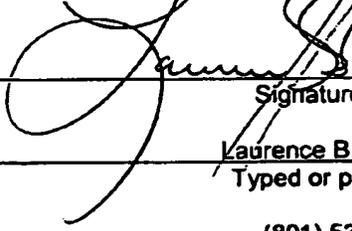
A preexamination search was conducted. The field of search was:

US. CL. D2/896, D2/897, D2/902, D2/907, D2/908, D2/910 D2/911, D2/912, D2/916, D2/922, D2/935, D2/969, D2/970, D2/971, D2/972, 36/45, 36/50.1, 36/83, 36/88, 36/89, 36/93, 36/101, 36/102, 36/103, 36/104, 36/106, 36/108, 36/109, 36/113, 36/114, 36/115, 36/116, 36/126, 36/127, 36/128, 36/129, 36/130

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
Laurence B. Bond

Typed or printed name
(801) 532-1922

Telephone Number

23 June 2006

Date

30,549

Registration Number, if applicable

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 22343-1450.
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OFFICE OF PETITIONS

Chien-Hui Su
P. O. Box 70-121 Taichung
Taichung City 40899
TAIWAN

In re Application of	:	
Yao-Lin Cho	:	
Application No. 29/262,020	:	DECISION ON PETITION
Filed: June 26, 2006	:	UNDER 37 C.F.R. § 1.137(b)
Attorney Docket Number: GFP-	:	
953768	:	
Title: TOOL BOX	:	
	:	
	:	
	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b) to revive the above-identified application, filed on December 10, 2008.

This petition is **DISMISSED**.

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed December 12, 2007, which set a shortened statutory period for reply of three months. No extensions of time are permitted for submitting issue fees.¹

Corrected drawings were received on March 10, 2008. It is noted that the issue fee was received on March 13, 2008, and as such, the submission was not timely. Accordingly, the above-identified application became abandoned on March 13, 2008. A Notice of Abandonment was mailed on March 18, 2008.

¹ See MPEP §710.02(e) (III).

With this petition, Petitioner has included the petition fee, along with the proper statement of unintentional delay.

Petitioner has also submitted the fee that is associated with the filing of a terminal disclaimer.

Petitioner has met requirements one through three of Rule 1.137(b).

Regarding the fourth requirement, Petitioner has erroneously submitted a terminal disclaimer to obviate a provisional double patenting rejection over a pending "reference" application (form PTO/SB/25), instead of the proper terminal disclaimer to accompany petition (form PTO/SB/63).

It follows that this petition must be dismissed

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

On renewed petition, Petitioner should submit form PTO/SB/63, which may be downloaded here:

<http://www.uspto.gov/web/forms/sb0063.pdf>

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanowski, and may be submitted by mail,² hand-delivery,³ or facsimile.⁴ Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.⁵

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

2 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

3 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

4 (571) 273-8300- please note this is a central facsimile number.

5 <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.⁶ 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

⁶ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



UNITED STATES 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.

Chien-Hui Su
P. O. Box 70-121 Taichung
Taichung City 40899
TAIWAN

MAILED
SEP 14 2009
OFFICE OF PETITIONS

In re Application of :
Yao-Lin Cho :
Application No. 29/262,020 : DECISION ON RENEWED PETITION
Filed: June 26, 2006 : UNDER 37 C.F.R. § 1.137(b)
Attorney Docket Number: GFP- :
953768 :
Title: TOOL BOX :

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 July 1, 2009.

This renewed 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 and Issue Fee Due, mailed December 12, 2007, which set a shortened statutory period for reply of three months. No extensions of time are permitted for submitting issue fees.¹

Corrected drawings were received on March 10, 2008. It is noted that the issue fee was received on March 13, 2008, and as such, the submission was not timely. Accordingly, the above-identified application became abandoned on March 13, 2008. A Notice of Abandonment was mailed on March 18, 2008.

An original petition pursuant to 37 C.F.R. § 1.137(b) was filed on December 10, 2008, along with the petition fee, the proper statement of unintentional delay, and the fee that is associated with the filing of a terminal disclaimer. The original petition was dismissed via the mailing of a decision on June 9, 2009, which indicated that requirements one through three of Rule

¹ See MPEP § 710.02(e) (III).

1.137(b) had been satisfied, and that an improper terminal disclaimer had been submitted.

With this renewed petition, Petitioner has submitted the proper terminal disclaimer.

It follows that each of the four requirements has been satisfied.

The Office of Patent Publication will be notified of this decision, and jurisdiction over this application is transferred to the Office of Patent Publication, so that this 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 concerning the status of the application should be directed to the Office of Patent Publication at 571-272-4200.



Paul Shanowski
Senior Attorney
Office of Petitions

² Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



HODGSON RUSS, LLP
THE GUARANTY BUILDING
140 PEARL STREET
SUITE 100
BUFFALO, NY 14202-4040

COPY MAILED

JAN 0 2 2008

OFFICE OF PETITIONS

In re Patent No. D,539,608 :
Issue Date: April 3, 2007 :
Application No. 29/262,089 : **ON PETITION**
Filed: June 26, 2006 :
Patentee(s): Ron Lapsker :

This is a decision on the request for Certificate of Correction under 37 CFR 1.323, filed April 19, 2007, which is being treated as a request under 37 CFR 3.81¹, 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 **dismissed**.

In accordance with 37 CFR 3.81(b), which is after payment of the issue fee, any 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 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).

The instant request fails to contain items (a) and (c) above. Therefore, the assignee information will not be corrected until petitioner supplies the above statement and processing fee².

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

² See also MPEP 1481.01

As authorized, \$100 for the Certificate of Correction fee was charged to petitioner's deposit account on April 19, 2007.

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 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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

GE HEALTHCARE BIO-SCIENCES CORP
PATENT DEPARTMENT
800 CENTENNIAL AVENUE
PISCATAWAY NJ 08855

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JAN 22 2007

OFFICE OF PETITIONS

In re Application of :
Obregon, et al. : DECISION ACCORDING STATUS
Application No. 29/262,134 : UNDER 37 CFR 1.47(a)
Filed: November 20, 2006 :
Attorney Docket No. DU0664 :

This is in response to the petition under 37 CFR 1.47(a), filed November 20, 2006.

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

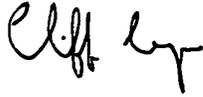
Petitioner has shown that non-signing inventor Obregon has refused to sign the declaration after having been presented with the application papers.

While petitioner has not provided a statement of the non-signing inventor's last known address, the last known address is presumed to be that listed on the declaration.

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

The matter is being forwarded to Group Art Unit 2912 for docketing and examination in due course.

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

A handwritten signature in cursive script, appearing to read "Cliff Congo".

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

KATHY MANKE
AVAGO TECHNOLOGIES LIMITED
4380 ZIEGLER ROAD
FORT COLLINS, CO 80525

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OCT 04 2007

OFFICE OF PETITIONS

In re Application of :
Keat Chuan Ng, et al. : DECISION GRANTING PETITION
Application No. 29/262,136 : UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: June 26, 2006 :
Attorney Docket No. 70060132-1 :

This is a decision on the petition under 37 CFR 1.313(c)(3), filed October 2, 2007, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on August 30, 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 October 2, 2007.

Telephone inquiries regarding this decision should be directed to April Wise at (571) 272-1642.

This matter is being referred to Technology Center AU 2912 for processing of the CPA and consideration of the concurrently filed information disclosure statement.

Frances M. 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

BROUSE MCDOWELL LPA
388 SOUTH MAIN STREET
SUITE 300
AKRON OH 44311

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APR 02 2007

In re Application of :
Donald J. Ladanyi :
Application No. 29/262,139 :
Filed: June 27, 2006 :
Attorney Docket No. 22750.43127 :

OFFICE OF PETITIONS

**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 January 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 Daniel J. Schlue, Esq. on behalf of all attorneys of record who are associated with customer No. 26781.

All attorneys/agents associated with the Customer Number 26781 have been withdrawn.

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

All future correspondence will be directed to inventor Donald J. Ladanyi at the address indicated below.

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: DONALD J. LADANYI
24582 CHAPPARL
WESTLAKE OH 44145


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
29/262,139	06/27/2006	Donald J. Ladanyi	22750.43127

CONFIRMATION NO. 9934


OC00000023139813

26781
 BROUSE MCDOWELL LPA
 388 SOUTH MAIN STREET
 SUITE 500
 AKRON, OH 44311

Date Mailed: 03/28/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/22/2007.

- 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



**CHARLES C.H. WU
98 DISCOVERY
IRVINE CA 92618-3105**

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APR 24 2008

OFFICE OF PETITIONS

In re Application of :
Suny Chung :
Application No. 29/262,140 :
Filed: June 27, 2006 :
Attorney Docket No. 997-06032009 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed July 30, 2007 and supplemented on October 3, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

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

A grantable petition under 37 CFR 1.137(b)¹ must be accompanied by: (1) the required reply,² unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) (1).

An inquiry to the examiner indicates that the current response do not put the case in condition for allowance without further amendment to the specification and/or drawings.

¹ As amended effective December 1, 1997. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53194-95 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 119-20 (October 21, 1997).

² In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

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

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

By hand: Customer Window located at:

 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

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

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



Karen Creasy
Petitions Examiner
Office of Petitions



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SEP 03 2008

OFFICE OF PETITIONS

**CHARLES C.H. WU
98 DISCOVERY
IRVINE CA 92618-3105**

In re Application of	:	
Suny Chung	:	
Application No. 29/262,140	:	ON PETITION
Filed: June 27, 2006	:	
Attorney Docket No. 997-06032009	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed May 6, 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** final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b)¹ must be accompanied by: (1) the required reply,² unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) (1).

An inquiry to the examiner indicates that the current response do not put the case in condition for allowance because additional corrections to the drawings are required.

¹ As amended effective December 1, 1997. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53194-95 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 119-20 (October 21, 1997).

² In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

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

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

By hand: Customer Window located at:

 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

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

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



Karen Creasy
Petitions Examiner
Office of Petitions



UNITED STATES 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 C.H. WU
98 DISCOVERY
IRVINE CA 92618-3105

RECEIVED

DEC 22 2008

OFFICE OF PETITIONS

In re Application of :
Sunny Chung :
Application No.29/262,140 : **DECISION ON PETITION**
Filed: June 27, 2006 :
Attorney Docket No. 997-060320009 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 29, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of replacement drawings; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Ex Parte Quayle Action mailed August 8, 2006, is accepted as having been unintentionally delayed.

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

This application is being referred to Technology Center AU 2913 for appropriate action by the Examiner in the normal course of business on the reply received October 29, 2008.

Karen Creasy
Petitions Examiner
Office of Petitions



CHARLES C.H. WU
98 DISCOVERY
IRVINE CA 92618-3105

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APR 21 2008

OFFICE OF PETITIONS

In re Application of :
Suny Gang :
Application No. 29/262,141 :
Filed: June 27, 2006 :
Attorney Docket No. 997-06032007 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed July 30, 2007, and supplemented on October 5, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

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

A grantable petition under 37 CFR 1.137(b)¹ must be accompanied by: (1) the required reply,² unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) (1).

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.

An inquiry to the examiner indicates that the current response do not put the case in condition for allowance without further amendment to the specification and/or drawings.

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

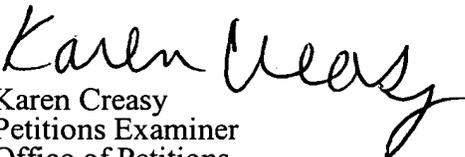
By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Window located at:

 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

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

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


Karen Creasy
Petitions Examiner
Office of Petitions



UNITED STATES 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 C.H. WU
98 DISCOVERY
IRVINE CA 92618-3105

COPY MAILED

SEP 03 2008

OFFICE OF PETITIONS

In re Application of :
Suny Chung :
Application No. 29/262,141 : DECISION GRANTING PETITION
Filed: June 27, 2006. : UNDER 37 CFR 1.137(b)
Attorney Docket No. 997-06032007 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed May 1, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of corrected drawings an amendment and terminal disclaimer; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Office action mailed August 8, 2006, is accepted as having been unintentionally delayed.

Applicant is encouraged to note 37 CFR 1.4(c).

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

This matter is being referred to Technology Center AU 2913 for review of the reply received July 30, 2007, October 5, 2007 and May 1, 2008.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions



**CHARLES C.H. WU
98 DISCOVERY
IRVINE CA 92618-3105**

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APR 21 2008

OFFICE OF PETITIONS

In re Application of :
Suny Chung :
Application No. 29/262,146 :
Filed: June 27, 2006 :
Attorney Docket No. 997-06032003 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed July 30, 2007 and supplemented on October 3, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

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

A grantable petition under 37 CFR 1.137(b)¹ must be accompanied by: (1) the required reply,² unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) (1).

An inquiry to the examiner indicates that the current response do not put the case in condition for allowance without further amendment to the specification and/or drawings.

¹ As amended effective December 1, 1997. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53194-95 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 119-20 (October 21, 1997).

² In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

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

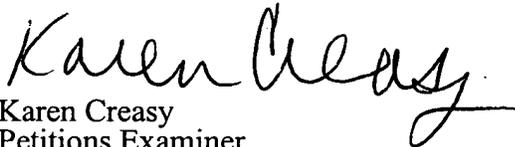
By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Window located at:

 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

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

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



Karen Creasy
Petitions Examiner
Office of Petitions



**CHARLES C.H. WU
98 DISCOVERY
IRVINE CA 92618-3105**

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SEP 03 2008

OFFICE OF PETITIONS

In re Application of :
Suny Chung :
Application No. 29/262,146 :
Filed: June 27, 2006 :
Attorney Docket No. 997-06032003 :

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed June 10, 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** final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b)¹ must be accompanied by: (1) the required reply,² unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) (1).

An inquiry to the examiner indicates that the current response do not put the case in condition for allowance because additional corrections to the drawings are required.

¹ As amended effective December 1, 1997. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53194-95 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 119-20 (October 21, 1997).

² In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

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

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

By hand: Customer Window located at:

 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

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

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



Karen Creasy
Petitions Examiner
Office of Petitions



UNITED STATES 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 C.H. WU
98 DISCOVERY
IRVINE CA 92618-3105

MAILED

JAN 29 2009

OFFICE OF PETITIONS

In re Application of :
Suny Chung :
Application No. 29/262,146 : **DECISION ON PETITION**
Filed: June 27, 2006 :
Attorney Docket No. 997-06032003 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed December 9, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of replacement drawings/amendment/terminal disclaimer/fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Ex Parte Quayle Action mailed August 8, 2006, is accepted as having been unintentionally delayed.

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

This application is being referred to Technology Center AU 2913 for appropriate action by the Examiner in the normal course of business on the reply received December 9, 2008.

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

**THOMAS W. EPTING
LEATHERWOOD WALKER TODD & MANN, P.C.
300 EAST MCBEE AVENUE, SUITE 500
P.O. BOX 87
GREENVILLE SC 29601**

**COPY MAILED
SEP 20 2006
OFFICE OF PETITIONS**

In re Application of :
Roth, Alfred C. :
Application No. 29/262,268 : **ON PETITION**
Filed: June 28, 2006 :
Attorney Docket No. 123386.3 :

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 28, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes an Affidavit signed by the applicant, Alfred C. Roth. Accordingly, the above-identified application has been accorded "special" status.

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

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

This matter is being referred to the Technology Center Art Unit 2911 for action on the merits commensurate with this decision.


Liana Chase
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

FULBRIGHT AND JAWORSKI LLP
555 S. FLOWER STREET
41ST FLOOR
LOS ANGELES CA 90071

COPY MAILED
DEC 10 2008

In re Application of :
Dennis Swanson : DECISION ON
Application No. 29/262,317 : PETITION
Filed: June 28, 2006 :
Atty Docket No. 3599-509/ :
10608022 :

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b), filed June 26, 2008.

The petition is **DISMISSED**.

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

The above-identified application became abandoned for failure to submit drawings within three months of the mailing date, January 31, 2008, of the Notice of Allowability. This Office action set a three-month nonextendable statutory period for reply. No drawings having been received, the above-identified application became abandoned on May 1, 2008. A courtesy Notice of Abandonment was mailed on May 28, 2008.

The provisions of 37 C.F.R. § 1.137(b) provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent. A petition filed pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

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

The petition includes the required reply in the form of submission of drawings¹; payment of the petition fee; and the required statement of unintentional delay.

However, the instant petition does not satisfy requirement (4) above. No terminal disclaimer and fee were submitted with the instant petition. A properly completed terminal disclaimer and terminal disclaimer fee are required for revival of this design application.

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

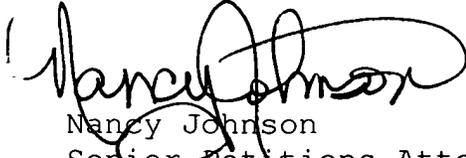
By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

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

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

¹ The issue fee was timely submitted on April 23, 2008.

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

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is fluid and cursive, with a large loop at the end of the last name.

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.

FULBRIGHT AND JAWORSKI LLP
555 S. FLOWER STREET
41ST FLOOR
LOS ANGELES CA 90071

MAILED

MAY 26 2009

OFFICE OF PETITIONS

In re Application of :
Dennis Swanson : DECISION ON
Application No. 29/262,317 : PETITION
Filed: June 28, 2006 :
Atty Docket No. 3599-509/ :
10608022 :

This is a decision on the RENEWED PETITION UNDER 37 C.F.R.
§ 1.137(b), filed December 22, 2008.

The petition is **GRANTED**.

The above-identified application became abandoned effective May 1, 2008 for failure to submit drawings within three months of the mailing date, January 31, 2008, of the Notice of Allowability. A courtesy Notice of Abandonment was mailed on May 28, 2008. By decision mailed December 9, 2008, the initial petition filed June 26, 2008 was dismissed.

The initial petition included the required reply in the form of submission of drawings¹; payment of the petition fee; and the required statement of unintentional delay. However, the instant petition did not include a terminal disclaimer and fee, as required.

On instant renewed petition, applicant submitted a properly completed terminal disclaimer and terminal disclaimer fee.

¹ The issue fee was timely submitted on April 23, 2008.

The terminal disclaimer has been approved for revival of the application. Applicant have now met all requirements of 37 CFR 1.137(b).

The Office of Data Management has been advised of this decision. The application is, thereby, forwarded for processing into a patent.

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

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is fluid and cursive, with a large loop at the end.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions



MORRISS OBRYANT COMPAGNI, P.C.
734 EAST 200 SOUTH
SALT LAKE CITY, UT 84102

COPY MAILED

OCT 25 2007

OFFICE OF PETITIONS

In re Application of
Gerry Ayala
Application No. 29/262,348
Filed: June 29, 2006
Attorney Docket No. 3560.PCRA.DSA

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed September 10, 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 Frank W. Compagni on behalf of all attorneys/agents of record. All attorneys/agents of record have been withdrawn.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. Accordingly, all correspondence will be mailed to the sole inventor, since no assignee as properly intervened in this application. If the assignee of the entire interest under 37 CFR 3.71 desires to intervene in this application or appoint counsel to represent him, then the appropriate power of attorney documents must be submitted. *Note* 37 CFR 3.73(b). A courtesy copy of this decision will be mailed to the address noted on the request to withdraw.

A Notice of Allowability was mailed on June 5, 2007. The issue fee payment along with a response was due on September 5, 2007. The issue fee was received on September 7, 2007. Therefore, the case is now abandoned.

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

There are no outstanding Office actions in this case.

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


Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Gerry Ayala
735 East 50 South
Provo, UT 84606

cc: Michael A. Lisi
Honigman, Miller, Schwartz and Cohn, LLP
38500 Woodward Avenue, Suite 100
Bloomfield Hills, MI 48304-5048



MORRISS OBRYANT COMPAGNI, P.C.
734 EAST 200 SOUTH
SALT LAKE CITY, UT 84102

COPY MAILED

FEB 14 2008

In re Application of :
Gerry Ayala :
Application No. 29/262,351 :
Filed: June 29, 2006 :
Attorney Docket No. 3561.PCRA.DS :

OFFICE OF PETITIONS

**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 September 10, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Morriss, O'Bryant Compagni, PC has been revoked by the assignee of the patent application on December 10, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to undersigned at 571-272- 1642.


April M. Wise
Petitions Examiner
Office of Petitions

cc: MICHAEL A. LISI
HONIGMAN, MILLER, SCHWARTZ AND COHN, LLP
38500 WOODWARD AVENUE
SUITE 100
BLOOMFIELD HILLS, MI 48304-5048



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
29/262,351	06/29/2006	Gerry Ayala	3561.PCRA.DS

CONFIRMATION NO. 5345

POA ACCEPTANCE LETTER



44200
HONIGMAN MILLER SCHWARTZ & COHN LLP
38500 WOODWARD AVENUE
SUITE 100
BLOOMFIELD HILLS, MI 48304-5048

Date Mailed: 02/11/2008

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/10/2007.

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.

/amwise/

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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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NOV 09 2007

OFFICE OF PETITIONS

ROPES & GRAY LLP
PATENT DOCKETING 39/361
1211 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8704

In re Application of :
Adriane Cooley :
Application No. 29/262,398 : DECISION ON PETITION
Filed: June 29, 2006 :
Attorney Docket No. BHA/032 :

This is a decision on the petition under 37 CFR 1.137(b), filed July 11, 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 5, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed April 4, 2007, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on July 6, 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 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 above-identified application is hereby withdrawn from issue in favor of a continued prosecution application (CPA) under 37 CFR 1.53(d).

As continuity has been established by this decision, the application is again abandoned in favor of the CPA.

Petitioner is advised that the issue fee paid on July 11, 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 July 11, 2007.

This matter is being referred to Technology Center 2913 for processing of the CPA and consideration of the concurrently filed information disclosure statement.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642.



April M. Wise
Petitions Examiner
Office of Petitions

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	Pasquale Miranda
	Title	Outdoor Lantern
	Atty Docket Number	

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

Approved
 7-19-06
 Jacqueline M. Stone
 Jacqueline M. Stone, Director
 Technology Center 1700/2900

113006 U.S. PTO
29/262426



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.

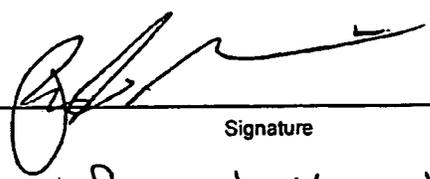
A preexamination search was conducted. The field of search was:

Lantern

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.

4 

 Signature

Pasquale Miranda

 Typed or printed name

718-292-2024

 Telephone Number

07/06/2006 CCHAUI 00000116 29262426
 01 FC:1802

500.00 DP
 06/29/06

 Date

Registration Number, if applicable

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 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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



**THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION - WEST BLDG.
WINTON HILL BUSINESS CENTER - BOX 412
6250 CENTER HILL AVENUE
CINCINNATI OH 45224**

COPY MAILED

JUN 04 2007

In re Application of	:	OFFICE OF PETITIONS
Harper et al.	:	
Application No. 29/262,435	:	ON PETITION
Filed: June 30, 2006	:	
Attorney Docket No. D-1101	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed April 5, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) the required reply,¹
- (2) the petition fee,
- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
- (4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Where there is a question as to whether either the abandonment or the delay in filing a petition, under 37 CFR 1.137 was unintentional, the Commissioner may require additional information.²

The instant petition lacks item(s) (4). Since the instant application is a design application, a terminal disclaimer and fee are required by 37 CFR 1.137(b).

¹ In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

² See MPEP 711.03(c)(III)(C) and (D).

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

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

By hand: Customer Window located at:

 U.S. Patent and Trademark Office
 Customer Service Window Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.


Liana Walsh
Petitions Examiner
Office of Petitions



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**

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AUG 22 2007

OFFICE OF PETITIONS

In re Application of :
Harper et al. :
Application No. 29/262,435 : **ON PETITION**
Filed: June 30, 2006 :
Attorney Docket No. D-1101 :

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed August 9, 2007, to revive the above-identified application.

The petition is **GRANTED**.

A terminal disclaimer and fee have now been received. Accordingly, the instant petition fulfills the requirements of 37 CFR 1.137(b).

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

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


Liana Walsh
Petitions Examiner
Office of Petitions



SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
333 SOUTH HOPE STREET
48TH FLOOR
LOS ANGELES CA 90071-1448

COPY MAILED

MAR 28 2007

In re Application of
Yu Chung Chan, Po Sum Lee, Sherrey McGraw,
Brian Wood and Siu Cheong Hon
Application No. 29/262,455
Filed: June 29, 2006
Attorney Docket No. OSEM-123501
Title of Invention: Pod Light

OFFICE OF PETITIONS
DECISION GRANTING STATUS
UNDER 37 CFR 1.47(A)

This is in response to the petition under 37 CFR 1.47(a) filed February 14, 2007.

The petition is GRANTED.

Petitioner has shown that non-signing inventor Wood has refused to join in the filing of the above-identified application after having been presented with the application papers. The petition attest a copy of the application was sent to non-signing inventor's legal representative. The non-signing inventor's failure to respond to the application mailing sufficiently establishes that he refuses to execute the application papers.

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

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

After this decision is mailed, the application will be forwarded to the Office of Initial Patent Examination for further processing.

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

Charlema R. Grant
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

Brian Wood
906 Parkwood Court
McKinney, Texas 75070

In re Application of
Yu Chung Chan, Po Sum Lee, Sherrey McGraw,
Brian Wood and Siu Cheong Hon
Application No. 29/262,455
Filed: June 29, 2006
Attorney Docket No. 0SEM-123501
Title of Invention: Pod Light

LETTER

COPY MAILED

MAR 28 2007

OFFICE OF PETITIONS

Dear Mr. Wood:

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

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost as per 37 C.F.R. § 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, 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.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Charlema R. Grant at (571) 272-3215. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Charlema R. Grant
Petitions Attorney
Office of Petitions

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
333 SOUTH HOPE STREET
48TH FLOOR
LOS ANGELES CA 90071-1448
ATTN: Susan Hwang

cc: Richard M. Abernathy, Esq. 1700 Redbud Blvd. Suite 300, McKinney, Texas 75069

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 08-28-09

TO SPE OF : ART UNIT 2911

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/262455 Patent No.: D567994

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



Angela Green
Certificates of Correction Branch
703-756-1541

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.

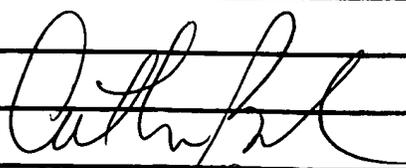
Approved in Part

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



CHARLES C.H. WU
98 DISCOVERY
IRVINE, CA 92618-3105

COPY MAILED

SEP 25 2007

OFFICE OF PETITIONS

In re Application of :
Sunny Chung :
Application No. 29/262,482 :
Filed: July 3, 2006 :
Attorney Docket No. 997-06032005 :

DECISION ON PETITION

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

The petition is **DISMISSED**.

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

The application became abandoned for failure to reply in a timely manner to the Office action under Ex parte Quayle, 1935 Dec. Comm'r Pat. 11 (1935), mailed August 8, 2006, which set a shortened statutory period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 11, 2006 (October 8, 2006, was a Sunday and October 9, was a Federal holiday).

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 \$65.00 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.



Frances Hicks
Petitions Examiner
Office of Petitions



CHARLES C.H. WU
98 DISCOVERY
IRVINE, CA 92618-3105

COPY MAILED

NOV 16 2007

OFFICE OF PETITIONS

In re Application of :
Suny Chung :
Application No. 29/262,482 : **DECISION ON PETITION**
Filed: July 3, 2006 :
Attorney Docket No. 997-06032005 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 3, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Office action under Ex parte Quayle, 1935 Dec. Comm'r Pat. 11 (1935), mailed August 8, 2006, which set a shortened statutory period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 11, 2006 (October 8, 2006, was a Sunday and October 9, was a Federal holiday).

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 \$750.00, (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 Ex parte Quayle action of August 8, 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 Kimberly Inabinet at (571) 272-4618.

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 October 3, 2007.

A handwritten signature in cursive script that reads "Frances Hicks".

Frances Hicks
Petitions Examiner
Office of Petitions

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	Andrew Caine
	Title	PORTION OF A SHOE UPPER
	Attorney Docket Number	2465-7769US

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

Approved *7-19-06*
Jacqueline M. Stone
 Jacqueline M. Stone, Director
 Technology Center 1700/2900

113006 U.S. PTO
 29/262606
 070706

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

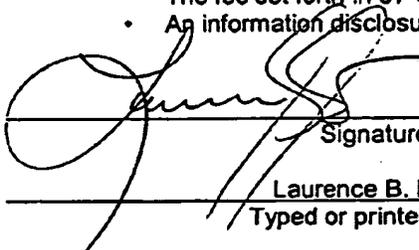
NOTE: If the Request made by this form accompanies original application papers, include form PTO/SB/18 "Design Patent Application Transmittal" or its equivalent.
 A preexamination search was conducted. The field of search was:

US. CL. D2/896, D2/897, D2/902, D2/907, D2/908, D2/910 D2/911, D2/912, D2/916, D2/922, D2/935, D2/969, D2/970, D2/971, D2/972, 36/45, 36/50.1, 36/83, 36/88, 36/89, 36/93, 36/101, 36/102, 36/103, 36/104, 36/106, 36/108, 36/109, 36/113, 36/114, 36/115, 36/116, 36/126, 36/127, 36/128, 36/129, 36/130

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

 Laurence B. Bond

 Typed or printed name

 (801) 532-1922

 Telephone Number

7 July 2006

 Date

 30,549

 Registration Number, if applicable

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 22343-1450.
 If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

01 FC:1802 900.00 DA 201469 29262606



THE BLACK & DECKER CORPORATION
701 EAST JOPPA ROAD, TW199
TOWSON MD 21286

COPY MAILED

DEC 11 2007

OFFICE OF PETITIONS

In re Application of :
Warren A. Ceroll et al. :
Application No. 29/262,622 :
Filed: July 7, 2006 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed September 11, 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 above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance mailed May 25, 2007 which set a statutory period for reply of three (3) months. Accordingly, by operation of law, the above-identified application became abandoned on August 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 Commissioner may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1).

The application became abandoned for failure to timely pay the issue fee. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. See MPEP 711.03(c)(II)(A)(1). Therefore, the filing of a continuing application under 37 CFR 1.53(d) is not a proper reply under 37 CFR 1.137(a)(1) or (b)(1).

Application No. 29/262,622

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 Carl Friedman at (571) 272-6842.


David Bucci
Petitions Examiner
Office of Petitions



**THE BLACK & DECKER CORPORATION
701 EAST JOPPA ROAD, TW199
TOWSON MD 21286**

COPY MAILED

APR 23 2008

OFFICE OF PETITIONS

In re Application of :
Warren A. Ceroll et al. :
Application No. 29/262,622 :
Filed: July 7, 2006 :
Attorney Docket No. TN-0741Q :

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed December 19, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file the issue fee in a timely manner in reply to the Notice of Allowance mailed May 25, 2007, which set a statutory period for reply of three (3) months. Accordingly, by operation of law, the above-identified application became abandoned on August 26, 2007.

The petition decision mailed December 11, 2007 indicates the petition under 37 CFR 1.137(b) filed September 11, 2007 was dismissed as failing to provide the required issue fee.

Petitioner had filed a request for continuing examination (RCE) in response to the Notice of Allowance but as indicated in the petition dismissal, this is not a proper response to a notice of allowance. It is noted that the Notice of Allowance also required a new oath or declaration due to the duty to disclose phrase of "material to examination" rather than the proper "material to patentability". The renewed petition argues that the PTO still accepts an oath or declaration with the "material to examination" language even though that language is not compliant with 37 CFR 1.63 as amended in the 1992 rule change and that no new oath or declaration is required. Petitioner is correct, since at the time of filing the original declaration the Office was accepting the "material to examination" language. See Duty of Disclosure language set forth in oaths and declarations filed in nonprovisional patent applications, 1327 OG 112 (February 12, 2008). The examiner's requirement for a new oath or declaration is withdrawn.

The \$820 issue fee is charged to petitioner's deposit account No. 02-2548 as authorized by Adan Ayala.

There is no indication that petitioner has submitted a Part B-Fee(s) Transmittal form (PTOL-85). Accordingly, if petitioner desires to have the information normally found thereon printed on the patent, the attached blank Fee(s) Transmittal form should be completed and returned to the Publishing Division within ONE MONTH from the mail date of this decision.

The renewed petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the issue fee; (2) the petition fee of \$1,500; (3) the required statement of unintentional delay; and (4) the terminal disclaimer and fee have been received. Accordingly, the issue fee is accepted as having been unintentionally delayed.

It is not apparent whether the person signing the statement of the unintentional delay was in a position to have firsthand 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 of 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

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

Applicant filed a request for Continued Prosecution Application (CPA) on September 11, 2007. This request is not proper as it was filed when the application was abandoned, see 37 CFR 1.53(d)(1)(iii)(B). The request for CPA remains improper under this petition grant since a requirement for granting the petition was submission of the issue fee. Requests for CPAs cannot be filed after payment of the issue fee, see 37 CFR 1.53(d)(1)(iii)(A).

The application file is being referred to the Office of Patent Publication.

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



David Bucci
Petitions Examiner
Office of Petitions

Attachment: blank PTOL-85(b)

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)

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.
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TITLE OF INVENTION:

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
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EXAMINER	ART UNIT	CLASS-SUBCLASS
----------	----------	----------------

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, _____ 1
- (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. _____ 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 3.111. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE _____

(B) RESIDENCE: (CITY and STATE OR COUNTRY) _____

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

4a. The following fee(s) are enclosed:

- Issue Fee
- Publication Fee (No small entity discount permitted)
- Advance Order - # of Copies _____

4b. Payment of Fee(s):

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

5. Change in Entity Status (from status indicated above)

- a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

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

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

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

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



QUARLES & BRADY LLP
411 E. WISCONSIN AVENUE
SUITE 2040
MILWAUKEE, WI 53202-4497

COPY MAILED

FEB 25 2008

OFFICE OF PETITIONS

In re Application of :
Neils J. Eilmus, et al. : DECISION GRANTING PETITION
Application No. 29/262,655 : UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: July 7, 2006 :
Attorney Docket No. 550299.00357 :

This is a decision on the petition under 37 CFR 1.313(c)(3), filed February 21, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

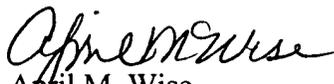
The petition is **GRANTED**.

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 13, 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 February 21, 2008.

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642.

This matter is being referred to Technology Center AU 2914 for processing of the CPA and consideration of the concurrently filed information disclosure statement.


April M. Wise
Petitions Examiner
Office of Petitions

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	Jeff Rasmussen
	Title	PORTION OF A SHOE UPPER
	Attorney Docket Number	2465-7762US

113006 U.S. PTO
29/262672
070706

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

Approved *7-19-06*
Jacqueline M. Stone
 Jacqueline M. Stone, Director
 Technology Center 1700/2900

This is a request for expedited examination of a design application under 37 CER 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:

US. CL. D2/896, D2/897, D2/902, D2/907, D2/908, D2/910 D2/911, D2/912, D2/916, D2/922, D2/935, D2/969, D2/970, D2/971, D2/972, 36/45, 36/50.1, 36/83, 36/88, 36/89, 36/93, 36/101, 36/102, 36/103, 36/104, 36/106, 36/108, 36/109, 36/113, 36/114, 36/115, 36/116, 36/126, 36/127, 36/128, 36/129, 36/130

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
 Laurence B. Bond
 Typed or printed name
 (801) 532-1922
 Telephone Number

7 July 2006
 Date
30,549
 Registration Number, if applicable

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.

07/11/2006 SSANDARA 00000002 201469 29262672 900.00 DA 04 FC:1802

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 22343-1450. 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

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
333 SOUTH HOPE STREET
48TH FLOOR
LOS ANGELES CA 90071-1448

COPY MAILED

JUN 19 2007

OFFICE OF PETITIONS

In re Application of :
Ho, et al. : DECISION GRANTING STATUS
Application No. 29/262,699 : UNDER 37 CFR 1.47(a)
Filed: July 7, 2006 :
Attorney Docket No. 0SEM-123973 :

This is in response to the petition under 37 CFR 1.47(a), filed January 26, 2007.

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventor, Brian Wood, has constructively refused to join in the filing of the above-identified application. A copy of the application and a declaration and an assignment were successfully mailed to Mr. Wood's attorney, along with a request that Mr. Wood return executed documents by a specified date. Mr. Wood did not comply. It is noted that Mr. Wood is involved in litigation with his former employer, the assignee of the above-identified invention. An acceptable declaration executed by the two other joint inventors has been submitted.

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

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to Technology Center A.U. 2915 for examination in due course.

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


Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

BRIAN WOOD
906 PARKWOOD COURT
MCKINNEY TX 75070

COPY MAILED

JUN 19 2007

OFFICE OF PETITIONS

In re Application of :
Ho, et al. : LETTER
Application No. 29/262,699 :
Filed: July 7, 2006 :
For: GRILL :

Dear Mr. Wood:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3230. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTORNEYS OF RECORD: SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
333 SOUTH HOPE STREET
48TH FLOOR
LOS ANGELES CA 90071-1448



SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
333 SOUTH HOPE STREET
48TH FLOOR
LOS ANGELES, CA 90071-1448

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FEB 27 2007

OFFICE OF PETITIONS

In re Application of	:	
Ka Kin Ho et al.	:	
Application No. 29/262,700	:	DECISION ACCORDING STATUS
Filed: July 7, 2006	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. OSEM-123974	:	

This is in response to the petition filed January 31, 2007 under 37 CFR 1.47(a).

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

The above-identified application was filed on July 7, 2006 without an executed oath or declaration, thus, a Notice to File Missing Parts was mailed August 1, 2006.

In response to the Notice to File Missing Parts, the instant petition, oath or declaration signed by all joint inventors except Brian Wood and a four month extension of time request are filed seeking status under 37 CFR 1.47, and claims that joint inventor Wood refuses to join in the application.

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

The petition bears proof that the application papers were forwarded to and received by Richard Abernathy, counsel for non-signing inventor Brian Wood and that to date, Mr. Wood has not returned an executed copy of the oath or declaration.

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

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

This matter is being referred to the Office of Initial Patent Examination for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink, reading "Patricia Faison-Ball". The signature is written in a cursive, flowing style with a large initial "P".

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 8-12-09

TO SPE OF : ART UNIT 2915

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/262700 Patent No.: D557067

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

E. James
Certificates of Correction Branch

703-308-9390 ext. _____

*Are these the correct drawings? Please
look in your E-Data dated 7-31-09 for
CJC*

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: _____

Rhonda Wynn
SPE

2917
Art Unit



SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
333 SOUTH HOPE STREET
48TH FLOOR
LOS ANGELES, CA 90071-1448

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FEB 27 2007

OFFICE OF PETITIONS

In re Application of :
Ka Kin Ho et al. :
Application No. 29/262,701 : DECISION ACCORDING STATUS
Filed: July 7, 2006 : UNDER 37 CFR 1.47(a)
Attorney Docket No. OSEM-123975 :

This is in response to the petition filed January 31, 2007 under 37 CFR 1.47(a).

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

The above-identified application was filed on July 7, 2006 without an executed oath or declaration, thus, a Notice to File Missing Parts was mailed August 1, 2006.

In response to the Notice to File Missing Parts, the instant petition, oath or declaration signed by all joint inventors except Brian Wood and a four month extension of time request are filed seeking status under 37 CFR 1.47, and claims that joint inventor Wood refuses to join in the application.

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

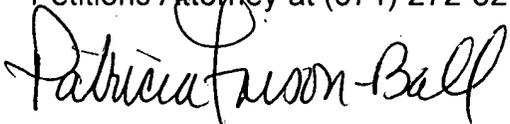
The petition bears proof that the application papers were forwarded to and received by Richard Abernathy, counsel for non-signing inventor Brian Wood and that to date, Mr. Wood has not returned an executed copy of the oath or declaration.

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

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

This matter is being referred to the Office of Initial Patent Examination for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink that reads "Patricia Faison-Ball". The signature is written in a cursive style with a large initial "P".

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



BAKER & MCKENZIE LLP
PATENT DEPARTMENT
2001 ROSS AVENUE
SUITE 2300
DALLAS, TX 75201

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MAR 24 2008

OFFICE OF PETITIONS

In re Application of :
Scott Edward Moody :
Application No. 29/262,736 : DECISION ON PETITION
Filed: July 10, 2006 : UNDER 37 CFR 1.313(c)
Attorney Docket No. 24137625.000017 C :

This is a decision on the petition under 37 CFR 1.313(c), filed March 18, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED**.

The petition to withdraw from issue is accompanied by a request for continued examination (RCE) under 37 CFR 1.114. However, the filing of an RCE is improper in a design application. In this regard, petitioner's attention is directed to 37 CFR 1.114(e), which states that the provisions of this section do not apply if the application is:

- (1) A provisional application;
- (2) An application for a utility or plant patent filed under 35 U.S.C. 111(a) before June 8, 1995;
- (3) An international application filed under 35 U.S.C. 363 before June 8, 1995;
- (4) **An application for a design patent;** or
- (5) A patent under reexamination.

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 or 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 request for continued examination in compliance with 37 CFR 1.114; or

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

Accordingly, the petition must be dismissed as failing to comply with the provisions of 37 CFR 1.313(c)(3).

Petitioner's attention is directed to 37 CFR 1.53(d), which states:

(1) A continuation or divisional application (but not a continuation-in-part) of a prior nonprovisional application may be filed as a continued prosecution application under this paragraph, provided that:

(i) The application is for a design patent;

(ii) The prior nonprovisional application is a design application that is complete as defined by § 1.51(b); and

(iii) The application under this paragraph is filed before the earliest of:

(A) Payment of the issue fee on the prior application, unless a petition under § 1.313 is granted in the prior application;

(B) Abandonment of the prior application; or

(C) Termination of proceedings on the prior application.

Accordingly, the appropriate avenue of relief for a grantable petition to withdraw this design application from issue would be to file either a continued prosecution application (CPA) under 37 CFR 1.53(d) or a continuing application under 37 CFR 1.53(b). Any request for reconsideration should be entitled "Renewed Petition under 37 CFR 1.313(c)(3) and be accompanied by a request for a CPA under 37 CFR 1.53(d) or a statement of express abandonment in favor of a concurrently filed continuing application under 37 CFR 1.53(d).

Petitioner is reminded that the renewed petition to withdraw from issue may not be recognized or effective if not received by the appropriate deciding official in time to act prior to issuance. *Note* 37 CFR 1.313(d). It is recommended that the facsimile number listed below be used to file the appropriate documents (*i.e.*, the renewed petition and CPA request) for withdrawing this application from issue.

Since the request for a RCE is an improper request for Design applications, petitioner may request a refund of the \$810 request for Continued Examination fee submitted with the petition. The request should be made in writing and addressed to: Mail Stop 16, Director of the U.S. Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

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

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

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

By fax: **(571) 273-0025**
 Office of Petitions

Telephone inquires concerning this matter may be directed to 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
www.uspto.gov

BAKER & MCKENZIE, LLP
PATENT DEPARTMENT
2001 ROSS AVENUE
SUITE 2300
DALLAS, TX 75201

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OFFICE OF PETITIONS

In re Application of :
Scott Edward Moody : DECISION GRANTING PETITION
Application No. 29/262,736 : UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: July 10, 2006 :
Attorney Docket No. 24137625.000017 C :

This is a decision on the petition under 37 CFR 1.313(c)(3), filed May 8, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

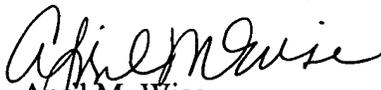
The petition is **GRANTED**.

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 January 9, 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 May 8, 2008.

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642.

This matter is being referred to Technology Center AU 2911 for processing of the CPA and consideration of the concurrently filed information disclosure statement.


April M. Wise
Petitions Examiner
Office of Petitions



THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
100 GALLERIA PARKWAY, NW
STE 1750
ATLANTA GA 30339-5948

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OFFICE OF PETITIONS

In re Application of :
Shinji Seto :
Application No. 29/262,739 : ON PETITION
Filed: July 3, 2006 :
Attorney Docket No. 341906-1010 :

This is a decision on the petition filed September 11, 2006, requesting that the Office accord the above-identified application a filing date of July 3, 2006.

On July 3, 2006, petitioner deposited the above-identified application with the United States Patent and Trademark Office. However, on July 26, 2006, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application" informing petitioner that the application papers had not been accorded a filing date because the specification did not include at least one claim.

On September 11, 2006, petitioner submitted the present petition, which included a preliminary amendment. In the preliminary amendment, petitioner amended the claim to recite "The ornamental Design of an EAR PIECE as shown and described," which petitioner admitted was inadvertently omitted from the application as filed. Petitioner asserted:

The format of such a claim is designated to include the title of the article for which design patent protection is requested. (see MPEP § 1503.01). In this regard, the title of the article is clearly set forth as "EAR PIECE." Thus, Applicant respectfully asserts that such a claim is present in the application, albeit in unconventional form. Notably, the word "claim" is not required by the formal terms recommended by the MPEP. That is, "the ornamental design for _____ as shown," does not include the word "claim." Therefore, Applicant respectfully asserts that the application as originally filed meets the requirements of 37 C.F.R. 1.53(b).

In order to more properly place the subject matter contained in this originally filed application in conformance with formality issues related to U.S. Patent

practice, Applicant has submitted a Preliminary Amendment, a copy of which is enclosed herewith, in order to expedite prosecution. Notably, this Preliminary Amendment amends the language of Applicant's originally-filed design claim to be in the format recommended by the MPEP. It is respectfully requested, therefore, that the original filing date of July 3, 2006 be afforded Applicant as the requirements of 37 C.F.R. 1.53(b) were met by the originally-filed application.

A review of the record reveals that no formal claim was included with the application papers deposited on July 3, 2006. However, the application papers deposited on July 3, 2006, 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. It is noted that the application papers deposited on July 3, 2006, included a declaration stating: "... I believe I am the original, first and sole inventor of the design entitled, "Ear Piece," which is described and claimed in the attached specification"

Because 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, second paragraph, insofar as this design application is concerned. The form of a claim in a design application is fixed by rule and is different from the claims of other applications. Accordingly, because this is a design 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 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 from the declaration be construed as the claim for filing date purposes. Nevertheless, petitioner is reminded that errors such as occurred herein can result in loss of rights and care must be taken to avoid such.

Accordingly, the petition is **granted**. 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.

This matter is being referred to the Office of Initial Patent Examination. The Office of Initial Patent Examination is directed to accord the above-identified application a **filing date of July 3, 2006**, using the application papers filed on that date and the formal claim in the preliminary amendment submitted on September 11, 2006.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



**RONALD ABRAMSON
HUGHES HUBBARD & REED LLP
ONE BATTERY PARK PLAZA
NEW YORK NY 10004-1482**

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NOV 15 2007

OFFICE OF PETITIONS

In re Application of :
Carlos Jose Ceva :
Application No. 29/262,748 : **ON PETITION**
Filed: July 11, 2006 :
Attorney Docket No. 71057.1206 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 16, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

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

The application became abandoned for failure to timely pay the issue fee on or before March 27, 2007 in view of the Notice of Allowance mailed December 27, 2006.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (4).

The terminal disclaimer submitted with the petition on May 16, 2007 is not signed by an attorney of record. Note 37 CFR 321(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 the undersigned at (571) 272-3208.



Karen Creasy
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

RONALD ABRAMSON
HUGHES HUBBARD & REED LLP
ONE BATTERY PARK PLAZA
NEW YORK NY 10004-1482

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AUG 11 2008

OFFICE OF PETITIONS

In re Application of :
Carlos Jose Ceva :
Application No. 29/262,748 : DECISION GRANTING PETITION
Filed: July 11, 2006 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 71057.1206 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed November 27, 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 mailed December 27, 2006, is accepted as having been unintentionally delayed.

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

This matter is being referred to the Office of Data Management to be processed into a patent.

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

Ronald Abramson
Hughes Hubbard & Reed LLP
One Battery Park Plaza
New York, NY 10004-1482

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NOV 09 2007

OFFICE OF PETITIONS

In re Application of :
Carlos Jose Ceva :
Application No.: 29/262812 : ON PETITION
Filing or 371(c) Date: 07/11/2006 :
Attorney Docket Number: 71057.1205 :

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 May 16, 2007.

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 27, 2006. The Notice set a non-extendable three (3) month period for reply. No reply having been received, the application became abandoned on March 28, 2007. A Notice of Abandonment was mailed April 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 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 pay the issue fee as required by the Notice 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.

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

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



Derek L. Woods
Attorney
Office of Petitions

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	Jason Gregory Petrie
	Title	PORTION OF A SHOE UPPER
	Attorney Docket Number	2465-7761US

ADDRESS TO:

MAIL STOP EXPEDITED DESIGN
COMMISSION FOR PATENTS
P.O. BOX 1450
Alexandria, VA 22313-1450

Approved

7-19-06
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

113000 U.S. PTO
29/262824

071206

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

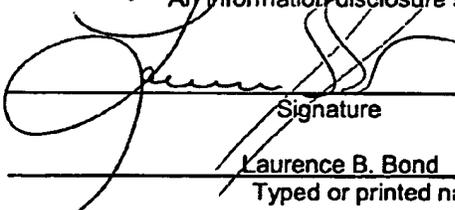
A preexamination search was conducted. The field of search was:

US. CL. D2/896, D2/897, D2/902, D2/907, D2/908, D2/910 D2/911, D2/912, D2/916, D2/922, D2/935, D2/969, D2/970, D2/971, D2/972, 36/45, 36/50.1, 36/83, 36/88, 36/89, 36/93, 36/101, 36/102, 36/103, 36/104, 36/106, 36/108, 36/109, 36/113, 36/114, 36/115, 36/116, 36/126, 36/127, 36/128, 36/129, 36/130

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
Laurence B. Bond

Typed or printed name

(801) 532-1922

Telephone Number

12 July 2006

Date

30,549

Registration Number, if applicable

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 22343-1450.
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Charles E. Temko, Esq.
22 Marion Road
Westport CT 06880

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SEP 14 2007

OFFICE OF PETITIONS

In re Application of
Pascal Ito Morabito
Application No.29/262,855
Filed: July 13, 2006
Attorney Docket Number: 28,538
Title: Container

:
:
: DECISION REFUSING STATUS
: UNDER 37 C.F.R. §1.47(b)
:
:

This is in response to the petition under 37 C.F.R. §1.47(b), filed July 13, 2007.

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

The above-identified application was filed on July 13 2006, with an executed oath or declaration, and naming Pascal Ito Morabito as the sole inventor. The Office action mailed on March 23, 2007 required a supplemental declaration.

In reply, applicant filed the instant petition, and a declaration of facts. To make timely a one month extension of time fee was submitted with the instant petition. A review of the record shows that the Office is in receipt of \$130.00 towards the \$200.00 petition fee. Pursuant to petitioner's request, deposit account no. 20-0435 will be charged the \$70.00 balance.

A grantable petition under 37 C.F.R. §1.47(b) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration; (2) an acceptable oath or declaration; (3) the petition fee; (4) a statement of last known address of the non-signing inventor; (5) proof of proprietary interest; and (6) a showing that such action is necessary to preserve the rights of parties or to prevent irreparable damage. Rule 47 applicant has failed to establish (1), (2) and (6).

Proof of Refusal to Sign the Oath or Declaration

As to item (1), Rule 47 applicant has failed to show that the non-signing inventor refused to sign the declaration after having been presented with the application papers.

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

A handwritten signature in black ink, appearing to read "Charlema R. Grant". The signature is fluid and cursive, with a long horizontal stroke at the end.

Charlema R. Grant
Petitions Attorney
Office of Petitions



Charles E. Temko, Esq.
22 Marion Road
Westport CT 06880

COPY MAILED

APR 24 2008

OFFICE OF PETITIONS

In re Application of
Pascal Ito Morabito
Application No.29/262,855
Filed: July 13, 2006
Attorney Docket Number: 28,538
Title: Container

:
:
: DECISION REFUSING STATUS
: UNDER 37 C.F.R. §1.47(b)
:
:

This is in response to the renewed petition under 37 C.F.R. §1.47(b), filed November 1, 2007 and supplemented on November 7, 2007.

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

The above-identified application was filed on July 13 2006, with an executed oath or declaration, and naming Pascal Ito Morabito as the sole inventor. The Office action mailed on March 23, 2007 required a supplemental declaration. It should be noted the original declaration was inappropriately executed, as such 1.47 (b) is the appropriate avenue of relief.

A grantable petition under 37 C.F.R. §1.47(b) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration; (2) an acceptable oath or declaration; (3) the petition fee; (4) a statement of last known address of the non-signing inventor; (5) proof of proprietary interest; and (6) a showing that such action is necessary to preserve the rights of parties or to prevent irreparable damage. Rule 47 applicant has failed to establish (1).

Proof of Refusal to Sign the Oath or Declaration

As to item (1), rule 47 applicant must demonstrate with documented evidence that the inventors refused to join in the application after having been presented with the application papers (specification, claims, drawings and oath or declaration). Applicants have provided a cover letter, which indicates that a letter and application papers were

mailed. Petitioner also has provided a copy of the receipt for registered mail. However, applicants have failed to provide sufficient evidence to establish that the correspondence was received. Where rule 47 applicant seeks to establish that an inventor's conduct constitutes refusal to execute the application papers, it should be demonstrated that the application papers were in fact received or refused. Evidence that the address may still be valid has not been provided. The fact that the mailing may have not been claimed, does not demonstrate refusal.

If appropriate rule 47 applicant may wish to consider the standard required to establish diligent effort where an inventor cannot be reached or located. The applicable statute (35 U.S.C. § 116) requires that a "diligent effort" have been expended in attempting to find or reach the non-signing inventor. See MPEP 409.03(a). Where inability to find or locate a named inventor(s) is alleged, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made to locate the inventor. In this regard, petitioner should, at the very least, conduct a search of the regional or national registry(s). The results of such search should be made in any future petition for reconsideration. See MPEP 409.03(d). Additionally, petitioner should state whether he has access to the inventors' personnel records and, if so, what does inspection of the records reveal as to a current address, forwarding address, or an address of the nearest living relative? What does inspection of the phone directories for those address locations reveal? At the very least, petitioner should mail correspondence to the inventor's last known address, return receipt and/or forwarding address requested. If a forwarding address is provided, petitioner should then mail a complete copy of the application papers (specification, claims, drawings, oath, etc.) to the inventors addresses, return receipt requested, along with a cover letter of instructions which includes a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct. If the papers are returned and all other attempts to locate or reach the inventor, e.g., through personnel records, co-workers, E-mail, the Internet or the telephone, etc., continue to fail, then applicant will have established that the inventor cannot be reached after diligent effort or has refused to join in the application. The statements of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein and should be accompanied by documentary evidence in support of the statement of facts. It is important that the forthcoming communication contain statements of fact as opposed to conclusions.

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration by the party to whom the refusal was made. Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

To the extent there is correspondence from European counsel to establish either Morabito refuses or cannot be located, such evidence should be submitted. Further review of the record confirms that the e-mail from European counsel Keesom and Hendriks is not part of the record.



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

Charles E. Temko, Esq.
22 Marion Road
Westport CT 06880

COPY MAILED

JUN 18 2008

In re Application of :
Pascal Ito Morabito : **DECISION GRANTING STATUS**
Application No. 29/262,855 : **UNDER 37 CFR 1.47(b)**
Filed: July 13, 2006 :
Attorney Docket No. 28,538 :

This is in response to the renewed petition under 37 CFR 1.47(b), filed May 20, 2008.

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventor Morabito has refused to join in the filing of the above-identified application.

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

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to art unit 2916 for appropriate action in the normal course of business.

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

Charlema Grant
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Pascal Ito Morabito
Hotel De Sauroy
58 rue Charlot
75003 Paris
France

In re Application of
Pascal Ito Morabito
Application No. 29/262,855
Filed: July 13, 2006
Attorney Docket No. 28,538

COPY MAILED

JUN 18 2008

Dear Mr. Morabito:

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

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

Telephone inquiries regarding this communication should be directed to Charlema Grant at (571) 272-3215. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Charlema Grant
Petitions Attorney
Office of Petitions

cc: TAYLOR & AUST, P.C.
P.O. Box 560
142. S Main Street
Avilla IN 46710



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

COPY MAILED

NOV 03 2006

OFFICE OF PETITIONS

In re Application of	:	
Ritesh Shah	:	
Application No. 29/262,935	:	DECISION ON PETITION
Filed: July 13, 2006	:	
Attorney Docket No. 1433-D-002	:	

This is a decision on the petition filed September 18, 2006, requesting that the above-identified application be accorded a filing date of July 13, 2006, with the declaration as part of the original disclosure.

On July 13, 2006, applicant filed the above-identified application. On August 3, 2006, 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 July 13, 2006, and advising applicant that an oath or declaration was missing. Additionally, the Notice required applicant to pay a \$65.00 surcharge for the late filing of an oath or declaration. The Notice set a two-month extendable period to submit the omitted item and pay the required fee to avoid abandonment.

In response, on September 18, 2006, applicant submitted the present petition, an authorization to charge the Deposit Account for any necessary fees, a two-page declaration, and a copy of an itemized postcard receipt. Specifically, applicant asserted the declaration was filed with the application papers on July 13, 2006, as evidenced by the copy of the postcard receipt and the transmittal form that referred to the declaration. Applicant requested that the Office accord the declaration a filing date of July 13, 2006, and to withdraw the requirement for payment of the surcharge.

The Office file is the official record of the papers originally filed in this application. A review of the official file reveals that the declaration was not located. 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. In the present case, applicant relies on the postcard receipt and the transmittal form in support of applicant's assertion.

Initially, the Office notes that the listing of papers on an application transmittal form is evidence of what an applicant intended to submit to the USPTO and not what was actually submitted. Furthermore, the Office considers the recollections of a declarant regarding the procedures followed

for filing an application; however, such recollections are not prima facie evidence of receipt of the omitted items in the USPTO on filing. 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 that are being filed, serves as prima facie evidence of receipt in the USPTO of all the items listed on the date stamped thereon by the Office. See MPEP 503.

Unfortunately, the postcard receipt provided by applicant does not have a USPTO date stamp to corroborate applicant's assertion. Accordingly, the petition is **dismissed**.

As the filing of the present petition was not necessitated by the USPTO, the Office will charge the Deposit Account a \$400.00 petition fee. Additionally, the Office will also charge the Deposit Account the \$65.00 surcharge to avoid abandonment of the application.

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

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

This matter is being referred to the Office of Initial Patent Examination for further processing with a filing date of July 13, 2006.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



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

COPY MAILED

MAR 21 2007

OFFICE OF PETITIONS

In re Application of	:	
Ritesh Shah	:	
Application No. 29/262,935	:	DECISION ON PETITION
Filed: July 13, 2006	:	
Attorney Docket No. 1433-D-002	:	

This is a decision on the renewed petition filed November 13, 2006, and resubmitted on February 6, 2007, requesting that the above-identified application be accorded a filing date of July 13, 2006, with the declaration as part of the original disclosure.

On July 13, 2006, applicant filed the above-identified application. On August 3, 2006, 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 July 13, 2006, and advising applicant that an oath or declaration was missing. Additionally, the Notice required applicant to pay a \$65.00 surcharge for the late filing of an oath or declaration. The Notice set a two-month extendable period to submit the omitted item and pay the required fee to avoid abandonment.

Applicant submitted a copy of applicant's returned, date-stamped postcard receipt acknowledging receipt of, *inter alia*, "Declaration/2 Pages" in the USPTO on July 13, 2006. Upon review of the record, the declaration submitted on July 13, 2006, has not been located among the application papers. However, the evidence is convincing that the application papers deposited on July 13, 2006, included the declaration, which was subsequently misplaced in the USPTO. Therefore, the application, including the declaration, was complete on filing and will be granted a filing date of July 13, 2006.

Accordingly, the petition is granted. The Notice to File Missing Parts of Nonprovisional Application was sent in error and is hereby withdrawn. The \$400.00 petition fee and the \$65.00 surcharge will be refunded to the Deposit Account.

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

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



TROXELL LAW OFFICE PLLC
SUITE 1404
5205 LEESBURG PIKE
FALLS CHURCH VA 22041

In re Application of :
CHANG, RAY : FEB - 3 2009
Application No.: 29/262,947 :
Filing or 371(c) Date: 07/14/06 : DECISION ON
Attorney Docket Number: BHT/3095-257 : PETITION

This is a decision in response to the "Petition to Withdraw Holding of Abandonment," filed December 12, 2008.

This petition is **DISMISSED**.

Any further petition 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 [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 Allowability, mailed August 8, 2008. The Notice set a non-extendable three (3) month period for reply. No reply having been received, the application became abandoned on December 2, 2008.

The Notice of Allowability

A review of the Notice of Allowability reveals that the Notice clearly required drawings. The Notice states: "CORRECTED DRAWINGS must be submitted."

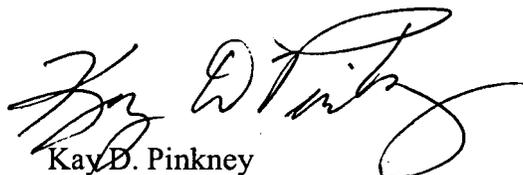
Further correspondence with respect to this matter should be addressed as follows:

By mail: Director for Patents
 PO Box 1450
 Alexandria, VA 22313-1450

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

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

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 308-9250 ext. 175.



Kay D. Pinkney
Application Assistance Unit
Office of Data Management



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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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TROXELL LAW OFFICE PLLC
SUITE 1404
5205 LEESBURG PIKE
FALLS CHURCH VA 22041

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SEP 28 2009

OFFICE OF PETITIONS

In re Application of :
Ray Chang :
Application No. 29/262,947 : ON PETITION
Filed: July 14, 2006 :
Attorney Docket No. BHT-3095-257 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 5, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

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

The application became abandoned for failure to submit formal drawings on or before November 10, 2008, as required by the Notice of Allowability, mailed August 8, 2008. Accordingly, this application became abandoned on November 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(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 a terminal disclaimer is required. As stated in 37 CFR 1.137(d) it 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 \$70 is required. If the terminal disclaimer is signed by an assignee, the assignee must comply with the requirements of 37 CFR 3.73(b).

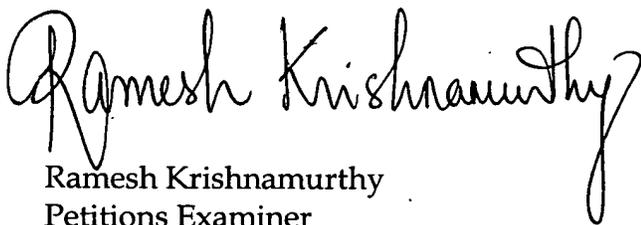
Further correspondence with respect to this matter should be addressed as follows:

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.

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



Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: Troxell Law Office PLLC
 P.O. Box 1370
 Annandale, VA 22003



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TROXELL LAW OFFICE PLLC
SUITE 1404
5205 LEESBURG PIKE
FALLS CHURCH VA 22041

MAILED

NOV 19 2009

OFFICE OF PETITIONS

In re Application of :
Ray Chang :
Application No. 29/262,947 :
Filed: July 14, 2006 :
Attorney Docket No. BHT-3095-257 :

ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 23, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

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

The application became abandoned for failure to submit formal drawings on or before November 10, 2008, as required by the Notice of Allowability, mailed August 8, 2008. Accordingly, this application became abandoned on November 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(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).

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Accordingly, since the terminal disclaimer has not been signed by a person having power of attorney or by an authorized agent who has power to prosecute the application the terminal disclaimer filed with the instant petition is unacceptable and will not be entered. Therefore, the petition can not be granted at the time. However, if petitioner desires to be acknowledged as the attorney of record, the appropriate power of attorney or authorization of agent must be submitted. 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.

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

A handwritten signature in black ink that reads "Ramesh Krishnamurthy". The signature is written in a cursive style with a large, looping initial 'R'.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: JACKSON IPG PLLC
106 Starvale Lane
Shipman, VA 22971



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

Jackson Intellectual Property Group PLLC
106 Starvale Lane
Shipman VA 22971

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OFFICE OF PETITIONS
ON PETITION

In re Application of :
Ray Chang :
Application No. 29/262,947 :
Filed: July 14, 2006 :
Attorney Docket No. BHT-3095-257 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed November 22, 2009, to revive the above-identified application.

The petition is **GRANTED**.

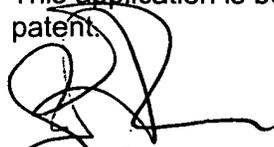
The application became abandoned for failure to submit formal drawings on or before November 10, 2008, as required by the Notice of Allowability, mailed August 8, 2008. Accordingly, this application became abandoned on November 11, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$430, (2) the petition fee of \$810; and (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 filed on April 11, 2010, 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 JoAnne Burke at (571)272-4584.

This application is being referred to the Office of Data Management to be processed into a patent.


JoAnne Burke
Petitions Examiner
Office of Petitions

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	Smith et al.
	Title	OUTSOLE OF A SHOE
	Attorney Docket Number	2465-7772.2US

ADDRESS TO:

MAIL STOP EXPEDITED DESIGN
COMMISSION FOR PATENTS
P.O. BOX 1450
Alexandria, VA 22313-1450

Approved

Jacqueline M. Stone

Jacqueline M. Stone, Director
Technology Center 1700/2900

113006 U.S. PTO
29/262965

071306

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

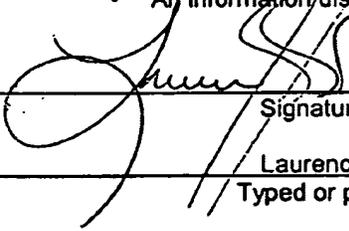
NOTE: If the Request made by this form accompanies original application papers, include form PTO/SB/18 "Design Patent Application Transmittal" or its equivalent.
A preexamination search was conducted. The field of search was:

US. CL. D2/896, D2/897, D2/902, D2/907, D2/908, D2/910 D2/911, D2/912, D2/916, D2/922, D2/935, D2/946, D2/947, D2/951, D2/952, D2/953, D2/954, D2/955, D2/956, D2/957, D2/958, D2/959, D2/960, D2/962, D2/967, D2/968, D2/969, D2/970, D2/971, D2/972, D2/975, D2/977, D2/978, 36/25R, 36/28, 36/29, 36/32R, 36/45, 36/50.1, 36/83, 36/88, 36/89, 36/93, 36/101, 36/102, 36/103, 36/104, 36/106, 36/108, 36/109, 36/113, 36/114, 36/115, 36/116, 36/126, 36/127, 36/128, 36/129, 36/130

Related applications: Serial No. 29/261,641

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
Laurence B. Bond

Typed or printed name
(801) 532-1922

Telephone Number

13 July 2006

Date
30,549

Registration Number, if applicable

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.

7/17/2006 CCHALI 00000074 201469 29262965

4 FC:1802

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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

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	Smith et al.
	Title	PORTION OF A SHOE UPPER
	Attorney Docket Number	2465-7772.1US

ADDRESS TO:

MAIL STOP EXPEDITED DESIGN
COMMISSION FOR PATENTS
P.O. BOX 1450
Alexandria, VA 22313-1450

Approved

8-4-06 *Jacqueline M. Stone*
Jacqueline M. Stone, Director
Technology Center 1700/2900

113006 U.S. PTO
29/262966

071306

This is a request for expedited examination of a design application under 37 CER 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:

US. CL. D2/896, D2/897, D2/902, D2/907, D2/908, D2/910, D2/911, D2/912, D2/916, D2/922, D2/935, D2/969, D2/970, D2/971, D2/972, 36/45, 36/50.1, 36/83, 36/88, 36/89, 36/93, 36/101, 36/102, 36/103, 36/104, 36/106, 36/108, 36/109, 36/113, 36/114, 36/115, 36/116, 36/126, 36/127, 36/128, 36/129, 36/130

Related applications: Serial No. 29/261,641

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.

Laurence B. Bond
Signature

13 July 2006
Date

Laurence B. Bond
Typed or printed name

30,549
Registration Number, if applicable

(801) 532-1922
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 22343-1450.
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

07/17/2006 CCHAU1 00000073 201469 29262966

04 FC:1802 900.00 DA

Attorney Docket No. 25739-055

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: James M. Leventhal and Jordan Nollman
Serial No.: Not yet assigned
Filed: Herewith
For: SHAVER AND HAIR TRIMMER

Examiner: Not yet assigned
Art Unit: Not yet assigned

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

7-19-06
Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

REQUEST FOR EXPEDITED EXAMINATION OF
DESIGN PATENT APPLICATION PURSUANT 37 C.F.R. § 1.155

Sir:

Applicants respectfully submit this Request For Expedited Examination of the above-referenced design patent application filed herewith. Applicants herewith comply with the following requirements for expedited examination as follows:

- (1) This Request satisfies the requirement pursuant to 37 C.F.R. § 1.155 for a Request for Expedited Examination.
- (2) The design patent application is filed herewith and includes an Application Specification, Combination Inventor Declaration and Power of Attorney form, and Five (5) Sheets of Formal Drawings including Figures 1-6.
- (3) Applicants submit herewith prior art patents retrieved via a Preexamination Prior Art Search conducted by an outside patent search firm, namely, Kramer Amado, 1725 Duke Street, Suite 240, Alexandria, VA 22314. The Search covers the following fields of search: U.S. Class D28, subclasses 44, 44.1, 44.2, 45, 46, 47 48, 49, 50, 51, 52, 53, 54, and 73; and U.S. Class D04, subclasses 104, 105, 106, 107, 108, 109, 110, 111, 112 and 113, for U.S. patents and published patent applications. In addition, a search of the USPTO systems EAST and WEST was conducted for foreign patents, and a search of Locarno was conducted for foreign patents.



Request for Expedited Examination of Design Patent Application
Applicant: James M. Leventhal and Jordan Nollman
For: SHAVER AND HAIR TRIMMER

113000 U.S. PTO
29/262970
071406

(4) An Information Disclosure Statement pursuant 37 C.F.R. §§ 1.56, 1.97 and 1.98 and a PTO Form-1449 with copies of the prior art patents retrieved by the foregoing searches are submitted herewith.

(5) Applicants have also conducted a Non-Patent Literature Search of industry journals and periodicals and the articles retrieved as a result of this search are identified in the attached PTO Form 1449. Copies of the articles are submitted herewith.

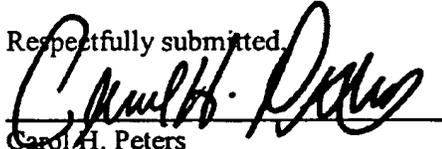
(6) The basic design patent application filing fees set forth in 37 C.F.R. §§ 1.16(f), 1.16(l) and 1.16(p) are submitted herewith in the amount of \$215 (small entity).

(7) The fee for expedited examination set forth in 37 C.F.R. § 1.17(k) is submitted herewith in the amount of \$900.

The Commissioner is hereby authorized to charge any additional fees required to the deposit account of the undersigned, Deposit Account No. 50-0311, referencing Attorney Docket No. 25739-055.

Applicants respectfully submit this Request For Expedited Examination has been filed in accordance with the requirements of 37 C.F.R. § 1.155, and respectfully requests the Office grant Applicants' Request. Should the Office have any questions concerning the Request and the documents accompanying this Request, the Office is invited to telephone the undersigned.

Respectfully submitted,



Carol H. Peters

Registration No. 45,010

MINTZ, LEVIN, COHN, FERRIS

GLOVSKY and POPEO, P.C.

Attorneys for Applicant(s)

One Financial Center

Boston, MA 02111

Telephone: 617/348-4914

Facsimile: 617/542-2241

email: cpeters@mintz.com

Date: July 14, 2006



UNITED STATES PATENT AND TRADEMARK OFFICE

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

GALLAGHER & DAWSEY CO., L.P.A.
P.O. BOX 785
COLUMBUS, OH 43216

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NOV 19 2008

**OFFICE OF PETITIONS
ON PETITION**

In re Application of :
Peter Mc Gonigle :
Application No. 29/262,973 :
Filed: July 17, 2006 :
Attorney Docket No. MGGL-080402.001 :

This is a decision on the petition under 37 CFR 1.137(b), filed on April 21, 2008, to revive the above-identified application.

The application became abandoned for failure to timely file a proper response to the Notice of Allowability mailed May 3, 2007. A Notice of Abandonment was mailed on February 19, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form two sheets of replacement drawings containing Figures 1-2 and a Terminal Disclaimer with the \$65 surcharge; (2) the petition fee of \$770; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

The terminal disclaimer under 37 CFR 1.137(d), filed April 21, 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.

No amendment may be made as a matter of right in an application after the mailing of the notice of allowance. Any amendment filed pursuant to this section must be filed before or with the payment of the issue fee, and may be entered on the recommendation of the primary examiner, approved by the Director, without withdrawing the application from issue (See 37 CFR 1.312).

In view of the above, the two sheets of drawings filed on April 21, 2008, which shows changes as required by the Notice of Allowability mailed May 3, 2007 are the drawings that will be used for issuance purposes.

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

CHERYL L. CHADWICK, ESQUIRE
BIC CORPORATION
500 BIC DRIVE
MILFORD CT 06460

COPY MAILED

DEC 19 2006

OFFICE OF PETITIONS

In re Application of :
Victor Lin :DECISION GRANTING FILING
Application No. 29/263,042 :DATE OF **July 14, 2006**
Filed: July 14, 2006 :
Attorney Docket No. BIC-009 :

This is a decision on the petition filed August 11, 2006, requesting that the above-identified application be accorded a filing date of July 14, 2006 rather than the presently accorded date of July 15, 2006.

Petitioner 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 July 14, 2006 pursuant to 37 CFR 1.10. In support, petitioner has submitted a copy of Express Mail label No. E0922819423US showing a stamped date of July 14, 2006. The same Express Mail receipt number appears on the original "Design Patent Application Transmittal." Additionally, a copy of the USPS Track and Confirm shows the acceptance date of July 14, 2006 in Washington DC.

In view of the above, it is concluded that the application was deposited as "Express Mail" with the USPS on July 14, 2006.

The petition is granted.

Telephone inquiries specific to this decision on petition should be directed to Karen Creasy at (571) 272-3208.

This matter is being referred to the Office of Initial Patent Examination for processing with a filing date of **July 14, 2006** and for mailing of a corrected filing receipt.

Karen Creasy
Petitions Examiner
Office of Petitions

H.T. THAN LAW GROUP
1010 WISCONSIN AVENUE, NW
SUITE 560
WASHINGTON, DC 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

**CHERYL L. CHADWICK, ESQUIRE
BIC CORPORATION
500 BIC DRIVE
MILFORD CT 06460**

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JAN 05 2007

OFFICE OF PETITIONS

In re Application of	:	
Victor Lin	:	
Application No. 29/263,043	:	DECISION GRANTING FILING
Filed: July 14, 2006	:	DATE OF JULY 14, 2006
Attorney Docket No. BIC-100	:	

This is a decision on the petition filed August 11, 2006, requesting that the above-identified application be accorded a filing date of July 14, 2006, rather than the presently accorded filing date of July 15, 2006.

Petitioner 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 July 14, 2006 pursuant to 37 CFR 1.10. In support, petitioner has submitted a copy of the Express Mail Label No. EO922819661US showing a date stamp of July 14, 2006, by the USPS in Washington DC. Also, a copy of the USPS Track & Confirm shows an acceptance date of July 14, 2006 for Label No. EO922819661US. The same Express Mail receipt number appears on the original Application Transmittal filed with the instant application.

In view of the above, it is concluded that the application was deposited as "Express Mail" with the US Postal Service on **July 14, 2006**.

The petition is **granted**.

This matter is being referred to the Office of Initial Patent Examination for processing with a filing date of **July 14, 2006, and for the mailing of a corrected Filing Receipt**.

Telephone inquiries specific to this matter should be directed to Karen Creasy at (571) 272-3208.

Karen Creasy
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

R. KEITH HARRISON
2139 E. BERT KOUNS
SHREVEPORT, LA 71105

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MAR 14 2008

OFFICE OF PETITIONS

In re Application of
James C. Barton
Application No. 29/263,055
Filed: July 14, 2006
Attorney Docket No. 1017F

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:
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:
:

ON PETITION

This is a decision on the petition filed October 22, 2007 under 37 CFR 1.137(b), to revive the above-identified application.

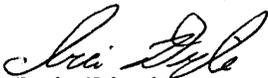
The petition is **GRANTED**.

The above-identified application became abandoned for failure to submit the formal drawings in a timely manner in reply to the Notice of Allowance mailed June 14, 2007, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on September 15, 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 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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

BROWNSTEIN HYATT FARBER SCHRECK PC
410 SEVENTEENTH STREET
SUITE 2200
DENVER, CO 80202

COPY MAILED

NOV 30 2007

In re Application of : **OFFICE OF PETITIONS**
Jason Beck :
Application No. 29/263,057 : DECISION ON PETITION
Filed: July 14, 2006 :
Attorney Docket No. :
10074.0011/US :

This is a decision on the petition under 37 CFR 1.137(b), filed October 5, 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.

This application became abandoned for failure to timely pay the issue fee on or before June 11, 2007, as required by the Notice of Allowance and Fee(s) Due mailed March 9, 2007. On the due date for payment of the issue fee, a Request for Continued Examination (RCE) and filing fee therefor was filed. On June 19, 2007, the Office mailed out a Notice of Improper Request for Continued Examination because the provisions of 37 CFR 1.114 do not apply to an application for a design patent.¹ In view thereof, and as the period for payment of the issue fee expired, the Office mailed a Notice of Abandonment on September 27, 2007.

¹ As the filing of the RCE was improper, the filing fee paid therefor is refundable. Petitioner may request a refund of the \$790 filing fee by writing to: Mail Stop 16, Director of the U.S. Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313-1450.

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). In this regard, the terminal disclaimer is not signed by a proper party in accordance with 37 CFR 1.321(b). More specifically, no power of attorney to petitioner herein, Mr. James A. Pinto, has ever been submitted. While the transmittal letter submitted with the application requested that all correspondence be directed to Customer Number 60879, this did not confer upon Mr. Pinto a power of attorney. 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.

The terminal disclaimer is further defective in that Office assignment records do not indicate that this application was ever assigned to Diamondback Tactical, LLP (hereafter Diamondback). Therefore, unless and until an assignment to Diamondback has been recorded in the assignment records of the USPTO, Diamondback is not the owner of 100% interest in this application.

In view of the above, petitioner must submit a renewed petition under 37 CFR 1.137(b) (no additional petition fee required), along with a terminal disclaimer signed by a proper party in accordance with 37 CFR 1.321(b) and which properly states the party in interest.

It is noted that a revocation and power of attorney was received in the Office on November 20, 2007 and was improperly accepted by the Office on November 28, 2007. In this regard, the revocation and power of attorney by assignee fails to comply with the provisions of 37 CFR 3.73(b) and is further defective in that no assignment has been recorded in the assignment records of the USPTO to Diamondback. A courtesy copy of this decision is being mailed to the address noted in the revocation and power of attorney.

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

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

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

The centralized facsimile number is (571) 273-8300.

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

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



Frances Hicks
Petitions Examiner
Office of Petitions

cc:

R. Lee Fraley
Snell & Wilmer L.L.P.
One Arizona Center
400 East Van Buren
Phoenix AZ 85004



**R. Lee Fraley
Snell & Wilmer L.L.P.
One Arizona Center
400 East Van Buren
Phoenix AZ 85004**

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MAY 20 2008

OFFICE OF PETITIONS

In re Application of :
Jason Beck :
Application No. 29/263,057 : **ON PETITION**
Filed: July 14, 2006 :
Attorney Docket No. 52536.0002 :

This is a decision on the Renewed petition under 37 CFR 1.137(b), filed January 30, 2008, 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/Allowability mailed March 9, 2007, which set a statutory period for reply of three (3) months. Accordingly, by operation of law, the above-identified application became abandoned on June 10, 2007.

The petition decision mailed November 30, 2007 dismissed the petition filed October 5, 2007, noting that the requirements of 37 CFR 1.137(b)(4), a proper terminal disclaimer and fee, was lacking.

The instant renewed petition includes a statement in compliance with 37 CFR 3.73(b), a power of attorney and terminal disclaimer, thus providing a properly signed terminal disclaimer.

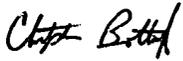
The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the issue fee; (2) the petition fee of \$770; (3) the required statement of unintentional delay; and (4) the terminal disclaimer and fee have been received. Accordingly, the issue fee is accepted as having been unintentionally delayed.

A review of the file record shows that concurrent with the petition filed October 5, 2007, applicant filed a Continued Prosecution Application (CPA) request. The CPA request was erroneously processed (the application was abandoned at that time) and the application was

subsequently allowed. This petition decision ratifies the prosecution of the above-identified application prior to the date of this decision.

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

The application file is being referred to the Office of Data Management.



for David Bucci
Petitions Examiner
Office of Petitions

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	<i>Tia I. Anderson</i>
	Title	<i>Vehicle Center Console</i>
	Atty Docket Number	

ADDRESS TO: MAIL STOP EXPEDITED DESIGN COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, VA 22313-1450	Approved <i>Jacqueline M. Stone</i> 8-4-06
	Jacqueline M. Stone, Director Technology Center 1700/2900

113006 U.S. PTO
29/263104

071706

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:

US Classifications 8 D12/192, D14/168, D14/258 and 340/461.

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.

Leonard J. Meraw

Signature

7/12/06

Date

Leonard J. Meraw

Typed or printed name

35,783

Registration Number, if applicable

586-933-3971

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.

17/18/2006 CNGUYEN2 00000131 29263104

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900.00 OP



LAUSON & SCHEWE LLP
1600 ROSECRANS AVENUE 4TH FLOOR
FOURTH FLOOR
MANHATTAN BEACH CA 90266

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NOV. 09 2007

OFFICE OF PETITIONS

In re Application of
Anil Malhi et al.
Application No. 29/263,106
Filed: July 17, 2006
Attorney Docket No: 06-16478

ON PETITION

This is a decision on the petition to withdraw the holding of abandonment, filed October 15, 2007, under 37 CFR 1.181, in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

The petition is **GRANTED**.

This application became abandoned on May 8, 2007, for failure to file a timely response to the non-Final Office Action mailed February 5, 2007, which set a three (3) month statutory period for reply. Accordingly, a Notice of Abandonment was mailed September 17, 2007. Petitioner asserts that the non-Final Office Action was never received.

The file record discloses that the Office Action was mailed to the address of record which is the same address used on all correspondences from the USPTO including the Notice of Abandonment. Petitioner has provided a copy of the docket report, wherein receipt of the Office Action mailed February 5, 2007 would have been filed, had it been received. To show that the Notice mailed February 5, 2007 was not received, petitioner also explains that after searching the file jacket it was concluded that no correspondence was received for this matter from the USPTO,

In that the statement from the petitioner and the exhibit from the docket record for the instant matter show no entry indicating receipt of the non-Final Office Action mailed February 5, 2007, it is apparent that it was not received. The evidence submitted corroborates non-receipt of the Office Action.

In view of the facts set forth in the petition, it is concluded that the Office Action was never received at the address of record. Accordingly, the holding of abandonment is withdrawn and no petition fee is due.

This matter is being referred to Technology Center 2915 for a re-mailing of the non-Final Office Action and for a restarting of the period for response.

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



LAUSON & SCHEWE LLP
880 APOLLO STREET
SUITE 301
EL SEGUNDO CA 90245

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JUL 11 2008

In re Application of
Anil Malhi et al.
Application No. 29/263,106
Filed: July 17, 2006
Attorney Docket No: 06-16478

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ON PETITION

This is a decision on the petition to withdraw the holding of abandonment, filed June 13, 2008, under 37 CFR 1.181, in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

The petition is **GRANTED**.

This application became abandoned on February 22, 2008, for failure to file a timely response to the non-Final Office Action mailed November 21, 2007, which set a three (3) month statutory period for reply. Accordingly, a Notice of Abandonment was mailed June 2, 2008. Petitioner asserts that the non-Final Office Action was never received.

The file record discloses that the Office Action was mailed to the address of record which is the same address used on all correspondences from the USPTO including the Notice of Abandonment. Petitioner has provided a copy of the docket report, wherein receipt of the Office Action mailed November 21, 2007 would have been filed, had it been received. To show that the Notice mailed November 21, 2007 was not received, petitioner also explains that after searching the file jacket it was concluded that no correspondence was received for this matter from the USPTO,

In that the statement from the petitioner and the exhibit from the docket record for the instant matter show no entry indicating receipt of the non-Final Office Action mailed November 21, 2007, it is apparent that it was not received. The evidence submitted corroborates non-receipt of the Office Action.

In view of the facts set forth in the petition, it is concluded that the Office Action was never received at the address of record. Accordingly, the holding of abandonment is withdrawn and no petition fee is due.

Petitioners are advised however, that same office action was mailed February 5, 2007 and not received and a petition to withdraw the holding of abandonment was granted. The office action mailed on November 21, 2007 was that same office action re-mailed.

This matter is being referred to Technology Center 2915 for a re-mailing of the non-Final Office Action and for a restarting of the period for response. If however, the office action is not received, it will appear that there is a problem with the mail and if a claim of non-receipt is initiated again, petitioners may be required to submit more proof other than the docket records.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink that reads "Patricia Faison-Ball". The signature is written in a cursive, flowing style.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 06/18/09

TO SPE OF : ART UNIT 2911

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/263,151

Patent No.: D556,199

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)

**Randolph Square
Palm Location 7580**

Should the changes be made
Correction Branch

Valerie Jackson

Certificates of

703-756-1573

Thank You For Your Assistance

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

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments: Applicant has not properly claimed priority for application 30-2005-0029246 as required by the standards of 35 USC 119 (a)-(d). No certified copies of the Korean application have been received, and the application date is older than 6 months prior to the filing of the current application. Therefore, no claim to priority can be printed on the patent.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION


CATHRON C. BROOKS
SUPERVISORY PATENT EXAMINER

2911

SPE

Art Unit



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

July 24, 2009

Patent No. : D556,199 S
Application No.: 29/263,151
Issued : November 27, 2007
Inventor : Song
Title : **NETWORK COMPUTING TERMINAL**

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 provision of Rule 1.322 or R 1.323.

Respecting the alleged error, applicant has not properly claimed priority for application 30-2005-0029246 as required by the standards of 35 USC 119 (a)-(d). No certified copies of the Korean application have been received, and the application date is older than 6 months prior to the filing of the current application. Therefore, no claim to priority can be printed on the patent. Therefore, no correction(s) is in order here under United States Codes (U.S.C.) 254 or 255 the Code of Federal Regulation (C.F.R.) R 1.322 or R 1.323.

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

Further correspondence concerning this matter should be filed and directed to Decisions and Certificates of Correction Branch. Any response must be filed within a four week period.

Valerie Jackson
Mary F. Diggs
Decisions & Certificates
of Correction Branch
(703) 756-1573

Schwegman, Lundberg & Woessner. P.A.
P.O. Box 2938
Minneapolis, MN 55402

vj/MFD

RECEIVED
CENTRAL FAX CENTER

DEC 04 2006

PTO/SB/27 (09-06)

Approved for use through 03/31/2007. OMB 0601-0031
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	29/263,214
	Filing Date	July 19, 2006
	First Named Inventor	Flavio De Roma Leao
	Title	Basket Tote
	Atty Docket Number	71964-232726

ADDRESS TO: MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1460
Alexandria, VA 22313-1450

Approved
12-11-06 *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:

Class 206, subclasses 172, 173, 180, 188, 233, 234, 511, 513; Class 220, subclasses 23.2, 251, 324, 488, 495.01

Class D03, subclasses 304, 305, 308, 315; Class D06, subclass 525

Class D09, subclasses 740, 747, 749, 755, 756, 759, 760

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.

Steven Schwarz
Signature

12/4/2006
Date

Steven J. Schwarz
Typed or printed name

47,070
Registration Number, if applicable

202-344-4295
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.



RAYMOND SUN
12420 WOODHALL WAY
TUSTIN, CA 92782

COPY MAILED

JUL 01 2008

OFFICE OF PETITIONS

In re Application of :
Ke, Bing-Yu :
Application No. 29/263,239 : **DECISION ON PETITION**
Filed: July 18, 2006 :
Attorney Docket No. PAT-1711 :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed June 9, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within **TWO (2) MONTHS** from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) the required reply,
- (2) the petition fee,
- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
- (4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Where there is a question as to whether either the abandonment or the delay in filing a petition, under 37 CFR 1.137 was unintentional, the Commissioner may require additional information.²

The instant petition lacks item(s) (4). Since the instant application is a design application, a terminal disclaimer and fee are required. A blank form is enclosed for petitioner's convenience.

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

¹ In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

² See MPEP 711.03(c)(III)(C) and (D).

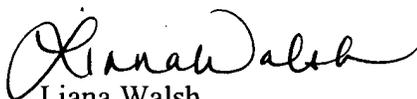
By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Window located at:

 U.S. Patent and Trademark Office
 Customer Service Window Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.



Liana Walsh
Petitions Examiner
Office of Petitions

Enclosure: PTO/SB/63

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.

- 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.
- 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

RAYMOND SUN
12420 WOODHALL WAY
TUSTIN CA 92782

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MAR 20 2009

OFFICE OF PETITIONS

In re Application of
Ke, Bing-Yu
Application No. 29/263,239
Filed: July 18, 2006
Attorney Docket No. PAT-1711

:
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:
:
:

ON PETITION

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed July 21, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition now satisfies all of the requirements of 37 CFR 1.137(b) in that petitioner has supplied a terminal disclaimer and fee.

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

This matter is being referred to the Office of Data Management for processing into a patent.

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

Chien-Hui Su
P. O. Box 70-121 Taichung
Taichung City 40899 TW TAIWAN

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FEB 09 2009

OFFICE OF PETITIONS

In re Application of
Sen-Li Tseng
Application No.: 29/263324
Filing or 371(c) Date: 07/21/2006
Attorney Docket Number: J5D6015-GFP-953789

:
:
: DECISION ON
: PETITION
:

This is a decision in response to the petition to revive an application unintentionally abandonment under 37 CFR 1.137(b), filed December 31, 2008.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Office communication, mailed March 8, 2007. The Office communication set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). Applicant filed a reply on June 18, 2007; however, the reply was not timely. No complete and proper (timely) reply having been filed, the application became abandoned May 9, 2007. A Notice of Abandonment was mailed October 17, 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 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 pay the issue fee as required by the Notice 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.

This application is being forwarded to Technology Center Art Unit 2915 for processing of the response.

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

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	July 19, 2006
First Named Inventor	Alvaro Gonzalez
Title	HANDBAG (MAHALA)
Atty Docket Number	JCHL 0605545

ADDRESS TO:

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

Approved

10/27/06
Jaqueline M. Stone
Jaqueline M. Stone, Director
Technology Center 1700/2900

113241 U.S. PTO
29/263357

072006

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. Patent and Trademark Records (design patents, pre-grant published applications),

U.S. Classes/subclasses D3/232-246

Related applications: See Information Disclosure Statement (PTO/SB/08B)

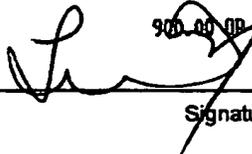
If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:

- 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.

07/24/2006 CCHAU1 00000120 29263357

04 FC 1802

900 00 00



Signature

July 19, 2006

Date

Lawrence E. Apolzon, Esq.

Typed or printed name

30,992

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.

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

Application Number	TBA
Filing Date	July 20, 2006
First Named Inventor	Sandra Choi
Title	FOOTWEAR (INGA)
Atty Docket Number	JCHL 0603443

113000 U.S. PTO
29/263365

072006

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

07/25/2006 EMAIL1 88888822 29263365

04 FC:1882

988.00 0P

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:

USPTO's USPAT database, EAST/WEST workstations, Class/Subclasses: D2/916,918,925,929

930-934; 36/11.5, 83 and 136; A43B/ 011/00, 11/22. and 003/12; All, selected "key word"

searches and "search forward/search backward" efforts using USPAT; conferred with Examiner

D. Simone of Art Unit 2912

Related applications: See Information Disclosure Statement (PTO/SB/08B)

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.

Approved

10/27/06
*Jacqueline M. Stone*Jacqueline M. Stone, Director
Technology Center 700/2900

Signature

July 20, 2006

Date

Lawrence E. Apolzon, Esq.

Typed or printed name

30,992

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 36 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-9189 and select option 2.

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

Application Number	TBA
Filing Date	July 20, 2006
First Named Inventor	S. . Choi
Title	STRAP ASSEMBLY FOR FOOTWEAR (LEA)
Atty Docket Number	JCHL 0604389

ADDRESS TO:

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

07/25/2006 EHAILE1 68888823 29263366
04 FC:1882 988.00 DP

113000 U.S. PTO
29/263366



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/Subclasses: D2/909-912, 925, 928-929, 943-946, 969-971, 976, and 978; 36/45; 36/50.1 (Closures); 36/83, 109 and 138; 24/68SK (Ski boots and garment fasteners);

USPAT database

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.

Approved

10/27/06
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

Signature

Lawrence E. Apolzon, Esq.

Typed or printed name

212-813-5900

Telephone Number

July 20, 2006

Date

30,992

Registration Number, if applicable

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.

SPECIAL PROCEDURES SUBMISSION

Atty. Dkt. No.: V101-107

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Victoria Jean Van Dyn Hoven

Title: STAR BULB

Appl. No.: 29/263369

Filing Date: 07/21/2006

Examiner: Unknown

Art Unit: Unknown

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.

Todd A. Rathe

(Printed Name)

Approved: 2-7-07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

(Signature)

(Date of Deposit)

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

SPECIAL PROCEDURES SUBMISSION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

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

A pre-examination search was conducted. The field of search was:

Class 362	ILLUMINATION
121	WITH STAR OR CROSS
551	LIGHT FIBER, ROD, OR PIPE
566	With star or cross
806	ORNAMENTAL OR DECORATIVE
807	Star

SPECIAL PROCEDURES SUBMISSION

Atty. Dkt. No.: V101-107

The emboldened subclasses were searched, the others are shown to indicate the relationship between them.

In addition to the above indicated classified art search a Boolean search was conducted on the. The terms used included **silicone, plastic, lamp, light, molded, star, and cast**. A boolean search was also conducted for **Design Class D26 LIGHTING, and star**.

Related applications include: 29/263370; 29/263389; 29/263369

The following items required by 37 CFR 1.155 are enclosed:

- Fee set forth in 37 CFR 1.17(k).
- information disclosure statement in compliance with 37 CFR 1.98

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-3815. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-3815. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-3815.

SPECIAL PROCEDURES SUBMISSION

Atty. Dkt. No.: V101-107

Respectfully submitted,

Date Jan. 30, 2007

By Todd A. Rathe

RATHE PATENT & IP LAW
Customer No. 59555
Telephone: (262) 478-9353
Facsimile: (262) 238-1469

Todd A. Rathe
Attorney for Applicant
Registration No. 38,276

SPECIAL PROCEDURES SUBMISSION

Atty. Dkt. No.: V101-106

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Victoria Jean Van Dyn Hoven

Title: STAR BULB

Appl. No.: 29/263371

Filing Date: 07/21/2006

Examiner: Unknown

Art Unit: Unknown

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.

Approved 2-7-07 _____
 (Printed Name) *Todd A. Rathe*

Jacqueline M. Stone _____
 (Signature) *Jacqueline M. Stone, Director*

Technology Center 1700/2900 _____
 (Date of Deposit)

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

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

Sir:

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

A pre-examination search was conducted. The field of search was:

Class 362	ILLUMINATION
121	WITH STAR OR CROSS
551	LIGHT FIBER, ROD, OR PIPE
566	With star or cross
806	ORNAMENTAL OR DECORATIVE
807	Star

SPECIAL PROCEDURES SUBMISSION

Atty. Dkt. No.: V101-106

The emboldened subclasses were searched, the others are shown to indicate the relationship between them.

In addition to the above indicated classified art search a Boolean search was conducted on the. The terms used included **silicone, plastic, lamp, light, molded, star, and cast**. A boolean search was also conducted for **Design Class D26 LIGHTING, and star**.

Related applications include: 29/263370; 29/263389; 29/263369

The following items required by 37 CFR 1.155 are enclosed:

- Fee set forth in 37 CFR 1.17(k).
- information disclosure statement in compliance with 37 CFR 1.98

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-3815. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-3815. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-3815.

SPECIAL PROCEDURES SUBMISSION

Atty. Dkt. No.: V101-106

Respectfully submitted,

Date Jan. 30, 2007

By T. A. Rathe

RATHE PATENT & IP LAW
Customer No. 59555
Telephone: (262) 478-9353
Facsimile: (262) 238-1469

Todd A. Rathe
Attorney for Applicant
Registration No. 38,276

SPECIAL PROCEDURES SUBMISSION

Atty. Dkt. No.: V101-105

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Victoria Jean Van Dyn Hoven

Title: STAR BULB

Appl. No.: 29/263389

Filing Date: 07/21/2006

Examiner: Unknown

Art Unit: Unknown

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.

Todd A. Rahe

(Printed Name)

(Signature)

(Date of Deposit)

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

SPECIAL PROCEDURES SUBMISSION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Approved **2-7-07**
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

Sir:

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

1.155.

A pre-examination search was conducted. The field of search was:

Class 362	ILLUMINATION
121	WITH STAR OR CROSS
551	LIGHT FIBER, ROD, OR PIPE
566	With star or cross
806	ORNAMENTAL OR DECORATIVE
807	Star

SPECIAL PROCEDURES SUBMISSION

Atty. Dkt. No.: V101-105

The emboldened subclasses were searched, the others are shown to indicate the relationship between them.

In addition to the above indicated classified art search a Boolean search was conducted on the. The terms used included **silicone, plastic, lamp, light, molded, star, and cast**. A boolean search was also conducted for **Design Class D26 LIGHTING, and star**.

Related applications include: 29/263370; 29/263389; 29/263369

The following items required by 37 CFR 1.155 are enclosed:

- Fee set forth in 37 CFR 1.17(k).
- information disclosure statement in compliance with 37 CFR 1.98

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-3815. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-3815. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-3815.

SPECIAL PROCEDURES SUBMISSION

Atty. Dkt. No.: V101-105

Respectfully submitted,

Date Jan. 30, 2007

By Todd A. Rathe

RATHE PATENT & IP LAW
Customer No. 59555
Telephone: (262) 478-9353
Facsimile: (262) 238-1469

Todd A. Rathe
Attorney for Applicant
Registration No. 38,276



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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KLARQUIST SPARKMAN, LLP
121 SW SALMON STREET
SUITE 1600
PORTLAND, OR 97204

MAILED

MAR 05 2009

OFFICE OF PETITIONS

In re Application of :
John Alan Madsen, et al. : DECISION GRANTING PETITION
Application No. 29/263,395 : UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: July 20, 2006 :
Attorney Docket No. 3435-76304-01 :

This is a decision on the petition under 37 CFR 1.313(c)(3), filed March 4, 2009, 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 5, 2009 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 4, 2009.

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642.

This matter is being referred to Technology Center AU 2911 for processing of the CPA and consideration of the concurrently filed information disclosure statement.

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



LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1600
CHICAGO IL 60604

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SEP 27 2007

OFFICE OF PETITIONS

In re Application of
Chueng Jong-Seng
Application No. 29/263,402
Filed: July 21, 2006
Attorney Docket No. **CU-4969 RJS**

ON PETITION

This is a decision on the petition filed September 18, 2007 to withdraw the holding of abandonment for the above-identified application. The petition is treated under 37 CFR 1.181.

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

The application was held abandoned on April 19, 2007 for failure to file a timely response to the non-Final Office Action mailed January 18, 2007, which set a three (3) month shortened period for reply. No extensions of time in accordance with 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed September 6, 2007.

Petitioner asserts that a proper response, was mailed on April 13, 2007. In support, petitioner submits a copy of the reply said to have been filed, but not acknowledged, with the U.S. Patent and Trademark Office, which includes a certificate of mail, dated April 13, 2007, pursuant to 37 CFR 1.8.

The evidence submitted corroborates a timely response to the non-Final Office Action. Accordingly, the holding of abandonment is withdrawn and the Notice of Abandonment is vacated. No petition fee is due and none has been charged.

This matter is being referred to Technology Center 2913 for appropriate action on the amendment filed April 13, 2007, a copy of which was submitted upon petition on September 18, 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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

HUGHES HUBBARD & REED LLP
ONE BATTERY PARK PLAZA
NEW YORK, NY 10004

In re Application of

Nicolas Barth Nussbaumer

Application No. 29/263,409

Filed: July 21, 2006

Attorney Docket No. 79551.1214

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OFFICE OF PETITIONS

DECISION ON PETITION

This is a decision on the petition under 37 CFR §1.137(b), October 22, 2007, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely file corrected drawings as required by the Notice of Allowability mailed June 13, 2007. The notice allowed a statutory period for reply of three-months from its mailing date. No response was received within the allowable period. Accordingly, this application became abandoned on September 14, 2007. A Notice of Abandonment was mailed on October 9, 2007.

The corrected drawings were received on October 22, 2007.

A terminal disclaimer was also received on October 22, 2007.

The application is being forwarded 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



UNITED STATES 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 J. PRESCOTT, P.A.
2033 WOOD STREET, SUITE 115
SARASOTA, FL 34237

RECEIVED

DEC 23 2008

OFFICE OF PETITIONS

In re Application of
FAGEN, Jamie R.
Application No. 29/263,462
Filed: July 24, 2006
Attorney Docket No. **P-2008**

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 21, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to submit corrected formal drawings on or before March 13, 2008, as required by the Notice of Allowability mailed, December 13, 2007. Accordingly, the date of abandonment of this application is March 14, 2008.

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 \$770, (3) an adequate statement of unintentional delay and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(b).

The terminal disclaimer filed July 21, 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.

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

This application is being referred to Office of Data Management for processing into a patent.

Brian W. Brown
Petitions Examiner
Office of Petitions



BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

COPY MAILED
MAR 15 2010

In re Application of :
Johan GIERVELD :
Application No. 29/263,497 : **DECISION GRANTING PETITION**
Filed: July 25, 2006 : **UNDER 37 CFR 1.313(c)(3) (CPA)**
Attorney Docket No. **2409-0161PUS1** :

This is a decision on the petition under 37 CFR 1.313(c)(3), filed March 15, 2010, 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 1, 2010 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 15, 2010.

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This matter is being referred to Technology Center AU 292912 for processing of the CPA.

/Monica A. Graves/
Petitions Examiner, Office of Petitions



FLYNN THIEL BOUTELL & TANIS, P.C.
2026 RAMBLING ROAD
KALAMAZOO MI 49008-1631

COPY MAILED
SEP 26 2008

In re Application of :
Kim :
Application No. 29/263,518 : ON PETITION
Filed: July 25, 2006 :
Attorney Docket No. 3138.P0322US :
For: SIGNAL CONVERTER FOR ANALOG :
CAMERA :

This is a decision on the petition, filed August 20, 2008 (certificate of mailing date August 18, 2008), under 37 CFR 1.181 to withdraw the holding of abandonment.

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

The Office contended that the above-identified application became abandoned for failure to submit the issue fee and corrected drawings in response to the April 17, 2008 Notice of Allowance and Fee(s) Due and Notice of Allowability, respectively, which set a three month non-extendable period for reply. No reply being received to either Notice, the Office contended that this application became abandoned on July 18, 2008. The filing of the present petition precedes the mailing of A Notice of Abandonment.

Petitioner asserts that the April 17, 2008 Notice of Allowance and Fee(s) Due was not received at the correspondence address of record. It is assumed that petitioner intends to assert that the April 17, 2008 Notice of Allowability was not received, either.

The showing required to establish non-receipt of an Office communication must include:

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

¹ See notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).

Petitioner has submitted a copy of the docket record where the requirements would have been entered had the April 17, 2008 Notices been received. Practitioner referenced the docket record in the petition and stated that reviews of the file jacket and docket record for the April 17, 2008 Notices were fruitless.

In addition, it is noted that the correspondence at issue was returned to the Office on April 22, 2008 and is currently in the application file.

The petition is **granted** and the holding of abandonment is withdrawn.

After the mailing of this decision, the application will be returned to Technology Center G.A.U. 2912 for the re-mailing of the April 17, 2008 Notice of Allowance and Fee(s) Due and the 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



**SCHERING-PLOUGH CORPORATION
PATENT DEPARTMENT (K-6-1, 1990)
2000 GALLOPING HILL ROAD
KENILWORTH NJ 07033-0530**

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DEC 1 2007

OFFICE OF PETITIONS

In re Application of	:	
Harold A. HOWLETT, et al.	:	
Application No. 29/263,570	:	DECISION ON PETITION
Filed: July 26, 2006	:	
Attorney Docket No.	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 06, 2007 and re-submitted August 07, 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) (4).

With regards to requirement (1) the application became abandoned for failure to timely pay the issue fee. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. See MPEP 711.03(c)(II)(A)(1). Therefore, the filing of a continued prosecution application under 37 CFR 1.53(d) without paying the issue fee is not a complete reply under 37 CFR 1.137 (b)(1).

However, the office also notes 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 \$ 1020 extension of time fee submitted with the petition on August 07, 2007 was subsequent to the maximum extendable period for reply, this fee has been reapplied to the required issue fee (\$800). The difference (\$220) will be credited to petitioner's deposit account.

Also, to item (4) since the above-identified application is a utility or plant application filed before June 8, 1995, 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).

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) 272-2783.



Denise Pothier
Petitions Examiner
Office of Petitions



SCHERING-PLOUGH CORPORATION
PATENT DEPARTMENT (K-6-1, 1990)
2000 GALLOPING HILL ROAD
KENILWORTH NJ 07033-0530

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JUN 10 2008

OFFICE OF PETITIONS

DECISION ON PETITION

In re Application of
Harold A. HOWLETT et al
Application No. 29/263,570
Filed: July 26, 2006
Attorney Docket No. **FC06504US01**

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed April 09, 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.

This application became abandoned for failure to pay the Issue fee on or before April 12, 2007, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed January 12, 2007. Accordingly, the date of abandonment of this application is April 13, 2007.

A petition was filed on August 06, 2007 and resubmitted on August 07, 2007 to revive the above identified application. In a decision mailed on December 10, 2007, the petition was dismissed as the submission lacked a Terminal Disclaimer. A two-month period was set for submitting a renewed petition with extensions of time under 37 CFR 1.36(a) being permitted.

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) in that it does not include the fee as set forth in 37 CFR 1.20(d) that is associated with the Terminal Disclaimer filed.

The Terminal Disclaimer filed April 09, 2008 has been placed in the file but has not been considered further on its merits.

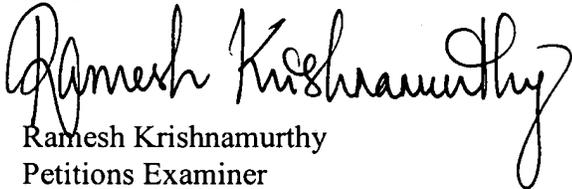
Further correspondence with respect to this matter should be addressed as follows:

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

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

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.



Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

TD submitted

PATENT CASE FC06504US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit: 2915

In re application of:
Harold A. Howlett, et al.

Serial No.: 29/263,570

Filing Date: 07/26/2006

Confirmation No. 8551

Title: DEVICE FOR MITIGATING
SHOE ODOR

Kenilworth, NJ 07033
April 9, 2008

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Attention: Sandra S. Snapp

**RENEWED PETITION UNDER 37 C.F.R. 1.137(b) FOR REVIVAL OF AN
UNINTENTIONALLY ABANDONED PATENT APPLICATION**

Examiner:

This Petition is in response to the Decision on Petition that the Office mailed on December 10, 2007 in the above-identified application.

The Decision states that the Applicants failed to timely pay the required issue fee and publication fee within the time period set therein. It further states that an improper Request for Continued Examination was filed and that the Designs require a Continued Prosecution Application.

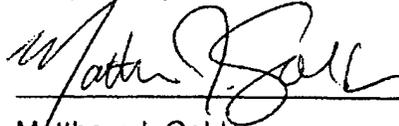
Applicants, therefore, petition that the above-identified patent application be revived under 37 C.F.R. 1.137(b) on the basis that the abandonment was unintentional.

Applicants maintain that the failure to timely pay the required fees was unintentional and that a petition to revive would be filed.

The Office is authorized to charge the \$1,540.00 fee to revive the above-identified patent application as well as a 2-month extension fee to Account No. 19-0365.

Schering-Plough Corporation
2000 Galloping Hill Road
Patent Department, K-6-1,1990
Kenilworth, NJ 07033
Tel: (908) 298-4741
Fax: (908) 298-5388

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Matthew J. Golden", written over a horizontal line.

Matthew J. Golden
Attorney for Applicants
Reg. No. 35,161

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)
FC06504US01

In re Application of:

Name: Harold A. Howlett et al.

Application Number: 29/263.570

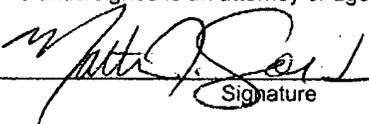
Filed: 07/26/2006

For: DEVICE FOR MITIGATING SHOE ODOR

The owner*, Schering-Plough Healthcare Products, Inc. of 100 percent interest in the above-identified application hereby disclaims a terminal part of the term of any patent granted the above-identified application equivalent to: (1) if the above-identified application is a design application, the period of abandonment of the above-identified application, and (2) if the above-identified application is a utility or plant application, the lesser of: (a) the period of abandonment of the application; or (b) the period extending beyond twenty years from the date on which the above-identified application was filed in the United States or, if the application contains a specific reference to an earlier filed application(s) under 35 U.S.C. 120, 121, or 365(c), from the date on which the earliest such application was filed. This disclaimer also applies to any patent granted on a utility or plant application filed before June 8, 1995, or a design application, that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the above-identified application. This disclaimer is binding upon the grantee, and its successors or assigns.

Check either box 1 or 2 below, if appropriate.

1. For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization:
2. The undersigned is an attorney or agent of record. Registration Number 35,161.



Signature

04/09/2008

Date

Matthew J. Golden

Typed or Printed Name

(908) 298-4741

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
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**SCHERING-PLOUGH CORPORATION
PATENT DEPARTMENT (K-6-1, 1990)
2000 GALLOPING HILL ROAD
KENILWORTH NJ 07033-0530**

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AUG 08 2008

In re Application of :
Harold A. HOWLETT et al. :
Application No. 29/263,570 : DECISION ON PETITION
Filed: July 26, 2006 :
Attorney Docket No. FC06504US01 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed June 23, 2008, 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 12, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed January 12, 2007, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on April 13, 2007.

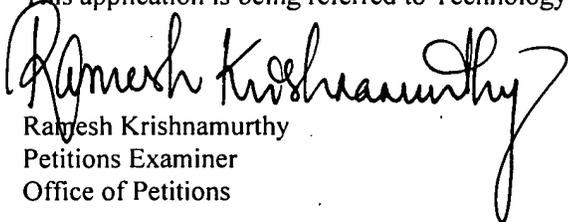
The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the \$800 issue fee, (2) the petition fee of \$1540, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the 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.

This application is being revived solely for the purpose of continuity. As continuity has been established by this decision, the application is again abandoned in favor of the Continued Prosecution Application (CPA) filed August 06, 2007.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

This application is being referred to Technology Center AU 2915 for processing of the CPA.


Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit: 2915

In re application of:
Harold A. Howlett, et al.

Serial No.: 29/263,570

Filing Date: 07/26/2006

Confirmation No. 8551

Title: DEVICE FOR MITIGATING
SHOE ODOR

Kenilworth, NJ 07033
June 23, 2008

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Attention: Sandra S. Snapp

**2nd RENEWED PETITION UNDER 37 C.F.R. 1.137(b) FOR REVIVAL OF AN
UNINTENTIONALLY ABANDONED PATENT APPLICATION**

Examiner:

This Petition is in response to the Decisions on Petition that the Office mailed on December 10, 2007 and June 10, 2008 in the above-identified application.

The December 10, 2007 Decision dismissed August 6 & 7, 2007 petitions as the submission lacked a Terminal Disclaimer.

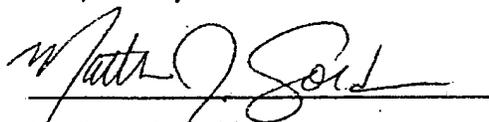
The June 10, 2008 Decision dismissed our Renewed Petition filed April 9, 2008 because it did not include the Terminal Disclaimer fee.

Although a Terminal Disclaimer form (PTO/SB/63) was provided indicating that the fee under 37 CFR 1.20(d) was included, the Terminal Disclaimer fee box was unintentionally unselected while submitting to the USPTO via EFS-Web April 9, 2008.

The Office is authorized to charge the \$130.00 Terminal Disclaimer fee as well as any additional fees or credit any overpayment to Deposit Account No. 19-0365.

Schering-Plough Corporation
2000 Galloping Hill Road
Patent Department, K-6-1,1990
Kenilworth, NJ 07033
Tel: (908) 298-4741
Fax: (908) 298-5388

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Matthew J. Golden", written over a horizontal line.

Matthew J. Golden
Attorney for Applicants
Reg. No. 35,161

RAM Fee History
 Query
 Revenue Accounting and Management

Name/Number: 29263570

Total Records Found: 15

Start Date: Any Date

End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
06/24/2008	00005762	<u>4</u>	<u>1814</u>	\$130.00	06/23/2008	DA 190365
04/10/2008	00001286	<u>4</u>	<u>1453</u>	\$1,540.00	04/09/2008	DA 190365
04/10/2008	00001287	<u>4</u>	<u>1252</u>	\$460.00	04/09/2008	DA 190365
12/10/2007	00000073	<u>1</u>	<u>1502</u>	\$800.00	07/06/2007	DA 190365
10/23/2007	00000007	<u>4</u>	<u>1253</u>	-\$1,020.00	08/06/2007	DA 190365
08/07/2007	00003804	<u>4</u>	<u>1017</u>	\$200.00	08/06/2007	DA 190365
08/07/2007	00003805	<u>4</u>	<u>1453</u>	\$1,500.00	08/06/2007	DA 190365
08/07/2007	00003806	<u>4</u>	<u>1253</u>	\$1,020.00	08/06/2007	DA 190365
03/29/2007	00001608	<u>4</u>	<u>1801</u>	\$790.00	03/28/2007	DA 190365
12/19/2006	00000061	<u>3</u>	<u>8007</u>	\$100.00	12/15/2006	DA 190364
10/10/2006	00000642	<u>4</u>	<u>8021</u>	\$40.00	10/09/2006	DA 190365
10/04/2006	00000153	<u>1</u>	<u>1051</u>	\$130.00	10/03/2006	DA 190365
07/28/2006	00000312	<u>1</u>	<u>1012</u>	\$200.00	07/26/2006	DA 190365
07/28/2006	00000313	<u>1</u>	<u>1112</u>	\$100.00	07/26/2006	DA 190365
07/28/2006	00000314	<u>1</u>	<u>1312</u>	\$130.00	07/26/2006	DA 190365

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 3/5/09

Paper No.: _____

TO SPE OF : ART UNIT 2915

SUBJECT : Request for Certificate of Correction for Appl. No.: 29263596 Patent No.: D582455

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**

Cherice 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: _____

ROBERT M. SPEAR
DESIGN PRACTICE SPECIALIST

[Signature]

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

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

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NOV 08 2007

OFFICE OF PETITIONS

In re Patent No. D542743 :
Issue Date: May 15, 2007 :
Application No. 29/263,651 :
Filed: July 26, 2006 :
Attorney Docket No. 080441-000710US :

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**.

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


Irvin Dingle
Petitions Examiner
Office of Petitions



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

THORPE NORTH & WESTERN, LLP.
P.O. Box 1219
SANDY, UT 84091-1219

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OCT 28 2008

OFFICE OF PETITIONS

In re Application of :
Mark Jenkins, et. al. :
Application No. 29/263,675 : ON PETITION
Filed: July 26, 2006 :
Attorney Docket No. 00772-25373.DES :

This is a decision on the petition under 37 CFR 1.137(b), filed July 24, 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 mailed December 10, 2007. A Notice of Abandonment was mailed on June 4, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of \$820 for payment of the issue fee and a terminal disclaimer with the \$130 fee; (2) the petition fee of \$1,540; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

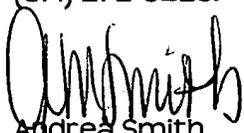
The terminal disclaimer under 37 CFR 1.137(d), filed July 24, 2008, has been accepted and made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

Further, a review of the record shows that petitioner filed a Request for Continued Examination (RCE) on March 10, 2008. Since an RCE does not apply to a design application, the RCE is improper and 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.

Additionally, there is no indication that petitioner has submitted a Part B-Fee(s) Transmittal form (PTOL-85). Accordingly, if petitioner desires to have the information normally found thereon printed on the patent, the attached blank Fee(s) Transmittal form should be completed and returned to the Publishing Division within **ONE MONTH** from the mail date of this decision.

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.

A handwritten signature in black ink, appearing to read "A. Smith", written in a cursive style.

Andrea Smith
Petitions Examiner
Office of Petitions

Enclosure: Privacy Act Statement
Blank Part B - Fee(s) Transmittal Form (PTOL-85b)

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.

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)

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.
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TITLE OF INVENTION:

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
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EXAMINER	ART UNIT	CLASS-SUBCLASS
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<p>1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).</p> <p><input type="checkbox"/> Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.</p> <p><input type="checkbox"/> "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.</p>	<p>2. For printing on the patent front page, list</p> <p>(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,</p> <p>(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.</p> <p>1 _____</p> <p>2 _____</p> <p>3 _____</p>
---	---

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

<p>4a. The following fee(s) are enclosed:</p> <p><input type="checkbox"/> Issue Fee</p> <p><input type="checkbox"/> Publication Fee (No small entity discount permitted)</p> <p><input type="checkbox"/> Advance Order - # of Copies _____</p>	<p>4b. Payment of Fee(s):</p> <p><input type="checkbox"/> A check in the amount of the fee(s) is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input type="checkbox"/> The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number _____</p>
--	---

5. Change in Entity Status (from status indicated above)

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

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

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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THORPE, NORTH & WESTERN, LLP
P.O. BOX 1219
SANDY, UT 84091-1219

MAILED

MAR 19 2009

OFFICE OF PETITIONS

In re Application of :
Mark Jenkins, et al. : DECISION GRANTING PETITION
Application No. 29/263,675 : UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: July 26, 2006 :
Attorney Docket No. 00772-25373.DES :

This is a decision on the petition under 37 CFR 1.313(c)(3), filed March 18, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on November 14, 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 March 18, 2009.

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This matter is being referred to Technology Center AU 2914 for processing of the CPA and consideration of the concurrently filed information disclosure statement.

/AMW/
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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STRATEGIC PATENTS P.C..
C/O PORTFOLIOIP
P.O. BOX 52050
MINNEAPOLIS MN 55402

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MAR 20 2009

OFFICE OF PETITIONS

In re Patent No. D583,135	:	
Issue Date: December 23, 2008	:	
Application No. 29/263,684	:	NOTICE
Filed: July 27, 2006	:	
Attorney Docket No. NEFL-0001-D01	:	

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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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**STRATEGIC PATENTS P.C..
C/O PORTFOLIOIP
P.O. BOX 52050
MINNEAPOLIS MN 55402**

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MAR 19 2009

In re Application of :
Martin Mariman, et al. :
Application No. 29/263,690 :
Filed: July 27, 2006 :
Attorney Docket No. NEFL-0001-D02 :

OFFICE OF PETITIONS

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue 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 Terri Williams at (571) 272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

In re application of Peter Dillon at al : Group Art Unit: 2916
 Serial No. 29/263,690 : Confirmation No. 1070
 Filed: July 27, 2006 : Examiner: Burmeister, Anna J.

COMMUNICATION FOR ENTITY STATUS CORRECTION

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

Sir/Madam

On September 16, 2008 the issue fee for the above identified application was paid for a small entity as indicated in the below table. After the payment of this issue fee it was determined that this patent is not eligible for small entity status, and that large entity fees should be paid. The status indication as a small entity and the payment of the small entity issue fee was made in error and without deceptive intent. With the payment of the fee deficiency shown in the itemized table below, the applicant respectfully requests that the entity status for the above identified application be changed to a large entity.

Fee Name	Small Entity Fee Amount Paid	Date Small Entity Fee Paid	Fee Deficiency Owed
Issue Fee	\$410	9/16/2008	\$450
		Total Deficiency Owed	\$450 03/19/2009 CKHLOK 00000000 504262 29263698 01 FC:1461 450.00 DA

The applicant hereby authorizes the Patent Office to charge the total deficiencies owed as shown in the above table or credit any overpayments associated with this filing to Deposit Account No. 50-4262.

Please direct any inquiry regarding this matter to the below signed agent.

Respectfully Submitted,

STRATEGIC PATENTS, P.C.

/John Nortrup/

John H. Nortrup

Reg. No. 59,063

(207) 985-2126

Customer Number 43520

December 4, 2008



UNITED STATES PATENT AND TRADEMARK OFFICE

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

RECEIVED

DEC 22 2008

OFFICE OF PETITIONS

In re Application of :
Cosby, et al. : DECISION ON PETITION
Application No.29/263,715 :
Filed: July 28, 2006 :
Atty Docket No. DDTEC-74928 :

This is a decision on the petition under 37 CFR 1.57(a), filed October 6, 2008, requesting that the above-identified application be accorded a filing date of July 28, 2006, using the drawings submitted with the present petition.

The petition under 37 CFR 1.57(a) is **DISMISSED AS UNNECESSARY**.

The application was filed on July 28, 2006.

Petitioners filed the present petition in order to substitute drawings from an unspecified prior-filed application. It is noted that the unexecuted declaration filed on July 28, 2006 contains a benefit claim to Australian Design Application No. 10310/2006, filed January 31, 2006. A priority claim can be made on filing: (A) by including a copy of an unexecuted or executed oath or declaration specifying a foreign priority claim (see 37 CFR 1.63(c)(2)). It appears that petitioners are asserting that because the correct drawings were contained in the prior-filed application, and the above-identified application contains a claim for benefit of priority under 37 CFR 1.55 to that application, that petitioners are permitted to amend the above-identified application to include the correct drawings and thereby, obtain a July 28, 2006 filing date for the replacement drawings.

The applicable rule provides (in pertinent part):

§ 1.57 Incorporation by reference.

(a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under § 1.55 for priority of a prior-filed foreign application, or a claim under § 1.78 for the benefit of a prior-filed provisional,

nonprovisional, or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under § 1.55 or § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).

(1) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by § 1.114(b), or abandonment of the application, whichever occurs earlier. The applicant is also required to:

(i) Supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. 111;

(ii) Supply an English language translation of any prior-filed application that is in a language other than English; and

(iii) Identify where the inadvertently omitted portion of the specification or drawings can be found in the prior-filed application.

...

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

The petition is dismissed because the application as-filed was entitled to a filing date, even though the presently submitted drawings were not present in the application; see MPEP 601.01(f). Whether done in error or not, the proper filing date was given to the present application. Thus, a petition under Rule 57(a) is not the proper vehicle to achieve petitioners' goal.

Since a petition is not required, the amendment filed October 6, 2008 to include the inadvertently omitted drawing(s) will be considered by the examiner. Please note that this amendment must comply with 37 CFR 1.57(a) and 37 CFR 1.121. See MPEP § 201.17.

Given the basis for granting this petition, the petition fee is being refunded.

Entry of the amendment filed October 6, 2008 will be determined by the examiner. As such, this application is being forwarded to the Technology Center for consideration of the amendment.

Telephone inquiries concerning this decision may be directed to Shirene Willis Brantley at (571) 272-3230. All other inquiries should be directed to the examiner of record.

A handwritten signature in black ink, appearing to read 'Anthony Knight', is written over the printed name.

Anthony Knight
Supervisor
Office of Petitions



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JUN 10 2009

OFFICE OF PETITIONS

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

In re Application of :
Dezso Kiraly :
Application No. 29/263,733 : **ON PETITION**
Filed: July 28, 2006 :
Attorney Docket No. DDTEC-74927 :

This is a decision on the petition under 37 CFR 1.137(b), filed May 1, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

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

A review of the record discloses that a final Office action was mailed on June 4, 2008. On December 2, 2008, applicant filed, *inter alia*, a Request for Continued Examination under 37 CFR 1.114 (RCE); however, the RCE was considered improper since continued examination under 37 CFR 1.114 does not apply to a design application. Consequently, the application became abandoned by operation of law on December 5, 2008. A Notice of Abandonment was subsequently mailed on February 17, 2009. In response, on May 1, 2009, the present petition was filed, along with a request for a Continued Prosecution Application (CPA).

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 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.

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. 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. A terminal disclaimer fee of \$140 (\$70 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 delivered through one of the following mediums:

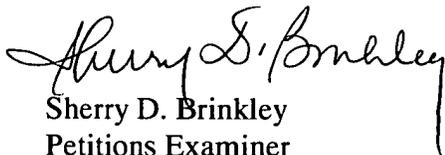
By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

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-Web³

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)



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SEP 30 2009

OFFICE OF PETITIONS

In re Application of
Dezso Kiraly
Application No. 29/263,733
Filed: July 28, 2006
Attorney Docket No. DDTEC-74927

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:
:

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed July 7, 2009, 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 final Office action mailed June 4, 2008. A Notice of Abandonment was mailed on February 17, 2009. On May 1, 2009 a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed by a decision mailed June 10, 2009. In response, on July 7, 2009, the present petition was filed.

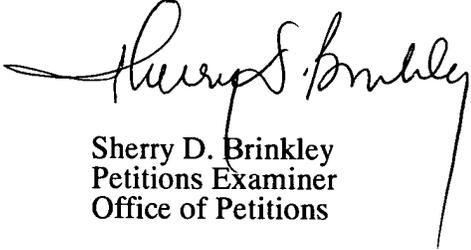
The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Continued Prosecution Application (CPA) and \$110 filing fee; (2) the petition fee of \$810; (3) an adequate statement of unintentional delay; and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d).

The terminal disclaimer filed July 7, 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.

It is noted that, while petitioner paid the \$810 petition fee and \$110 CPA filing fee with the original petition and CPA on May 1, 2009, petitioner included payment for the same with the present petition. Therefore, petitioner's credit card is being credited \$920 for the \$810 petition and \$110 CPA filing fee overpaid.

The application is being referred to Technology Center AU 2915 for further processing of the CPA filed May 1, 2009

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



Sherry D. Brinkley
Petitions Examiner
Office of Petitions

REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)	Application Number	29/263,745
	Filing Date	July 28, 2006
	First Named Inventor	Nam Young KIM
	Title	LIGHT EMITTING DIODE(LED)
	Atty Docket Number	080441-001800US

ADDRESS TO:

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Approved

2-16-07
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.

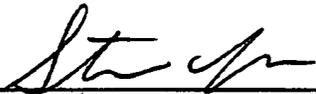
A preexamination search was conducted. The field of search was:

Class D26 (lighting), D13 (light source), D13/180 (equipment for production, distribution, or transformation of energy), D13/182 (semiconductor, transistor, or integrated circuit), and 313 and its sub-classification including 313, 315, 317, 318, 470, 493 and 500 (electric lamp and discharge devices). This search was performed in Delphion and USPTO databases using the keywords: LED, light, emit, and diode. Pertinent references identified by the above search are cited in the enclosed Form PTO/SB/08A of the accompanying information disclosure statement (IDS).

Related applications: This design application claims priority to Korean Design Application No. 30-2006-0011823, filed on March 30, 2006.

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 9, 2007

Date

Steve Y. Cho

Typed or printed name

44,612

Registration Number, if applicable

206-467-9600

Telephone Number

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TWO EMBARCADERO CENTER, EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834**

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MAY 01 2007

In re Application of
KIM, Nam et al.
Application No. 29/263,745
Filed: July 28, 2006
Attorney Docket No. 080441-001800US

:
:
:
: **OFFICE OF PETITIONS**
: **DECISION ON PETITION**
: **UNDER 37 CFR 1.313(c)**
:
:

This is a decision on the petition under 37 CFR 1.313(c), filed April 20, 2007, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED**.

The petition to withdraw from issue is accompanied by a request for continued examination (RCE) under 37 CFR 1.114. However, the filing of an RCE is improper in a design application. In this regard, petitioner's attention is directed to 37 CFR 1.114(e), which states that the provisions of this section do not apply if the application is:

- (1) A provisional application;
- (2) An application for a utility or plant patent filed under 35 U.S.C. 111(a) before June 8, 1995;
- (3) An international application filed under 35 U.S.C. 363 before June 8, 1995;
- (4) An application for a design patent; or**
- (5) A patent under reexamination.

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 request for continued examination in compliance with 37 CFR 1.114; or
- (3) Express abandonment of the application. Such express abandonment may be in favor of a continuing application.

Accordingly, the petition must be dismissed as failing to comply with the provisions of 37 CFR 1.313(c)(3).

Petitioner's attention is directed to 37 CFR 1.53(d), which states:

(1) A continuation or divisional application (but not a continuation-in-part) of a prior nonprovisional application may be filed as a continued prosecution application under this paragraph, provided that:

- (i) The application is for a design patent;

(ii) The prior nonprovisional application is a design application that is complete as defined by § 1.51(b); and

(iii) The application under this paragraph is filed before the earliest of:

- (A) Payment of the issue fee on the prior application, unless a petition under § 1.313 is granted in the prior application;
- (B) Abandonment of the prior application; or
- (C) Termination of proceedings on the prior application.

Accordingly, the appropriate avenue of relief for a grantable petition to withdraw this design application from issue would be to file either a continued prosecution application (CPA) under 37 CFR 1.53(d) or a continuing application under 37 CFR 1.53(b). Any request for reconsideration should be entitled "Renewed Petition under 37 CFR 1.313(c)(3) and be accompanied by a request for a CPA under 37 CFR 1.53(d) or a statement of express abandonment in favor of a concurrently filed continuing application under 37 CFR 1.53(d).

Petitioner is reminded that the renewed petition to withdraw from issue may not be recognized or effective if not received by the appropriate deciding official in time to act prior to issuance. *Note* 37 CFR 1.313(d). It is recommended that the facsimile number listed below be used to file the appropriate documents (*i.e.*, the renewed petition and CPA request) for withdrawing this application from issue.

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

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 Alexandria, VA 22314

By fax: **(571) 273-0025**
 Office of Petitions

Any questions concerning this matter may be directed to Monica A. Graves at (571) 272-7253.


Frances Hicks
Petitions Examiner
Office of Petitions



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SAN FRANCISCO CA 94111-3834

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MAY 11 2007

OFFICE OF PETITIONS

In re Application of :
Nam Young Kim et al :
Application No. 29/263,745 :
Filed: July 28, 2006 :
Attorney Docket No. 080441-001800US :

ON PETITION

This is a decision on the renewed petition, filed May 10, 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 April 9, 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 10, 2007.

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

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

Karen Creasy
Petitions Examiner
Office of Petitions



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OFFICE OF PETITIONS

In re Application of :
Nam Young Kim et al : DECISION GRANTING PETITION
Application No. 29/263,745 : UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: July 28, 2006 :
Attorney Docket No. :
080441-001800US :

This is a decision on the petition under 37 CFR 1.313(c)(3),
filed July 20, 2007, to withdraw the above-identified
application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

*Petitioner is advised that the issue fee paid on June 20, 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 July 20, 2007.*

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

This matter is being referred to Technology Center AU 2912 for
processing of the CPA and consideration of the concurrently
filed Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)	Application Number	29/263,756
	Filing Date	July 28, 2006
	First Named Inventor	Man Young KIM
	Title	LIGHT EMITTING DIODE(LED)
	Atty Docket Number	080441-001700US

ADDRESS TO:

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

2-N-DX

Approved

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.

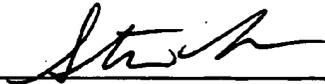
A preexamination search was conducted. The field of search was:

Class D26 (lighting), D13 (light source), D13/180 (equipment for production, distribution, or transformation of energy), D13/182 (semiconductor, transistor, or integrated circuit), and 313 and its sub-classification including 313, 315, 317, 318, 470, 493 and 500 (electric lamp and discharge devices). This search was performed in Delphion and USPTO databases using the keywords: LED, light, emit, and diode. Pertinent references identified by the above search are cited in the enclosed Form PTO/SB/08A of the accompanying information disclosure statement (IDS).

Related applications: This design application claims priority to Korean Design Application No. 30-2006-0011070, filed on March 24, 2006.

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 30, 2007

Date

Steve Y. Cho

Typed or printed name

44,612

Registration Number, if applicable

206-467-9600

Telephone Number

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SAN FRANCISCO CA 94111-3834

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OFFICE OF PETITIONS

In re Application of
KIM, Nam et al.
Application No. 29/263,756
Filed: July 28, 2006
Attorney Docket No. 080441-001700US

:
:
: **DECISION ON PETITION**
: **UNDER 37 CFR 1.313(c)**
:

This is a decision on the petition under 37 CFR 1.313(c), filed April 20, 2007, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED**.

The petition to withdraw from issue is accompanied by a request for continued examination (RCE) under 37 CFR 1.114. However, the filing of an RCE is improper in a design application. In this regard, petitioner's attention is directed to 37 CFR 1.114(e), which states that the provisions of this section do not apply if the application is:

- (1) A provisional application;
- (2) An application for a utility or plant patent filed under 35 U.S.C. 111(a) before June 8, 1995;
- (3) An international application filed under 35 U.S.C. 363 before June 8, 1995;
- (4) An application for a design patent; or**
- (5) A patent under reexamination.

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 request for continued examination in compliance with 37 CFR 1.114; or
- (3) Express abandonment of the application. Such express abandonment may be in favor of a continuing application.

Accordingly, the petition must be dismissed as failing to comply with the provisions of 37 CFR 1.313(c)(3).

Petitioner's attention is directed to 37 CFR 1.53(d), which states:

- (1) A continuation or divisional application (but not a continuation-in-part) of a prior nonprovisional application may be filed as a continued prosecution application under this paragraph, provided that:
 - (i) The application is for a design patent;

(ii) The prior nonprovisional application is a design application that is complete as defined by § 1.51(b); and

(iii) The application under this paragraph is filed before the earliest of:

(A) Payment of the issue fee on the prior application, unless a petition under § 1.313 is granted in the prior application;

(B) Abandonment of the prior application; or

(C) Termination of proceedings on the prior application.

Accordingly, the appropriate avenue of relief for a grantable petition to withdraw this design application from issue would be to file either a continued prosecution application (CPA) under 37 CFR 1.53(d) or a continuing application under 37 CFR 1.53(b). Any request for reconsideration should be entitled "Renewed Petition under 37 CFR 1.313(c)(3) and be accompanied by a request for a CPA under 37 CFR 1.53(d) or a statement of express abandonment in favor of a concurrently filed continuing application under 37 CFR 1.53(d).

Petitioner is reminded that the renewed petition to withdraw from issue may not be recognized or effective if not received by the appropriate deciding official in time to act prior to issuance. *Note* 37 CFR 1.313(d). It is recommended that the facsimile number listed below be used to file the appropriate documents (*i.e.*, the renewed petition and CPA request) for withdrawing this application from issue.

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) 273-0025
 Office of Petitions

Any questions concerning this matter may be directed to Monica A. Graves at (571) 272-7253.



Frances Hicks
Petitions Examiner
Office of Petitions



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OFFICE OF PETITIONS

In re Application of :
Nam Young Kim et al :
Application No. 29/263,756 :
Filed: July 28, 2006 :
Attorney Docket No. 080441-001700US :

ON PETITION

This is a decision on the petition, filed May 10, 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 April 9, 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 10, 2007.

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

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

Karen Creasy
Petitions Examiner
Office of Petitions



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

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JUL 25 2007

OFFICE OF PETITIONS

In re Application of :
Nam Young Kim, et al. : DECISION GRANTING PETITION
Application No. 29/263,756 : UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: July 28, 2006 :
Attorney Docket No. 080441-001700US :

This is a decision on the petition under 37 CFR 1.313(c)(3), filed July 20, 2007, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on June 19, 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 July 20, 2007.

Telephone inquiries regarding this decision should be directed to April Wise at (571) 272-1642.

This matter is being referred to Technology Center AU 2912 for processing of the CPA and consideration of the concurrently filed information disclosure statement.


Frances M. Hicks
Petitions Examiner
Office of Petitions



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RADER FISHMAN & GRAUER PLLC
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WASHINGTON, DC 20036

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OFFICE OF PETITIONS

In re Application of :
Daisuke Iseki :
Application No. 29/263,797 : DECISION ON PETITION
Filed: July 31, 2006 :
Attorney Docket No. SDE-2011 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 15, 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 Notice to File Missing Parts of Nonprovisional Application (Notice), mailed August 15, 2006. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 16, 2006.

There is no indication that the person signing the petition was ever given a power of attorney or authorization of agent to prosecute the above-identified patent. However, in accordance with 37CFR 1.34(a), the signature of Tomoko Nakajima appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts. If petitioner desires to receive future correspondence regarding this patent, the appropriate power of attorney or authorization of agent must be submitted.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that 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. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item 4.

The Office acknowledges receipt of the \$130 Terminal Disclaimer fee submitted on July 15, 2008. However, a Terminal Disclaimer under 37 CFR 1.137(d) is required 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 from which revival is sought. A form for compliance with 37 CFR 1.137(d) is enclosed with this decision

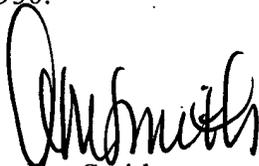
Further correspondence with respect to this matter should be addressed as follows:

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

By 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 Denise Williams at (571) 272-8930.

A handwritten signature in black ink, appearing to read "Andrea Smith". The signature is written in a cursive, flowing style with a large initial "A".

Andrea Smith
Petitions Examiner
Office of Petitions

Enclosure: Terminal Disclaimer to Accompany Petition (PTO/SB/63).

TERMINAL DISCLAIMER TO ACCOMPANY PETITION	Docket Number (Optional)
<p>In re Application of:</p> <p>Name:</p> <p>Application Number:</p> <p>Filed:</p> <p>For:</p> <p>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.</p> <p>Check either box 1 or 2 below, if appropriate.</p> <p>1. <input type="checkbox"/> 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.</p> <p>2. <input type="checkbox"/> The undersigned is an attorney or agent of record. Registration Number _____</p> <p>_____</p> <p style="text-align: center;">Signature Date</p> <p>_____</p> <p style="text-align: center;">Typed or Printed Name Telephone Number</p> <p><input type="checkbox"/> Terminal disclaimer fee under 37 CFR 1.20(d) included.</p> <p>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.</p> <p>* 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.</p>	

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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LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON, DC 20036

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OCT 21 2008

OFFICE OF PETITIONS

In re Application of :
Daisuke Iseki :
Application No. 29/263,797 : DECISION ON PETITION
Filed: July 31, 2006 :
Attorney Docket No. SDE-2011 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed September 11, 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 Notice to File Missing Parts of Nonprovisional Application mailed August 15, 2006. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 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 \$130 for the surcharge, (2) the petition fee of \$1540, (3) a proper statement of unintentional delay (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d) required by 37 CFR 1.137(d).

As authorized, \$130 for the terminal disclaimer will be charged to the petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Denise Williams at (571) 272-8930.

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


Brian Brown
Petitions Examiner
Office of Petitions



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WASHINGTON DC 20036

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SEP 11 2008

In re Application of :
Diasuke Iseki :
Application No. 29/263798 :
Filing or 371(c) Date: 07/31/2006 :
Attorney Docket Number: :
SDE-2010 : **ON PETITION**

This is a decision on the Petition to Revive an Unintentionally Abandoned Application Under 37 CFR 1.137(b), filed May 22, 2008.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed August 15, 2006. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No response having been received, the application became abandoned October 16, 2006. A Notice of Abandonment was mailed May 19, 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 issue fee and corrected drawings; (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 pay the issue fee as required by the Notice 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.

This application is being referred to the Office of Patent Application Processing ("OPAP") for processing of the reply to the Notice in due course.

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

DATE: 8-28-07 APPLICATION NUMBER: 29/263804

DOC CODE: RetDec DOC DATE: _____
TC

**DELIVER THE ATTACHED FILE/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**



LEDGLEY LAW
111 RICHMOND STREET WEST
SUITE 905
TORONTO ON M5H-2G4 CA
CANADA

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AUG 29 2007

OFFICE OF PETITIONS

In re Application of :
Richard James Thomson et al :
Application No. 29/263,804 :
Filed: July 31, 2006 :
Attorney Docket No. 135-7US/CJL :

ON PETITION

This is a decision on the petition, filed August 27, 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 August 7, 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 August 27, 2007.

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

This matter is being referred to Technology Center 2912 for processing of the CPA.

Karen Creasy
Petitions Examiner
Office of Petitions



ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON DC 20036

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MAY 05 2008

OFFICE OF PETITIONS

In re Application of Dixon et al.	:	
Application No. 29/263,812	:	Decision on Petition
Filing Date: July 31, 2006	:	
Attorney Docket No. 022141.00011.PA.0133	:	

This is a decision on the petition under 37 CFR 1.181, filed October 31, 2007, to withdraw the holding of abandonment.

The petition is **granted**.

A Notice of Allowance and a Notice of Allowability were mailed June 20, 2007. The Notice of Allowance set a statutory period for reply of three (3) months for petitioner to submit the issue fee.

The Office did not receive the issue fee in response to the June 20, 2007 Notice of Allowance.

On October 19, 2007, petitioner was notified the application was abandoned.

Petitioner requests the Office withdraw the holding of abandonment. Petitioner states the Notice of Allowance was never received.

A review of the record indicates petitioner has supplied sufficient evidence to demonstrate non-receipt of the Notice of Allowance. Therefore, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The Notice of Allowability was mailed with the Notice of Allowance on June 20, 2007. Since petitioner did not receive the Notice of Allowance, it is presumed petitioner did not receive the Notice of Allowability. Therefore, both the Notice of Allowance and Notice of Allowability mailed on June 20, 2007, are vacated.

Technology Center Art Unit 2916 will be informed of the instant decision. Thereafter, the Technology Center's technical support staff will mail a new Notice of Allowance and Notice of Allowability. The time period for responding to the new Notices will be set to run from the mailing date of the new Notices.

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

A handwritten signature in black ink, appearing to read 'C. Brantley', written in a cursive style.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions



ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

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MAY 01 2008

OFFICE OF PETITIONS

In re Application of Dixon et al. :
Application No. 29/263,813 :
Filing Date: July 31, 2006 :
Attorney Docket No. 022141.00011.PA.0132 :

Decision on Petition

This is a decision on the petition under 37 CFR 1.181, filed October 31, 2007, to withdraw the holding of abandonment.

The petition is **granted**.

This application was held abandoned for failure to timely respond to the Notice of Allowance mailed June 20, 2007, which set a three (3) month period for reply. A Notice of Abandonment was mailed on September 21, 2007.

Petitioner requests the holding of abandonment be withdrawn based on non-receipt of the Notice of Allowance.

After consideration of the record, the Office is persuaded the Notice of Allowance was not received by petitioner.

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

A Notice of Allowability was mailed with the Notice of Allowance on June 20, 2007. Since petitioner did not receive the Notice of Allowance, it is presumed petitioner did not receive the Notice of Allowability. Therefore, both the Notice of Allowance and Notice of Allowability mailed on June 20, 2007, are vacated

Technology Center Art Unit 2916 will be informed of the instant decision. Thereafter, the Technology Center's technical support staff will mail a new Notice of Allowance and a new Notice of Allowability. The time period for responding to the new notices will be set to run from the mailing date of the new notices.

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

A handwritten signature in black ink, appearing to read 'C. Brantley', written in a cursive style.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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HOGAN & HARTSON L.L.P.
1999 AVENUE OF THE STARS
SUITE 1400
LOS ANGELES, CA 90067

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DEC 17 2008

In re Application of
David Anderson, et al.
Application No. 29/263,829
Filed: July 27, 2006
Attorney Docket No. 23415.0072

ON PETITION

This is a decision on the petition, filed September 25, 2008, under the provisions of 37 CFR 1.137(b) to revive the above-identified application.

The petition is **GRANTED**.

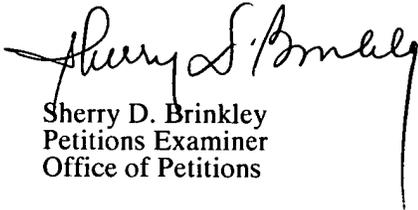
The application became abandoned for failure to timely pay the issue fee on or before July 14, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed April 14, 2008, which set a statutory period for reply of three (3) months. A Notice of Abandonment was subsequently mailed on August 7, 2008. In response, on September 25, 2008, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the \$820 issue fee, (2) the petition fee of \$1,540, (3) an adequate statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to timely pay the issue fee as required by the Notice of April 14, 2008 is accepted as being unintentionally delayed.

The terminal disclaimer filed September 25, 2008 is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

The application is being referred to the Office of Data Management to be processed into a patent.

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


Sherry D. Brinkley
Petitions Examiner
Office of Petitions



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THOMPSON & THOMPSON, P.A.
P.O BOX 166
SCANDIA KS 66966

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OCT 11 2006

OFFICE OF PETITIONS

In re Application of :
Logan, Eugene T. :
Application No. 29/263,938 :
Filed: July 31, 2006 :
Attorney Docket No. SIG-003 :

ON PETITION

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 31, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

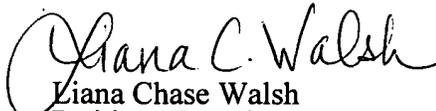
The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a Declaration from the applicant, Eugene T. Logan. Accordingly, the above-identified application has been accorded "special" status.

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

This matter is being referred to the Technology Center Art Unit 2913 for action on the merits commensurate with this decision.


Liana Chase Walsh
Petitions Examiner
Office of Petitions



**BROUSE MCDOWELL LPA
388 SOUTH MAIN STREET
SUITE 500
AKRON OH 44311**

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SEP 10 2008

In re Application of :
John R. **McVay** et al. :
Application No. 29/263,941 : **ON PETITION**
Filed: August 12, 2006 :
Attorney Docket No. 31419.43227 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 29, 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 pay the issue and publication fees on or before May 27, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed February 27, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on May 28, 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 lacks item 4.

Receipt of the issue fee is acknowledged.

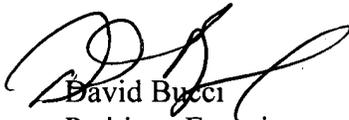
Further correspondence with respect to this matter should be addressed as follows:

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

By 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 Phyllis Spivack at 571-272-6052 or in her absence, the undersigned at (571) 272-7099.


David Buccì
Petitions Examiner
Office of Petitions



BROUSE MCDOWELL LPA
388 SOUTH MAIN STREET
SUITE 500
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OFFICE OF PETITIONS

In re Application of :
John R. MCVAY et al :
Application No. 29/263,941 :
Filed: August 1, 2006 :
Attorney Docket No. 31419.43227 :

DECISION ON PETITION:

This is a letter regarding the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed September 16, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

The petition filed September 16, 2008 was not accompanied by a new statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency action within the meaning of 5 U.S.C. § 704.

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" (emphasis added) and such statement of unintentional delay should be signed by a person who was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue, e.g. 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). The renewed petition does not include such a new statement. The copy of the statement in the petition filed May 29, 2008 was signed on May 28, 2008, i.e. before the filing of a grantable petition.

It is further noted that the September 26, 2006 assignment from Jack Lin to Enanef was not witnessed and dated.

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

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 Alexandria, VA 22313-1450

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 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to the K. Reichle at (571) 272-6051.


David Bucci
Petitions Examiner
Office of Petitions



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DEC 16 2008

OFFICE OF PETITIONS

In re Application of :
John R. MCVAY et al :
Application No. 29/263,941 :
Filed: August 1, 2006 :
Attorney Docket No. 31419.43227 :

DECISION ON PETITION:

This is a letter regarding the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed November 12, 2008, to revive the above-identified application.

The petition is GRANTED.

The application became abandoned for failure to timely pay the issue fee on or before May 27, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed February 27, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on May 28, 2008. A Notice of Abandonment was mailed on June 10, 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, (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 and Fee(s) Due, mailed February 27, 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.

Telephone inquiries concerning this decision should be directed to K. Reichle at (571) 272-6051.

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

for 
David Bucci
Petitions Examiner
Office of Petitions



LADAS & PARRY
26 WEST 61ST STREET
NEW YORK, NY 10023

COPY MAILED

DEC 19 2007

OFFICE OF PETITIONS

In re Application of :
Kyung Tae Kim :
Application No. 29/263,955 :
Filed: August 1, 2006 :
Attorney Docket No. UD 051683-1 :

ON PETITION

This is a decision on the petition, filed August 28, 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 formal drawings in a timely manner in reply to the Notice of Allowance mailed April 2, 2007, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on July 3, 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
www.uspto.gov

LADAS & PARRY LLP
26 WEST 61TH STREET
NEW YORK, NY 10023

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MAY 08 2008

OFFICE OF PETITIONS

In re Application of
Kyung Tae Kim
Application No. 29/263,955
Filed: August 1, 2006
Attorney Docket No. UD 051683-1

:
:
:
:
:
:

ON PETITION

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

The petition is **GRANTED**.

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

This matter is being referred to Technology Center AU 2914 for further processing.


Irvin Dingle
Petitions Examiner
Office of Petitions

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	Not Yet Assigned
Filing Date	Herewith
First Named Inventor	DAYAN
Title	COMBINED MODULATOR AND POWER INVERTER
Atty Docket Number	INT245-004

ADDRESS TO:

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

Approved
11-27-06
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700

113241 U.S. PTO
29/263956



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:

D14/155; 299; 240, 188, 162, 137

D13/168, 144, 110, 107; D10/106; D21/566

439/668, 490, 348, 32 361/730

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.

Brian L. Belles

August 1, 2006

Signature

Date

Brian L. Belles

51,322

Typed or printed name

Registration Number, if applicable

(215) 977-2127

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.



UNITED STATES PATENT AND TRADEMARK OFFICE

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

MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

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DEC 18 2007

OFFICE OF PETITIONS

In re Patent No. D550170	:	
Issue Date: 09/04/2007	:	
Application No. 29/263971	:	ON PETITION
Filed: 08/02/2006	:	
Attorney Docket No. 069576-0102	:	

This is a decision on the petition filed October 3, 2007, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the assignee information 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) 272-3231. 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.


Douglas I. Wood
Senior 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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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

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OFFICE OF PETITIONS

ON PETITION

In re Patent No. D550171 :
Issue Date: 09/04/2007 :
Application No. 29/263973 :
Filed: 08/02/2006 :
Attorney Docket No. 069576-0100 :

This is a decision on the petition filed on October 3, 2007, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the assignee's information 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) 272-3231. 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.


Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

WESTERMAN HATTORI DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

COPY MAILED

JUL 30 2007

OFFICE OF PETITIONS

In re Application of :
Toshiyuki Okumoto et al : DECISION GRANTING PETITION
Application No. 29/263,980 : UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: August 2, 2006 :
Attorney Docket No. 062860 :

This is a decision on the petition filed July 24, 2007, 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 April 23, 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 July 24, 2007.

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

This matter is being referred to Technology Center AU 2915 for processing of the CPA and consideration of the concurrently filed Information Disclosure Statement.


Irvin Dingle
Petition 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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JUL 06 2007

OFFICE OF PETITIONS

BURR & BROWN
P.O. BOX 7068
SYRACUSE NY 13261-7068

In re Application of	:	
Armen G. GUNJIAN	:	
Application No. 29/263,997	:	DECISION ON PETITION
Filed: August 2, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 945_003	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 23, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement signed by applicant. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 2911 for action on the merits commensurate with this decision.



April Wise
Petitions Examiner
Office of Petitions



OSHA LIANG L.L.P.
1221 MCKINNEY STREET
SUITE 2800
HOUSTON TX 77010

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DEC 17 2007

OFFICE OF PETITIONS

In re Patent No. D543938 :
Issue Date: 06/05/2007 :
Application No. 29/264,005 : **DECISION ON PETITION**
Filed: 08/02/2006 :
Attorney Docket No. 14200/016002 :

This is a decision on the petition filed July 27, 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) 272-3211. 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.

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 11/20/2008

TO SPE OF : ART UNIT 2915 (2900)

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/264,070 Patent No.: D575,751

Attn: Randall Gholson

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 (C of C)
South Tower - 9A22
Palm Location 7580**

***ATTN: Ok to enter a new drawing fig. 8 as requested in the COCIN?**

Ernest C. White, LIE
Certificates of Correction Branch
703-308-9390 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: _____


ROBERT M. SPEAR
DESIGN PRACTICE SPECIALIST
SPE, GAU 2915



THE BLACK & DECKER CORPORATION
701 EAST JOPPA ROAD, TW199
TOWSON MD 21286

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JUN 20 2008

OFFICE OF PETITIONS

In re Application of :
Gabriel Concari :
Application No. 29/264,092 : **ON PETITION**
Filed: August 3, 2006 :
Attorney Docket No. D-US-TN-10469 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b) filed October 4, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

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

The application became abandoned for failure s to timely pay the issue and publication fees on or before August 3, 2007, as required by the Notice of Allowance and Fee(s) Due mailed May 3, 2007, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on August 4, 2007. The Notice of Abandonment was mailed August 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 item(s) (4).

All design application petitions must be accompanied with a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) as required by 37 CFR 1.137(d). A copy of the terminal disclaimer form PTO/SB/63 is enclosed for your convenience.

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

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

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

The centralized facsimile number is (571) 273-8300.

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



Chris Bottorff
Petitions Examiner
Office of Petitions

Enclosed: Terminal Disclaimer to Accompany Petition (PTO/SB/63)

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.



THE BLACK & DECKER CORPORATION
701 EAST JOPPA ROAD, TW199
TOWSON MD 21286

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OCT 21 2008

OFFICE OF PETITIONS

In re Application of :
Gabriel Concari :
Application No. 29/264,092 : **DECISION ON PETITION**
Filed: August 3, 2006 :
Attorney Docket No. D-US-TN-10469 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed July 21, 2008, 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 3, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed May 3, 2007. Accordingly, the date of abandonment of this application is August 4, 2007. The Notice of Abandonment was mailed August 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 payment of the issue fee of \$820, (2) the petition fee of \$1,540; (3) a terminal disclaimer and fee as required by 37 CFR 1.137(d); and (4) a proper statement of unintentional delay.

The terminal disclaimer is accepted and has been made of record.

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

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

Chris Bottorff
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

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SEP 21 2007

OFFICE OF PETITIONS

OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8403

In re Patent No. D538759
Issue Date: March 20, 2007
Application No. 29/264,094
Filed: August 3, 2006
Attorney Docket No. D/10-755

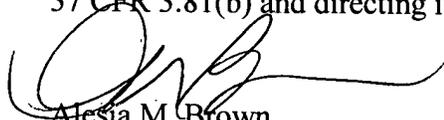
ON PETITION

This is a decision on the petition filed May 23, 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) 272-3205. 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.


Alesia M. Brown
Petitions Attorney
Office of Petitions

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

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	Ann-Marie Paz
	Title	PORTION OF A SHOE UPPER
	Attorney Docket Number	2465-7764US

ADDRESS TO: MAIL STOP EXPEDITED DESIGN COMMISSION FOR PATENTS P.O. BOX 1450 Alexandria, VA 22313-1450	Approved <i>8-22-06</i> <i>Jacqueline M. Stone</i> Jacqueline M. Stone, Director Technology Center 1700/2900	113000 U.S. PTO 291264144 080406
--	---	--

This is a request for expedited examination of a design application under 37 CER 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:

US. CL. D2/896, D2/897, D2/902, D2/907, D2/908, D2/910, D2/911, D2/912, D2/916, D2/922, D2/935, D2/969, D2/970, D2/971, D2/972, 36/45, 36/50.1, 36/83, 36/88, 36/89, 36/93, 36/101, 36/102, 36/103, 36/104, 36/106, 36/108, 36/109, 36/113, 36/114, 36/115, 36/116, 36/126, 36/127, 36/128, 36/129, 36/130

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.

Laurence B. Bond

Signature
Laurence B. Bond

Typed or printed name
(801) 532-1922

Telephone Number

4 Aug. 2006

Date
30,549

Registration Number, if applicable

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 22343-1450. If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

/07/2006 FFAAEEIA 00000048 201469 29264144

FC:1802

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SEYFARTH SHAW LLP
131 S. DEARBORN ST., SUITE 2400
CHICAGO, IL 60603-5803

COPY MAILED

NOV 09 2007

OFFICE OF PETITIONS

In re Application of :
Alpa Shantilal Pabari et al :
Application No. 29/264,247 :
Filed: August 7, 2006 :
Attorney Docket No. 37389-405600 :

ON PETITION

This is a decision on the petition under 37 CFR 1.313(a), filed November 1, 2007, to withdraw the above-identified application from issue.

The petition is **DISMISSED**.

Petitioner requests that the present application be withdrawn from issue to allow for the acceptance and consideration of the replacement drawings filed with petition on November 1, 2007.

37 CFR 1.313(a) states, in part:

Applications may be withdrawn from issue for further action at the initiative of the Office or upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

As such, a grantable petition requesting withdrawal of an application from issue must be accompanied by: (1) a showing of good and sufficient reasons why withdrawal of the application from issue is necessary; and (2) the requisite petition fee under 37 CFR 1.17(h). The petition fee of \$130 has been charged to petitioner's deposit account.

However, the petition does not set forth good and sufficient reasons as to why withdrawal of the application from issue is necessary. Petitioner's reason, to allow for the acceptance and consideration of the replacement drawings, does not make withdrawal of the application from issue necessary. There are other avenues open to applicant other than by way of petition.

Following the part of 37 CFR 1.313(a) cited above, 37 CFR 1.313(a) goes on to state:

A petition under this section is not required if a request for continued examination under § 1.114 is filed prior to payment of the issue fee.

The filing of a request for continued examination (RCE) under 37 CFR 1.114 with a submission and the fee set forth in 37 CFR 1.17(e) would have been a proper available option to have the IDS considered. It is well documented that an IDS satisfies the submission requirement under 37 CFR 1.114. *See* MPEP 706.07(h)(II).

For the above reasons, this application will not be withdrawn from issue under the provisions of 37 CFR 1.313(a).

Any inquiries regarding this decision should be directed to Irvin Dingle at (571) 272-3210.


Irvin Dingle
Petition Examiner
Office of Petitions



SEYFARTH SHAW LLP
131 S. DEARBORN ST., SUITE 2400
CHICAGO, IL 60603-5803

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NOV 27 2007

OFFICE OF PETITIONS

In re Application of	:	
Alpa Shantilal Pabari et al	:	
Application No. 29/264,247	:	ON PETITION
Filed: August 7, 2006	:	
Attorney Docket No. 37389-405600	:	

CORRECTED DECISION

This is a decision on the petition under 37 CFR 1.313(a), filed November 1, 2007, to withdraw the above-identified application from issue.

The petition is **DISMISSED**.

Petitioner requests that the present application be withdrawn from issue to allow for the acceptance and consideration of the replacement drawings filed with petition on November 1, 2007.

37 CFR 1.313(a) states, in part:

Applications may be withdrawn from issue for further action at the initiative of the Office or upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

As such, a grantable petition requesting withdrawal of an application from issue must be accompanied by: (1) a showing of good and sufficient reasons why withdrawal of the application from issue is necessary; and (2) the requisite petition fee under 37 CFR 1.17(h). The petition fee of \$130 has been charged to petitioner's deposit account.

However, the petition does not set forth good and sufficient reasons as to why withdrawal of the application from issue is necessary. Petitioner's reason, to allow for the acceptance and consideration of the replacement drawings, does not make withdrawal of the application from issue necessary. There are other avenues open to applicant other than by way of petition.

For the above reasons, this application will not be withdrawn from issue under the provisions of 37 CFR 1.313(a).

The decision mailed November 9, 2007 is hereby vacated as of the mail date of this decision.

Any inquiries regarding this decision should be directed to Irvin Dingle at (571) 272-3210.



Irvin Dingle
Petition 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

Staas & Halsey, LLP
Suite 700
1201 New York Avenue, N.W.
Washington, DC 20005

COPY MAILED

JUN 17 2008

In re Application of : **OFFICE OF PETITIONS**
Giang-Yoon Kwon et al. :
Application No. 29/264,280 : **DECISION ON PETITION**
Filed: August 8, 2006 :
Attorney Docket No. 1927.1011 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 25, 2008, 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 September 28, 2007, as required by the Notice of Allowance and Fee(s) Due mailed June 28, 2007. Accordingly, the date of abandonment of this application is September 29, 2007. A Notice of Abandonment was mailed on January 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 \$820, (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 issue fee 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 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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Paper No.

WEISS & MOY PC
4204 NORTH BROWN AVENUE
SCOTTSDALE AZ 85251

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JUN 18 2009

OFFICE OF PETITIONS

In re Application of :
Clores et al. : DECISION ON
Application No. 29/264,316 : PETITION
Filed: August 8, 2006 :
Atty Docket No. 4180P3115DES :

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b), filed January 12, 2009.

The petition is **DISMISSED**.

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

The above-identified application became abandoned for failure to pay the Issue Fee within three months of the mailing date, April 4, 2008, of the Notice of Allowance and Fee(s) Due. This Office action set a three-month nonextendable statutory period for reply. No Issue Fee received, the above-identified application became abandoned on July 5, 2008. A courtesy Notice of Abandonment was mailed on July 30, 2008.

The provisions of 37 C.F.R. § 1.137(b) provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent. A petition filed pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

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

The petition includes the required reply in the form of payment of the Issue Fee¹; payment of the petition fee; and the required statement of unintentional delay.

However, the instant petition does not satisfy requirement (4) above. No terminal disclaimer and fee were submitted with the instant petition. A properly completed terminal disclaimer and terminal disclaimer fee are required for revival of this design application.

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

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

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

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

¹ No publication fee was required. There was no distinct but concurrent requirement for corrected drawings.

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

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is stylized with a large, looping initial "N" and a long horizontal stroke extending to the right.

Nancy Johnson
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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SEP 28 2009
OFFICE OF PETITIONS

In re Application of :
Clores et al. : DECISION ON
Application No. 29/264,316 : PETITION
Filed: August 8, 2006 :
Atty Docket No. 4180P3115DES :

This is a decision on the RENEWED PETITION UNDER 37 CFR
1.137(b), filed June 24, 2009.

The petition is **GRANTED**.

The above-identified application became abandoned effective July
5, 2008 for failure to pay the Issue Fee within three months of
the mailing date, April 4, 2008, of the Notice of Allowance and
Fee(s) Due. A courtesy Notice of Abandonment was mailed on July
30, 2008.

By decision mailed June 18, 2009, the initial petition filed
January 12, 2009 was dismissed. The petition included the
required reply in the form of payment of the Issue Fee¹; payment
of the petition fee; and the required statement of unintentional
delay. However, the petition did not include the terminal
disclaimer (and fee as set forth in § 1.20(d)) required pursuant
to paragraph (d) to revive this design application.

On instant renewed petition, applicants have submitted a proper
terminal disclaimer and fee. All requirements of 37 CFR
1.137(b) have been met.

¹ No publication fee was required. There was no distinct but concurrent
requirement for corrected drawings.

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

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

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is fluid and cursive, with a large initial "N" and "J".

Nancy Johnson
Senior Petitions Attorney
Office of Petitions



Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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4204 NORTH BROWN AVENUE
SCOTTSDALE AZ 85251

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JAN 23 2009

OFFICE OF PETITIONS

In re Application of :
Clores et al. :
Application No. 29/264,318 : DECISION ON PETITION
Filed: August 8, 2006 :
Attorney Docket No. 4180P3114DES :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 6, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

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

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(1)(C) and (D). The instant petition lacks item (4).

With respect to item (4), since the instant application is a design application, a terminal disclaimer and fee are required by 37 CFR 1.137(b) for revival. A terminal disclaimer form is enclosed.

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

- By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450
- By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314
- By facsimile: (571) 273-8300
Attn: Office of Petitions

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

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

Enclosure: PTO/SB/63 Terminal Disclaimer form

TERMINAL DISCLAIMER TO ACCOMPANY PETITION	Docket Number (Optional)
<p>In re Application of:</p> <p>Name:</p> <p>Application Number:</p> <p>Filed:</p> <p>For:</p> <p>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.</p> <p>Check either box 1 or 2 below, if appropriate.</p> <p>1. <input type="checkbox"/> 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.</p> <p>2. <input type="checkbox"/> The undersigned is an attorney or agent of record. Registration Number _____</p> <p>_____</p> <p style="text-align: center;">Signature Date</p> <p>_____</p> <p style="text-align: center;">Typed or Printed Name Telephone Number</p> <p><input type="checkbox"/> Terminal disclaimer fee under 37 CFR 1.20(d) included.</p> <p>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.</p> <p>* 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.</p>	

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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P.O. Box 1450
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SCOTTSDALE AZ 85251

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FEB 27 2009

OFFICE OF PETITIONS

In re Application of :
Clores et al. :
Application No. 29/264,318 : **DECISION ON PETITION**
Filed: August 8, 2006 :
Attorney Docket No. 4180P3114DES :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed January 29, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee on or before July 7, 2008, as required by the Notice of Allowance and Fee(s) Due mailed April 4, 2008. Accordingly, the date of abandonment of this application is July 8, 2008. A Notice of Abandonment was mailed July 30, 2008.

Petitioner has now complied with 37 CFR 1.137(b) (4) by submitting the requisite terminal disclaimer and fee of \$70.00.

The request for a terminal disclaimer is accepted and has been made of record.

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

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

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions



ALBERT BORDAS, P.A.
5975 SUNSET DRIVE
SUITE 607
MIAMI FL 33143

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MAR 12 2008

OFFICE OF PETITIONS

In re Application of :
FRAGA, Juan C. et al. :
Application No. 29/264,335 :
Filed: August 08, 2006 :
Attorney Docket No. 070008.12 :

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 06, 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 Albert Bordas, the sole attorney of record. Albert Bordas has been withdrawn as attorney or agent of record. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Juan Fraga at the address indicated below.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Tredelle D. Jackson
Petitions Examiner
Office of Petitions

cc: **JUAN C. FRAGA**
2840 N. 2ND STREET
N. FORT MYERS, FL 33917

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

By fax: (571) 273-0025
ATTN: Office of Petitions

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

A handwritten signature in black ink, appearing to be 'V. Tolbert', written over a horizontal line.

Virginia Tolbert
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(703) 308-9390 ext 113 or (703) 308-9390 ext.113

vt



February 11, 2009

Edward M. Weisz
551 Fifth Avenue
Suite 1210
New York, NY 10176

Patent No.: D554,205 S
Application No.: 29/264343
Inventor(s): Wataru Sato, et al.
Issued: October 30, 2007
Title: TOY

Re: Request for Certificate of Correction

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

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

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

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

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

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

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

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

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

By fax: (571) 273-0025
 ATTN: Office of Petitions

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



Virginia Tolbert
For Mary Diggs, Supervisor
Decisions & Certificate of Correction Branch
(703) 305-8309 or (703) **308-9390 ext 113**

vt

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

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



Thurman K. Page
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
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THE PROCTER & GAMBLE COMPANY
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WINTON HILL BUSINESS CENTER - BOX 412
6250 CENTER HILL AVENUE
CINCINNATI OH 45224

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MAR 25 2008

OFFICE OF PETITIONS

In re Application of :
Shima Kawashima :
Application No. 29/264,351 : DECISION ON PETITION
Filed: August 8, 2006 :
Attorney Docket No. AD208F :

This is a decision on the petition, filed December 27, 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 respond to the Notice of Allowability of July 12, 2007, which set a three (3) month statutory period for reply. A reply was due on or before October 12, 2007.

Petitioner states that a reply was in fact timely filed. To support this assertion, petitioner has submitted a copy of a return postcard, which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on August 27, 2007 of, *inter alia*, corrected drawings. A copy of the previously submitted reply accompanies the petition.

The corrected drawings acknowledged as having been received in the USPTO on August 27, 2007 are not of record in the application file and has not to date been located. However, MPEP 503 states that "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO." Accordingly, it is concluded that the corrected drawings were timely received in the USPTO but lost after receipt thereof.

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

The copy of the reply supplied with the petition will be accepted in place of the reply shown to have been received by the USPTO on August 27, 2007.

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

A handwritten signature in black ink, appearing to read "Charlema Grant". The signature is written in a cursive, somewhat stylized font.

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

Date Mailed : April 4, 2007
Serial No. : 29/264353
Patent No. : D553696
Patent Issued : October 23, 2007
Title : TOY

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.

A petition under C.F.R. 1.182 is required to correct the alleged errors in spelling or order of inventor's names, since inventor's names are printed solely in accordance with the type-written names, and in the order of the type-written names on the Declaration, and since the error was the result of applicant's failure to comply with the requirement that the complete and correct names in correct order, be indicated on the Declaration or Oath, no correction is in order here under the provisions of Rule 1.323 (required fee currently \$100), unless a petition is granted.

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

However, a petition under 37 CFR 1.182 (required fee currently \$130) should be directed to the attention of the Assistant Commissioner for Patents, using the following mailing address or FAX number.

By Mail: Commissioner of Patents and Trademarks
Box DAC
Washington, D.C. 20231

By Fax: (703) 308-6916
Attn.: Office of Petitions

Magdalene Talley
Decisions and Certificate
Of Correction Branch
(703)308-9390 ext. 116
Fax (571) 270-9942

Edward M. Weisz



UNITED STATES PATENT AND TRADEMARK OFFICE

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

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MAR 12 2010

OFFICE OF PETITIONS

Edward M. Weisz
Cohen, Pontani, Lieberman & Pavane LLP
12th Floor
551 Fifth Avenue
New York NY, 10176

Patent No. D 553,696 :
Issue Date: October 23, 2007 :
Application No. 29/264,353 : ON PETITION
Filed: August 8, 2006 :
Attorney Docket No. 5369-122 :

This is a decision on the petition filed May 8, 2008 which will be treated under a petition under 37 CFR 1.182, to change the name of the inventor on the above-identified patent.

The petition is **DISMISSED**.

The issue fee in this application was paid on August 13, 2007. Therefore, as the request seeks to amend the name of inventor Tetsuyoshi Matsumura after payment of the issue fee, this constitutes an amendment pursuant to the provisions of 37 CFR 1.312. Effective May 29, 2000, the Office changed the practice by clarifying that an amendment under § 1.312 (after allowance) must be filed prior to or with payment of the issue fee, and eliminated 37 CFR 1.312(b).

The petition was filed after the issuance of a patent. In view of the above, the petition under § 1.182 to change the name of the inventor(s) cannot be granted.

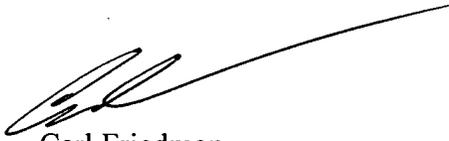
Further correspondence with respect to this matter should be addressed as follows:

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 Kimberly Inabinet at (571) 272-4618.



Carl Friedman
Petitions Office
Office of Petitions



TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P.
1300 EAST NINTH STREET, SUITE 1700
CLEVEVLAND, OH 44114

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APR 22 2009

OFFICE OF PETITIONS

In re Application of :
Kevin R. **STOTT** :
Application No. 29/264,360 :
Filed: August 8, 2006 :
Attorney Docket No. **MCI-8310** :

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 6, 2009 to revive the above-identified application.

The petition is **DISMISSED**.

This application became abandoned for failure to timely pay the issue fee and to submit corrected drawings on or before January 21, 2009 as required by the Notice of Allowance/Allowability mailed October 21, 2008. Accordingly, the date of abandonment of this application is January 22, 2009.

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 required by 37 CFR 1.137(d).

Since the above-identified application is a design application, 37 CFR 1.137(d) requires a terminal disclaimer (and fee) 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 filing a grantable petition. If the terminal disclaimer is signed by an assignee, the assignee must comply with the requirements of 37 CFR 3.73(b). PTO/SB/63 may be helpful in this regard and a copy of this form is attached.

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.



Brian W. Brown
Petitions Examiner
Office of Petitions

Attachment: PTO/SB/63 Terminal Disclaimer Form



UNITED STATES PATENT AND TRADEMARK OFFICE

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

TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P.
1300 EAST NINTH STREET, SUITE 1700
CLEVEVLAND, OH 44114

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JUN 03 2009

OFFICE OF PETITIONS

In re Application of :
Kelvin R. STOTT :
Application No. 29/264,360 :
Filed: August 8, 2006 :
Attorney Docket No. **MC1-8310** :

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed May 11, 2009, 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 drawings on or before January 21, 2009, as required by the Notice of Allowance/Allowability mailed, October 21, 2008. Accordingly, the date of abandonment of this application is January 22, 2009.

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 \$430; (2) the petition fee of \$810, (3) a proper statement of unintentional delay and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(b).

The drawings filed on March 6, 2009 have been entered and made of record.

The terminal disclaimer filed May 11, 2009 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 the Office of Data Management for processing into a patent.

Brian W. Brown
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

BRENDA L. SPEER
BRENDA L SPEER, LLC
2 NORTH CASCADE AVENUE
SUITE 1100
COLORADO SPRINGS CO 80903

MAILED

AUG 10 2009

In re Application of
Wendell Michael Phillips
Application No. 29/264,369
Filed: August 8, 2006
Attorney Docket No. 1152-002

OFFICE OF PETITIONS

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

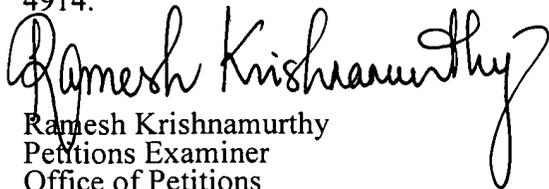
This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 16, 2009.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request cannot be approved as the instant request was filed after the application issued as a patent. The request has been placed in the file. See sections 2540 and 2542 of the MPEP that recommend the designation of a "fee address" or the submission of the change in correspondence address in a patented file to direct communications relating to maintenance fee payments and other correspondence after issuance.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4914.


Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

ULMER & BERNE, LLP
ATTN: DIANE BELL
600 VINE STREET
SUITE 2800
CINCINNATI OH 45202-2409

COPY MAILED

JUN 30 2008

In re Application of

Martin R. Cooper

Application No. 29/264,409

Filed: August 9, 2006

Attorney Docket No. 2493-19

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed June 13, 2008, in the above-identified application.

The 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 Allowability mailed June 19, 2007. 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 20, 2007. A Notice of Abandonment was mailed April 14, 2008.

The terminal disclaimer, filed June 13, 2008, is noted. The corrected drawings are noted as having been received on June 13, 2008.

The 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) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



LOWE HAUPTMAN HAM & BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA VA 22314

COPY MAILED

OCT 19 2007

OFFICE OF PETITIONS

In re Application of :
Se-Heon Park :
Application No. 29/264,442 : **ON PETITION**
Filed: August 10, 2006 :
For: WIPER BLADE FOR CAR :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 4, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

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

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
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

LOWE HAUPTMAN HAM & BERNER, LLP
1700 DIAGONALD ROAD
SUITE 300
ALEXANDRIA VA 22314

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NOV 30 2007

In re Application of :
Se-Heon Park :
Application No. 29/264,442 :
Filed: August 10, 2006 :
Attorney Docket No. 122996-06098320 :

OFFICE OF PETITIONS
DECISION GRANTING PETITION
UNDER 37 CFR 1.137(b)

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

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the issue fee and terminal disclaimer; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance of October 18, 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



The Black & Decker Corporation
701 East Joppa Road, TW 199
Towson, MD 21286

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SEP 26 2008

In re Application of :
Mark Stratford et al. :
Application No. 29/264,464 : **DECISION ON PETITION**
Filed: August 10, 2006 :
Attorney Docket No. D-US-CS-1235 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 18, 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 Notice to File Missing Parts of Non-Provisional Application (Notice), mailed August 24, 2006. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly the case became abandoned on October 25, 2006. A Notice of Abandonment was mailed on May 19, 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 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 \$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
 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.



Carl Friedman
Petitions Examiner
Office of Petitions

Attachments: Terminal Disclaimer To Accompany Petition
(Form No. PTO-SB63)



The Black & Decker Corporation
701 East Joppa Road, TW 199
Towson, MD 21286

COPY MAILED

MAR 25 2009

OFFICE OF PETITIONS

In re Application of :
Mark Stratford et al. :
Application No. 29/264,464 :
Filed: August 10, 2006 :
Attorney Docket No. D-US-CS-1235 :

DECISION ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 20, 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 Notice to File Missing Parts of Non-Provisional Application (Notice), mailed August 24, 2006. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly the case became abandoned on October 25, 2006. A Notice of Abandonment was mailed on May 19, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a signed oath and declaration, with the required fee of \$130 (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 fees are accepted as being unintentionally delayed.

The petition decision mailed September 26, 2008, dismissed the petition filed June 18, 2008 for failure to provide terminal disclaimer. The renewed petition includes a proper terminal disclaimer.

The surcharge fee of \$130 was not charged to petitioner's deposit account as requested with the petition filed on June 18, 2008. The fee will be applied with the grant of this petition decision.

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 Patent Application Processing for appropriate action in the normal course of business on the reply received June 18, 2008.



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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Paper No.

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

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APR 18 2008

OFFICE OF PETITIONS

In re Application of	:	
Michael A. Morris	:	
Application No. 29/264,490	:	DECISION ON TWO PETITIONS
Filed: August 9, 2006	:	PURSUANT TO 37 C.F.R.
Attorney Docket Number:	:	§§ 1.137(A) AND (B)
GEOPL.017DA	:	
Title: WHEEL	:	

This is a decision on the two petitions, pursuant to 37 C.F.R. §§ 1.137(a) and 1.137(b), to revive the above-identified application. Both these petitions were filed concurrently on September 14, 2007.

BACKGROUND

The above-identified application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed April 18, 2007, which set a shortened statutory period for reply of three months. The issue fee was timely received on July 17, 2007, however corrected drawings were not included with this submission. No extensions of time are permitted for transmitting formal drawings¹. Accordingly, this application became abandoned on July 19, 2007. A Notice of Abandonment was mailed on August 16, 2007.

The petition pursuant to Rule 1.137(a) is **DISMISSED**.

¹ See MPEP § 710.02(e).

The petition pursuant to Rule 1.137(b) is **GRANTED**.

The petition pursuant to Rule 1.137(a):

RELEVANT PORTIONS OF THE C.F.R.

37 C.F.R. § 1.134 sets forth, *in toto*:

An Office action will notify the applicant of any non-statutory or shortened statutory time period set for reply to an Office action. Unless the applicant is notified in writing that a reply is required in less than six months, a maximum period of six months is allowed.

37 C.F.R. § 1.135 sets forth, *in toto*:

(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.

(b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.

(c) When reply by the applicant is a bona fide attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under § 1.134 to supply the omission.

THE APPLICABLE STANDARD

Nonawareness of a PTO rule will not constitute unavoidable delay²

² See Smith v. Mossinghoff, 671 F.2d 533, 538, 213 U.S.P.Q. (BNA) 977 (Fed. Cir. 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). Although court decisions have only addressed the issue of lack of knowledge of an attorney, there is no reason to expect a different result due to lack of knowledge on the part of a pro se (one who prosecutes on his own) applicant. It would be inequitable for a court to determine that a client who spends his hard earned money on an attorney who happens not to know a specific rule should be held to a higher standard than a pro se applicant who makes (or is forced to make) the decision to file the application without the assistance of counsel. See also Donnelley v. Dickinson, 123 Fsupp2d 456, 459.

Decision on Petition pursuant to 37 C.F.R. § 1.137(a)

The burden of showing the cause of the delay is on the person seeking to revive the application³.

"[T]he question of whether an applicant's delay in prosecuting an application was unavoidable must be decided on a case-by-case basis, taking all of the facts and circumstances into account."⁴

The general question asked by the Office is: "Did petitioner act as a reasonable and prudent person in relation to his most important business?"⁵

A delay caused by an applicant's lack of knowledge or improper application of the patent statute, rules of practice, or the MPEP is not rendered "unavoidable" due to either the applicant's reliance upon oral advice from USPTO employees or the USPTO's failure to advise the applicant to take corrective action⁶.

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 present⁷.

A petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable"⁸.

The Office must rely on the actions or inactions of duly authorized and voluntarily chosen representatives of the applicant, and the applicant is bound by the consequences of those actions or inactions⁹. Specifically, petitioner's delay caused by the mistakes or negligence of his voluntarily chosen

³ Id.

⁴ See In re Sivertz, 227 USPQ 255, 256 (Comm'r Pat. 1985).

⁵ See In re Mattulah, 38 App. D.C. 497 (D.C. Cir. 1912).

⁶ See In re Sivertz, 227 USPQ 255, 256 (Comm'r Pat. 1985).

⁷ In re Mattullath, 38 App. D.C. at (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).

⁸ Haines, 673 F. Supp. at 314, 316-17; 5 USPQ2d at 1131-32.

⁹ Link v. Wabash, 370 U.S. 626, 633-634 (1962).

Decision on Petition pursuant to 37 C.F.R. § 1.137(a)

representative does not constitute unavoidable delay within the meaning of 35 U.S.C. § 133¹⁰.

The actions of the attorney are imputed to the client, for when a petitioner voluntarily chooses an attorney to represent him, the petitioner cannot later distance himself from this attorney, so as to avoid the repercussions of the actions or inactions of this selected representative, for clients are bound by the acts of their lawyers/agents, and constructively possess "notice of all facts, notice of which can be charged upon the attorney"¹¹."

In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account"¹²."

A petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable"¹³."

ANALYSIS

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

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(1);
- (3) A showing to 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 was unavoidable;
- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

Receipt of the issue fee and the terminal disclaimer is acknowledged. The petition fee and the fee associated with the filing of a terminal disclaimer will be charged to Petitioner's Deposit Account in due course. Petitioner has met the first, second, and fourth requirements of Rule 1.137(a). The third requirement of Rule 1.137(a) has not been met, in that it has

¹⁰ Haines, 673 F.Supp. at 316-17, 5 U.S.P.Q.2d at 1131-32; Smith v. Diamond, 209 USPQ 1091 (D.D.C. 1981); Potter v. Dann, 201 USPQ 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 103, 131 (Comm'r Pat. 1891).

¹¹ Link at 633-634.

¹² Smith v. Mossinghoff, 671 F.2d at 538; 213 USPQ at 982.

¹³ Haines, 673 F. Supp. at 314, 316-17; 5 USPQ2d at 1131-32.

not been established that the entire period of delay was unavoidable.

The Examiner's Amendment that accompanied the Notice of Allowance and Issue Fee Due indicated, in pertinent part:

The drawing disclosure is objectionable. The drawing figures should be appropriately and adequately shaded to show clearly the character and/or contour of all surfaces represented.

With this petition, Petitioner has asserted that this "objection was unreasonably vague," and that he was not able to determine which figures to which the objection referred. Petitioner has asserted that he telephoned the Examiner, but "calls were not returned until after the deadline for the payment of the Issue Fee." It is noted that Petitioner has not indicated how many calls were placed, or when these calls were made.

The Examiner's Amendment has been reviewed by the undersigned, and it does not appear to be "unreasonably vague." The Examiner indicated that "[t]he drawing disclosure is objectionable," and that [t]he drawing figures should be appropriately and adequately shaded." The plain meaning of this language suggests that it is the entire drawing disclosure that is objectionable, and that each of the drawing figures were not appropriately and adequately shaded. It follows that Petitioner's failure to timely submit corrected drawings was not unavoidable.

Assuming arguendo that the meaning of this language could not have been discerned without further clarification, a prudent and careful man, acting in relation to his most important business, who was not able to secure said clarification, would have presumed that the above-quoted language applied to each of the drawings, and would have submitted corrected drawings prior to the deadline for the submission of the same, so as to prevent the application from going abandoned. Consequently, it does not appear that Petitioner's failure to submit corrected drawings in a timely manner was in line with the actions of a prudent and careful man acting in relation to his most important business. As such, a finding of unavoidable delay is precluded.

The petition pursuant to Rule 1.137(b):

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

- (1) The reply required to the outstanding Office

Decision on Petition pursuant to 37 C.F.R. § 1.137(a)

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

Petitioner has submitted the proper statement of unintentional delay. As set forth above, the issue fee and the terminal disclaimer have been received, and the fee associated with the filing of a terminal disclaimer will be charged to Petitioner's Deposit Account in due course. The petition fee will also be charged to Petitioner's Deposit Account in due course.

As such, all four requirements of Rule 1.137(b) have been met.

CONCLUSION

The Office of Patent Publication will be notified of this decision so that the present application can be **processed into a patent**. The Office of Patent Publication will also **enter the terminal disclaimer** that was filed concurrently with this petition.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225¹⁴. All other inquiries 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

¹⁴ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for 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
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LEGAL DEPARTMENT (M-495)
P.O. BOX 1926
SPARTANBURG SC 29304

MAILED

MAR 05 2009

OFFICE OF PETITIONS

In re Application of :
Charles W. Prestridge :
Application No. 29/264,541 : ON PETITION
Filed: August 11, 2006 :
Attorney Docket No. 6073 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 3, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

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

The application became abandoned for failure to timely submit corrected drawings as noted in the Notice of Allowance/Notice of Allowability mailed September 15, 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 lacks item(s) (4).

The Office received the fee of \$140.00 on February 3, 2009 for the terminal disclaimer. However, the Office never received the terminal disclaimer form PTO/SB/63. A copy is enclosed for your convenience.

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

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

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

The centralized facsimile number is **(571) 273-8300**.

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



Karen Creasy
Petitions Examiner
Office of Petitions

Enclosure: **Blank form PTO/SB/63**



UNITED STATES PATENT AND TRADEMARK OFFICE

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

LEGAL DEPARTMENT (M-495)
P.O. BOX 1926
SPARTANBURG SC 29304

MAILED

APR 08 2009

In re Application of	:	OFFICE OF PETITIONS
Charles W. Prestridge	:	
Application No. 29/264,541	:	DECISION ON PETITION
Filed: August 11, 2006	:	
Attorney Docket No. 6073	:	

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 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 mailed September 15, 2008, 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
Petitions Examiner
Office of Petitions



DAVID B. PIEPER
KEISLING PIEPER & SCOTT PLC
SUITE 217
1 E. CENTER STREET
FAYETTEVILLE AR 72701

COPY MAILED

JUN 19 2007

OFFICE OF PETITIONS

In re Application of	:	
Nathan Greenman	:	
Application No. 29/264,603	:	ON PETITION
Filed: August 11, 2006	:	
Attorney Docket No. 015208	:	

This decision is in response to the petition filed December 22, 2006, under both 37 CFR 1.48 and under 37 CFR 1.47(a).

The petition under 37 CFR 1.48 is GRANTED.
The petition under 37 CFR 1.47(a) is DISMISSED as involving moot issues.

The above-identified application was filed on August 11, 2006, without an executed oath or declaration and naming Angeliã M. Smith, Derek Michels, Rick Dochterman, Terry Neumaster and Jerry Mott. Accordingly, on August 24, 2006, applicants were mailed a "Notice to File Missing Parts of Application," requiring, *inter alia*, an executed oath or declaration, and a surcharge for late filing. This Notice set a period for reply of two months, with extensions of time obtainable under §1.136(a).

In reply, applicants filed the instant petition under 37 CFR 1.48 with a two month extension of time request, to correct the inventorship, asserting that Nathan Greenman is the sole inventor, a declaration signed by Nathan Greenman in compliance with 37 CFR 1.63, and a petition under 37 CFR 1.47(b) because one of the original named inventors, Jerry Mott, refused to sign a statement acknowledging that he was incorrectly and without deceptive intent named as an inventor, thus deleting him as an inventor.

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 from *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 (h); and
(4) the written consent of any existing assignee, if any of the originally named inventors has executed an assignment.

The petition fee for consideration under §1.48 has been applied. The declaration submitted is the first executed declaration of record and is found sufficient to correct inventorship pursuant to §1.48(f). Please find enclosed a corrected filing receipt reflecting the correction of inventorship.

In view of the joinder of the sole inventor, no consideration under 37 CFR 1.47(b) is necessary and the petition is considered moot. This application does not have any Rule 1.47(b) status and no such status should appear on the file wrapper. This application need not be returned to this Office for further consideration under 37 CFR 1.47(b). The petition fee in the amount of \$200.00 will be refunded in due course.

The application file is being returned to the Office of Initial Patent Examination for completion of pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.



Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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	TOT CLMS	IND CLMS
29/264,603	08/11/2006	2913	560	015208	1	1

CONFIRMATION NO. 1282

CORRECTED FILING RECEIPT



OC000000024423662

David B. Pieper
 KEISLING PIEPER & SCOTT PLC
 Suite 217
 1 E. Center Street
 Fayetteville, AR 72701

Date Mailed: 06/19/2007

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)

Nathan Greenman, Buena Vista, AR;

Power of Attorney: None**Domestic Priority data as claimed by applicant****Foreign Applications****If Required, Foreign Filing License Granted:** 08/23/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US29/264,603**

Projected Publication Date: None, application is not eligible for pre-grant publication**Non-Publication Request:** No**Early Publication Request:** No**Title**

Back side aperture, slant end body paintball marker

Preliminary Class

D21

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).



Merchant & Gould, PC
P.O. Box 2903
Minneapolis, MN 55402-0903

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APR 25 2007

OFFICE OF PETITIONS

In re Application of
Michael Brown
Application No. 29/264,604
Filed: August 11, 2006
Attorney Docket No. 163.2321US01

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 January 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 Sarah M. Monfeldt, former attorney with the firm of Merchant & Gould, PC.

Sarah M. Monfeldt has been withdrawn as attorney or agent of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

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


Frances Hicks
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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JAMES M. FRANCIS
300 W VINE ST
STOLL KEENON OGDEN PLLC
LEXINGTON KY 40507

COPY MAILED
APR 16 2008

In re Application of :
Alice Borland :
Application No. 29/264,624 : DECISION ON PETITION
Filed: August 14, 2006 :
Attorney Docket No. 108170.124047 :

This is a decision on the petition to revive, filed November 15, 2007, under the provisions of 37 CFR 1.137(a), which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

This application was held abandoned for failure to pay the issue fee on or before October 19, 2007. A Notice of Abandonment was mailed on November 13, 2007. On November 15, 2007, the present petition was filed.

Petitioner states that the issue fee was timely mailed on July 26, 2007 by First Class US Mail. However, the response was either not received by the U.S. Patent and Trademark Office, or lost upon receipt therein, since the requisite issue fee was not charged to counsel's deposit account as authorized. Petitioner submits a copy of the previously mailed correspondence, bearing a certificate of mailing dated July 26, 2007, which would have rendered the reply timely if received.

The file record does not include the originally submitted correspondence. Failure to receive correspondence which includes a certificate of mailing or certificate of facsimile transmission is addressed in 37 CFR 1.8(b), reproduced below:

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.

At present, the petition does not satisfy item (3) above.

Any further petition requesting 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 1.8" This decision 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

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

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



JAMES M. FRANCIS
300 W VINE ST
STOLL KEENON OGDEN PLLC
LEXINGTON, KY 40507

COPY MAILED

OCT 21 2008

OFFICE OF PETITIONS

In re Application of :
Alice Borland :
Application No. 29/264,624 : **DECISION ON PETITION**
Filed: August 14, 2006 :
Attorney Docket No. 108170.124047 :

This is a decision on the renewed petition, filed April 25, 2008, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

The application was held abandoned for failure s to timely pay the issue fees on or before October 19, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed July 19, 2007, which set a statutory period for reply of three (3) months. A Notice of Abandonment was mailed on November 13, 2007.

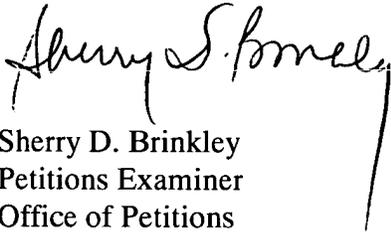
Petitioner states that a timely reply was mailed via certificate of mailing on July 26, 2007, which included the Fee Transmittal. Petitioner has submitted a copy of the previously mailed correspondence, which bears a certificate of mailing dated July 26, 2007, which would have rendered the reply timely if received.

The petition satisfies the requirements of 37 CFR 1.8(b), in that petitioner has (1) informed the Office of the previous mailing of Part B – Fee(s) Transmittal; (2) supplied a copy of the previously mailed correspondence and certificate; and (3) provided a statement which attests to the personal knowledge of the previous timely mailing of the correspondence, which is being accepted in accordance with 37 CFR 10.18.

The copy of the reply received with the petition will be accepted in place of the reply shown to have been mailed on July 26, 2007.

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

Telephone inquiries 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



PROSKAUER ROSE LLP
PATENT DEPARTMENT
1585 BROADWAY
NEW YORK NY 10036-8299

COPY MAILED

MAR 18 2009

OFFICE OF PETITIONS

In re Patent No. D541,187 :
Issue Date: April 24, 2007 :
Application No. 29/264,637 : **DECISION ON PETITION**
Filed: August 14, 2006 :
Attorney Docket No. 20496-528 :

This is a decision on the petition under 37 CFR 1.182, filed August 6, 2008, 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 a duplicate Letters Patent.

As authorized, the \$400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account.

Petitioner states that the original Letters Patent was never received.

The Office follows the guidelines set forth in MPEP § 711.03(c) (*see also* "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993), which sets forth that, in the absence of any irregularity in the mailing of an Office action (in this case, the Letters Patent), there is a strong presumption that the Office action (Letters Patent) was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the Letters Patent was not in fact received. In this regard, the showing required to establish the failure to receive the Letters Patent must consist of the following:

1. a statement from practitioner stating that the Letters Patent was not received by the practitioner;
2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Letters Patent was not received; and

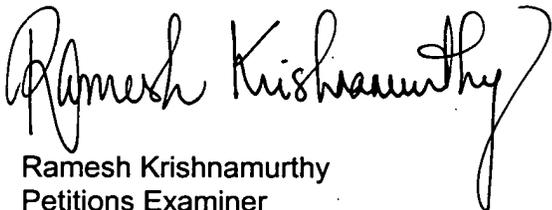
3. a copy of the docket record where the nonreceived Letters Patent would have been entered had it been received must be attached to and referenced in the practitioner's statement.

The petition is not accompanied by the evidence required to establish nonreceipt of the original Letters Patent. In this regard, it is noted that the Office records reflect that the Letters Patent was mailed to the address of record at the time; namely, Proskauer Rose LLP, Patent Department, 1585 Broadway, New York, NY 10036-8299. The evidence submitted does not establish nonreceipt of the Letters Patent at that address.

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 may be directed to JoAnne Burke at (571) 272-4584. Inquiries regarding the issuance of a duplicate Letters Patent may be directed to Naomi Farmer in the Office of Data Management at (703) 308-9250, Ext. 129.

A copy of this decision is being faxed to Office of Data Management for issuance of a duplicate Letters Patent.



Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: Proskauer Rose LLP
One International Place
Boston, MA 02110

cc: Naomi Farmer, South Tower, 8th Floor, Room C23 (Fax No. (571) 270-9753)



FAY KAPLUN & MARCIN, LLP
150 BROADWAY, SUITE 702
NEW YORK NY 10038

COPY MAILED

JAN 11 2008

OFFICE OF PETITIONS

In re Application of :
Shane Macgregor et al. :
Application No. 29/264,670 : ON PETITION
Filed: August 15, 2006 :
Attorney Docket No. 40148/02201 :

This is a decision on the petition under 37 CFR 1.137(b), filed November 8, 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 above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance/Allowability mailed July 2, 2007 which set a shortened statutory period for reply of three (3) months. Accordingly, by operation of law, the above-identified application became abandoned on October 3, 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)(II)(C) and (D). The instant petition lacks item(s) (4). Applicants have not filed the terminal disclaimer required for design patents.

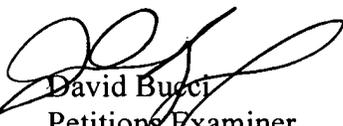
Further correspondence with respect to this matter should be addressed as follows:

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 Carl Friedman at (571) 272-6842.


David Buccì
Petitions Examiner
Office of Petitions



**FAY KAPLUN & MARCIN, LLP
150 BROADWAY, SUITE 702
NEW YORK NY 10038**

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JUN 30 2008

OFFICE OF PETITIONS

In re Application of :
Shane Macgregor et al :
Application No. 29/264,670 : **ON PETITION**
Filed: August 15, 2006 :
Attorney Docket No. 40148/02201 :

This is a decision on the Renewed petition under 37 CFR 1.137(b), filed January 25, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to pay the issue fee in a timely manner in reply to the Notice of Allowance/Allowability mailed July 2, 2007, which set a statutory period for reply of three (3) months. Accordingly, by operation of law, the above-identified application became abandoned on October 3, 2007.

The petition decision mailed January 11, 2008 dismissed the petition filed November 8, 2007, noting that the requirements of 37 CFR 1.137(b)(4), the terminal disclaimer and fee, was lacking.

The instant renewed petition includes a terminal disclaimer and fee.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the issue fee; (2) the petition fee of \$1540; (3) the required statement of unintentional delay; and (4) the terminal disclaimer and fee have been received. Accordingly, the issue fee is accepted as having been unintentionally delayed.

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

The application file is being referred to the Office of Data Management for further processing.

A handwritten signature in black ink, appearing to read 'Carl Friedman', with a long horizontal line extending to the right.

Carl Friedman
Petitions Examiner
Office of Petitions



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

PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN VA 22102

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OCT 07 2009

OFFICE OF PETITIONS

In re Application of :
Peter Koreska :
Application No. 29/264,731 : **DECISION ON PETITION**
Filed: August 17, 2006 :
Attorney Docket No. 007421-0356369 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 12, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

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

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (4).

With respect to item (4), since the instant application is a design application, a terminal disclaimer and fee are required by 37 CFR 1.137(b) for revival.

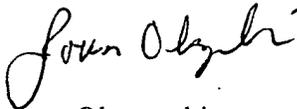
Further correspondence with respect to this matter should be addressed as follows:

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

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

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

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



Joan Olszewski
Petitions Examiner
Office of Petitions



PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN VA 22102

MAILED

NOV 17 2009

OFFICE OF PETITIONS

In re Application of :
Peter Koreska :
Application No. 29/264,731 : **DECISION ON PETITION**
Filed: August 17, 2006 :
Attorney Docket No. 007421-0356369 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 20, 2009, to revive the above-identified 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 Corrected Drawings; (2) the petition fee of \$1,620.00 (previously paid August 12, 2009); (3) a proper statement of unintentional delay and (4) a Terminal Disclaimer with the accompanying \$140.00 fee.

The request for a terminal disclaimer is accepted.

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

This application is being referred to the Office of Data Management for processing into a patent and review of the Corrected Drawings submitted on October 20, 2009.

Joan Olszewski
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET, NY 11791

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DEC 26 2007

OFFICE OF PETITIONS

In re Patent No. D,536,972 :
Issue Date: February 20, 2007 :
Application No. 29/264,791 : ON PETITION
Filed: August 17, 2006 :
Patentee(s): Edgar Van Der Heijden, et. al. :

This is a decision on the request for Certificate of Correction under 37 CFR 1.323, filed March 23 2007, which is being treated as a request under 37 CFR 3.81¹, 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 **dismissed**.

Since the failure to include the name of the assignee was the fault of petitioner's, a processing fee of \$130 is required for treatment of the instant request. Therefore, the assignee information will be not be corrected until petitioner supplies the above processing fee in accordance with 37 CFR 1.17(i), as set forth in 37 CFR 3.81(b).

37 CFR 3.81(b) states:

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.

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

As authorized, \$100 for the Certificate of Correction fee was charged to petitioner's deposit account on March 26, 2007.

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 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



R. Keith Harrison
2139 E. Bert Kouns
Shreveport LA 71105

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SEP 08 2008

OFFICE OF PETITIONS

In re Application of :
James C. Barton :
Application No. 29/264,840 : **DECISION ON PETITION**
Filed: August 18, 2006 :
Attorney Docket No. 1017G :

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

The petition is **GRANTED**.

The application became abandoned for failure to submit acceptable formal drawings in a timely manner in reply to the Notice of Allowance, mailed June 14, 2007, which set a period for reply of three (3) months. Accordingly, this application became abandoned on September 15, 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 \$400.00 issue fee, (2) the petition fee of \$770.00, (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 drawings 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.

The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to Phyllis Spivack at 571-272-6051 or in her absence, the undersigned at (571) 272-7099.



David Bucci
Petitions Examiner
Office of Petitions



GOODWIN PROCTER LLP
901 NEW YORK AVENUE, N.W.
WASHINGTON DC 20001

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MAY 20 2008

OFFICE OF PETITIONS

In re Application of
Steven D. McDaniel
Application No. 29/264,900
Filed: August 22, 2006
Attorney Docket Number: 54525.000129

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ON PETITION

This is a decision on the petition, filed April 28, 2008 under 37 CFR 1.137(b)¹, to revive the above identified application.

The petition is **GRANTED**.

This application became abandoned March 4, 2008 for failure to timely pay the issue fee in response to the Notice of Allowance mailed December 3, 2007 which set a three month statutory period for response. Accordingly, a Notice of Abandonment was mailed March 27, 2008.

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

¹Effective 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 require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
29/264,900	08/22/2006	Steven D. McDaniel	54525.000129

CONFIRMATION NO. 1425

POWER OF ATTORNEY NOTICE



21967
HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON, DC 20006-1109

Date Mailed: 05/19/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/28/2008.

- 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).

/pffaison ball/

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
29/264,900	08/22/2006	Steven D. McDaniel	54525.000129

CONFIRMATION NO. 1425

POA ACCEPTANCE LETTER



OC000000030014236

Date Mailed: 05/19/2008

70813
GOODWIN PROCTER LLP
901 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20001

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/28/2008.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/pffaison ball/

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



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700 VISIONS DRIVE
P.O. BOX 208
SKANEATELES FALLS, NY 13153-0208

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OCT 14 2008

OFFICE OF PETITIONS

In re Application of
Timothy Robert Fitch et al
Application No. 29/264,953
Filed: August 22, 2006
Attorney Docket No. 2006106-1

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ON PETITION

This is a decision on the petition filed June 6, 2008 under 37 CFR 1.137(b), to revive the above-identified application.

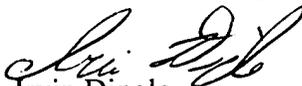
The petition is **GRANTED**.

The above-identified application became abandoned for failure to submit the formal drawings in a timely manner in reply to the Notice of Allowance mailed October 15, 2007, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on January 16, 2008.

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 formal drawings; (2) the petition fee; (3) the required statement of unintentional delay and (4) Terminal Disclaimer have been received.

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

This matter is being referred to the Office of Data Management for further processing.


Irvin Dingle
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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DAVIS WRIGHT TREMAINE, LLP
1201 THIRD AVENUE, SUITE 2200
SEATTLE, WA 98101-3045

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SEP 10 2007

OFFICE OF PETITIONS

In re Application of
Andrew Wahl
Application No. 29/264,954
Filed: August 21, 2006
Attorney Docket No. 69311-125

ON PETITION

This is a decision on the petition filed May 10, 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 Issue fee in a timely manner in reply to the Notice of Allowance mailed February 9, 2007, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on May 9, 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; (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.

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 the undersigned at (571) 272-3210.

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: George C. Rondeau Jr.
1501 Fourth Avenue, STE 2600
Seattle, WA 98101-1688



**WORKMAN NYDEGGER
60 EAST SOUTH TEMPLE
1000 EAGLE GATE TOWER
SALT LAKE CITY UT 84111**

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DEC 20 2007

In re Application of :
Bryan Phelps et al. :
Application No. 29/265,013 :
Filed: August 23, 206 :
Attorney Docket No. 16614.28 :

**OFFICE OF PETITIONS
ON PETITION**

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

The petition is **GRANTED**.

The above-identified application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowance mailed June 26, 2007, which set a shortened statutory period for reply of three (3) months. Accordingly, by operation of law, the above-identified application became abandoned on September 27, 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 corrected formal drawings; (2) the petition fee of \$1,540; (3) the required statement of unintentional delay; and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d) have been received. Accordingly, the drawings are 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 Carl Friedman at (571) 272-6842.

The application file is being referred to the Office of Patent Publication.


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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RICHARD L. MIKESELL, Esq.
SUITE 216
14827 VENTURA BLVD.
SHERMAN OAKS, CA 91403

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JAN 29 2007

OFFICE OF PETITIONS

In re Application of	:	
Charles F. DeVries, et al.	:	
Application No. 29/265,018	:	DECISION ON PETITION
Filed: August 24, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 24, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declaration statement made by the applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to April Wise at 571-272-1642.

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

The application is being forwarded to the Technology Center Art Unit 2911 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions



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

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SEP 19 2007

OFFICE OF PETITIONS

In re Application of :
Ho et al. :
Application No. 29/265,035 :
Filed: August 24, 2006 :
Attorney Docket No. 08/24/2006 :

DECISION ON PETITION

This is a decision on the petition filed January 4, 2007, which is being treated as a request to withdraw the requirement for the submission of Figure 2 as set forth in the Notice to File Missing Parts of Nonprovisional Application mailed on November 6, 2006.

On August 24, 2006, the above-identified application was filed. However, on November 6, 2006, the Office of Initial Patent Examination mailed a Notice to File Missing Parts, stating that the application had been accorded a filing date of August 24, 2006, and advising applicants that Figure 2 described in the specification appeared to have been omitted. Additionally, the Notice required applicants to file an executed oath or declaration and pay a \$130.00 surcharge for its late filing.

In response, on January 4, 2007, applicants submitted: (1) the present petition; (2) a \$400.00 petition fee; (3) three sheets of black and white drawings (one black and white drawing was labeled Fig. 1 and two black and white drawings were labeled Fig. 2); (4) one color drawing labeled Fig. 1; (5) an amendment requesting entry of the amended drawings; (6) a declaration; and (7) a \$130.00 surcharge.

In the present petition, the applicants stated:

The [practitioner] filed the application on that date and it was filed with (2) two un-numbered figures. One was a black and white image of the sheet packaging that is one embodiment of the design. The second was a color image of the same design.

... As the enclosure demonstrates, the application was filed with both a black and white image and three copies of a color image. While the as-filed application referred to Figs. 1 and 2, neither the black and white image or the color image included the legend "Fig. 1" or "Fig. 2." The assertion that the application was filed without an

image labeled Fig. 2 is literally correct, but two different images were filed and the materials filed herewith support that conclusion.

Applicants are also filing herewith (1) copy of the color image filed on August 24, 2006 with the legend "Fig. 1" added and (1) copy of the black and white image filed on August 24, 2006 with the legend "Fig. 2" added.

It is respectfully submitted that these materials demonstrate that both figures were filed on August 24, 2006.

Applicants hereby request that their petition that the filing was complete with respect to the images filed therewith be granted and that any assertion that the filing did not include both figures should be withdrawn.

Petition dated 01/04/07, p. 1-2.

It is obvious from the petition that no drawings were actually missing on August 24, 2006. Rather, the Image File Wrapper (IFW) for the present application shows the drawings of Figure 1 and 2 as unlabeled, in concurrence with applicants' statement above. Therefore, according to Office records, the Notice of Missing Parts mailed on November 6, 2006, was correct in stating that Figure 2 appeared to have been omitted, as no such drawing was labeled Fig 2. The Notice of Missing Parts as to omitted Figure 2 was proper and will not be withdrawn. Accordingly, the petition is dismissed.

The preliminary amendment adding the labels "Fig. 1 and Fig. 2" to the unlabeled drawing figures and requesting entry of the amended drawings will be referred to the Examiner for his or her review.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of August 24, 2006, using the drawings filed on that date.

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



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

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FEB 20 2008

In re Application of :
Ho et al. :
Application No. 29/265,035 :
Filed: 08/24/2006 :
Attorney Docket No. 04676.0241-00000 :

OFFICE OF PETITIONS
ON PETITION

This is response to the "REQUEST FOR REFUND," filed November 14, 2007, seeking a refund of the \$400.00 fee for filing a petition under 37 CFR 1.53(e) on January 4, 2007.

On August 24, 2006, applicants filed the above-identified application. The specification, as originally filed, included the description of TWO Figures (Fig. 1 and Fig. 2). On November 6, 2006, the Office mailed a Notice to File Missing Parts of Nonprovisional Application, requiring an executed oath or declaration and surcharge for its late filing. Additionally, the Notice to File Missing Parts of Nonprovisional Application indicated that Figure 2 as described in the specification appeared to be omitted. On January 4, 2007, applicants filed a "PETITION IN RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION," accompanied by a check in the amount of \$400.00 for the petition fee. On September 9, 2007, the Office mailed a decision dismissing the petition of January 4, 2007. The decision stated, in pertinent part:

It is obvious from the petition that no drawings were actually missing on August 24, 2006. Rather, the Image File Wrapper (IFW) for the present application shows the drawings of Figure 1 and 2 as unlabeled, in concurrence with applicants' statement above. Therefore, according to Office records, the Notice of Missing Parts mailed on November 6, 2006, was correct in stating that Figure 2 appeared to have been omitted, as no such drawing was labeled Fig 2. The Notice of Missing Parts as to omitted Figure 2 was proper and will not be withdrawn. Accordingly, the petition is dismissed.

The preliminary amendment adding the labels "Fig. 1 and Fig. 2" to the unlabeled drawing figures and requesting entry of the amended drawings will be referred to the Examiner for his or her review.

The Office did not refund the \$400.00 petition fee on September 9, 2007, because the Office concluded that the error in submitting unlabeled figures and the filing of the petition was not caused by the USPTO.

All drawings on paper must be in compliance with 37 CFR 1.84. Specifically, 37 CFR 1.84(u)(1) provides:

The different views must be numbered in consecutive Arabic numerals, starting with 1, independent of the numbering of the sheets and, if possible, in the order in which they appear on the drawing sheet(s). Partial views intended to form one complete view, on one or several sheets, must be identified by the same number followed by a capital letter. View numbers must be preceded by the abbreviation "FIG. " Where only a single view is used in an application to illustrate the claimed invention, it must not be numbered and the abbreviation "FIG. " must not appear.

The Office of Patent Application Processing reviews the specification, including the brief description, to determine whether all of the figures of drawings described in the specification are present. If the specification describes a figure, which is not present in the drawings, and the application contains something that can be construed as a written description, at least one drawing, if necessary under 35 U.S.C. 113 (first sentence), and, in a nonprovisional application, at least one claim, the Office will mail a Notice indicating that the application papers have been accorded a filing date, but are lacking some of the figures of drawings described in the specification. MPEP 601.01(g).

In this instance, the specification as originally filed described TWO drawing figures, which required the drawings to be numbered in consecutive Arabic numerals, preceded by the abbreviation "FIG". Therefore, it is applicants that placed the requirements of 37 CFR 1.84(u)(1) on themselves by describing Fig. 1 and Fig. 2 in the specification. Furthermore, the Notice to File Missing Parts of Nonprovisional Application provided applicants with the following three options as to Figure 2:

I. Petition for date of deposit: Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$400.00 petition fee (*37 CFR 1.17(f)*)) with evidence of such deposit must be filed within TWO MONTHS of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO. THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).

II. Petition for later filing date: Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$400.00 petition fee (*37 CFR 1.17(0)*) requesting the later filing date must be filed within TWO MONTHS of the date of this Notice. THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).

III. Acceptance of application as deposited: Applicant may accept the application as deposited in the USPTO by either failure to file a petition under I or II (see A below) or by filing an amendment under 37 CFR 1.57(a) (see B below).

(A) Failure to file a petition under I or II: The failure to file a petition (and petition fee) under the above options (I) or (II) within TWO MONTHS of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. In the absence of a timely filed petition under the above options (I) or (II) in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit. Applicant is required to make the following corrections prior to the first Office action to avoid delays in the prosecution of the application, but after the 2-month period set forth in this notice:

1. Corrections for omitted pages: amendment of the specification to renumber the pages consecutively, and cancel incomplete sentences caused by any omitted page(s), and/or
2. Corrections for omitted drawings: amendment of the specification to cancel all references to any omitted drawing(s), amendment to the drawings to relabel the drawing figures to be numbered consecutively (if necessary), and amendment of the specification to correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures.

(B) Amendment under 37 CFR 1.57(a): If the above-identified application contains a priority claim under 37 CFR 1.55 or benefit claim under 37 CFR 1.78 of a prior-filed application that was present on the filing date of the application and applicant wants to rely on 37 CFR 1.57(a) to add inadvertently omitted material to the above-identified application, applicant must file an amendment in compliance with 37 CFR 1.57(a) within TWO MONTHS of the date of this Notice. THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).

Applicants set forth several reasons in this petition as to why they did not label the drawings as Fig. 1 and Fig. 2. Applicants asserted that they proved that they submitted two drawings sheets on filing and the fact that the drawings were not labeled is of no consequence. Furthermore, applicants averred that the “the rules associated with the Notice of Missing Parts relates to items actually missing, not those that are present and are not labeled.”

If applicants were satisfied with the drawings as filed they could have accepted the drawings as deposited and filed an amendment with the examiner without the need for a petition or petition fee as stated in Option III(a)(2) of the Notice to File Missing Parts of Nonprovisional Application. Instead, applicants chose Option I, which requires both the filing of a petition and the payment of a \$400.00 petition fee. As a result of filing a petition with the USPTO, the Office had to address the merits of the petition. Furthermore, by failing to comply with 37 CFR 1.84, applicants caused the Notice to File Missing Parts of Nonprovisional Application to be generated and mailed. The Office correctly mailed

the Notice to File Missing Parts of Nonprovisional Application because applicants described two figures in the specification and submitted two drawing sheets on filing, but neither drawing was labeled "Figure 2" as required by 37 CFR 1.84.¹

In view of the above, applicants' request for a refund is dismissed.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

¹ During the Office's review process, the Office may object to and require corrected drawings within a set time period, if the drawings have more than one figure and each figure is not labeled "Fig. " with a consecutive Arabic numeral (1, 2, etc.) or an Arabic numeral and capital letter in the English alphabet (A, B, etc.). MPEP 507.



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

ALBERT BORDAS, P.A.
5975 SUNSET DRIVE
SUITE 607
MIAMI, FL 33143

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JUN 23 2008

In re Application of
Juan Carlos Fraga
Application No. 29/265,091
Filed: August 25, 2006
Attorney Docket No. 070008.14

OFFICE OF PETITIONS
DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 6, 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 Albert Bordas on behalf of all attorneys of record who are associated with customer No. 58110.

All attorneys/agents associated with the Customer Number 58110 have been withdrawn.

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

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

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

cc: JUAN C. FRAGA
2840 N. 2ND STREET
N. FORT MYERS, FL 33917



UNITED STATES PATENT AND TRADEMARK OFFICE

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DEC 08 2006

OFFICE OF PETITIONS

MICHAEL BEST & FRIEDRICH LLP
100 E WISCONSIN AVENUE
MILWAUKEE WI 53202

In re Application of :
Knuteson, et al. : DECISION ACCORDING STATUS
Application No. 29/265,131 : UNDER 37 CFR 1.47(a)
Filed: August 25, 2006 :
Attorney Docket No. 039189-9136-00 :

This is in response to the petition under 37 CFR 1.47(a), filed August 25, 2006.

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

Petitioner has shown that non-signing inventor Knuteson has refused to sign the declaration after having been forwarded the application papers.

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

The matter is being forwarded to the Office of Initial Patent Examination for pre-examination processing.

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

A handwritten signature in cursive script that reads "Cliff Congo".

Cliff Congo
Petitions Attorney
Office of Petitions



KYLE R KNUTESON
W9600 HWY CS
POYNETTE WI 53955

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DEC 0 8 2006

OFFICE OF PETITIONS

In re Application of	:	
Kyle R. Knuteson, David A. Schmitz,	:	
Brain D. Neeley	:	
Application No. 29/265,131	:	
Filed: August 25, 2006	:	LETTER
Title: Inverter Generator	:	
	:	

Dear Mr. Knuteson:

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

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

Telephone inquiries regarding this communication should be directed to Petitions Attorney Cliff Congo at (571)272-3207. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Cliff Congo
Petitions Attorney
Office of Petitions

Casimer F. Laska
Michael Best & Friedrich LLP
100 East Wisconsin Ave
Milwaukee WI 53202-4108
phone: 262-956-6507



UNITED STATES PATENT AND TRADEMARK OFFICE

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UNILEVER PATENT GROUP
800 SYLVAN AVENUE
AG WEST S. WIING
ENGLEWOOD CLIFFS NJ 07632-3100

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DEC 16 2008

In re Application of :
Harry Hamilton Haubert III, et al :
Application No. 29/265,142 : **DECISION ON PETITION**
Filed: August 25, 2006 :
Attorney Docket No. DM6208(V) :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 29, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the issue fee 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 June 27, 2008, 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
Petitions Examiner
Office of Petitions

17712 U.S. PTO
082806

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	TBA
	Filing Date	August 28, 2006
	First Named Inventor	Jennifer L. Sadler
	Title	Transitional Image For A Portion Of A Display Screen
	Atty Docket Number	013797.02459

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

113906 U.S. PTO
29/265193
082806

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 345 (subclasses 683, 902); Class 715 (subclasses 764, 771, 773, 775, 776, 835, 836, 837, 838, 839, 846, 976); Class D14 (subclasses 374, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495); Class D18 (subclasses 24, 25, 26, 27, 28, 29, 30, 31, 32, 33) Class D19 (subclasses 6, 7), Class D20 (subclasses 11, 18); Class D21 (subclasses 324, 325, 326, 327, 328, 329, 330, 331, 332, 333)

Related applications Attorney Docket Nos.:

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.

9-1-06
 Approved
Jacqueline M. Stone
 Jacqueline M. Stone, Director
 Technology Center 1700/2900

<u>/John M. Fleming/</u>	<u>August 28, 2006</u>
Signature	Date
<u>John M. Fleming</u>	<u>56,536</u>
Typed or printed name	Registration Number, if applicable
<u>(202) 824-3000</u>	
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.

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082806

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	August 28, 2006
	First Named Inventor	Jennifer L. Sadler
	Title	User Interface For A Portion Of A Display Screen
	Atty Docket Number	013797.02453

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

113006 U.S. PTO
29/265197
082806

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 345 (subclasses 683, 902); Class 715 (subclasses 764, 771, 773, 775, 776, 835, 836, 837, 838, 839, 846, 976); Class D14 (subclasses 374, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495); Class D18 (subclasses 24, 25, 26, 27, 28, 29, 30, 31, 32, 33) Class D19 (subclasses 6, 7), Class D20 (subclasses 11, 18); Class D21 (subclasses 324, 325, 326, 327, 328, 329, 330, 331, 332, 333)

Related applications Attorney Docket Nos.:

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.

10/27/06
Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

/John M. Fleming/
Signature

August 28, 2006
Date

John M. Fleming
Typed or printed name

56,536
Registration Number, if applicable

(202) 824-3000
Telephone Number

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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.

08/29/2006 JBALINAN 00000133 29265197

04 FC:1802 900.00 DA

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PTO/SB/27 (09-04)

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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)	Application Number	TBA
	Filing Date	August 28, 2006
	First Named Inventor	Jennifer L. Sadler
	Title	User Interface For A Portion Of A Display Screen
	Atty Docket Number	013797.02452

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

13006 U.S. PTO
29/265198
082806

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 345 (subclasses 683, 902); Class 715 (subclasses 764, 771, 773, 775, 776, 835, 836, 837, 838, 839, 846, 976); Class D14 (subclasses 374, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495); Class D18 (subclasses 24, 25, 26, 27, 28, 29, 30, 31, 32, 33) Class D19 (subclasses 6, 7), Class D20 (subclasses 11, 18); Class D21 (subclasses 324, 325, 326, 327, 328, 329, 330, 331, 332, 333)

Related applications Attorney Docket Nos.:

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.

10/27/06
 Approved
Jacqueline M. Stone
 Jacqueline M. Stone, Director
 Technology Center 1700/2900

<u>/John M. Fleming/</u>	<u>August 28, 2006</u>
Signature	Date
<u>John M. Fleming</u>	<u>56,536</u>
Typed or printed name	Registration Number, if applicable
<u>(202) 824-3000</u>	
Telephone Number	

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PTO/SB/27 (09-04)

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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)	Application Number	TBA
	Filing Date	August 28, 2006
	First Named Inventor	Jennifer L. Sadler
	Title	Transitional Image For A Portion Of A Display Screen
	Atty Docket Number	013797.02450

ADDRESS TO:
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Alexandria, VA 22313-1450

118006 U.S. PTO
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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 345 (subclasses 683, 902); Class 715 (subclasses 764, 771, 773, 775, 776, 835, 836, 837, 838, 839, 846, 976); Class D14 (subclasses 374, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495); Class D18 (subclasses 24, 25, 26, 27, 28, 29, 30, 31, 32, 33) Class D19 (subclasses 6, 7), Class D20 (subclasses 11, 18); Class D21 (subclasses 324, 325, 326, 327, 328, 329, 330, 331, 332, 333)

Related applications Attorney Docket Nos.:

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.

12-14-06
 Approved
Jacqueline M. Stone
 Jacqueline M. Stone, Director
 Technology Center 1700/2900

<u>/John M. Fleming/</u>	<u>August 28, 2006</u>
Signature	Date
<u>John M. Fleming</u>	<u>56,536</u>
Typed or printed name	Registration Number, if applicable
<u>(202) 824-3000</u>	
Telephone Number	

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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.

08/29/2006 JBALINAN 00000130 29265200

04 FC:1802 900.00 DA

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Approved for use through 09/30/2006. OMB 0651-0031
 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

PTO/SB/27 (07-06)

13000 U.S. PTO
 29/265207



REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)	Application Number	
	Filing Date	
	First Named Inventor	<u>KIL JAE CHANG</u>
	Title	<u>VENNDING MACHINE WITH ASYMMETRICAL COVER AND CARTRIDGE EXTERIOR</u>
	Atty Docket Number	<u>KJC-DEST</u>

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:

CL: 221/117, 123, 124, 131, 132, 152, 252; CL: D20/1, 7, 4, 8, 9
CL: 222/328, 368, 564

Related applications: ATTY DOCKET No. KJC-DESG (SAME INVENTOR; SAME FILING 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.

Approved 9-18-06
Jacqueline M. Stone
 Jacqueline M. Stone, Director
 Technology Center 1700/2900

John R. Flanagan
 Signature

Aug 28, 2006
 Date

JOHN R. FLANAGAN
 Typed or printed name

25758
 Registration Number, if applicable

541-687-4754
 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.

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

Application Number	
Filing Date	
First Named Inventor	KIL JAE CHANG
Title	VEHICLE AIRCRAFT WITH SYMMETRICAL CENTER AND CANISTER INTERNAL
Atty Docket Number	KJC-DESG

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:

CL: 221/117, 123, 124, 131, 132, 152, 252 ; CL: D20/1, 7, 4, 8, 9
 CL: 222/328, 368, 564

113000 U.S. PTO
 29/265208



Related applications: ATTY DOCKET No. KJC-DESG (SAME INVENTOR; SAME FILING 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.

Approved 9-18-06
 Jacqueline M. Stone
 Jacqueline M. Stone, Director
 Technology Center 1700/2900

John R. Flanagan
 Signature

Aug 28, 2006
 Date

JOHN R. FLANAGAN
 Typed or printed name

25758
 Registration Number, if applicable

541-687-4754
 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.

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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.

MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

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SEP 08 2008

OFFICE OF PETITIONS

In re Application of :
Shun Tong So :
Application No. 29/265,275 : DECISION ON PETITION
Filed: August 29, 2006 : PURSUANT TO
Attorney Docket No. 069790-0016 : 37 C.F.R. § 1.181
Title: TERMINAL CONNECTOR :

This is a decision on the petition filed on July 10, 2008, pursuant to 37 C.F.R. § 1.181, requesting that the holding of abandonment in the above-identified application be withdrawn.

This petition is **DISMISSED**.

BACKGROUND

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 February 25, 2008, 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 May 26, 2008. A Notice of Abandonment was mailed on June 19, 2008.

¹ See MPEP § 710.02(e).

RELEVANT PORTION OF THE M.P.E.P.

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 describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable.** It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master 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. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).

Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not

warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

Emphases added.

The showing in this petition is not sufficient to withdraw the holding of abandonment. Petitioner has indicated that the notice was not received at the correspondence address of record and that a search of the practitioner's record(s), including the file jacket, indicates that the notice was not received. Moreover, Petitioner has also provided both a copy of the record used by the practitioner where the non-received Office communication would have been entered had it been received and a print-out of the master docket.²

First, Petitioner has not stated that a search of the **application contents** indicates that the Office action was not received. Petitioner only refers to searching the file jacket and the "docketing systems."

Second, the statement that Petitioner has included describing the system used for recording an Office communication received at the correspondence address of record with the USPTO is **insufficient to either describe the docketing system or establish the reliability of the same.**

With this petition, Petitioner has included a copy of a printout from the firm's "docketing database." This appears to be a computerized system, and the record that Petitioner has supplied is clearly associated with the present application.

However, the petition appears to be silent as to **how this system serves to ensure that the correspondence recorded therein is responded to in a timely manner.**

- When Office communications are received, are they entered into this docketing system?
- Does the docketing system generate reports that are distributed to the responsible attorneys/agents?
- Does the docketing system generate periodic reminders prior to the due dates? If so, are these reminders subsequently distributed to the responsible attorneys/agents?

² The master docket is dated "MAY 27 TUESDAY" - it is noted that May 25, 2008 fell on a Sunday and May 26, 2008 fell on a federal holiday.

Third, the printout has been reviewed by the undersigned and the entry "Office Action Received?" is listed with a "due date" of "28-Feb-2008," with "08-Aug-2007" listed in the "Action Taken" field. It is conceivable that an Office communication that was mailed on February 25, 2008 would arrive at Petitioner's office on February 28, 2008. Moreover, the Notice of Allowance and Issue Fee Due was mailed in response to Petitioner's amendment that was filed on August 8, 2007. Is it possible that the Notice of Allowance and Issue Fee Due was received by Petitioner on February 28, 2008 and **misdocketed**?

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. § 1.181(a)." This is not a final agency action within the meaning of 5 U.S.C § 704.

Alternatively, Petitioner may submit a petition pursuant to 37 C.F.R. §§ 1.137(a) and/or (b) either independently or concurrently with any renewed petition pursuant to 37 C.F.R. § 1.181(a).

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,³ hand-delivery,⁴ or facsimile.⁵ Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.⁶

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

It is noted in passing that Petitioner has requested that the petition fee be waived. Petitioner will note that petitions pursuant to 37 C.F.R. § 1.181 do not carry a fee.

3 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

4 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

5 (571) 273-8300- please note this is a central facsimile number.

6 <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.⁷

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

⁷ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



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OFFICE OF PETITIONS

MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

In re Application of	:	
Shun Tong So	:	
Application No. 29/265,275	:	DECISION ON PETITION
Filed: August 29, 2006	:	PURSUANT TO
Attorney Docket No. 069790-0016	:	37 C.F.R. § 1.137(b)
Title: TERMINAL CONNECTOR	:	

This is a decision on the petition filed November 3, 2008, pursuant to 37 C.F.R. § 1.137(b) to revive the above-identified application.

The petition pursuant to 37 C.F.R. § 1.137(b) 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 and Issue Fee Due, mailed February 25, 2008, 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 May 26, 2008. A Notice of Abandonment was mailed on June 19, 2008.

A petition pursuant to 37 C.F.R. § 1.181 was filed on July 10, 2008, and was dismissed via the mailing of a decision on September 8, 2008.

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

¹ See MPEP § 710.02(e).

- (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.

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 submitted the petition fee, the issue fee, a statement that is being construed as the proper statement of unintentional delay, and both a terminal disclaimer and the associated fee.

As such, each of the four requirements of Rule 1.137(b) has been met.

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

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) 272-3225². All other inquiries 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

² Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



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MCDERMOTT WILL & EMERY, LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

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In re Application of :
Shun Tong So :
Application No. 29/265,277 : **ON PETITION**
Filed: August 29, 2006 :
Attorney Docket No. 069790-0013 :

This is a decision on the petition under 37 CFR 1.137(b), filed on October 16, 2008 to revive the above-identified application.

The application became abandoned for failure to file a proper response to the Notice of Allowability mailed August 9, 2007. A Notice of Abandonment was mailed on August 27, 2008.

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 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.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of seven sheets of replacement drawings containing Figures 1-7 and a terminal disclaimer with the \$70 fee; (2) the petition fee of \$810; and (3) an adequate statement of unintentional delay. Therefore, the petition is **GRANTED**.

The terminal disclaimer under 37 CFR 1.137(d), filed October 16, 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 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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600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

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OFFICE OF PETITIONS

ON PETITION

In re Application of :
So, Shun Tong :
Application No. 29/265,278 :
Filed: August 29, 2006 :
Attorney Docket No. 069790-0017 :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed August 14, 2008, to revive the above-identified 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 Response to Non-Compliant Amendment 37 CFR 1.121 and Replacement Drawings, (2) the petition fee, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer.

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

This matter is being referred to Technology Center 2900 for further consideration of the Response filed concurrently with the instant petition. Thereafter, the matter will be referred to the Office of Data Management for processing into a patent.

Liana Walsh
Petitions Examiner
Office of Petitions



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OFFICE OF PETITIONS

In re Application of :
So, Shun Tong :
Application No. 29/265,279 : **ON PETITION**
Filed: August 29, 2006 :
Attorney Docket No. 069790-00145 :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed October 6, 2008, to revive the above-identified 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 Formal Drawings, (2) the petition fee, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee.

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

This matter is being referred to the Office of Data Management for processing into a patent.

Liana Walsh
Petitions Examiner
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/265,280	08/29/2006	Shun Tong So	069790-0015	7305
20277	7590	07/18/2008	EXAMINER	
MCDERMOTT WILL & EMERY LLP			BUI, DANIEL	
600 13TH STREET, N.W.			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20005-3096			2912	
			MAIL DATE	DELIVERY MODE
			07/18/2008	PAPER

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

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



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McDermott, Will & Emory LLP
600 13th Street, N.W.
Washington DC 20005-3096

In re Application of :
Shun Tong So : **DECISION ON PETITION**
Application No. 29/265280 :
Filed: 08/29/2006 :
Attorney Docket No. 069790-0015 :

This is a decision on the Petition to Withdraw Holding of Abandonment under 37CFR 1.81 (a), received in the United States Patent and Trademark Office (USPTO) on May 19, 2008.

The petition is **DISMISSED**.

The Office erroneously mailed a Notice of Rescinded Abandonment on June 3, 2008. The Notice of Rescinded Abandonment is hereby vacated.

The application was held abandoned for failure to timely submit acceptable, corrected drawings as required by the Notice of Allowability mailed on August 09, 2007 which set forth a three (3) month statutory period for reply. Applicant submitted replacement drawing sheets on November 9, 2007 which were not entered as they were determined by the Examiner to be in non compliance with the correction requirement set forth in the Examiner's Comment/Amendment mailed on August 9, 2007. Applicant was notified of the Non-Entry of the drawings on March 6, 2008.

The evidence has been considered. Applicant has failed to demonstrate that withdrawing the holding of abandonment is appropriate. Accordingly, the application is properly held abandoned.

Applicant may seek relief by filing a petition for Revival of Abandoned Application under CFR § 1.137 (a) or (b). (Forms are available at USPTO website <http://www.uspto.gov>)

Under 37 CFR 1.137(a), a petition for the revival of an *unavoidable* abandoned application

Under 37 CFR 1.137(b), a petition for the revival of an *unintentionally* abandoned application

Further inquires with respect to filing a petition under 37 CFR § 1.137 may be directed to the Office of Petitions at 571-272-3282 or addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
Office of Petitions
P O Box 1450
Alexandria, VA 22313-1450

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

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

Telephone inquires relating to this matter may be directed to the undersigned in the Office of Data Management at 571-272-4200.


Kimberly Terrell, Manager
Office of Data Management
Patent Publication Branch



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WASHINGTON DC 20005-3096

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OFFICE OF PETITIONS

In re Application of :
So, Shun Tong :
Application No. 29/265,280 :
Filed: August 29, 2006 :
Attorney Docket No. 069790-0015 :

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed August 18, 2008, to revive the above-identified 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 Corrected Drawings, (2) the petition fee, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer.

The petition and terminal disclaimer fees were collected twice on August 18, 2008. Accordingly, a total of \$835.00 (\$770.00 petition fee and \$65.00 terminal disclaimer fee) will be credited to petitioner's deposit account as authorized.

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

This matter is being referred to the Office of Data Management for processing into a patent.

Liana Walsh
Petitions Examiner
Office of Petitions



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

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FEB 23 2007

OFFICE OF PETITIONS

In re Application of :
Thomas Peter Sycha : DECISION GRANTING PETITION
Application No. 29/265,349 : UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: August 31, 2006 :
Attorney Docket No. 080437.23574US :

This is a decision on the petition under 37 CFR 1.313(c)(3), filed February 22, 2007, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on January 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 February 22, 2007.

Telephone inquiries regarding this decision should be directed to April Wise at (571) 272-1642.

This matter is being referred to Technology Center AU 2913 for processing of the CPA and consideration of the concurrently filed information disclosure statement.

Karen Creasy for

Frances M. Hicks
Petitions Examiner
Office of Petitions



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

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JUL 25 2008

In re Application of :
Sheldon YOURIST et al. :
Application No. 29/265,363 : **DECISION ON PETITION**
Filed: August 31, 2006 :
Attorney Docket No. GRM20057US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 13, 2008, to revive the above-identified application.

The petition is **GRANTED**.

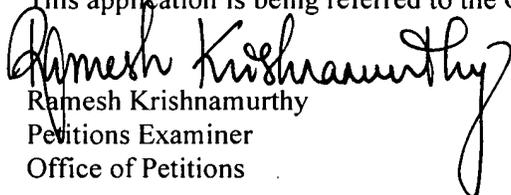
This application became abandoned for failure to timely submit corrected formal drawings on or before April 10, 2008, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed January 10, 2008. Accordingly, the date of abandonment of this application is April 11, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected formal drawings, (2) the petition fee of \$1540; and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notice of Allowance is accepted as having been 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 the Office of Data Management for processing into a patent.


Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

TERMINAL DISCLAIMER TO ACCOMPANY PETITION

Docket Number (Optional)

GRM20057US

In re Application of:

Name: Sheldon Yourist

Application Number: 29/265,363

Filed: August 31, 2006

For: Bottle

The owner*, Graham Packaging Company, L.P. of 100 percent interest in the above-identified application hereby disclaims a terminal part of the term of any patent granted the above-identified application equivalent to: (1) if the above-identified application is a design application, the period of abandonment of the above-identified application, and (2) if the above-identified application is a utility or plant application, the lesser of: (a) the period of abandonment of the application; or (b) the period extending beyond twenty years from the date on which the above-identified application was filed in the United States or, if the application contains a specific reference to an earlier filed application(s) under 35 U.S.C. 120, 121, or 365(c), from the date on which the earliest such application was filed. This disclaimer also applies to any patent granted on a utility or plant application filed before June 8, 1995, or a design application, that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the above-identified application. This disclaimer is binding upon the grantee, and its successors or assigns.

Check either box 1 or 2 below, if appropriate.

1. For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.
2. The undersigned is an attorney or agent of record. Registration Number 54,917

/Tod A. Kupstas/
Signature

May 13, 2008
Date

Tod A. Kupstas
Typed or Printed Name

215-599-0600
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.

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) GRM20057US
--	--

First named inventor: Sheldon Yourist

Application No.: 29/265,363

Art Unit: 2916

Filed: 08/31/2006

Examiner: Sipos, Dana L

Title: Bottle

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 \$ 1,540 (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 \$ 820

- has been paid previously on 04/07/2008
- is enclosed herewith.

[Page 1 of 2]

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 10 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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

3. Terminal disclaimer with disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ 130 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.

_____ /Tod A. Kupstas/ Signature	_____ May 13, 2008 Date
_____ Tod A. Kupstas Typed or printed name	_____ 54,917 Registration Number, if applicable
_____ 1628 John F. Kennedy Blvd., Eight Penn Center, Suite 1350 Address	_____ 215-599-0600 Telephone Number
_____ Philadelphia, PA 19106 Address	

- Enclosures: Fee Payment
- Reply
- Terminal Disclaimer Form
- Additional sheets containing statements establishing unintentional delay
- Other: Corrected Drawing as Requested

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

RAM Fee History
Query
Revenue Accounting and Management

Name/Number: 29265363

Total Records Found: 8

Start Date: Any Date

End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
05/13/2008	00012478	<u>4</u>	<u>1453</u>	\$1,540.00	05/13/2008	DA 500462
05/13/2008	00012479	<u>4</u>	<u>1814</u>	\$130.00	05/13/2008	DA 500462
04/08/2008	00000796	<u>4</u>	<u>1502</u>	\$820.00	04/07/2008	DA 500462
11/17/2006	00000056	<u>4</u>	<u>8021</u>	\$40.00	11/14/2006	DA 220261
11/16/2006	00000215	<u>1</u>	<u>1051</u>	\$130.00	11/14/2006	DA 220261
09/05/2006	00000368	<u>1</u>	<u>1012</u>	\$200.00	08/31/2006	DA 220261
09/05/2006	00000369	<u>1</u>	<u>1112</u>	\$100.00	08/31/2006	DA 220261
09/05/2006	00000370	<u>1</u>	<u>1312</u>	\$130.00	08/31/2006	DA 220261



LAW OFFICES OF CLEMENT CHENG
17220 NEWHOPE STREET #127
FOUNTAIN VALLEY, CA 92708

COPY MAILED

SEP 24 2008

In re Application of :
Liu, Tie Tao :
Application No. 29/265,372 :
Filed: August 30, 2006 :
Attorney Docket No. :
LIU.HYDRAULICMECHANISM :

OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 27, 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 timely pay the issue fee and to submit corrected formal drawings on or before June 18, 2008, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed March 18, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on June 19, 2008. A Notice of Abandonment was mailed July 8, 2008.

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(d). Where there is

¹ As amended effective December 1, 1997. See Changes to Patent Practice and Procedure: Final Rule Notice, 62 Fed. Reg. 53131, 5194-95 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 119-20 (October 21, 1997).

² In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

a 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 (1) and (4) above.

In regards to item (1), petitioner did not submit the required reply in the form of corrected formal drawings as specified by the Notice of Allowability mailed, March 18, 2008.

In regards to item (4), since the above-identified application is a design application, 37 CFR 1.137(d) requires a terminal disclaimer dedicating to the public a terminal part of the term of any patent granted thereon equivalent to the period of abandonment of the application. The period of abandonment will be computed to be the number of months from the date of abandonment to the date of filing a grantable petition. A terminal disclaimer fee of \$130 (\$65 if small entity) is required. Accordingly, this application cannot be revived until corrected formal drawings and a terminal disclaimer have been submitted.

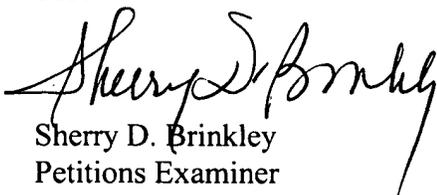
Further correspondence with respect to this matter should be addressed as follows:

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 Alicia Kelley at (571) 272-6059.



Sherry D. Brinkley
Petitions Examiner
Office of Petitions



LAW OFFICES OF CLEMENT CHENG
17220 NEWHOPE STREET #127
FOUNTAIN VALLEY, CA 92708

COPY MAILED

OCT 24 2008

OFFICE OF PETITIONS

In re Application of :
Tie Tao Liu :
Application No. 29/265,372 : **DECISION ON PETITION**
Filed: August 30, 2006 :
Attorney Docket No. :
LIU.HYDRAULICMECHANISM

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 3, 2008, to revive the above-identified application.

While the petition is not signed by an attorney of record in this patent, the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that Mr. Clement Cheng is authorized to represent the particular party on whose behalf he acts, in accordance with 37 CFR 1.34(a).

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee and corrected formal drawings on or before June 18, 2008, as required by the Notice of Allowance and Fee(s) Due mailed March 18, 2008. Accordingly, the application became abandoned on June 19, 2008. A Notice of Abandonment was mailed July 8, 2008.

The present 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 and corrected formal drawings, (2) the petition fee of \$770, (3) an adequate statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to timely submit corrected formal drawings as required by the Notice of Allowability is accepted as being unintentionally delayed.

The terminal disclaimer filed October 3, 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.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571)272-6059.

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

/SDB/
Sherry D. Brinkley
Petitions Examiner
Office of Petitions



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

CHEVRON CORPORATION
P.O. BOX 6006
SAN RAMON CA 94583-0806

MAILED
FEB 22 2010
OFFICE OF PETITIONS

In re Application of :
Masters et al. :
Application No. 29/265,399 : **DECISION ON PETITION**
Filed: August 29, 2006 :
Attorney Docket No. T-6827 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 17, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit Corrected Drawings on or before October 13, 2009, as required by the Notice of Allowability For a Design Application mailed July 10, 2009. Accordingly, the date of abandonment of this application is October 14, 2009. A Notice of Abandonment was mailed October 23, 2009.

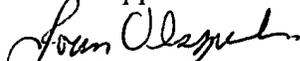
The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of Corrected Drawings; (2) the petition fee of \$1,620.00; (3) a proper statement of unintentional delay; and (4) a Terminal Disclaimer with the accompanying \$140.00 fee.

The request for a terminal disclaimer is accepted and has been made of record.

The address given on the petition differs from the address of record. 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 the undersigned at (571) 272-7751.

The file is now being forwarded to Technology Center 2912 for consideration and review of the Supplemental Information Disclosure Statement filed October 19, 2009.


Jean Olszewski
Petitions Examiner
Office of Petitions

cc: Timothy J. Hadlock
6001 Bollinger Canyon Road, Building T
San Ramon, CA 94583



SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
333 SOUTH HOPE STREET
48TH FLOOR
LOS ANGELES, CA 90071-1448

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MAR 15 2007

OFFICE OF PETITIONS

In re Application of	:	
Nam Wai Chau et al.	:	
Application No. 29/265,402	:	DECISION ACCORDING STATUS
Filed: August 29, 2006	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. OSEM-124293	:	

This is in response to the petition filed February 16, 2007 under 37 CFR 1.47(a).

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

The above-identified application was filed on August 29, 2006 without an executed oath or declaration, thus, a Notice to File Missing Parts was mailed September 22, 2006.

In response to the Notice to File Missing Parts, the instant petition, oath or declaration signed by all joint inventors except Brian Wood and a three month extension of time request are filed seeking status under 37 CFR 1.47, and claims that joint inventor Wood refuses to join in the application.

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

The petition bears proof that the application papers were forwarded to and received by Richard Abernathy, counsel for non-signing inventor Brian Wood and that to date, Mr. Wood has not returned an executed copy of the oath or declaration.

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

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

This matter is being referred to the Office of Initial Patent Examination for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink that reads "Patricia Faison-Ball". The signature is written in a cursive style with a large initial "P".

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
333 SOUTH HOPE STREET
48TH FLOOR
LOS ANGELES, CA 90071-1448

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JUN 05 2007

OFFICE OF PETITIONS

In re Application of :
Nam Wai Chau et al. :
Application No. 29/265,403 : **DECISION ACCORDING STATUS**
Filed: August 29, 2006 : **UNDER 37 CFR 1.47(a)**
Attorney Docket No. 0SEM-123980 :

This is in response to the petition filed February 16, 2007 under 37 CFR 1.47(a).

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

The above-identified application was filed on August 29, 2006 without an executed oath or declaration, thus, a Notice to File Missing Parts was mailed September 20, 2006.

In response to the Notice to File Missing Parts, the instant petition, oath or declaration signed by all joint inventors except Brian Wood and a three month extension of time request are filed seeking status under 37 CFR 1.47, and claims that joint inventor Wood refuses to join in the application.

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

The petition bears proof that the application papers were forwarded to and received by Richard Abernathy, counsel for non-signing inventor Brian Wood and that to date, Mr. Wood has not returned an executed copy of the oath or declaration.

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

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

This matter is being referred to Technology Center 2915 for examination in due course.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in cursive script that reads "Patricia Faison-Ball". The signature is written in black ink and is positioned above the printed name.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
333 SOUTH HOPE STREET
48TH FLOOR
LOS ANGELES, CA 90071-1448

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MAR 13 2007

OFFICE OF PETITIONS

In re Application of :
Nam Wai Chau et al. :
Application No. 29/265,406 : DECISION ACCORDING STATUS
Filed: August 29, 2006 : UNDER 37 CFR 1.47(a)
Attorney Docket No. 0SEM-123981 :

This is in response to the petition filed February 15, 2007 under 37 CFR 1.47(a).

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

The above-identified application was filed on August 29, 2006 without an executed oath or declaration, thus, a Notice to File Missing Parts was mailed September 20, 2006.

In response to the Notice to File Missing Parts, the instant petition, oath or declaration signed by all joint inventors except Brian Wood and a three month extension of time request are filed seeking status under 37 CFR 1.47, and claims that joint inventor Wood refuses to join in the application.

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

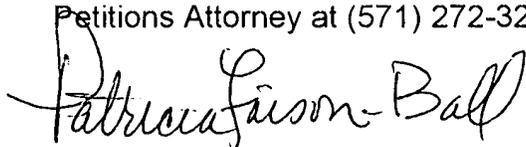
The petition bears proof that the application papers were forwarded to and received by Richard Abernathy, counsel for non-signing inventor Brian Wood and that to date, Mr. Wood has not returned an executed copy of the oath or declaration.

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

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

This matter is being referred to the Office of Initial Patent Examination for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in cursive script that reads "Patricia Faison-Ball". The signature is written in black ink and is positioned above the printed name.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 15219

COPY MAILED
FEB 26 2010

In re Patent No. D556,459 :
Issued: December 4, 2007 :
Application No. 29/265,473 : NOTICE
Filed: August 31, 2006 :
Atty Docket No. 388-061696 :

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) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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	Not Yet Assigned
	Filing Date	Not Yet Assigned
	First Named Inventor	ARMINAK, Armin
	Title	FOAMER PUMP HEAD
	Atty Docket Number	06-17213

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

13006 U.S. PTO
 29/265508
 090106

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/SUBCLASS: D6/542, D9/448, AND 222/190

9-18-06
 Approved
Jacqueline M. Stone
 Jacqueline M. Stone, Director
 Technology Center 1700/2900

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.

19/06/2006 LWONDIM1 00000035 29265508

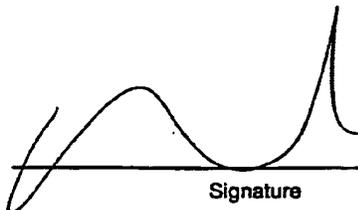
14 FC:1802 900.00 DP

9-1-06

Date

(310) 451-0647

Telephone Number



Signature

Daniel M. Cislo, Esq.

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.

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OCT 31 2007

OFFICE OF PETITIONS

In re Application of
Bartley K. Andre, et al.
Application No. 29/265,520
Filed: September 1, 2006
Attorney Docket No. APL1D516/P4488UD1

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed June 8, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Beyer Weaver, LLP/Apple Inc. has been revoked by the assignee of the patent application on August 22, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: STERNE, KESSLER, GOLDSTEIN & FOX, PLLC
1100 NEW YORK AVENUE NW
WASHINGTON, DC 20005



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OCT 31 2007

OFFICE OF PETITIONS

In re Application of
Bartley K. Andre, et al.
Application No. 29/265,520
Filed: September 1, 2006
Attorney Docket No. APL1D516/P4488UD1

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 July 31, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Beyer Weaver, LLP/Apple Inc. has been revoked by the assignee of the patent application on August 22, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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April M. Wise
Petitions Examiner
Office of Petitions

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1100 NEW YORK AVENUE NW
WASHINGTON, DC 20005



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OFFICE OF PETITIONS

In re Application of :
Bartley K. Andre, et al. :
Application No. 29/265,521 :
Filed: September 1, 2006 :
Attorney Docket No. APL1D517A/P4489US1 :
: DECISION ON PETITION
: TO WITHDRAW
: FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed June 8, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Beyer Weaver, LLP/Apple Inc. has been revoked by the assignee of the patent application on August 23, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642.


April M. Wise
Petitions Examiner
Office of Petitions

cc: STERNE, KESSLER, GOLDSTEIN & FOX, PLLC
1100 NEW YORK AVENUE, NW
WASHINGTON, DC 20005



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OFFICE OF PETITIONS

BEYER WEAVER LLP/APPLE INC.
P.O. BOX 70250
OAKLAND, CA 94612-0250

In re Application of :
Bartley K. Andre, et al. :
Application No. 29/265,521 : **DECISION ON PETITION**
Filed: September 1, 2006 : **TO WITHDRAW**
Attorney Docket No. APL1D517A/P4489US1 : **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 July 31, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Beyer Weaver, LLP/Apple Inc. has been revoked by the assignee of the patent application on August 23, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642.


April M. Wise
Petitions Examiner
Office of Petitions

cc: STERNE, KESSLER, GOLDSTEIN & FOX, PLLC
1100 NEW YORK AVENUE, NW
WASHINGTON, DC 20005



THE PROCTER & GAMBLE COMPANY
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CINCINNATI, OH 45224

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OFFICE OF PETITIONS

In re Application of :
Christopher Eugene Bates, et al. :
Application No. 29/265,529 : **ON PETITION**
Filed: September 1, 2006 :
Attorney Docket No. D-1123 :

This is a decision on the petition, filed May 7, 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.

This application became abandoned for failure to timely pay the issue fee and submit corrected formal drawings on or before March 29, 2007, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed December 29, 2006. Accordingly, the date of abandonment of this application is March 30, 2007. A Notice of Abandonment was mailed on April 30, 2007.

A grantable petition under 37 CFR 1.137(b)¹ must be accompanied by: (1) the required reply,² unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the

¹ As amended effective December 1, 1997. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53194-95 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 119-20 (October 21, 1997).

² In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(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).

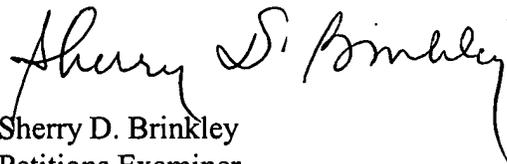
Further correspondence with respect to this matter should be addressed as follows:

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

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

The centralized facsimile number is (571) 273-8300.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.



Sherry D. Brinkley
Petitions Examiner
Office of Petitions



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OFFICE OF PETITIONS

In re Application of
Christopher E. Bates, et al.
Application No. 29/265,529
Filed: September 1, 2006
Attorney Docket No. D-1123
:
:
:
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:
:
ON PETITION

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

The petition is **GRANTED**.

The application became abandoned on March 30, 2007 for a failure to timely pay the issue fee and submit corrected formal drawings. A Notice of Abandonment was mailed on April 30, 2007. In response, on May 7, 2007, a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed September 12, 2007. On November 13, 2007, the present petition was filed.

The petition now satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected drawings and the \$800 issue fee, (2) the petition fee of \$1,500, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to timely pay the issue fee as required by the Notice of December 29, 2006 is accepted as being unintentionally delayed.

The terminal disclaimer filed November 13, 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 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.

A handwritten signature in black ink, appearing to read "Sherry D. Brinkley". The signature is written in a cursive style with a long, vertical tail on the final letter.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions



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SEP 11 2007

OFFICE OF PETITIONS

In re Application of :
Christopher Eugene Bates :
Application No. 29/265,530 : ON PETITION
Filed: September 1, 2006 :
Attorney Docket No. D-1124 :

This is a decision on the petition, filed April 9, 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 pay the issue fee on or before March 29, 2007. A Notice of Abandonment was subsequently mailed on June 28, 2007.

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).

¹ As amended effective December 1, 1997. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53194-95 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 119-20 (October 21, 1997).

² In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

The petition lacks items 4 above. Since the above-identified application is a design application, 37 CFR 1.137(d) requires a terminal disclaimer dedicating to the public a terminal part of the term of any patent granted thereon equivalent to the period of abandonment of the application. The period of abandonment will be computed to be the number of months from the date of abandonment to the date of filing a grantable petition. A terminal disclaimer fee of \$130 (\$65 if small entity) is required. If the terminal disclaimer is signed by an assignee, the assignee must comply with the requirements of 37 CFR 3.73(b).

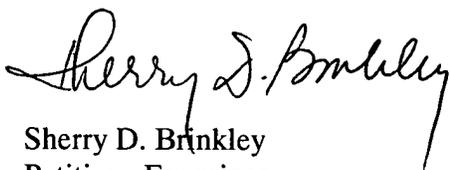
Further correspondence with respect to this matter should be addressed as follows:

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 Post Office Box 1450
 Alexandria, VA 22313-1450

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

The centralized facsimile number is **(571) 273-8300**.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.



Sherry D. Brinkley
Petitions Examiner
Office of Petitions



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OFFICE OF PETITIONS

In re Application of
Christopher E. Bates, et al.
Application No. 29/265,530
Filed: September 1, 2006
Attorney Docket No. D-1124

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ON PETITION

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

The petition is **GRANTED**.

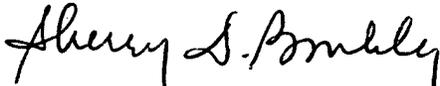
The application became abandoned for failure to timely pay the issue fee on or before March 29, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed December 29, 2006, which set a statutory period for reply of three (3) months. On April 9, 2007, a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed September 11, 2007. On November 11, 2007, the present petition was filed.

The petition now satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the \$800 issue fee, (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 pay the issue fee as required by the Notice of December 29, 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



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OFFICE OF PETITIONS

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625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA VA 22314-1176

In re Application of :
Ernst Pfaff :
Application No. 29/265,533 : DECISION ON PETITION
Filed: September 5, 2006 :
Attorney Docket No. PFAF3005/FJD :

This is a decision on the "PETITION", filed May 2, 2007, which is being treated as a petition under 37 CFR 1.53 to accord the above-identified application a filing date of September 5, 2006.

The petition is **GRANTED**.

Application papers in the above-identified application were filed on September 5, 2006. However, on December 18, 2006, the Initial Patent Examination Division mailed Applicant a "Notice to File Missing Parts of Nonprovisional Application". Applicant was notified that the application papers had been accorded a filing date; however, as the application was filed in a language other than English, applicant was given two months to supply an English language translation. Applicant filed the translation on February 20, 2007. However, on March 8, 2007, the Office mailed a "Notice of Incomplete Nonprovisional Application", stating that a filing date had not been accorded because the specification did not include at least one claim.

In response, Applicant filed the instant petition. Applicant argues that as the application is a design application, a claim is merely a formality, as the claim refers to the drawings and the drawings are complete.

A claim is a requirement for a filing date. No claim was contained in the specification. Accordingly, the "Notice of Incomplete Nonprovisional Application" was properly mailed. Nevertheless, as the oath or declaration did contain a "claim", it is concluded that in this instance, as the application is a design application, the application will be accorded a filing date.

However, as the Notice of Incomplete Nonprovisional Applicant was not mailed in error, the petition fee will not be refunded.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of September 5, 2006, using the application papers received in the Office on that date and the amendment supplied with the petition filed May 2, 2007.

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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SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
333 SOUTH HOPE STREET
48TH FLOOR
LOS ANGELES CA 90071-1448

In re Application of
Chau, Wood, And Hon
Application No.: 29/265,568
Filed: September 1, 2006
Attorney Docket No: OSEM-123978
For: GRILL LID

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: DECISION ACCORDING
: RULE 47(a) STATUS
:

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This is in response to the petition under 37 CFR 1.47(a), filed February 15, 2007.

The petition is GRANTED.

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

The above-cited application was filed on February 15, 2007, without a properly executed declaration. On September 18, 2006, the Office of Initial Patent Examination mailed a Notice to File Missing Parts of Nonprovisional Application requiring a declaration signed by all named inventors, a surcharge of for the late filing of the declaration, and payment of the filing fee. On February 15, 2007, a petition under 37 CFR 1.47(a) was filed along with a request for an extension of time within the third month.

Petitioner has shown that inventor Wood has constructively refused to join the application after having been presented with the application papers. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

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

This application will be directed to the Office of Initial Patent Examination for further processing.

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

Kenya A. McLaughlin
Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



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OFFICE OF PETITIONS

In re Application of
Bartley K. Andre, et al.
Application No. 29/265,581
Filed: September 1, 2006
Attorney Docket No. APL1D517D/P4489US4

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 July 31, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Beyer Weaver, LLP/Apple Inc. has been revoked by the assignee of the patent application on August 21, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642.


April M. Wise
Petitions Examiner
Office of Petitions

cc: STERNE, KESSLER, GOLDSTEIN & FOX, PLLC
1100 NEW YORK AVENUE, NW
WASHINGTON, DC 20005



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In re Application of :
Bartley K. Andre, et al. :
Application No. 29/265,581 :
Filed: September 1, 2006 :
Attorney Docket No. APL1D517D/P4489US4 :
: **DECISION ON PETITION**
: **TO WITHDRAW**
: **FROM RECORD**
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed June 8, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Beyer Weaver, LLP/Apple Inc. has been revoked by the assignee of the patent application on August 21, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642.

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

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1100 NEW YORK AVENUE, NW
WASHINGTON, DC 20005

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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)	Application Number	Not yet assigned
	Filing Date	September 5, 2006
	First Named Inventor	Douglas A. Kemp
	Title	SPOUT PORTION
	Atty Docket Number	27475.09236

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

13006 U.S. PTO
 291265591

 090506

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 D23 Subclass 238-257;

U.S. Class 137 Subclass 801; and

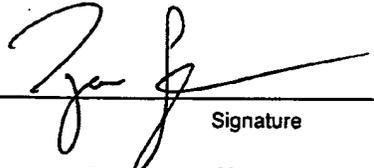
U.S. Class 004 Subclass 675-678

Related applications: 29/259,822; 29/259,823; 29/259,836; and 29/259,838

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.

Approved *9-18-06*
Jacqueline M. Stone
 Jacqueline M. Stone, Director
 Technology Center 700/2900

<p> _____ Signature Ryan W. Falk</p>	<p>September 5, 2006 _____ Date</p>
<p>_____ Typed or printed name</p>	<p>_____ Registration Number, if applicable</p>
<p>216-622-8206 _____ Telephone Number</p>	<p>54,090 _____ 09/07/2006 H&UTENA1 00000057 29265591 04 FC:1802 900.00 DP</p>

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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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Paper No.

THOMPSON HINE L.L.P.
Intellectual Property Group
P.O. BOX 8801
DAYTON OH 45401-8801

COPY MAILED

MAY 27 2008

OFFICE OF PETITIONS

In re Application of	:	
Edward P. Busam	:	
Application No. 29/265,612	:	DECISION ON PETITION
Filed: September 5, 2006	:	PURSUANT TO
Attorney Docket Number: 100041-41249D1	:	37 C.F.R. § 1.137(b)
Title: POUCH FOR PENCILS OR THE LIKE	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), to revive the above-identified application, filed on September 28, 2007.

This petition is **DISMISSED**.

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 Due¹, mailed May 31, 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 fees². Accordingly, the above-identified application became abandoned on September 1, 2007. A Notice of Abandonment was mailed on September 25, 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

¹ It is noted that the notice further required the submission of corrected drawings, however this requirement was withdrawn via the mailing of a Supplemental Notice of Allowability on August 20, 2007.

² See M.P.E.P. § 710.02(e).

Decision on Petition under 37 C.F.R. § 1.137(b)

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

With this petition, Petitioner has included the issue and petition fees, along with 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 mail³, hand-delivery⁴, or facsimile⁵. Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web⁶.

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

It is noted that the address listed on the petition differs from the address of record - this petition has been filed by the Assignee of record. The application file does not indicate a change of correspondence address has been filed in this case,

3 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

4 Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA, 22314.

5 (571) 273-8300- please note this is a central facsimile number.

6 <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>

although the address given on the petition differs from the address of record. If Petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For Petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at <http://www.uspto.gov/web/forms/sb0122.pdf>.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225⁷. 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

cc: Neil G. Cohen
MeadWestvaco Corporation
1021 Main Campus Drive, Centennial Campus
Raleigh, NC 27606

⁷ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



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Paper No.

THOMPSON HINE L.L.P.
Intellectual Property Group
P.O. BOX 8801
DAYTON OH 45401-8801

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AUG 11 2008

In re Application of	:	
Edward P. Busam	:	
Application No. 29/265,612	:	DECISION ON RENEWED PETITION
Filed: September 5, 2006	:	PURSUANT TO
Attorney Docket Number: 100041-41249D1	:	37 C.F.R. § 1.137(b)
Title: POUCH FOR PENCILS OR THE LIKE	:	

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 July 28, 2008¹.

This renewed petition is **DISMISSED**.

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 Due², mailed May 31, 2007, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time are permitted

¹ It is noted that July 27, 2008 fell on a Sunday.

² It is noted that the notice further required the submission of corrected drawings, however this requirement was withdrawn via the mailing of a Supplemental Notice of Allowability on August 20, 2007.

Decision on Renewed Petition pursuant to 37 C.F.R. § 1.137(b)

for transmitting issue fees³. Accordingly, the above-identified application became abandoned on September 1, 2007. A Notice of Abandonment was mailed on September 25, 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);
- (3) A statement that 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;
- (2) 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 September 28, 2007 and was dismissed via the mailing of a decision on May 27, 2008. The decision indicated that Petitioner had included the issue and petition fees, along with the proper statement of unintentional delay, and as such, requirements (1) - (3) of Rule 1.137(b) had been satisfied. However, the fourth requirement had not been satisfied, since Petitioner failed to provide the required terminal disclaimer and fee. See 37 C.F.R. §§ 1.137(b)(4) and (d).

With this renewed petition, Petitioner has attempted to submit a terminal disclaimer that has been executed by the Assignee in accordance with 37 C.F.R. § 1.321(b)(1)(ii). However, it is noted that **Petitioner is not an attorney of record**⁴. The terminal disclaimer contains an indication that "the undersigned is an attorney or agent of record," and therefore, this terminal disclaimer cannot be accepted as it contains erroneous information.

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 "Second 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.

³ See M.P.E.P. § 710.02(e).

⁴ The declaration that was submitted on filing appoints power of attorney to the attorneys associated with Customer Number 27,805, and Petitioner is not associated with that customer number

Decision on Renewed Petition pursuant to 37 C.F.R. § 1.137(b)

The second renewed petition should include both a properly executed terminal disclaimer and a statement pursuant to 37 C.F.R. § 3.73(b).

The second renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail⁵, hand-delivery⁶, or facsimile⁷. Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web⁸.

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

It is noted that the address listed on the petition differs from the address of record - this petition has been filed by the Assignee of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If Petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For Petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at <http://www.uspto.gov/web/forms/sb0122.pdf>.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225⁹. All other inquiries

5 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

6 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

7 (571) 273-8300- please note this is a central facsimile number.

8 <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>

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

Decision on Renewed Petition pursuant to 37 C.F.R. § 1.137(b)

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

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

cc: Neil G. Cohen
MeadWestvaco Corporation
1021 Main Campus Drive, Centennial Campus
Raleigh, NC 27606



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MEADWESTVACO CORPORATION
ATTN: IP LEGAL DEPARTMENT
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RALEIGH NC 27606

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JUL 21 2009

OFFICE OF PETITIONS

In re Application of	:	
Edward P. Busam	:	
Application No. 29/265,612	:	DECISION ON SECOND RENEWED
Filed: September 5, 2006	:	PETITION PURSUANT TO
Attorney Docket Number: 100041-41249D1	:	37 C.F.R. § 1.137(b)
Title: POUCH FOR PENCILS OR THE LIKE	:	

This is a decision on the second renewed petition pursuant to 37 C.F.R. § 1.137(b), to revive the above-identified application, filed on October 13, 2008.

This second renewed petition is **DISMISSED**.

The concurrently filed revocation of Power of Attorney and Change of Correspondence Address has been entered and made of record. As such, **both the Power of Attorney and the Correspondence Address have been linked to the information that is associated with Customer Number 66061.**

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 Due¹, mailed May 31, 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.² Accordingly, the above-identified application became abandoned on September 1, 2007. A Notice of Abandonment was mailed on September 25, 2007.

1 It is noted that the notice further required the submission of corrected drawings, however this requirement was withdrawn via the mailing of a Supplemental Notice of Allowability on August 20, 2007.

2 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);
- (3) A statement that 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;
- (2) 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 September 28, 2007 and was dismissed via the mailing of a decision on May 27, 2008. The decision indicated that Petitioner had included the issue and petition fees, along with the proper statement of unintentional delay, and as such, requirements (1) - (3) of Rule 1.137(b) had been satisfied. However, the fourth requirement had not been satisfied, since Petitioner failed to provide the required terminal disclaimer and fee. See 37 C.F.R §§ 1.137(b)(4) and (d).

A renewed petition pursuant to 37 C.F.R. § 1.137(b) was filed on July 28, 2008, and was dismissed via the mailing of a decision on August 11, 2008,³ which indicated, *in pertinent part*:

"With this renewed petition, Petitioner has attempted to submit a terminal disclaimer that has been executed by the Assignee in accordance with 37 C.F.R § 1.321(b)(1)(ii). However, it is noted that **Petitioner is not an attorney of record** (emphasis included)⁴. The terminal disclaimer contains an indication that "the undersigned is an attorney or agent of record," and therefore, this terminal disclaimer cannot be accepted as it contains erroneous information."

With this second renewed petition, Petitioner (Mr. Jeffrey T. Knapp) has submitted a terminal disclaimer that has been executed by the same. However, **Mr. Knapp is not associated with Customer Number 66061**. As such, the terminal disclaimer that has been submitted concurrently with this second renewed

³ It is noted that October 11, 2008 fell on a Saturday.

⁴ The declaration that was submitted on filing appoints power of attorney to the attorneys associated with Customer Number 27,805, and Petitioner is not associated with that customer number

Decision on Second Renewed Petition pursuant to 37 C.F.R. § 1.137(b)

petition cannot be accepted as it contains erroneous information in that it contains the assertion that Mr. Knapp is "an attorney or agent of record." Moreover, the terminal disclaimer cannot be accepted as it has been executed by a patent practitioner who is acting in a representative capacity.⁵

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 "Third 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 third renewed petition should include a properly executed terminal disclaimer, should indicate in a prominent manner that the attorney handling this matter is Paul Shanowski, and may be submitted by mail⁶, hand-delivery⁷, or facsimile⁸. Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web⁹.

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned. Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225¹⁰. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



Paul Shanowski
Senior Attorney
Office of Petitions

5 MPEP § 402 indicates "[a] person acting in a representative capacity may not sign...a terminal disclaimer." See also 37 C.F.R. § 1.321(a)(1), which indicates that a terminal disclaimer "must...[b]e signed by the patentee, or an attorney or agent of record."

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.

9 <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>

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



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DEC 08 2009

OFFICE OF PETITIONS

In re Application of	:	
Edward P. Busam	:	
Application No. 29/265,612	:	DECISION ON THIRD RENEWED
Filed: September 5, 2006	:	PETITION PURSUANT TO
Attorney Docket Number: 100041-41249D1	:	37 C.F.R. § 1.137(b)
Title: POUCH FOR PENCILS OR THE LIKE	:	

This is a decision on the third renewed petition pursuant to 37 C.F.R. § 1.137(b), to revive the above-identified application, filed on August 12, 2009.

This third renewed 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 and Issue Fee Due¹, mailed May 31, 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.² Accordingly, the above-identified application became abandoned on September 1, 2007. A Notice of Abandonment was mailed on September 25, 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;

¹ It is noted that the notice further required the submission of corrected drawings, however this requirement was withdrawn via the mailing of a Supplemental Notice of Allowability on August 20, 2007.

² See M.P.E.P. § 710.02(e).

Decision on Third Renewed Petition pursuant to 37 C.F.R. § 1.137(b)

- (2) The petition fee as set forth in 37 C.F.R § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (2) 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 September 28, 2007 and was dismissed via the mailing of a decision on May 27, 2008. The decision indicated that Petitioner had included the issue and petition fees, along with the proper statement of unintentional delay, and as such, requirements (1) - (3) of Rule 1.137(b) had been satisfied. However, the fourth requirement had not been satisfied, since Petitioner failed to provide the required terminal disclaimer and fee. See 37 C.F.R §§ 1.137(b)(4) and (d).

A renewed petition pursuant to 37 C.F.R. § 1.137(b) was filed on July 28, 2008, and was dismissed via the mailing of a decision on August 11, 2008,³ which indicated that the concurrently submitted terminal disclaimer could not be accepted as it was executed by an attorney who was not of record.

A second renewed petition was filed on October 13, 2008, and was dismissed via the mailing of a decision on July 21, 2009, which indicated that the concurrently submitted terminal disclaimer could not be accepted as it was executed by an attorney who was not of record.

With this third renewed petition, Petitioner has submitted both a properly executed terminal disclaimer and the fee that is associated with the submission of the same, satisfying the fourth requirement of Rule 1.137(b).

As such, each of the four requirements of Rule 1.137(b) has been met.

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

³ It is noted that October 11, 2008 fell on a Saturday.

Decision on Third Renewed Petition pursuant to 37 C.F.R. § 1.137(b)

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) 272-3225.⁴ All other inquiries 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

⁴ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



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SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
333 SOUTH HOPE STREET
48TH FLOOR
LOS ANGELES, CA 90071-1448

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JUL 29 2008

In re Application of :
David G. Lenahan :
Application No. 29/265,627 : **ON PETITION**
Filed: September 5, 2006 :
Attorney Docket No. 10FY-126434 :

This is a decision on the petition, filed March 17, 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.

This application became abandoned for failure to timely submit corrected drawings as required by the Notice of Allowability mailed October 30, 2007. A Notice of Abandonment was mailed on February 27, 2008. In response, on March 18, 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 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).

¹ As amended effective December 1, 1997. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53194-95 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 119-20 (October 21, 1997).

² In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

The petition lacks item (4) above. Since the above-identified application is a design application, 37 CFR 1.137(d) requires a terminal disclaimer dedicating to the public a terminal part of the term of any patent granted thereon equivalent to the period of abandonment of the application. The period of abandonment will be computed to be the number of months from the date of abandonment to the date of filing a grantable petition. A terminal disclaimer fee of \$130 (\$65 if small entity) is required. If the terminal disclaimer is signed by an assignee, the assignee must comply with the requirements of 37 CFR 3.73(b).

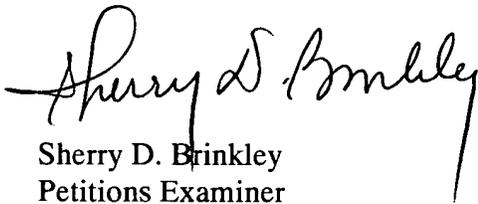
Further correspondence with respect to this matter should be addressed as follows:

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

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

The centralized facsimile number is **(571) 273-8300**.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.



Sherry D. Brinkley
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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333 SOUTH HOPE STREET
48TH FLOOR
LOS ANGELES, CA 90071-1448

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SEP 30 2008

OFFICE OF PETITIONS

In re Application of
David G. Lenahan
Application No. 29/265,627
Filed: September 5, 2006
Attorney Docket No. 10FY-126434

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:
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:
:

ON PETITION

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

The petition is **GRANTED**.

This application became abandoned for a failure to submit corrected formal drawings on or before January 30, 2008. A Notice of Abandonment was mailed February 27, 2008. On March 18, 2008, a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed July 29, 2008. In response, on August 12, 2008, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected formal drawings, (2) the petition fee of \$770, (3) an adequate statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d).

The terminal disclaimer filed August 12, 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.

It is noted that the petitioner submitted a second petition fee in association with the renewed petition. As no further petition fee is required on a renewed petition under 37 CFR 1.137(b), the fee is being credited to counsel's deposit account as authorized.

The application is being referred to the Office of Data Management for further processing, including overseeing the review of the drawing.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions



The Black & Decker Corporation
701 East Joppa Road, TW199
Towson, MD 21286

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DEC 04 2008

OFFICE OF PETITIONS

In re Application of :
Thomas Murray :
Application No. 29/265,654 : **DECISION ON PETITION**
Filing Date: September 06, 2006 :
Attorney Docket No. D-US-TN-11180A :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 18, 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 Notice to File Missing Parts of Nonprovisional Application (Notice), mailed September 26, 2006. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 27, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (4).

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 \$140 (\$70 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
 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 Shelley Clement at (571)272-6052 or in her absence to the undersigned at (571)272-7099.


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

THE BLACK & DECKER CORPORATION
701 EAST JOPPA ROAD, TW199
TOWSON MD 21286

MAILED

MAY 28 2009

OFFICE OF PETITIONS

In re Application of :
Thomas Murray :
Application No. 29/265,654 : DECISION ON PETITION
Effective Date: September 6, 2006 :
Attorney Docket No. D-US-TN-11180A :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed December 23, 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 Notice to File Missing Parts of Nonprovisional Application (Notice), mailed September 26, 2006. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on November 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 a declaration and \$130 surcharge fee, (2) the petition fee of \$1540, (3) a proper statement of unintentional delay, and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d) and required by 37 CFR 1.137(d)). Accordingly, the reply to the Notice to File Missing Parts of Nonprovisional Application is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Newton Edwards at 571-272-6052 or in his absence to the undersigned at 571-272-7099.

This application is being referred to the Office Patent Application Processing.


David Bucci
Petitions Examiner
Office of Petitions



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

RG & ASSOCIATES
1103 TWIN CREEKS
STE. 120
ALLEN TX 75013

MAILED

FEB 02 2009

In re Application of

Vincent W. Ellis

OFFICE OF PETITIONS

Application No. 29/265,665

DECISION ON PETITION

Filed: September 6, 2006

Attorney Docket No. ID0104

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed December 23, 2008.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

This application was held abandoned on March 1, 2007, after it was believed that a proper response was received to the Notice to File Missing Parts of Non-Provisional Application mailed September 26, 2006, which set a shortened period for reply of two months from its mailing date. A Notice of Abandonment was mailed May 29, 2008.

Petitioner maintains that a proper and timely response to the Notice to File Missing Parts of Non-Provisional Application was transmitted via facsimile on January 29, 2007. As evidence of the same, petitioner provides a copy of the transmittal containing a certificate of transmission dated January 29, 2007, and a copy of the Auto-Reply sheet indicating that fourteen pages were transmitted to the USPTO central fax line on January 27, 2007.

Petitioner's argument has been considered and is persuasive. Section 711.03(c) of the MPEP provides, in pertinent part, that:

Where a certificate of mailing under 37 CFR 1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 CFR 1.8(b) and MPEP § 512. As stated in 37 CFR 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

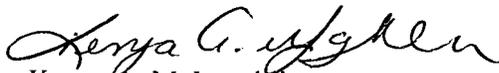
PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 CFR 1.8).

A review of the copy of the Transmittal Form reveals that it contains a certificate of mailing dated January 29, 2007, that is signed by Raffi Gostanian who also signed the petition document. Petitioner properly used the protections offered by 37 CFR 1.8 and is, therefore, entitled to assert that the response transmitted January 29, 2007, is timely and complete by virtue of the certificate of transmission dated January 29, 2007, contained thereon. The petition is granted, accordingly.

The declaration filed December 23, 2008, is noted.

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

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



Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

"SPECIAL PROCEDURES SUBMISSION"

EXPEDITED DESIGN

37 CFR 1.155

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of
Andrew P. CHICK et al.

Application No.: New U.S. Design Application

Filed: September 11, 2006

Docket No.: 129399

For: A GOLF CLUB HEAD

113000 U.S.PTO
29/265837
091106

REQUEST FOR EXPEDITED EXAMINATION OF DESIGN PATENT APPLICATION
UNDER 37 CFR 1.155

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

Sir:

Approved 11-17-06
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700

Expedited Examination is requested for this design patent application. In accordance with 37 CFR 1.155, the following information is submitted:

1. The application is being filed concurrently herewith, with all fees paid and drawings in compliance with 37 CFR 1.84;
2. The applicant conducted a pre-examination search. An Information Disclosure Statement is filed concurrently herewith to submit the results of the pre-examination search. The field of search included Subclasses 736-746 in Class D21 and Subclasses 340-341 in Class 473, as well as international classes A63B53/04 and A63B53/06 using the operator "putter."

The U.S. Patent and Trademark Office is authorized to debit our Deposit Account No. 15-0461 in the amount of \$900.00 under 37 CFR 1.17 (k) to effect filing of this request for expedited examination.

Expedited Examination is respectfully requested.

Respectfully submitted,

Kilfton L. Kime

Edward P. Walker
Registration on No. 31,450

Kilfton L. Kime
Registration No. 42,733

09/14/2006 HGBEEM1 00000001 150461 29265837
01 FC:1802 900.00 DA

EPW:KLK/jdb

Date: September 11, 2006

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P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

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Charge any fee due to our
Deposit Account No. 15-0461



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PYLE & PIONTEK
ATTN: THOMAS R. VIGIL
221 N LASALLE STREET , ROOM 2036
ROOM 2036
CHICAGO, IL 60601

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SEP 15 2008

In re Application of :
Iacopetta Cosimo :
Application No. 29/265,886 : **DECISION ON PETITION**
Filed: September 11, 2006 :
Attorney Docket No. VGI-40008 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 5, 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.

This application became abandoned for failure to timely file corrected drawings on or before June 20, 2008, as required by the Notice of Allowability for A Design Application, mailed March 20, 2008. Accordingly, the date of abandonment of this application is June 21, 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 lacks item 4.

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 from which revival is sought.

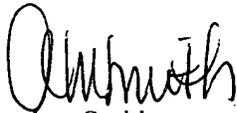
Further correspondence with respect to this matter should be addressed as follows:

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

By 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 Denise Williams at (571) 272-8930.



Andrea Smith
Petitions Examiner
Office of Petitions

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
Terminal Disclaimer to Accompany Petition (Form No. 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.

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
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Alexandria, VA 22313-1450
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221 N LASALLE STREET , ROOM 2036
ROOM 2036
CHICAGO, IL 60601

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OFFICE OF PETITIONS

In re Application of :
Iacopetta Cosimo :
Application No. 29/265,886 :
Filed: September 11, 2005 :
Attorney Docket No. VGI-40008 :

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed on December 18, 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 \$410 for payment of the issue fee and a terminal disclaimer with the \$70 fee; (2) the petition fee of \$770; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

The terminal disclaimer under 37 CFR 1.137(d), filed December 18, 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



"SPECIAL PROCEDURES SUBMISSION"

EXPEDITED DESIGN

37 CFR 1.155

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Andrew P. CHICK et al.

Application No.: 29/265,902

Filed: September 12, 2006

Docket No.: 129418

For: A GOLF CLUB HEAD

REQUEST FOR EXPEDITED EXAMINATION OF DESIGN PATENT APPLICATION
UNDER 37 CFR 1.155

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

11-17-06
Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700

Sir:

Expedited Examination is requested for this design patent application. In accordance with 37 CFR 1.155, the following information is submitted:

1. The application has been filed with the executed declaration filed concurrently herewith, with all fees paid and with drawings in compliance with 37 CFR 1.84;
2. The applicant conducted a pre-examination search. An Information Disclosure Statement is filed concurrently herewith to submit the results of the pre-examination search. The field of search included Subclasses 733, 752, 753 and 759 in Class D21.

The U.S. Patent and Trademark Office is authorized to debit our Deposit Account No. 15-0461 in the amount of \$900.00 under 37 CFR 1.17 (k) to effect filing of this request for expedited examination.

Expedited Examination is respectfully requested.

Respectfully submitted,

Edward P. Walker
Registration on No. 31,450

Thomas J. Pardini
Registration No. 30,411

EPW:TJP/cfr
Date: November 7, 2006

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

11/09/2006 EFL0RES 00000001 29265902

01-FC:1051
02-FC:1802 900.00 DA ~~120.00-OP~~

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"SPECIAL PROCEDURES SUBMISSION"

EXPEDITED DESIGN

37 CFR 1.155

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of
Brad S. Hooley

Application No.: 29/265,903

Filed: September 12, 2006

Docket No.: 129419

For: A GOLF CLUB HEAD

Approved

10/25/06

Jacqueline M. Stone, Director
Technology Center 1700/2900

REQUEST FOR EXPEDITED EXAMINATION OF DESIGN PATENT APPLICATION
UNDER 37 CFR 1.155

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

Sir:

Expedited Examination is requested for this design patent application. In accordance with 37 CFR 1.155, the following information is submitted:

1. The application has been filed with the executed declaration filed concurrently herewith, with all fees paid and drawings in compliance with 37 CFR 1.84;

2. The applicant conducted a pre-examination search. An Information Disclosure Statement is filed concurrently herewith to submit the results of the pre-examination search. The field of search included Subclasses 733, 752, 753 and 759 in Class D21.

The U.S. Patent and Trademark Office is authorized to debit our Deposit Account No. 15-0461 in the amount of \$900.00 under 37 CFR 1.17 (k) to effect filing of this request for expedited examination.

Expedited Examination is respectfully requested.

Respectfully submitted,

Edward P. Walker
Registration on No. 31,450

Kilfton L. Kime
Registration No. 42,733

10/17/2006 10:11 AM 08888817 158461 29265983

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EPW:KLK/mab
Date: October 16, 2006

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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ROBERT F. HELFING
18TH FLOOR
801 SOUTH FIGUEROA STREET
LOS ANGELES CA 90017-5556

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DEC 03 2007

OFFICE OF PETITIONS

In re Application of :
Jay Kassir :
Application No. 29/265,943 : DECISION GRANTING PETITION
Filed: September 12, 2006 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 2107-107123-1 :

This is a decision on the petition under 37 CFR 1.137(b), filed March 25, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the issue fee and terminal disclaimer; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance of November 2, 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
Petitions Examiner
Office of Petitions



**GEORGE A. ROLSTON
45 SHEPPARD AVE EAST
SUITE 900
TORONTO ON M2N5W-9 CA CANADA**

**COPY MAILED
AUG 05 2008**

In re Application of :
Dillon SUTANDAR :
Application No. 29/265,956 : **DECISION ON PETITION**
Filed: September 12, 2006 :
Attorney Docket No. 1322US301 :

This is a decision on the petition under 37 CFR 1.137(b), filed June 23, 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 for failure to reply in a timely manner to the non-final Office action mailed, May 21, 2007, 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 August 22, 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) above.

Since the above-identified application is a utility or plant application filed before June 8, 1995, 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).

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 Michelle R. Eason at (571) 272-4231.



Michelle R. Eason
Paralegal Specialist
Office of Petitions

**CC: DILLON SUTANDAR
173 BYNG AVE.
NORTH YORK, ON, M2N 4K8
CANADA**



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**GEORGE A. ROLSTON
45 SHEPPARD AVE EAST
SUITE 900
TORONTO ON M2N5W-9 CA CANADA**

RECEIVED

DEC 22 2008

OFFICE OF PETITIONS

In re Application of :
Dillon SUTANDAR :
Application No. 29/265,956 :
Filed: September 12, 2006 :
Attorney Docket No. 1322US301 :

DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed October 06, 2008, 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, May 21, 2007, 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 August 22, 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 an amendment; (2) the petition fee of \$770.00; (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 May 21, 2007 is accepted as having been unintentionally delayed.

The terminal disclaimer has been accepted and made of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

The application file is being referred to Technology Center AU 2915 for appropriate action on the concurrently filed amendment.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

DATE 8/30/07

APPLICATION NUMBER 29/265,959

DOC CODE PET-DEC

DOC DATE 8/30/07

DELIVER THE ATTACHED FILE/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



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

Mailed: 8-30-07
In re application of
Volkmar Rommel
Serial No. 29/265,959
Filed: September 12, 2006
For: WRITING INSTRUMENT WITH BOW
OPERATOR

wk

:
: DECISION ON
: PETITION
:
:

This is a decision on PETITION TO EXPUNGE UNDER 37 C.F.R. 1.59(b), filed January 08, 2007, which has been accepted as a timely petition under 1.59(b) and MPEP 724.02 and is before the Group Director of Technology Center for consideration.

DECISION

Petitioner requests that references submitted in a parent application be expunged.

The petition is **DISMISSED**.

This petition was filed in 29/265,959. A review of the file does not show evidence that the references were submitted on an IDS to be considered in this application.



Jacqueline M. Stone, Director
Technology Center 2900
Designs

Stephan P. Gribok
DUANE MORRIS, LLP
IP DEPARTMENT
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103-4196



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

DUANE MORRIS, LLP
IP DEPARTMENT
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103-4196

COPY MAILED

JAN 07 2008

In re Application of	:	OFFICE OF PETITIONS
ROMMEL, Volkmar	:	
Application No. 29/265,959	:	DECISION ON PETITION
Filed: September 12, 2006	:	UNDER 37 CFR 1.313(c)
Attorney Docket No. D4695-00159	:	

This is a decision on the petition under 37 CFR 1.313(c), filed December 20, 2007, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED**.

37 CFR 1.313(c) provides that:

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

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

(2) Consideration of a request for continued examination in compliance with 37 CFR 1.114; or

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

Accordingly, the petition must be dismissed as failing to comply with the provisions of 37 CFR 1.313(c)(3).

Petitioner's attention is directed to 37 CFR 1.53(d), which states:

(1) A continuation or divisional application (but not a continuation-in-part) of a prior nonprovisional application may be filed as a continued prosecution application under this paragraph, provided that:

(i) The application is for a design patent;

(ii) The prior nonprovisional application is a design application that is complete as defined by § 1.51(b); and

(iii) The application under this paragraph is filed before the earliest of:

(A) Payment of the issue fee on the prior application, unless a petition under § 1.313 is granted in the prior application;

(B) Abandonment of the prior application; or

(C) Termination of proceedings on the prior application.

Accordingly, the appropriate avenue of relief for a grantable petition to withdraw this design application from issue would be to file either a continued prosecution application

(CPA) under 37 CFR 1.53(d) or a continuing application under 37 CFR 1.53(b). Any request for reconsideration should be entitled "Renewed Petition under 37 CFR 1.313(c)(3) and be accompanied by a request for a CPA under 37 CFR 1.53(d) or a statement of express abandonment in favor of a concurrently filed continuing application under 37 CFR 1.53(d).

Petitioner is reminded that the renewed petition to withdraw from issue may not be recognized or effective if not received by the appropriate deciding official in time to act prior to issuance. *Note* 37 CFR 1.313(d). It is recommended that the facsimile number listed below be used to file the appropriate documents (*i.e.*, the renewed petition and CPA request) for withdrawing this application from issue.

While the petition to withdraw from issue does not comply with the provisions of 37 CFR 1.313(c)(3), in view of the comments presented in the petition, this matter is being referred to Technology Center Art Unit 2916 for consideration of the Information Disclosure Statement submitted with the petition, which petitioner states was previously submitted via certificate of mailing October 22, 2007.

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) 273-0025
 Office of Petitions

Any questions concerning this matter may be directed to Monica A. Graves at (571) 272-7253.


Karen Creasy
Petitions Examiner
Office of Petitions



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Alexandria, VA 22313-1450
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**DUANE MORRIS, LLP
IP DEPARTMENT
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103-4196**

COPY MAILED

JAN 17 2008

OFFICE OF PETITIONS

In re Application of :
Volkmar Rommel : DECISION GRANTING PETITION
Application No. 29/265,959 : UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: September 12, 2006 :
Attorney Docket No. D4695-00159 :

This is a decision on the renewed petition under 37 CFR 1.313(c)(3), filed January 16, 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 December 20, 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 January 16, 2008.

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 of January 16, 2008.

Karen Creasy
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Paper No.

YOUNG & THOMPSON
209 Madison Street
Suite 500
ALEXANDRIA VA 22314

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APR 15 2008

OFFICE OF PETITIONS

In re Application of :
Gianfilippo Pagliacci :
Application No. 29/265,985 : DECISION ON PETITION
Filed: September 13, 2006 : PURSUANT TO
Attorney Docket No.: 2512-1183 : 37 C.F.R. § 1.137(B)
Title: BOTTLE :

This is a decision on the petition filed August 31, 2007, pursuant to 37 C.F.R. § 1.137(b) to revive the above-identified application.

The petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed April 5, 2007, which set a shortened statutory period for reply of three months. The issue fee was timely received on June 28, 2007, however the drawings were not included with this submission. No extensions of time are permitted for transmitting formal drawings¹. Accordingly, this application became abandoned on July 6, 2007. A Notice of Abandonment was mailed on August 3, 2007.

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

¹ See MPEP § 710.02(e).

- (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.

With this petition, Petitioner has submitted formal drawings, the petition fee, the proper statement of unintentional delay, a terminal disclaimer, and the associated fee.

As such, each of the four requirements of Rule 1.137(b) has been met.

Petitioner has further included an amendment to the specification.

The Technology Center will be notified of this decision. The Technology Center's support staff will enter the terminal disclaimer that was submitted concurrently with this petition; and will notify the Examiner of this decision, so that the amendment to the specification that was submitted along with this petition can receive further processing in due course.

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If Petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For Petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at <http://www.uspto.gov/web/forms/sb0122.pdf>.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225². All other inquiries concerning the status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

cc: Robert J. Patch
745 South 23rd Street
Arlington, VA 22202

² Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



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P.O. BOX 1450
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Beyer, Law Group, LLP/Apple Inc.
P.O. Box 1687
Cupertino, CA 95015-1687

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MAY 15 2008

In re Application of :
Bartley K. Andre et al. :
Application No. 29/266,005 :
Filed: September 11, 2006 :
Attorney Docket No. APL1D527A/P4605US2 :

OFFICE OF PETITIONS
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 November 7, 2007.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, “[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]” More specifically, 37 CFR 10.40 states, “[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is” for one the permissive reasons listed in 37 CFR 10.40(c). The reason set forth in the request, “transfer to new counsel ” does not meet any of the conditions set forth in 37 CFR 10.40.

A courtesy copy of this decision is being mailed to the assignee.

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 Kimberly Inabinet at 571-272-4618.


Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Saidman Designlaw Group
8601 Georgia Avenue
Suite 603
Silver Spring, MD 20910

cc: Apple Inc.
1 Infinite Loop
Cupertino, CA 95014

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	STEWART, Bernice
Title	ORNAMENTAL LIGHTED DISPLAY
Atty Docket Number	06-16757

ADDRESS TO:

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

Approved

9-25-06
Jacqueline M. Stone
 Jacqueline M. Stone, Director
 Technology Center 1700/2900

113000 U.S. PTO
29/266145**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:

40/541, 545; and D11/121, 125

362/812; D11/184; D20/10, 19, 42; and D99/25

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

9-13-06

Date

Daniel M. Cislo

Typed or printed name

(310) 451-0647

Telephone Number

32,973

Registration Number, if applicable

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.



UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

APR 02 2008

OFFICE OF PETITIONS

In re Application of :
James Vernon Mischel, Jr. : DECISION GRANTING PETITION
Application No. 29/266,184 : UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: September 14, 2006 :
Attorney Docket No. ELEM128873 :

This is a decision on the petition under 37 CFR 1.313(c)(3), filed April 1, 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 April 11, 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 April 1, 2008.

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

This matter is being referred to Technology Center AU 2913 for processing of the CPA and consideration of the concurrently filed IDS.

Karen Creasy
Petitions Examiner
Office of Petitions



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SELDON & SCILLIERI
10940 WILSHIRE BLVD.
18TH FLOOR
LOS ANGELES CA 90024-3952

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DEC 04 2007
OFFICE OF PETITIONS

In re Application of :
Russell D. Bellin et al : **DECISION GRANTING PETITION**
Application No. 29/266,257 : **UNDER 37 CFR 1.313(c)(3) (CPA)**
Filed: September 14, 2006 :
Attorney Docket No. ASI/1402PUS3 :

This is a decision on the petition under 37 CFR 1.313(c)(3), filed November 29, 2007, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on October 25, 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 November 29, 2007.

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

This matter is being referred to Technology Center AU 2913 for processing of the CPA and consideration of the concurrently filed ADS and the Request for Suspension of Action under 37 CFR 1.103(b)

Karen Creasy
Petitions Examiner
Office of Petitions



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/266,257	09/14/2006	Russell D. Bellin	ASI/1402PUS3	1785
55313	7590	09/12/2008	EXAMINER	
SELDON & SCILLIERI 10940 WILSHIRE BLVD. 18TH FLOOR LOS ANGELES, CA 90024-3952			ALBERT, ELIZABETH	
			ART UNIT	PAPER NUMBER
			2913	
			NOTIFICATION DATE	DELIVERY MODE
			09/12/2008	ELECTRONIC

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

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

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

SELDONLAW@VERIZON.NET



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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www.uspto.gov

9-12-08

SELDON & SCILLERI
10940 WILSHIRE BLVD.
18TH FLOOR
LOS ANGELES, CA 90024-3952

In re Application of
BELLIN ET AL.
Serial No.: 29266257
Filed: 9/14/2006

:
: DECISION ON PETITION FOR
: SUSPENSION OF ACTION
:

This is a response to the SECOND PETITION FOR SUSPENSION OF ACTION UNDER 37 CFR § 1.103(a) filed on 7/30/2008. The petition requests a second Suspension of Action by the office for the maximum 6 month period. A petition for suspension of action under 37 CFR 1.103(a) must:

- (A) be presented as a separate paper;
- (B) be accompanied by the petition fee set forth in 37 CFR 1.17(g);
- (C) request a specific and reasonable period of suspension not greater than 6 months; and
- (D) present good and sufficient reasons why the suspension is necessary.

DECISION

A review of the petition reveals that the petition complies with the requirements of 37 CFR § 1.103(a). Pursuant to applicant's request filed on 7/30/2008, action by the Office is suspended on this application under 37 CFR 1.103(a) for a period of six (6) months beginning on the mailing date of this decision. At the end of this period, applicant is required to notify the examiner and request continuance of prosecution or a further suspension. See MPEP § 709.

The Petition is GRANTED.

js

/Jasemine C. Chambers/
Jasemine C. Chambers, Ph.D., J.D.
Director, Technology Center 2900
Designs



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/266,257	09/14/2006	Russell D. Bellin	ASI/1402PUS3	1785
55313	7590	05/18/2009	EXAMINER	
SELDON & SCILLIERI 12121 WILSHIRE BLVD. SUITE 1300 LOS ANGELES, CA 90025-1166			ALBERT, ELIZABETH	
			ART UNIT	PAPER NUMBER
			2913	
			NOTIFICATION DATE	DELIVERY MODE
			05/18/2009	ELECTRONIC

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

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

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

SELDONLAW@VERIZON.NET



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MAY 18 2009
SELDON & SCILLIERI
12121 WILSHIRE BLVD.
SUITE 1300
LOS ANGELES, CA 90025-1166

In re Application of
BELLIN ET AL.
Serial No.: 29266257
Filed: 9/14/06

:
: DECISION ON PETITION
:

This is a response to the THIRD PETITION FOR SUSPENSION OF ACTION UNDER 37 CFR 1.103(a) filed on 02/02/2009. The petition requests a third Suspension of Action by the office for the maximum 6 month period. A petition for suspension of action under 37 CFR 1.103(a) must:

- (A) be presented as a separate paper;
- (B) be accompanied by the petition fee set forth in 37 CFR 1.17(g);
- (C) request a specific and reasonable period of suspension no greater than 6 months; and
- (D) present good and sufficient reasons why the suspension is necessary.

FILE HISTORY:

This application was filed on 09/14/2006.

A Notice of Allowance was mailed 07/25/2007.

The issue fee was paid on 10/25/2007.

Petition to Withdraw from Issue was filed on 11/29/2007 and granted on 12/04/2007.

The first request for Suspension Of Action was filed with the CPA on 11/29/2007 and was granted on 01/02/2008 for a period of 3 months.

The second request for Suspension Of Action was filed on 07/30/2008 and was granted on 09/12/2008 for a period of 6 months.

The third request was filed on 02/02/2009.

DECISION

A review of the third petition reveals that the petition does not comply with the requirement to present good and sufficient reasons why the suspension is necessary under 37 CFR 1.103(a). Pursuant to applicant's request filed on 02/02/2009, applicant states the "document stand and shield has not yet been released to the public owing to unforeseeable technical problems that arose during initial manufacturing, and for which corrective measures have been , and are being, diligently undertaken. In spite of Applicant's efforts, the consequential delay is being experienced." This application was filed on 09/14/2006, the Office does not believe that a 31 month delay for technical difficulties is a good and sufficient reason for further delay of action.

The Petition is therefore DENIED.

This application is being forwarded to the appropriate examiner to be placed in line for examination .

cdv



Jasemine C. Chambers, Ph.D., J.D.
Director, Technology Center 2900
Designs



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS MN 55402-2100

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MAY 31 2007

OFFICE OF PETITIONS

In re Application of :
Domack et al. :
Application No. 29/266,283 : DECISION ON PETITION
Filed: 18 September, 2006 :
Atty Docket No. 2374.252US01 :

This is a decision on the "PETITION UNDER 37 CFR § 1.181" filed on 9 March, 2007, which is treated as a petition requesting that the above-identified application, including one (1) page of specification including one claim, be accorded a filing date of 18 September, 2006.

The petition is **GRANTED**.

On 18 September, 2006, the application was filed.

On 19 January, 2007, Initial Patent Examination Division mailed a Notice of Incomplete Nonprovisional Application, stating that the specification, including at least one claim, was missing. The Notice stated that the filing date would be the date of receipt of a complete specification as prescribed by 35 U.S.C. 112.

In response, on 9 March, 2007, petitioners filed the present petition, accompanied by a copy of an itemized return receipt postcard and a copy of one (1) page of specification, including one (1) claim.

Petitioners argue that one (1) page of specification was filed with the other application papers on 18 September, 2006, but was subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioner's postcard receipt was supplied with the present petition. The postcard receipt shows an "Office-date" stamp date 18 September, 2006, and contains the above-identified application number. The postcard

identifies the application by the inventors' names and attorney docket number, and acknowledges receipt of, *inter alia*, Specification (1 page). Petitioners requests that the application, including the one (1) page of specification, be accorded a filing date of 18 September, 2006.

A review of the record reveals that no (0) pages of specification received on 18 September, 2006, are located among the application papers received on that date. However, the evidence is convincing that the application papers deposited on 18 September, 2006, included one (1) page of specification including one (1) claim, which was subsequently misplaced in the Office. Therefore, the application, including one (1) page of specification including a claim, is entitled to a filing date of 18 September, 2006.

In view of the above, the petition is granted. No petition fee is due. The petition fee will be credited to counsel's deposit account.

The application will be processed with the copy of the one (1) page of specification, including one (1) claim, supplied on 9 March, 2006, as a part of the original disclosure.

The application is being referred to Initial Patent Examination Division for further processing with a filing date of 18 September, 2006, using the application papers filed on that date, and the copy of one (1) page of specification, including one (1) claim, supplied with the present petition.

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



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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

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

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

Eva James
For Mary Diggs
Decisions & Certificates
of Correction Branch
(703) 756-1583 or 1580

Brian Hannon
Sughrue Mion
2100 Pennsylvania Avenue
Suite 800
Washington, DC 200037

ej



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WILLIAM D. LANYI
MERCURY MARINE
W6250 PIONEER ROAD P.O. BOX 1939
FOND DU LAC, WI 54936-1939

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In re Application of :
Benjamin S. Burkhart, et al. :
Application No. 29/266,327 : ON PETITION
Filed: September 19, 2006 :
Attorney Docket No. M10084 :

This is a decision on the petition, filed August 1, 2008, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

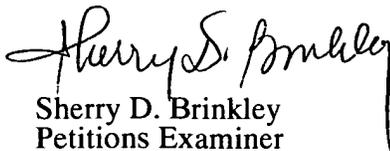
The above-identified application became abandoned for failure to respond in a timely manner to the Notice of Allowability mailed February 21, 2008. A Notice of Abandonment was mailed on June 17, 2008. On August 1, 2008, the present petition was filed.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected drawings; (2) the petition fee of \$1,540; (3) an adequate statement of unintentional delay; and (4) a terminal disclaimer and the \$130 fee required by 37 CFR 1.137(d).

The terminal disclaimer filed August 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 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



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

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OFFICE OF PETITIONS

In re Application of

Young-Kuen Lee

Application No. 29/266,367

Filed: September 20, 2006

Attorney Docket No. 1927.1051

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed May 12, 2008.

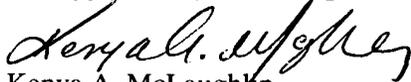
The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

This application was held abandoned on March 18, 2008, after it was believed that no response was received to the Notice of Allowability mailed December 17, 2007. The notice allowed a statutory period for reply of three (3) months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A Notice of Abandonment was mailed on April 10, 2008, indicating that a reply to the Notice of Allowability was not received.

Petitioner states that a corrected drawing was filed on March 14, 2008. An Office date-stamped postcard whereby the USPTO acknowledged receiving the corrected drawing accompanied the petition. Based on the aforementioned, it appears that the application was improperly held abandoned as a response was received prior to expiration of the period for reply. The holding of abandonment is withdrawn, accordingly.

Further inquires regarding this decision may be directed to the undersigned at (571) 272-3222.

The application file is being forwarded to the Office of Data Management for further processing.


Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



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

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FEB 19 2008

In re Application of
Wallach :
Application No. 29/266,443 : DECISION ON PETITION
Filed: 21 September, 2006 :
Attorney Docket No. 4301-1170 :

This is a decision on the petition filed on 6 December, 2006, and considered under 37 C.F.R. §1.53.

The Office regrets the delay in addressing the matter—the resolution to the 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. §1.53 is **DISMISSED**.

BACKGROUND

The instant application was deposited on 21 September, 2006.

On 6 October, 2006, the Office of Initial Patent Examination (OIPE) mailed a Notice of Missing Parts (oath/declaration) that also contained a Notice of Omitted Items (to wit: “Figure 5 described in the specification” and thus, the application had been accorded a filing date without that figure).

OIPE indicated that Petitioner might:

- contend via petition that Figure 5 described in the specification had been submitted on deposit and so evidence that condition with the proper supporting documentation (i.e., a date stamped receipt card (see: MPEP §503)) along with a copy of the drawing; or
- accept the application as filed; or
- submit the omitted figure and accept the date of submission as the filing date.

OIPE set a two- (2-) month period for reply.

On 6 December, 2006, Petitioner submitted the instant petition, and averred that Figure 5 described in the specification and that it appeared with Figures 3 and 4 on the second sheet of three sheets of drawings, and that Petitioner was submitting with his petition a copy of the sheet of drawings in question containing Figures 3, 4, and 5. What made the matter particularly curious was that a viewing of that sheet of drawings submitted by Petitioner again showed only Figures 3 and 4 but no Figure 5. As a result, the Office of Petitions requested that Scanning Customer Service review the documents deposited on 21 September, 2006, and re-scan those papers if necessary. Scanning Customer Service has responded to that request and the drawings now show as deposited on 21 September, 2006, three sheets of drawings, the first of which contains Figures 1 and 2, the second of which contains Figures 3, 4 and 4, and the third of which contains Figures 6 and 7. It appears that the sheet containing Figures 3, 4 and 5 was scanned originally on filing in a landscape (rather than portrait) mode, and that same process occurred again on submission of the petition on 6 December, 2006. A comparison of the drawings as shown on 21 September and 6 December, 2006, demonstrate the effect of the two different scan modes.

On 29 January, 2008:

- the Office withdrew the 6 October, 2006, Notice;
- however, the Office also re-mailed a Notice of Missing Parts as to the oath/declaration and Petitioner is reminded that a reply must be submitted to that Notice.

ANALYSIS

A search of the official file reveals that:

- on 12 September, 2006, Petitioner deposited the instant application;
- the Office record reflects that Figure 5 described in the specification was missing upon deposit (it now appears due to a scanning glitch).

CONCLUSION

The petition is **dismissed as moot** in that the matter appears to have been resolved and the relief sought by Petitioner already has been provided; the fee is waived and refunded to Petitioner's Deposit Account 25-0120, Should Petitioner later discover that this refund has not occurred, Petitioner should file a request with the Office of Finance accompanied by a copy of this decision..

The application is referred to the Office of Initial Patent Examination for further processing with the original deposit date of 21 September, 2006, including therewith one page of specification (description and claim) and three sheets of drawings including Figures 1 and 2 (sheet 1), Figures 3, 4, and 5 (sheet 2) and Figures 6 and 7 (sheet 3), and OIPE is directed to mail a filing receipt consistent with that resolution, before the application is returned to substantive examination.

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. §1.2¹) 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

¹ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



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P.O. BOX 708
NORTHBROOK, IL 60065

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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Hideoki Tamaka et al :
Application No. 29/266,451 :
Filed: September 21, 2006 :
Attorney Docket No. 115016-006 :

This is a decision on the petition, filed December 3, 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 in a timely manner in reply to the Notice of Allowance mailed July 13, 2007, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on October 14, 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.

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

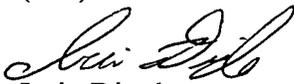
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop 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

cc: Alston & Bird LLP
 Bank of America Plaza
 101 South Tryon Street, Suite 4000
 Charlotte, NC 28280-4000



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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

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SEP 29 2008

OFFICE OF PETITIONS

In re Application of
Hideoki Tanaka et al
Application No. 29/266,451
Filed: September 21, 2006
Attorney Docket No. 115016-006

:
:
:
:
:

ON PETITION

This is a decision on the renewed petition filed May 29, 2008 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 Publishing Division for further processing.


Irvin Dingle
Petitions Examiner
Office of Petitions



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
29/266,451	09/21/2006	Hideoki Tanaka	115016-006

CONFIRMATION NO. 8945

POWER OF ATTORNEY NOTICE

43793
EVEREST INTELLECTUAL PROPERTY LAW GROUP
P. O. BOX 708
NORTHBROOK, IL 60065



Date Mailed: 09/29/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/29/2008.

- 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).

/idingle/

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



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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
29/266,451	09/21/2006	Hideoki Tanaka	115016-006

CONFIRMATION NO. 8945

POA ACCEPTANCE LETTER



OC00000032315603

826
ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

Date Mailed: 09/29/2008

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/29/2008.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/idingle/

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



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SEP 29 2008

In re Application of :
Arthur Marounian :
Application No. 29/266,464 : **DECISION GRANTING PETITION**
Filed: September 20, 2006 :
Attorney Docket No. 7654-102 :

This is a decision on the petition filed June 16, 2008, requesting that the above-identified application be accorded a filing date of September 20, 2006.

On September 20, 2006, the above-identified application was filed. On May 30, 2008, the Office of Patent Application Processing mailed a "Notice of Incomplete Application" (the "Notice"), stating that the application had not been accorded a filing date because no specification, including a claim, was found with the application papers. The Notice allowed a non-extendable two-month period for reply to the requirement to file the omitted item beginning from the mailing date of the Notice. The Notice also required an executed oath or declaration to be filed.

In response, on June 16, 2008, applicants filed the present petition, a copy of the specification, including one claim, and a postcard receipt date-stamped by the Office acknowledging receipt of two pages of the specification, claim, and transmittal, among other items on September 20, 2006.

Upon review of the record, the specification was not located among the application papers. The evidence is convincing that the application papers deposited September 20, 2006, included a specification that included at least one claim. Therefore, the application, including the specification, and claim, was complete on filing and entitled to a filing date of September 20, 2006.

Accordingly, the petition is granted.

The application file is being returned to the Office of Patent Application Processing for further processing with a filing date of September 20, 2006.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



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STITES & HARBISON PLLC
1199 NORTH FAIRFAX STREET
SUITE 900
ALEXANDRIA VA 22314

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In re Application of :
Scott A. Henderson, et. al. :
Application No. 29/266,485 : **DECISION ON PETITION**
Filed: September 22, 2006 :
Attorney Docket No. P09364US00/DEJ :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 29, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely respond to the Supplemental Notice of Allowance mailed May 30, 2007. Accordingly, the date of abandonment of this application is September 2, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) an ADS with the inventors' residence address, (2) the petition fee of \$770; and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Telephone inquiries concerning this decision should be directed to Denise Williams at (571) 272-8930.

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

A handwritten signature in black ink, appearing to read 'BWB', with a long horizontal flourish extending to the right.

Brian W. Brown
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 SEARS TOWER
CHICAGO IL 60606-6357

In re Application of : JUL 20 2009
CREVLING, ROBERT LENT JR. et al. :
Application No.: 29/266,501 : DECISION ON
Filing or 371(c) Date: 9/22/06 : PETITION
Attorney Docket Number: 28076/SV1318 :

This is a decision on the Petition to Withdraw Holding of Abandonment under 37CFR § 1.81 (a), received in the United States Patent and Trademark Office (USPTO) November 14, 2008. 1

This petition is **GRANTED**.

The application was held abandoned for failure to timely submit the Issue Fee and Publication fee as required by the Notice of Allowance, mailed July 8, 2008 which set forth a three (3) month statutory period of reply. The Notice of Abandonment was mailed on October 31, 2008.

Petitioner states that the issue fee transmittal and payment were timely filed via the United States Postal Service on 10/08/08. Petitioner submitted a copy of the original submission which included a properly completed Certificate of Mailing/Transmission. Petitioner also included a statement attesting to the mailing on 10/8/08 and supports this statement with docket records for this application.

In view of the foregoing, the holding of abandonment for failure to timely pay the issue fee is hereby withdrawn and the application restored to pending status. The Issue Fee has been charged to Deposit Account 13-2855.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 756-1547.

Kay D. Pinkney
Application Assistance Unit
Office of Data Management



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United States Patent and Trademark Office
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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA VA 22314-1176

MAILED

APR 27 2009

OFFICE OF PETITIONS

In re Application of :
Ernst PFAFF :
Application No. 29/266,563 : **DECISION ON PETITION**
Filed: September 12, 2007 : **UNDER 37 CFR 1.314**
Attorney Docket No. **PFAF3006/FJD** :

This is a decision on the petition under 37 CFR 1.314, filed April 24, 2009, to defer issuance of the patent. A patent number of D591780 and issue date of May 5, 2009 have been assigned.

The petition is **DISMISSED**.

Issuance of a patent cannot be deferred after an application has received a patent number and an issue date unless the application is withdrawn from issue under 37 CFR 1.313(b) [Office initiative] or (c) [applicant's request]. See MPEP 1306.01. Petitioner does not assert or satisfy the criteria for withdrawal of the application from issue pursuant to the provisions of 37 CFR 1.313(c). Accordingly, the petition considered under any reasonably applicable grounds cannot be granted.

This matter is being returned to the Office of Data Management (Publishing Division).

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions



**CANTOR COLBURN, LLP
55 GRIFFIN ROAD SOUTH
BLOOMFIELD, CT 06002**

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MAR 30 2007
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ON PETITION

In re Application of :
Gino J. Ciancanelli et al :
Application No. 29/266,648 :
Filed: September 25, 2006 :
Attorney Docket No. LSI-0023 :

This is a decision on the petition under 37 CFR 1.313(a), filed March 21, 2007, to withdraw the above-identified application from issue.

The petition is **DISMISSED**.

Petitioner requests that the present application be withdrawn from issue for consideration of a request to correct inventorship under 37 CFR 1.48(a).

37 CFR 1.313(a) states, in part:

Applications may be withdrawn from issue for further action at the initiative of the Office or upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application is necessary.

As such, a grantable petition requesting withdrawal of an application from issue must be accompanied by: (1) a showing of good and sufficient reasons why withdrawal of the application from issue is necessary, and (2) the requisite petition fee under 37 CFR 1.17(h).

However, the petition does not set forth good and sufficient reasons as to why withdrawal of the application is necessary. The mere submission of a request to correct the inventorship does not make withdrawal of the application from issue necessary. There are other avenues open to applicant to have a request to correct inventorship considered other than by way of petition.

Following the part of 37 CFR 1.313(a) cited above, 37 CFR 1.313(a) goes on to state:

A petition under this section is not required if a request for continued examination under § 1.114 is filed prior to payment of the issue fee.

The filing of a request for continued examination (RCE) under 37 CFR 1.114 with a submission and the fee set forth in 37 CFR 1.17(e) would have been a proper available option to have the request under 37 CFR 1.48(a) considered. The filing of a request under 37 CFR 1.48(a) would satisfy the submission requirement under 37 CFR 1.114. *See* MPEP 706.07(h).

For the above reasons, this application will not be withdrawn from issue under the provisions of 37 CFR 1.313(a).

Petitioner is reminded that the issue fee in this application is due to be paid on or before April 30, 2007 to avoid the abandonment of the application.

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

This matter is being referred to Technology Center AU 2912 for appropriate action on the petition to correct inventorship under 37 CFR 1.48(a). If necessary for consideration of the request under 37 CFR 1.48(a), the Director of Technology Center 2900 has the delegated authority to withdraw this application from issue.


Frances Hicks
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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CANTOR COLBURN, LLP
55 GRIFFIN ROAD SOUTH
BLOOMFIELD, CT 06002

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MAR 29 2007

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Gino J. Ciancanelli, et al. :
Application No. 29/266,648 :
Filed: September 25, 2006 :
Attorney Docket No. LSI-0023 :

This is a decision on the petition under 37 CFR 1.313(a), filed March 21, 2007, to withdraw the above-identified application from issue.

The petition is **DISMISSED**.

Petitioner requests that the present application be withdrawn from issue for consideration of a petition to correct inventorship under 37 CFR 1.48(a) filed concurrently on March 21, 2007.

37 CFR 1.313(a) states, in part:

Applications may be withdrawn from issue for further action at the initiative of the Office or upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

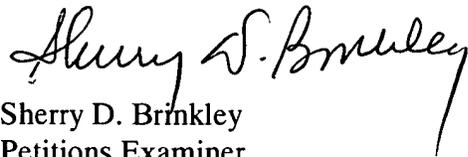
As such, a grantable petition requesting withdrawal of an application from issue must be accompanied by: (1) a showing of good and sufficient reasons why withdrawal of the application from issue is necessary; and (2) the requisite petition fee under 37 CFR 1.17(h). The petition fee of \$130 has been charged to petitioner's deposit account.

However, the petition does not set forth good and sufficient reasons as to why withdrawal of the application from issue is necessary. The mere submission of a petition to correct inventorship under 37 CFR 1.48 does not make withdrawal of the application from issue necessary.

This application is being referred to Technology Center AU 2912 for appropriate action on the petition to correct inventorship under 37 CFR 1.48 filed March 21, 2007. If withdrawal of this

application is necessary, the Director of the Technology Center has the delegated authority to withdraw this case from issue.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to the petition to correct inventorship should be directed to the Technology Center.

A handwritten signature in black ink, reading "Sherry D. Brinkley". The signature is written in a cursive style with a long, sweeping tail on the letter "y".

Sherry D. Brinkley
Petitions Examiner
Office of Petitions



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55 GRIFFIN ROAD SOUTH
BLOOMFIELD, CT 06002

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MAR 28 2007

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Gino J. Ciancanelli, et al. :
Application No. 29/266,649 :
Filed: September 25, 2006 :
Attorney Docket No. LSI-0022 :

This is a decision on the petition under 37 CFR 1.313(a), filed March 21, 2007, to withdraw the above-identified application from issue.

The petition is **DISMISSED**.

Petitioner requests that the present application be withdrawn from issue for consideration of a petition to correct inventorship under 37 CFR 1.48(a) filed concurrently on March 21, 2007.

37 CFR 1.313(a) states, in part:

Applications may be withdrawn from issue for further action at the initiative of the Office or upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

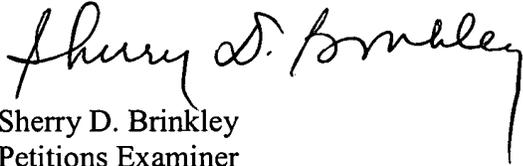
As such, a grantable petition requesting withdrawal of an application from issue must be accompanied by: (1) a showing of good and sufficient reasons why withdrawal of the application from issue is necessary; and (2) the requisite petition fee under 37 CFR 1.17(h). The petition fee of \$130 has been charged to petitioner's deposit account.

However, the petition does not set forth good and sufficient reasons as to why withdrawal of the application from issue is necessary. The mere submission of a petition to correct inventorship under 37 CFR 1.48 does not make withdrawal of the application from issue necessary.

This application is being referred to Technology Center AU 2912 for appropriate action on the petition to correct inventorship under 37 CFR 1.48 filed March 21, 2007. If withdrawal of this

application is necessary, the Director of the Technology Center has the delegated authority to withdraw this case from issue.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to the petition to correct inventorship should be directed to the Technology Center.

A handwritten signature in cursive script that reads "Sherry D. Brinkley". The signature is written in black ink and is positioned above the printed name and title.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions



CANTOR COLBURN, LLP
55 GRIFFIN ROAD SOUTH
BLOOMFIELD, CT 06002

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MAR 28 2007

In re Application of :
Gino J. Ciancanelli, et al. :
Application No. 29/266,650 :
Filed: September 25, 2006 :
Attorney Docket No. LSI-0021 :

OFFICE OF PETITIONS
ON PETITION

This is a decision on the petition under 37 CFR 1.313(a), filed March 21, 2007, to withdraw the above-identified application from issue.

The petition is **DISMISSED**.

Petitioner requests that the present application be withdrawn from issue for consideration of a petition to correct inventorship under 37 CFR 1.48(a) filed concurrently on March 21, 2007.

37 CFR 1.313(a) states, in part:

Applications may be withdrawn from issue for further action at the initiative of the Office or upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

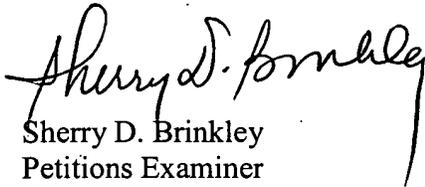
As such, a grantable petition requesting withdrawal of an application from issue must be accompanied by: (1) a showing of good and sufficient reasons why withdrawal of the application from issue is necessary; and (2) the requisite petition fee under 37 CFR 1.17(h). The petition fee of \$130 has been charged to petitioner's deposit account.

However, the petition does not set forth good and sufficient reasons as to why withdrawal of the application from issue is necessary. The mere submission of a petition to correct inventorship under 37 CFR 1.48 does not make withdrawal of the application from issue necessary.

This application is being referred to Technology Center AU 2912 for appropriate action on the petition to correct inventorship under 37 CFR 1.48 filed March 21, 2007. If withdrawal of this

application is necessary, the Director of the Technology Center has the delegated authority to withdraw this case from issue.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to the petition to correct inventorship should be directed to the Technology Center.

A handwritten signature in cursive script, appearing to read "Sherry D. Brinkley". The signature is written in black ink and is positioned above the printed name and title.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions



Commissioner for Patents
United States Patent and Trademark Office
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TY UNG
16830 VENTURA BLVD.
SUITE 360
ENCINO, CA 91436

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MAY 12 2009

OFFICE OF PETITIONS

In re Application of	:	
Lee Wayne Vantine	:	DECISION ON PETITION
Application No. 29/266,683	:	TO WITHDRAW
Filed: September 25, 2006	:	FROM RECORD
Attorney Docket No. D22599-004	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 18, 2008.

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

A review of the file record indicates that on February 2, 2009 the power of attorney to Ty Ung was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.
5 Palo Alto Square – 6th Floor
3000 El Camino Real
Palo Alto CA 94306-2155



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MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
5 PALO ALTO SQUARE - 6TH FLOOR
3000 EL CAMINO REAL
PALO ALTO CA 94306-2155

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MAY 13 2009

OFFICE OF PETITIONS

In re Application of :
Vantine, Lee Wayne :
Application No. 29/266,683 :
Filed: September 25, 2006 :
Attorney Docket No. 38081-505F01US :

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed March 2, 2009, to revive the above-identified 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 Corrected Drawings, (2) the petition fee, (3) a proper statement of unintentional delay and (4) a terminal disclaimer and fee.

As the Power of Attorney was only recently given to the petitioner, it is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that 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. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office.

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

This matter is being referred to the Office of Data Management for processing into a patent.


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
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O'KEEFE, EGAN & PETERMAN, L.L.P.
Building C, Suite 200
1101 Capital of Texas Highway South
Austin TX 78746

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MAY 09 2007

OFFICE OF PETITIONS

In re Application of:	:	
Cafaro et al.	:	
Application No. 29/266684	:	DECISION DISMISSING
Filing or 371(c) Date: 09/22/2006	:	PETITION UNDER
Title of Invention:	:	37 CFR 1.47(a)
PALM HELD HAIR CLIPPER	:	

This Decision is in response to the "Petition Under 1.47(a)", filed March 12, 2007, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor(s).

The petition is **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 [insert the applicable code section]"; should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

Background

The above-identified application was filed on October 2, 2006, without an oath or declaration. The Office mailed a Notice to File Missing Parts of Nonprovisional Application, on October 11, 2006, requiring *inter alia*, a properly signed oath or declaration.

The present petition

Applicant files the present petition and states that the non-signing inventor has been approached multiple times to execute the inventor declaration and power of attorney and an assignment of the invention, most recently in February 2007. To date, the non-signing inventor has been uncooperative.

Applicable Law

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

Analysis

Applicant has failed to demonstrate 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). The MPEP provides that

[a] refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the non-signing inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the 37 CFR 1.47 applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration.

MPEP 409.03(d).

The MPEP further states that,

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.

If the inventor refuses to accept delivery of the application, the MPEP provides:

Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

MPEP 409.03(e).

Conclusion

The petition is dismissed without prejudice. Applicant should file a Request for Reconsideration of Petition and present the nonsigning inventor with the application.

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
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O'KEEFE, EGAN & PETERMAN, L.L.P.
Building C, Suite 200
1101 Capital of Texas Highway South
Austin TX 78746

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JUL 30 2007

OFFICE OF PETITIONS

In re Application of:	:	
Cafaro et al.	:	DECISION GRANTING
Application No. 29/266684	:	PETITION UNDER
Filing or 371(c) Date: 09/22/2006	:	37 CFR 1.47(a)
Title of Invention:	:	
PALM HELD HAIR CLIPPER	:	

This Decision is in response to the Request for Reconsideration of Petition Under 37 CFR 1.47," filed May 25, 2007, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor(s). See, MPEP 409.03. The petition is properly treated under 37 CFR 1.47(a).

The petition is **granted**.

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

Petitioner has shown that the non-signing inventor, Rocky C.W. Cheng, refuses to join in the application.

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

The application file is being referred to the Office of Initial Patent Examination noting Applicant's response to the Notice to File Missing Parts of Nonprovisional Application, mailed October 11, 2006, and for correction of Office records consistent with this Decision.

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

Commissioner for Patents
United States Patent and Trademark Office
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MR. ROCKY C.W. CHENG
FLAT G, 10/F
VALIANT INDUSTRIAL CENTER
2-12 AU PUI WAN STREET, FOTAN, SHATIN
N.T. HONG KONG

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JUL 30 2007

OFFICE OF PETITIONS

In re Application of: :
Cafaro et al. : LETTER
Application No. 29/266684 :
Filing or 371(c) Date: 09/22/2006 :
Title of Invention: :
PALM HELD HAIR CLIPPER :

Dear Mr. Cheng:

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

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

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


Derek L. Woods
Attorney
Office of Petitions

CC: O'KEEFE, EGAN & PETERMAN, L.L.P.
Building C, Suite 200
1101 Capital of Texas Highway South
Austin TX 78746



SAM TALPALATSKY
10867 CLOVERHURST WAY
SAN DIEGO, CA 92130

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APR 06 2009

OFFICE OF PETITIONS

In re Application of To :
Application No. 29/266,802 : Decision on Petition
Filing Date: September 28, 2006 :
Attorney Docket No. ER 157518648 US :

This is a decision on the petition under 37 CFR 1.137(b), filed October 16, 2008, to revive the above-identified application.

The petition is **granted**.

The above-identified application became abandoned for failure to reply in a timely manner to the final Office action mailed January 2, 2008, which set a shortened statutory period for reply of three (3) months. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Accordingly, the above-identified application became abandoned on April 3, 2008. A Notice of Abandonment was mailed on August 27, 2008.

The instant petition requests revival of the application.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) the reply required to the outstanding Office action or notice, unless previously filed,
- (2) the petition fee,
- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
- (4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Petitioner has submitted a reply to the final Office action and the examiner has determined the reply is a proper reply to the final Office action. Petitioner has submitted the required petition fee. Petitioner has stated the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Petitioner has submitted the required terminal disclaimer and the terminal disclaimer has been entered and accepted.

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

The petition is signed by Attorney Sam Talpalatsky. Office records indicate Attorney Talpalatsky was not an attorney of record at the time the application became abandoned. Therefore, it appears Attorney Talpalatsky may not have been in a position to have firsthand or direct knowledge of the facts and circumstances of the delay. Nevertheless, the statement by Attorney Talpalatsky that the entire delay was unintentional is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay.¹ In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that a portion of the delay from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was intentional, petitioner must notify the Office.

The Revocation and Power of Attorney filed October 16, 2008, have been accepted. The Notice of Acceptance of Power of Attorney is attached.

On October 20, 2008, the following fees were charged to petitioner's deposit account:

- (1) \$1,110 for a three-month extension of time,
- (2) \$1,620 for the petition fee, and
- (3) \$140 for the terminal disclaimer.

Payment for an extension of time is unnecessary when reviving an application. Therefore, the Office has credited \$1,110 back to petitioner's deposit account.

Technology Center Art Unit 2912 will be informed of the instant decision and the application 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

Attached: Notice of Acceptance of Power of Attorney

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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
29/266,802	09/28/2006	Nguyen Vinh To	06-DES-001

52133
SAM TALPALATSKY
10867 CLOVERHURST WAY
SAN DIEGO, CA 92130

CONFIRMATION NO. 8445
POA ACCEPTANCE LETTER



Date Mailed: 04/03/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/16/2008.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/scbrantley/

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

REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)	Application Number	Not Yet Assigned
	Filing Date	Not Yet Assigned
	First Named Inventor	ARMINAK, Armin
	Title	PUMP ACTUATOR
	Atty Docket Number	06-17327

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

113006 U.S. PTO
 29/266825



092806

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/SUBCLASS: 239/343; 222/145.6, 190; D09/448

Related applications: 29/258,862

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.

PRETEK11 00000030 29266825

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9-29-06

Date

(310) 451-0647

Telephone Number

[Handwritten Signature]

Signature

Daniel M. Cislo, Esq.

Typed or printed name

Approved

Jacqueline M. Stone

Jacqueline M. Stone, Director
 Technology Center 1700/2900

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.

10/02/2006

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KENYON & KENYON LLP
RIVERPARK TOWERS, SUITE 600
333 W. SAN CARLOS ST.
SAN JOSE, CA 95110

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MAR 14 2008

OFFICE OF PETITIONS

In re Application of :
Young-Ki Chung. :
Application No. 29/266,866 : ON PETITION
Filed: September 29, 2006 :
Attorney Docket No. 13899/3 :

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed February 22, 2008.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

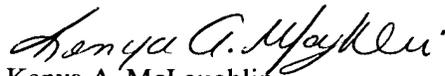
This application was held abandoned on October 26, 2007, after no response was received to the Notice of Allowability mailed July 25, 2007, which required corrected drawings and allowed a statutory period for reply of three months from its mailing date. A Notice of Abandonment was mailed on January 22, 2008, indicating that corrected drawings were not received.

The instant petition maintains that requirement for corrected drawings was in error and that the box on the Notice of Allowability requiring corrected drawings was mistakenly checked. The undersigned contacted Examiner George Kirschbaum who confirmed that corrected drawings are not necessary and that the box on the Notice of Allowability requiring corrected drawings was mistakenly checked.

Based on the aforementioned, it appears that the application was improperly held abandoned. The holding of abandonment is withdrawn, accordingly.

The application file is being forwarded to the Patent Publication Branch for further processing.

Questions regarding this decision may be directed to the undersigned at (571) 272-3222.


Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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JANSSON SHUPE & MUNGER LTD.
245 MAIN STREET
RACINE WI 53403

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APR 24 2008

In re Application of :
Ruud et al. :
Application Number: 29/266883 : ON PETITION
Filing Date: 09/29/2006 :
Attorney Docket Number: RU- :
170US :

This is a decision on the petition under 37 CFR 1.137(a), filed on March 13, 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(a)" or "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency decision.

This application became abandoned on February 1, 2008, for failure to timely submit the issue fee in response to the Notice of Allowance and Fee(s) Due mailed on October 31, 2007, which set a three (3) month statutory time period for reply. Notice of Abandonment was mailed on February 27, 2008.

Petitioners filed the Fee(s) Transmittal Form (PTOL-85(b)) on February 1, 2008 (certificate of mailing date January 29, 2008) requesting that the issue fee be charged to counsel's deposit account. The deposit account contained an insufficient balance to charge the issue fee, however.

Petitioners assert unavoidable delay in that counsel's Office manager, Ms. Sharon Janus, was responsible for ensuring that the deposit account contained sufficient funds to charge all Office fees, but failed to do so as a result of a mistaken assumption about when other fee payments would be withdrawn from the deposit account.

Petitioners assert, in pertinent part:

4. On January 29, 2008, two days before the deadline, JSM submitted all formal papers necessary for issuance, which included authorization for the Director to charge the required issue fee to Deposit Account No. 10-0270. Such submission was by United States mail with a proper certificate of mailing dated January 29, 2008.

5. The person handling the preparation and mailing of the issue fee payment documents on the above-captioned allowed design patent application is Ms. Chris Wipper. Ms. Wipper holds a 1986 paralegal certificate and has been with JSM since October of 1999, and has handled payment of issue fees on a great number of patent applications, as part of her regular duties.

6. The person responsible for maintenance of JSM's Deposit Account, Ms. Sharon Janus, has served as Office Manager since 1986 and has deep experience in law administration, including in dealing with payments to the PTO. She holds a B.A. in business management from Alverno College and a legal secretarial degree from Bryant & Stratton College.

7. Since establishment of JSM's Deposit Account No. 10-0270, it is and for a long time has been Ms. Janus' regular practice to check the Deposit Account balance each Monday morning to determine whether there are sufficient funds in the account. She bases her determination of sufficient funds on her knowledge of business activity with the Account, and seeks to maintain a balance of at least about \$6,000, with the account balance typically being much higher. When replenishing such deposit account, Ms. Janus adds amounts of between \$5,000 and \$20,000. In JSM's years of practice, Ms. Janus' weekly checks have been fully adequate to protect against any insufficient funds problem; the JSM Deposit Account has never had insufficient funds.

JSM's Error Regarding Its Deposit Account

8. On Monday, January 28, 2008, Ms. Janus, as always, checked the Deposit Account balance and learned that the balance was \$8,079.95. Based on her

understanding, that amount was expected to be sufficient for the week.

9. Unfortunately, the irregularity in the elapsed time for United States mail to be received by the PTO (*i.e.*, time from mailing date to PTO receipt) and/or the irregularity in the amount of time it takes for mail received by the PTO to be *dealt with* by the PTO, contributed to Ms. Janus' error in ascertaining, on January 28, 2008 whether sufficient funds were available in the Deposit Account to cover JSM's activity for the week of January 28. In particular, one large (\$2,360) fee authorized by a JSM mailing of January 17, which Ms. Janus mistakenly assumed had been withdrawn from the Deposit Account *before* January 28, in fact was *not* taken from the Deposit Account until January 29, 2008, twelve days after mailing. (In contrast, the issue fees authorized by mailings on January 29 resulted in attempted withdrawals from the Deposit Account on February 1, just three days after mailing.) Ms. Janus' mistaken assumption concerning the much-earlier \$2,360 authorization was enough, by itself, to cause the insufficient funds situation which resulted in the three abandonments discussed herein.

10. The following Monday, February 4, 2008, Ms. Janus checked the Deposit Account balance and noted there was only \$339.95 remaining, so she immediately deposited \$15,000 by electronic transfer to replenish the Account. As of this writing (March 12, 2008), JSM has not yet received from the PTO the normal hardcopy of the Deposit Account summary which, when received, presumably would inform JSM of the indication that the account had an instance of insufficient funds, as in fact occurred on February 1, 2008. (This statement is made not as an excuse for the error which occurred, but as an explanation why it took receipt of a Notice of Abandonment, just a few days ago, to alert JSM to the error which had occurred.)

11. On March 3, 2008, JSM received a Notice of Abandonment on this and one of the other two allowed design patent applications mentioned in the second introductory paragraph above. These notices for the first time indicated that the issue fees for these applications had not been paid. Absent any specific explanations in the notices and the fact that JSM's docketing records and files showed that the issue fee

authorizations had in fact been timely sent to the PTO, the ISM docketing staff assumed the PTO error (not JSM human error), but nonetheless raised the issue with counsel of record promptly. Since then JSM staff and counsel of record have diligently worked on investigating and understanding the situation, leading to this petition -- and the two other concurrently-filed petitions.

12. In dealing with these matters, Ms. Wipper checked the private PAIR system to understand the scope of the problem, which is now understood. It is noted that three petitions are being filed, despite the fact that only two Notices of Abandonment have been received as of today.

13. As a fairly small patent firm, JSM has relied on the prudent judgment of Ms. Janus with respect to maintaining a sufficient balance in JSM's Deposit Account. That reliance has been well placed over the many years of operation of such account. Ms. Janus has exercised normal care in connection with such matters, as the weekly checks mentioned in paragraph 7 above should indicate.

14. As shown above, there was in place a business routine for performing the clerical function that could reasonably be relied upon to avoid errors. Furthermore, as indicated above, Ms. Janus was and is sufficiently trained and experienced with regard to the functions and routines referred to above in order to justify JSM's reliance.

15. Furthermore, importantly, as shown above, applicants timely submitted issuance papers and issue fee authorizations on all three of the allowed design patent applications, thus showing intent to secure issuance of design patents, including based on the above-captioned design patent application.

The petition is accompanied by a declaration of Sharon Janus, explaining the docketing system and setting forth the facts surrounding the abandonment of the application. A copy of counsel's docket report has also been included.

A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof;

(2) the petition fee as set forth in § 1.17(1);

(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.

This petition lacks item (3) above.

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.¹

¹ In re Mattullath, 38 App. D.C. 497, 514-15 (1912) (quoting *Ex parte Pratt*, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also *Winkler v. Ladd*, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), *aff'd*, 143 USPQ 172 (D.C. Cir. 1963); *Ex parte Henrich*, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account."

The showing of record is inadequate to establish unavoidable delay within the meaning of 37 CFR 1.137(a). Specifically, an application is "unavoidably" abandoned only where petitioners, or counsel for petitioners, take all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure or mail, telegraph, telefacsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office.²

A delay resulting from an error (e.g., a docketing 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.³

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) Petitioners 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, filewrappers 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.

(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

² Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

³ See MPEP 711.03(c) (III) (C) (2).

functions carried out, and checks on the described work which were used to assure proper execution of assigned tasks.

The present petition lacks the showing required by (1), (2), and (3) above.

In particular, as statements by all persons with direct knowledge of the circumstances surrounding delay, setting forth the facts as they know them are required, petitioners must provide a statement by counsel's paralegal, Ms. Chris Wipper, setting forth the facts as she knew them.

Additionally, the Office is requesting additional clarification regarding the degree of supervision of Ms. Janus' and Ms. Wipper's work, the training provided to the personnel responsible for the error, degree of supervision of their work, and checks on the described work which were used to assure proper execution of assigned tasks.

Lastly, while petitioners have provided a copy of their docket report, the Office would like to see petitioner's records regarding the amount in the deposit account on the dates described above, if such records are available.

The showing of record is insufficient to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a). Thus, the petition will be **dismissed**.

However, this dismissal is without prejudice to reconsideration pending timely submission of the requirements set forth in this decision.

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

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

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

By hand: Customer Service Window
 Mail Stop Petition
 401 Dulany Street
 Alexandria, VA 22314

Application No. 29/266883

8

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

A handwritten signature in cursive script, appearing to read "D Wood".

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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JUL 28 2008

OFFICE OF PETITIONS

In re Application of :
Ruud et al. : DECISION ON PETITION
Application Number: 29/266883 :
Filing Date: 09/29/2006 :
Attorney Docket Number: RU- :
170US :

This is a decision on the renewed petition under 37 CFR 1.137(a),¹ filed on May 30, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on February 1, 2008, for failure to timely submit the issue fee as required by the Notice of Allowance and Fee(s) Due mailed on October 31, 2007, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on March 13, 2008. The petition filed on March 13, 2008, was dismissed on April 24, 2008.

The application has been restored to pending status.

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. 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(1);

(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 37 CFR 1.137(a) was unavoidable; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

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 forwarded 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.



Douglas I. Wood
Senior Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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Application Number: 29/266884 : ON PETITION
Filing Date: 09/29/2006 :
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Petitioners assert, in pertinent part:

4. On January 29, 2008, two days before the deadline, JSM submitted all formal papers necessary for issuance, which included authorization for the Director to charge the required issue fee to Deposit Account No. 10-0270. Such submission was by United States mail with a proper certificate of mailing dated January 29, 2008.

5. The person handling the preparation and mailing of the issue fee payment documents on the above-captioned allowed design patent application is Ms. Chris Wipper. Ms. Wipper holds a 1986 paralegal certificate and has been with JSM since October of 1999, and has handled payment of issue fees on a great number of patent applications, as part of her regular duties.

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(2) the petition fee as set forth in § 1.17(1);

(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

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Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.¹

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The showing of record is inadequate to establish unavoidable delay within the meaning of 37 CFR 1.137(a). Specifically, an application is "unavoidably" abandoned only where petitioners, or counsel for petitioners, take all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure or mail, telegraph, telefacsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office.²

A delay resulting from an error (e.g., a docketing 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;

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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) Petitioners 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, filewrappers 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.

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² Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

³ See MPEP 711.03(c) (III) (C) (2).

functions carried out, and checks on the described work which were used to assure proper execution of assigned tasks.

The present petition lacks the showing required by (1), (2), and (3) above.

In particular, as statements by all persons with direct knowledge of the circumstances surrounding delay, setting forth the facts as they know them are required, petitioners must provide a statement by counsel's paralegal, Ms. Chris Wipper, setting forth the facts as she knew them.

Additionally, the Office is requesting additional clarification regarding the degree of supervision of Ms. Janus' and Ms. Wipper's work, the training provided to the personnel responsible for the error, degree of supervision of their work, and checks on the described work which were used to assure proper execution of assigned tasks.

Lastly, while petitioners have provided a copy of their docket report, the Office would like to see petitioner's records regarding the amount in the deposit account on the dates described above, if such records are available.

The showing of record is insufficient to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a). Thus, the petition will be dismissed.

However, this dismissal is without prejudice to reconsideration pending timely submission of the requirements set forth in this decision.

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

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By FAX: (571) 273-8300
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 401 Dulany Street
 Alexandria, VA 22314

Application No. 29/266884

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Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



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D1W-JJ-06

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JUL 28 2008

OFFICE OF PETITIONS

In re Application of :
Ruud et al. : DECISION ON PETITION
Application Number: 29/266884 :
Filing Date: 09/29/2006 :
Attorney Docket Number: RU- :
170US :

This is a decision on the renewed petition under 37 CFR 1.137(a),¹ filed on May 30, 2008, to revive the above-identified application.

The petition is GRANTED.

This application became abandoned on February 1, 2008, for failure to timely submit the issue fee as required by the Notice of Allowance and Fee(s) Due mailed on October 31, 2007, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on February 27, 2008. The petition filed on March 13, 2008, was dismissed on April 24, 2008.

The application has been restored to pending status.

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(2) the petition fee as set forth in 37 CFR 1.17(1);

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(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

The terminal disclaimer 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 forwarded 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.

D Wood

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WASHINGTON, DC 20005

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AUG 22 2007

OFFICE OF PETITIONS

In re Application of :
Chang-Hoon Suk et al : DECISION GRANTING PETITION
Application No. 29/266,909 : UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: October 2, 2006 :
Attorney Docket No. 1779.1229 :

This is a decision on the petition under 37 CFR 1.313(c)(3), filed August 17, 2007 and supplemented on August 20, 2007, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on July 18, 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.

The filing of a Request for Continued Examination (RCE) under 37 CFR 1.114 is improper in design applications. *Note 37 CFR 1.114(e).* Accordingly, the RCE filed on August 17, 2007 will not be processed. The \$790 fee paid for the RCE on August 17, 2007 will be credited to petitioner's deposit account in due course.

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

This matter is being referred to Technology Center AU 2916 for processing of the CPA and consideration of the concurrently filed Information Disclosure Statement.


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 NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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29/266,951

10/02/2006

Elicia M. Jones

D21/576

5747

7590

05/14/2008

Elicia M. Jones
PO Box 228
Athens, GA 30603

EXAMINER

MORRIS, SANDRA L

ART UNIT

PAPER NUMBER

2912

MAIL DATE

DELIVERY MODE

05/14/2008

PAPER

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

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



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ELICIA M. JONES
PO BOX 228
ATHENS, GA 30603

5-14-08

In re Application of:
Elicia M. Jones
Serial No.: 29/266,951
Filed: October 6, 2006

Title: Stuffed Animal with Customizing
Photographic Element

:
: DECISION ON PETITION TO
: WITHDRAW HOLDING OF
: ABANDONMENT AND TO
: ADMIT AMENDMENT
: UNDER 37 C.F.R. § 1.181
:

This is a decision on the petition under 37 C.F.R. § 1.181 filed on December 14, 2007.

The petition is DENIED.

Applicant petitions from the nonfinal Office action of the examiner mailed September 12, 2007. The petition is construed to be a request for reconsideration of the rejection under 35 USC § 112 of applicant's claim to the ornamental design for a Stuffed Animal with Customizing Photographic Element, and of the examiner's holding as final of the restriction requirement made in the Office communication mailed July 10, 2007.

The petition is denied for the following reasons:

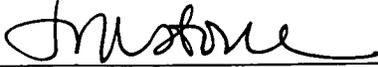
- The Director will not ordinarily entertain a petition where the question presented is a matter appealable to the Board of Patent Appeals and Interferences (BPAI). MPEP 1201. In this case, the subject matter of the petition is considered to be appealable to the BPAI and so does not constitute proper subject matter for a petition. See 35 USC § 134.
- 37 CFR § 1.181(f) states that any petition not filed within 2 months from the action complained of may be dismissed as untimely. In this case, applicant's petition was filed over three months after the mailing of the Office action that is the subject of the petition, well beyond the two month time period. The petition is therefore considered untimely.

DECISION

For the above-stated reasons, the petition to reconsider the decision of the examiner is DENIED.

The mere filing of a petition will not stay the period for replying to any examiner's action that may be running against an application, nor act as a stay of other proceedings (37 CFR 1.181(f)). The application will be forwarded to the examiner for further action.

Any inquiry regarding this decision should be directed to Rob Spear, Design Practice Specialist, at (571) 272-2645.



Jacqueline M. Stone
Director, Technology Center 2900

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : NOVEMBER 16, 2009

TO SPE OF : ART UNIT 2915

SUBJECT : Request for Certificate of Correction for Appl. No.: d592926 Patent No.: 29266953

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D40-C
Palm Location 7580**

Certificates of Correction Branch
703-756-1573

Thank You For Your Assistance

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

Note your decision on the appropriate box.

Approved

All changes apply.

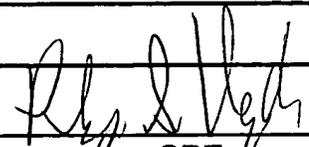
Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments: _____



SPE

2917
Art Unit



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Alexandria, VA 22313-1450
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Paper No.

KAMRATH & ASSOCIATES P.A.
4825 OLSON MEMORIAL HIGHWAY
SUITE 245
GOLDEN VALLEY MN 55422

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APR 17 2008

OFFICE OF PETITIONS

In re Application of :
Wei-Che Teng :
Application No. 29/266,984 : DECISION ON PETITION
Filed: October 2, 2006 : PURSUANT TO
Attorney Docket No.: NJ78-71 : 37 C.F.R. § 1.137(B)
(20061009.DES) :
Title: EYEGLOSS FRAME :

This is a decision on the petition filed September 12, 2007, pursuant to 37 C.F.R. § 1.137(b) to revive the above-identified application.

The petition pursuant to 37 C.F.R. § 1.137(b) 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 and Issue Fee Due, mailed April 20, 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 fees¹. Accordingly, this application became abandoned on July 21, 2007. A Notice of Abandonment was mailed on September 19, 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;

¹ See MPEP § 710.02(e).

Decision on Petition pursuant to 37 C.F.R. § 1.137(b)

- (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.

With this petition, Petitioner has submitted the issue and petition fees, the proper statement of unintentional delay, a terminal disclaimer, and the associated fee.

As such, each of the four requirements of Rule 1.137(b) has been met.

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

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225². All other inquiries 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

² Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



UNITED STATES PATENT AND TRADEMARK OFFICE

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WHIRLPOOL PATENTS COMPANY - MD 0750
500 RENAISSANCE DRIVE - SUITE 102
ST. JOSEPH, MI 49085

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JAN 18 2007

In re Application of : **OFFICE OF PETITIONS**
Schmidt, Steinkuhl, and Coleman :
Application No. 29/267,063 : DECISION REFUSING STATUS
Filed: October 4, 2006 : UNDER 37 CFR 1.47(a)
Attorney Docket No. US20020319-5 :
For: **Storage Cabinet** :

This is a decision on the petition under 37 CFR 1.47(a), filed November 17, 2006.

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

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

The above-identified application was filed on October 4, 2006, without an executed oath or declaration. Accordingly, a "Notice to File Missing Parts Nonprovisional Application" (the "Notice") was mailed on November 11, 2006, requiring an executed oath or declaration and a surcharge for the late filing of the oath or declaration and payment of the surcharge.

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

- (1) proof that the non-signing inventor(s) cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, and drawings);
- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
- (3) the petition fee,

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

The instant petition lacks item (1) as set forth above.

As to item (1), the instant petition does not provide sufficient evidence that a complete copy of the application papers was sent to the non-signing inventor. Further to this point, Section 409.03(d) of the *Manual of Patent Examining Procedure* (MPEP) provides, in pertinent part, that:

[a] refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application paper should be sent to the last known address of the non-signing inventor . . .

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

Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

While the instant petition states that inventor Schmidt has refused to join the prosecution of the application, it is not clear whether inventor Schmidt was provided with a complete copy of the application papers. In order for the inventor's refusal to have merit relative to the instant petition, it must be clear that he was provided with a complete copy of the application papers.

The petition fee of \$200.00 will be charged to deposit account 23-1660.

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

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

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

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



Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



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Commissioner for Patents
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OFFICE OF PETITIONS

WHIRLPOOL PATENTS COMPANY - MD 0750
500 RENAISSANCE DRIVE - SUITE 102
ST. JOSEPH, MI 49085

In re Application of
Schmidt, Steinkuhl, and Coleman :
Application No.: 29/267,063 : DECISION ACCORDING
Filed: October 4, 2006 : RULE 47(a) STATUS
Attorney Docket No: US20020319-5 :
For: Storage Cabinet :

This is in response to the renewed petition under 37 CFR 1.47(a), filed March 14, 2007.

The renewed petition is **GRANTED**.

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

The above-identified application was filed on October 4, 2006, without an executed oath or declaration. Accordingly, a "Notice to File Missing Parts Nonprovisional Application" (the "Notice") was mailed on November 11, 2006, requiring an executed oath or declaration and a surcharge for the late filing of the oath or declaration and payment of the surcharge. A petition under 37 CFR 1.47 was first filed on November 17, 2006, and dismissed by a decision mailed January 18, 2007.

Petitioner has shown that inventor Schmidt has refused to execute the declaration and join the above-identified application. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

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

This application will be directed 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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Gary L. Eastman
Eastman & Associates
707 Broadway Street, Suite 1800
San Diego, CA 92101

In re Application of :
Gregory Gharst :
Application No. 29/267,084 : **DECISION ON PETITION**
Filed: October 3, 2006 :
Attorney Docket No. 1099-DP03 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 29, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

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

The application became abandoned for failure to reply in a timely manner to the Office action under Ex parte Quayle, 1935 Dec. Comm'r Pat. 11 (1935), mailed August 20, 2008, which set a shortened statutory period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 21, 2008. A Notice of Abandonment was mailed on April 1, 2009.

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 (2) and (4).

As to item (2), the check submitted for payment of the petition fee was returned for insufficient funds.

As to item (4), the terminal disclaimer is not acceptable because the fee payment in the form of a check was returned for insufficient funds.

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.



Carl Friedman
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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Gary L. Eastman
Eastman & Associates
707 Broadway Street, Suite 1800
San Diego, CA 92101

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AUG 31 2009

OFFICE OF PETITIONS

In re Application of :
Gregory Gharst :
Application No. 29/267,084 :
Filed: October 3, 2006 :
Attorney Docket No. 1099-DP03 :

DECISION ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed August 18, 2009, to revive the above-identified application

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Office action under Ex parte Quayle, 1935 Dec. Comm'r Pat. 11 (1935), mailed August 20, 2008, which set a shortened statutory period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 21, 2008. A Notice of Abandonment was mailed on April 1, 2009.

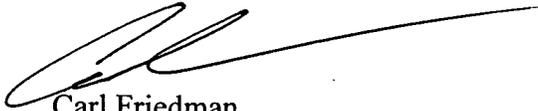
The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment (2) the petition fee of \$810, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly the oath and declaration is accepted as being unintentionally delayed.

The petition decision mailed August 7, 2009, dismissed the petition filed June 29, 2009 for returned payments of the petition and terminal disclaimer fees. The renewed petition includes a proper petition fee, terminal disclaimer fee and \$50.00 surcharge 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.

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

This application is being referred to Technology Center 2913 for appropriate action in the normal course of business on the reply received June 29, 2009.

A handwritten signature in black ink, consisting of a large, stylized initial 'C' followed by a long horizontal stroke that tapers to the right.

Carl Friedman
Petitions Examiner
Office of Petitions



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AUG 07 2009

OFFICE OF PETITIONS

**Gary L. Eastman
Eastman & Associates
707 Broadway Street, Suite 1800
San Diego, CA 92101**

In re Application of :
Gregory Gharst :
Application No. 29/267,085 : **DECISION ON PETITION**
Filed: October 3, 2006 :
Attorney Docket No. 1099-DP02 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 29, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

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

The application became abandoned for failure to reply in a timely manner to the Office action under Ex parte Quayle, 1935 Dec. Comm'r Pat. 11 (1935), mailed August 20, 2008, which set a shortened statutory period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 21, 2008. A Notice of Abandonment was mailed on April 1, 2009.

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 (2) and (4).

As to item (2), the check submitted for payment of the petition fee was returned for insufficient funds.

As to item (4), the terminal disclaimer is not acceptable because the fee payment in the form of a check was returned for insufficient funds.

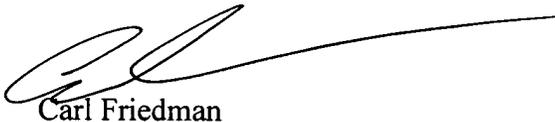
Further correspondence with respect to this matter should be addressed as follows:

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.



Carl Friedman
Petitions Examiner
Office of Petitions



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Gary L. Eastman
Eastman & Associates
707 Broadway Street, Suite 1800
San Diego, CA 92101

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In re Application of :
Gregory Gharst :
Application No. 29/267,085 : **DECISION ON PETITION**
Filed: October 3, 2006 :
Attorney Docket No. 1099-DP02 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed August 20, 2009, to revive the above-identified application

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Office action under Ex parte Quayle, 1935 Dec. Comm'r Pat. 11 (1935), mailed August 20, 2008, which set a shortened statutory period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 21, 2008. A Notice of Abandonment was mailed on April 1, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment (2) the petition fee of \$810, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly the oath and declaration is accepted as being unintentionally delayed.

The petition decision mailed August 7, 2009, dismissed the petition filed June 29, 2009 for returned payments of the petition and terminal disclaimer fees. The renewed petition includes a proper petition fee, terminal disclaimer fee and \$50.00 surcharge 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.

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

This application is being referred to Technology Center 2913 for appropriate action in the normal course of business on the reply received June 29, 2009.

A handwritten signature in black ink, appearing to read 'Carl Friedman', with a long horizontal stroke extending to the right.

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

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JUN 18 2008

**OFFICE OF PETITIONS
ON PETITION**

In re Application of :
Gerald P. Skalka :
Application No. 29/267,152 :
Filed: October 6, 2006 :
Attorney Docket No. P70724US2 :

This is a decision on the petition filed February 19, 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 formal drawings in a timely manner in reply to the Notice of Allowance mailed October 17, 2007, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on January 18, 2008.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of formal drawings; (2) the petition fee; (3) the required statement of unintentional delay have been received and (4) Terminal Disclaimer. Accordingly, the formal drawings are accepted as having been unintentionally delayed.

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

This matter is being referred to the Office of Data Management for further processing.


Irvin Dingle
Petitions Examiner
Office of Petitions



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EDWARDS ANGELL PALMER & DODGE LLP
P.O. Box 55874
Boston, Massachusetts 02205

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JUN 03 2008

In re Application of : **OFFICE OF PETITIONS**
ASHCRAFT et al. :
Application No. 29/267,162 : **DECISION ON PETITION**
Filed: October 5, 2006 :
Attorney Docket No. 692953(302410) :

This is a decision on the petition under 37 CFR 1.181 (no fee) filed April 8, 2008, requesting withdrawal of the holding of abandonment in the above-identified application or alternatively under unintentional provisions of 37 CFR 1.137(b), filed simultaneously therewith, to revive the above-identified application.

The petition to revive the above-identified application is **GRANTED**. The petition requesting withdrawal of the holding of abandonment in the above-identified application is **DISMISSED**.

This application became abandoned for failure to timely pay the issue fee on or before February 21, 2008, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed November 21, 2007. Accordingly, the date of abandonment of this application is February 22, 2008.

The petition filed to revive the above-identified application 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 \$820, (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 payment of issue fee is accepted as having been unintentionally delayed.

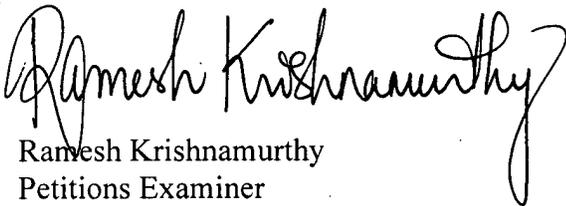
The terminal disclaimer is accepted and has been made of record.

In regard to the petition requesting withdrawal of the holding of abandonment in the above-identified application, for allegedly not receiving the Notice, 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. The showing required to establish the failure to receive the Notice includes a statement

from the practitioner that the Office action was not received at the correspondence address of record. See MPEP § 711.03(c). The address of record at the time the Notice was mailed was that for Customer number 22045. The declaration (included with the petition) of Mark A. Cantor, associated with Customer number 22045, clearly acknowledges the receipt of the Notice. As the Notice in question was properly mailed by the office to the address of record and such Notice having been duly received, a withdrawal of the holding of abandonment in the above-identified application is not warranted.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272 - 4914.

This application is being referred to Office of Data Management for processing into a patent.

A handwritten signature in black ink that reads "Ramesh Krishnamurthy". The signature is written in a cursive style with a large, looping initial "R".

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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**BUHLER ASSOCIATES
BUHLER, KIRK A.
1101 CALIFORNIA AVE.
SUITE 208
CORONA CA 92881**

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MAY 10 2007

OFFICE OF PETITIONS

In re Application of
BADDER, Salwa J.
Application No. 29/267,276
Filed: October 11, 2006
Attorney Docket No. **SB01-02D**

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 January 25, 2007.

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

A review of the file record indicates that the power of attorney to BUHLER ASSOCIATES has been revoked by the applicant/inventor of the patent application on March 05, 2007. 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 above-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Tredelle Jackson at 571-272-2783.


Monica A. Graves
Petitions Examiner
Office of Petitions



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DW sep-08

CHARLES E. BAXLEY, ESQUIRE
90 JOHN STREET
SUITE 309
NEW YORK NY 10038

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SEP 16 2008

OFFICE OF PETITIONS

In re Application of :
Fenton et al. :
Application Number: 29/267283 : ON PETITION
Filing Date: 10/10/2006 :
Attorney Docket Number: 16694 B :
:

This is a decision on the petition filed on July 21, 2008, under 37 CFR 1.137(a), which, in view of petitioners' assertion that a response was timely filed, is treated as a petition to withdraw the holding of abandonment.

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 March 12, 2008, which set a three (3) month statutory period for reply. A Notice of Abandonment was mailed on July 9, 2008. The subject petition was filed on July 21, 2008.

Petitioners' counsel, registered patent practitioner Charles E. Baxley, asserts that he filed the issue fee transmittal sheet and payment on March 26, 2008. In support, a copy of the issue fee transmittal, bearing a certificate of mailing dated March 26, 2008, and signed by practitioner Baxley, is included with the petition.

37 CFR 1.8(b) states:

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.

As petitioners have provided convincing evidence that a response to the Notice of Allowance and Fee(s) Due mailed on March 12, 2008, was transmitted to the USPTO on March 26, 2008, the showing of record is that a response was timely filed, and there is no abandonment in fact. Any inconvenience caused to applicant is regretted.

The holding of abandonment is withdrawn, and the notice of abandonment is vacated.

As the holding of abandonment has been withdrawn, the Terminal Disclaimer filed on July 21, 2008, is unnecessary and will not be entered. The terminal disclaimer fee, as well as the petition fee, will be refunded to counsel's deposit account as authorized on the Fee(s) Transmittal Form (PTOL-85(b)).

The application is being referred to the Office of Data Management for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



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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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Steven W. Webb
655 2nd Streets
Encinitas CA 92024

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NOV 10 2008

In re Application of :
Bachmeier :
Application No. 29/267,310 :
Filed: October 11, 2006 :
Attorney Docket No. N/A :
For: SCARF :

ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed July 13, 2008, to withdraw the holding of abandonment.

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

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

As a preliminary matter: 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 became abandoned on April 17, 2008 for failure to respond in a timely manner to the Notice of Allowability, mailed January 16, 2008, which set forth a non-extendable three (3) month period for reply to submit corrected drawing(s). A Notice of Abandonment was mailed on May 13, 2008.

Petitioner asserts the application did not become abandoned because Examiner Oswecki allegedly agreed on an unspecified date during a telephone conversation that no further changes to the drawings were required. Petitioner asserts that the Notice of Allowability should not have required corrected drawings because the application was in a state of allowance when the Notice was issued.

Applicant is reminded that official communication with the Office must be carried out in writing. 37 CFR 1.2. Oral advice from Office employees is not binding. See In re Sivertz, 227 USPQ 255,256 (Comm'r Pat. 1985). An Office employee's alleged statements made during a telephone conversation on an unspecified date cannot nullify the January 16, 2008 Notice, which required timely submission of corrected drawing(s) to avoid abandonment of the application.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is **dismissed**.

The undersigned suggests that petitioner file a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b).

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioners intentionally delayed the filing of a petition for revival under 37 CFR 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 hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

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

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


Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

CC: LAW OFFICES OF STEVEN W. WEBB
 825 COLLEGE BLVD. SUITE 102620
 OCEANSIDE, CA 22057



STEVEN W. WEBB
825 College Blvd.
Suite 102620
Oceanside CA 92057

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APR 07 2009

OFFICE OF PETITIONS

In re Application of
Bachmeier
Application No. 29/267,310
Filed: October 11, 2006
Attorney Docket No. N/A
For: SCARF

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:
:

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed March 2, 2009, to revive the above-identified application.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." 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 January 16, 2008, which set a three month period for reply. This application became abandoned on April 17, 2008 for failure to file corrected drawings. A Notice of Abandonment was mailed on May 13, 2008.

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) the required reply, unless previously filed;
- (2) the petition fee as set forth in 37 CFR 1.17(m);
- (3) a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

- (4) any terminal disclaimer (and fee set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d).

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

37 CFR 1.137(d)(1) requires that a petition under 37 CFR 1.137(b) be accompanied by a terminal disclaimer and fee in a design application, regardless of the design application's filing date. As this application is a design application, petitioner is required to submit a terminal disclaimer and required fee.

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

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

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

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

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


Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



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United States Patent and Trademark Office
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WRIGHT LAW GROUP, PLLC
7201 WEST OAKLAND
SUITE 2
CHANDLER AZ 85226

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JUN 02 2009

OFFICE OF PETITIONS

In re Application of :
Bachmeier :
Application No. 29/267,310 :
Filed: October 11, 2006 :
Attorney Docket No. N/A :
For: SCARF :

ON PETITION

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

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." 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 January 16, 2008, which set a three month period for reply. This application became abandoned on April 17, 2008 for failure to file corrected drawings. A Notice of Abandonment was mailed on May 13, 2008.

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) the required reply, unless previously filed;
- (2) the petition fee as set forth in 37 CFR 1.17(m);
- (3) a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

- (4) any terminal disclaimer (and fee set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d).

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

The terminal disclaimer filed on April 17, 2009 is not acceptable because it is signed by the previous attorney of record. A power of attorney/revocation was filed on April 16, 2009. Per MPEP 402.05, a revocation of power of attorney is effective on the date it is received in the Office, not on the date it is accepted.

A terminal disclaimer signed by the inventor or an attorney of record is required.

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
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Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

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



Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



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CHANDLER AZ 85226

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SEP 22 2009

OFFICE OF PETITIONS

In re Application of
Bachmeier
Application No. 29/267,310
Filed: October 11, 2006
Attorney Docket No. N/A
For: SCARF

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ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed June 16, 2009, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely reply to the Notice of Allowability, mailed January 16, 2008, which set a three month period for reply. This application became abandoned on April 17, 2008 for failure to file corrected drawings. A Notice of Abandonment was mailed on May 13, 2008.

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 \$810.00; (3) an acceptable statement of unintentional delay, and (4) a properly executed terminal disclaimer and the required \$70.00 fee.

After the mailing of this decision, the application will be referred to the Office of Data Management for processing into a patent.

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

Shirene Willis Brantley
Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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C/O GOWLING LAFLEUR HENDERSON LLP
1 FIRST CANADIAN PLACE, SUITE 1600
100 KING STREET WEST
Toronto ON M5X 1G5 CA CANADA

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SEP 30 2008

OFFICE OF PETITIONS

In re Application of :
William J. WILLIAM. :
Application No. 29/267,365 : DECISION ON PETITION
Filed: October 13, 2006 :
Attorney Docket No. T8-467621US :

This is a decision on the petition under 37 CFR 1.137(b), filed August 06, 2008, to revive the above-identified design application.

The petition is **GRANTED**.

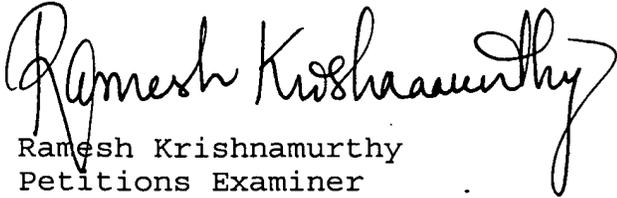
The application became abandoned for failure to timely pay the issue fee on or before July 01, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed April 01, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on July 02, 2008. A Notice of Abandonment was mailed on July 30, 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, (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 the Office of Data Management for further processing in accordance with this decision on petition.

A handwritten signature in black ink, reading "Ramesh Krishnamurthy". The signature is written in a cursive style with a large initial 'R' and a long, sweeping tail that extends to the right.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN NY 11576

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MAY 28 2008

OFFICE OF PETITIONS

In re Application of :
Jens PLEWA :
Application No. 29/ 267,380 : **ON PETITION**
Filed: October 12, 2006 :
Attorney Docket No. PLEWA- 1 DESIGN :

This is a decision on the petition under 37 CFR 1.137(b), filed March 20, 2008, 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 \$770; (3) a proper statement of unintentional delay; and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d).

The terminal disclaimer is accepted and has been made of record.

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the application is again abandoned in favor of the CPA.

Telephone inquiries concerning this decision should be directed to Ramesh Krishnamurthy at (571) 272 - 4914.

This application is being referred to Technology Center AU 2915 for processing of the CPA.


David Bucci
Petitions Examiner
Office of Petitions



**LATHROP & GAGE LLP
4845 PEARL EAST CIRCLE
SUITE 201
BOULDER CO 80301**

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FEB 01 2010

In re Application of :
Robert L. ELLIOTT et al. :
Application No. 29/267,416 :
Filed: October 13, 2006 :
Attorney Docket No. 454474-CPA :

DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed September 14, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a proper reply in a timely manner to the Notice of Allowance and Fee Due mailed May 18, 2007, which set a statutory period for reply of three (3) months. The Applicant filed on August 20, 2007 a Request Continued Examination (RCE) with an Information Disclosure Statement (IDS) instead of the proper procedure of filing a CPA application. No extensions of time under the provisions of 37 CFR 1.136(a) were permitted. Accordingly, the above-identified application became abandoned on August 19, 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 the required fees in the form of a proper CPA request and; (2) the petition fee of \$1,540; (3) the required statement of unintentional delay have been received, and (4) the required Terminal Disclaimer and fee. Accordingly, the CPA fee payment is accepted as having been unintentionally delayed. In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

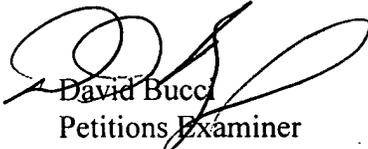
The terminal disclaimer received on December 14, 2009 is accepted and the fee of \$130 has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

Application No. 29/267,416

Since the above-identified application filed a RCE with a fee of \$790 on August 20, 2007 instead of a CPA which has a fee of \$220, a credit of \$570 remains. However, the Notice of Allowance and Fee of \$860 is still due as a required response to the last Office Action. (See 711.03(c)). Payment of the Notice of Allowance and Fee was approved by Applicant's Attorney Robert J. Lambrechts on January 6, 2010, therein the Office is charging \$290 to Deposit Account No. 12-0600.

The application file is being referred to the TC Art Unit 2912 for further processing on the concurrently filed IDS.

Telephone inquiries concerning this decision should be directed to Tammara Peyton at (571) 272-6052 or in his absence to the undersigned at (571) 272-3217.


David Bucc
Petitions Examiner
Office of Petitions



Commissioner for Patents
United States Patent and Trademark Office
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LATHROP & GAGE LC
2345 GRAND AVENUE
SUITE 2800
KANSAS CITY MO 64108

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FEB 17 2009

OFFICE OF PETITIONS

In re Application of :
Elliott et al. :
Application No. 29/267,417 : **DECISION ON PETITION**
Filed: October 13, 2006 :
Attorney Docket No. 453214 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 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 timely pay the issue fee on or before August 20, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed May 18, 2007, which set a statutory period of reply of three (3) months. Accordingly, the application became abandoned on August 21, 2007. A Notice of Abandonment was mailed March 3, 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 lacks item (1).

Petitioner has failed to pay the issue fee of \$430.00. Petitioner has instead filed a Continued Prosecution Application (CPA) Request in response to the Notice of Allowance.

35 U.S.C. 41(a)(7) and 151 each require payment of the issue fee as a condition of reviving an application abandoned for failure to pay the issue fee. Therefore, the filing of a CPA request

without payment of the issue fee or any outstanding balance thereof is not an acceptable reply in an application abandoned for failure to pay the issue fee or any portion thereof.

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

Additionally, the address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

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

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

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

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

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

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: Jerome R. Smith, Jr.
 2345 Grand Boulevard, Suite 2400
 Kansas City, MO 64108



LATHROP & GAGE LLP
2345 GRAND AVENUE
SUITE 2400
KANSAS CITY MO 64108

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APR 06 2009

OFFICE OF PETITIONS

In re Application of :
Elliott et al. :
Application No. 29/267,417 : DECISION ON PETITION
Filed: October 13, 2006 :
Attorney Docket No. 453214 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed March 13, 2009, 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 20, 2007, as required by the Notice of Allowance and Fee(s) Due mailed May 18, 2007. Accordingly, the date of abandonment of this application is August 21, 2007. A Notice of Abandonment was mailed March 3, 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 large entity issue fee of \$860.00 and the Continued Prosecution Application (CPA) request; (2) the petition fee of \$1,540.00 (previously paid on April 3, 2008); (3) a proper statement of unintentional delay; and (3) a Terminal Disclaimer (previously filed on April 3, 2008) and fee of \$130.00 (previously paid on April 3, 2008).

Petitioner has submitted an unnecessary duplicate petition fee of \$1,620.00 and an unnecessary duplicate terminal disclaimer and fee of \$140.00. This overage of \$1,760.00 will be refunded to petitioner's deposit account in due course.

The request for a terminal disclaimer is accepted and has been made of record.

The address given on the petition differs from the address of record. 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 Joan Olszewski at (571) 272-7751.

The file is now being forwarded to Technology Center 2912 for processing of the Continued Prosecution Application (CPA) request filed with the instant petition.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: Jerome R. Smith, Jr.
2345 Grand Boulevard, Suite 2400
Kansas City, MO 64108



LATHROP & GAGE LC
2345 GRAND AVENUE
SUITE 2800
KANSAS CITY MO 64108

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JUN 09 2008

OFFICE OF PETITIONS

In re Application of
Robert L. Elliott et al.
Application No. 29/267,421
Filed: October 13, 2006
Attorney Docket No: **454470**

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b)¹, filed April 4, 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 decision.

This application became abandoned August 21, 2007 for failure to timely pay the issue fee in response to the Notice of Allowance mailed May 18, 2007. Accordingly, a Notice of Abandonment was mailed February 7, 2008.

Pursuant to 37 CFR 1.137(b) however, the instant petition lacks item (1) of the regulation, the issue fee in response to the Notice of Allowance.

¹Effective 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)).

While a Request for Continued Examination (RCE) with the appropriate fee and an Information Disclosure Statement (IDS) amendment as the submission required under 37 CFR 1.114 was filed prior to the payment of the issue fee, petitioner was advised August 27, 2007, that an RCE is not proper in a design application.

A Continued Prosecution Application has been filed with the instant petition to revive, but for the purposes of revival, isn't a proper response to the Notice of Allowance and can't be accepted as a substitute for paying the issue fee.

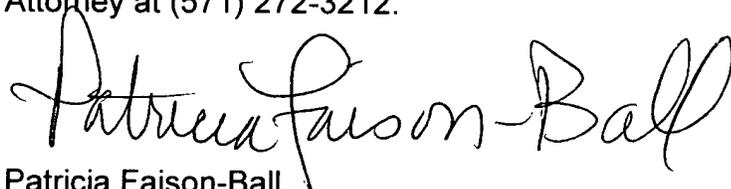
In view thereof, the issue fee is due before a petition can be granted. The application will therefore remain in an abandoned status until such time as the issue fee has been paid.

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

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

By FAX: (571) 273-8300

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink that reads "Patricia Faison-Ball". The signature is written in a cursive, flowing style with large, connected letters.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



**LATHROP & GAGE LC
2345 GRAND AVENUE
SUITE 2800
KANSAS CITY MO 64108**

COPY MAILED

AUG 15 2008

OFFICE OF PETITIONS

In re Application of :
Robert L. Elliott et al :
Application No. 29/267,421 : DECISION GRANTING PETITIONS
Filed: October 13, 2006 : UNDER 37 CFR 1.137(b) AND
Attorney Docket No. 454470 : 37 CFR 1.313(c)(3)(CPA)

This is a decision on the petitions, filed August 11, 2008, under 37 CFR 1.137(b), to revive the above-identified unintentionally abandoned application and on the petition under 37 CFR 1.313(c)(3) to withdraw the above-identified application from issue.

The petitions are **GRANTED**.

As to the renewed petition under 37 CFR 1.137(b):

This application became abandoned for failure to timely pay the issue fee on or before August 20, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed May 18, 2007.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that petitioner has submitted (1) payment of the \$820 issue fee and terminal disclaimer/ fee, (2) the petition fee of \$1,540, and (3) an adequate statement of unintentional delay. 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Accordingly, the reply to the Notice of Allowance mailed May 18, 2007 is accepted as having been unintentionally delayed.

As to the petition under 37 CFR 1.313(c)(3):

Petitioner requests withdrawal of this application from issue for consideration of a continued prosecution application (CPA) under 37 CFR 1.53(d).

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on August 11, 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 August 11, 2008.

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 and consideration of the concurrently filed IDS.



Karen Creasy
Petitions Examiner
Office of Petitions

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

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

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

Eva James
For Mary Diggs
Decisions & Certificates
of Correction Branch
(703) 308-9390 ext. 124 or 125

Ogilvy Renault LLP
1981 McGill College Avenue
Suite 1600
Montreal QC H3A2Y-3 CA Canada

eJ

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NOV 06 2008

Montréal, Canada

File No.: 17720-91US MCG/bs

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Patent No. : US D564,136
 Issue Date : March 11, 2008
 Application No. : 29/267,515
 Filed : October 17, 2006
 Inventors : Bastien JOURDE ET AL
 Applicant : SPORT MASKA INC.
 Title : PAIR OF SPORTS GLOVES
 Art Unit : 2914
 Confirmation No. : 8904
 For the Attention of : Mary Diggs

~~BY FAX (703) 872-9306~~

(571) 273-8300

Mail Stop PETITIONS
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450
 U.S.A.

11/07/2008 JVONG1 00000032 195113 29267515
 01 FC:1464 130.00 DA

REQUEST OF ASSIGNEE'S CORRECTION
UNDER 37 CFR 3.81(b)

Sir:

The Patentee hereby requests that the assignee's name on the above-identified patent be corrected. No assignee data was provided on form PTOL-85B. The failure to include the correct assignee's name on the PTOL-85B Form was inadvertent.

A copy of the Notice of Recordation of the Assignment document is hereby enclosed. The Assignment document was recorded on December 21, 2006 under REEI/FRAME 018734/0937.

The processing fee of \$130 required under 37 CFR 1.17(h) is to be charged to Deposit Account No. 19-5113. In the event of any deficiency the Commissioner is hereby authorized to charge payment of any Patent processing fees under 37 CFR 1.17

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- 2 -

Patent No. US D564,136

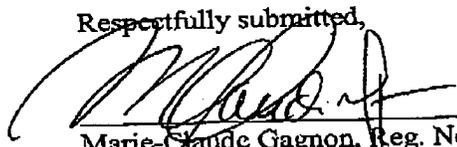
Commissioner for Patents

associated with this communication or credit any overpayment to Deposit Account No. 19-5113.

The Patentee also requests the file be forwarded to the Decisions & Certificates of Correction Branch for issuance of a Certificate of Correction under 37 CFR. 1.323 if the present Request is granted. A copy of form PTO/SB/44 previously submitted is again enclosed. The Certificate of Correction fee of \$100 is to be charged to Deposit Account No. 19-5113. In the event of any deficiency the Commissioner is hereby authorized to charge payment of any Patent processing fees under 37 CFR 1.17 associated with this communication or credit any overpayment to Deposit Account No. 19-5113.

Respectfully submitted,

Date: November 6, 2008



Marie-Claude Gagnon, Reg. No. 60,366
Tel.: (514) 847-4312
OGILVY RENAULT LLP
Customer No. 020988

Enc. Notice of Recordation of Assignment
Form PTO/SB/44 (09-07)

CERTIFICATE OF FACSIMILE TRANSMISSION	
I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office on the date shown below.	
	<u>Marie-Claude Gagnon, Reg. No. 60,366</u> Name of person signing certification
Signature	<u>November 6, 2008</u> Date



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

JANUARY 10, 2007

PTAS



103355203A

OGILVY RENAULT LLP
1981 MCGILL COLLEGE AVE.
SUITE 1600
MONTREAL, QUEBEC, CANADA H3A 2Y3

UNITED STATES PATENT AND TRADEMARK OFFICE NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 571-272-3350. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT SERVICES BRANCH, P.O. BOX 1450, ALEXANDRIA, VA 22313.

RECORDATION DATE: 12/21/2006

REEL/FRAME: 018734/0937
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
JOURDE, BASTIEN

DOC DATE: 12/07/2006

ASSIGNOR:
LABERGE, MARTIN

DOC DATE: 12/07/2006

ASSIGNEE:
SPORT MASKA INC.
3400 RAYMOND-LASNIER STREET
MONTREAL, QUEBEC, CANADA H4R 3L3

SERIAL NUMBER: 29267515
PATENT NUMBER:
TITLE: SPORTS GLOVE

FILING DATE: 10/17/2006
ISSUE DATE:

018734/0937 PAGE 2

JOANN STEWART, EXAMINER
ASSIGNMENT SERVICES BRANCH
PUBLIC RECORDS DIVISION

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12-29-2006



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

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NOV 06 2008

12-21-06

FORM PTO-1535 (Rev. 03/01-02/07)

AM 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):

Bastien JOURDE
Martin LABERGE

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

2. Name and address of receiving party(ies):

SPORT MASKA INC.
3408 Raymond-Lassier Street
Montreal, Quebec
Canada H4R 3L3

Additional name(s) and address(es) attached? Yes No

3. Nature of conveyance:

Execution Date(s): December 7, 2006

- Assignment Merger
- Security Agreement Change of Name
- Joint Research Agreement
- Government Interest Assignment
- Executive Order 9424, Confirmatory License
- Other

4. Application number(s) or patent number(s):

A. Patent Application(s) No.:

29/267,515

This document is being filed together with a new application:

B. Patent(s) No.:

Additional numbers attached? Yes No

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

Name: OGILVY RENAULT LLP

Address: 1981 McGill College Ave.
Suite 1690
Montreal, Quebec
Canada H3A 2Y3

Fax No.: (514) 288-8389

Email Address: sclark@ogilvyrenault.com

File No.: 17720-91US SC/MCG/bs

6. Total number of applications and patents involved:

one

7. Total fee (37 CFR 1.21(h) & 3.41): \$40.00

- 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: 29267515
Expiration Date: 12/28/2006 - 11/30/07

b. Deposit Account No. 19-5113
Authorized User Name OGILVY RENAULT LLP

9. Signature:

Signature

Sebastien Clark (Reg. No. 56,651)
Name of Person Signing

Date: December 21, 2006

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

12/21/06 11:56:11 AM 40.00 DA 01 FC:001

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

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**Page 1 of 1

PATENT NO. : D564,136
APPLICATION NO.: 29/267,515
ISSUE DATE : March 11, 2008
INVENTOR(S) : Bastien JOURDE and Martin LABERGE

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:

The Assignee's name, i.e. SPORT MASKA INC., is missing on the front page of the patent.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

BANNER & WITCOFF, LTD.
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON, DC 20005-4051

MAILED

MAR 18 2009

OFFICE OF PETITIONS

In re Application of	:	
Didier Rica	:	
Application No. 29/267,585	:	ON PETITION
Filed: October 18, 2006	:	
Attorney Docket No. 007437.00013	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed on April 10, 2008, 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 for a Design Application mailed September 17, 2007. A Notice of Abandonment was mailed on March 24, 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 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 \$130 fee submitted on April 10, 2008. 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.

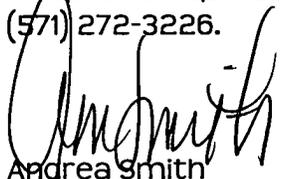
Further correspondence with respect to this matter should be addressed as follows:

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)



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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SUITE 1200
WASHINGTON, DC 20005-4051

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MAY 27 2009
OFFICE OF PETITIONS

In re Application of :
Didier Rica :
Application No. 29/267,585 : **ON PETITION**
Filed: October 18, 2006 :
Attorney Docket No. 007437.00013 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed on May 12, 2009, to revive the above-identified application.

In response to the decision mailed March 18, 2009, petitioner submits a terminal disclaimer under 37 CFR 1.137(d) on May 12, 2009.

Since the requirements of 37 CFR 1.137(b) have been met, the petition is **GRANTED**.

The terminal disclaimer under 37 CFR 1.137(d), filed May 12, 2009, has been accepted and made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

This application file is being referred to the Office of Data Management for 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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APR 22 2009

OFFICE OF PETITIONS

LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD, FL 33022-2480

In re Application of :
Uwe Hubler :
Application No. 29/267,627 : **ON PETITION**
Filed: October 18, 2006 :
Attorney Docket No. MR 061/06A :

This is a decision on the petition, filed February 24, 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.

This application became abandoned for failure to timely submit corrected drawings on or before January 21, 2009, as required by the Notice of Allowability mailed October 21, 2008. A Notice of Abandonment was mailed on February 17, 2009. On February 24, 2009, the present petition was filed.

A grantable petition under 37 CFR 1.137(b)¹ must be accompanied by: (1) the required reply,² unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

¹ As amended effective December 1, 1997. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53194-95 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 119-20 (October 21, 1997).

² In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

The petition lacks item (4) above. Since the above-identified application is a design application, 37 CFR 1.137(d) requires a terminal disclaimer dedicating to the public a terminal part of the term of any patent granted thereon equivalent to the period of abandonment of the application 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:

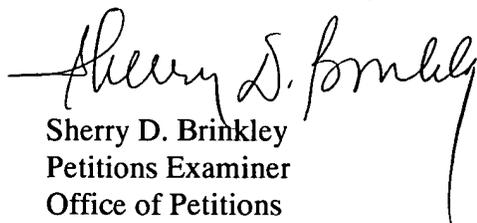
By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

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-Web³

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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JUN 1 0 2009

OFFICE OF PETITIONS

LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD, FL 33022-2480

In re Application of :
Uwe Hubler :
Application No. 29/267,627 :
Filed: October 18, 2006 :
Attorney Docket No. MR 061/06A :
ON PETITION

This is a decision on the renewed petition, filed May 1, 2009, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

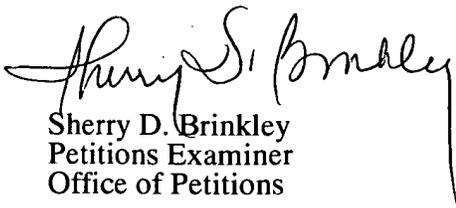
The above-identified application became abandoned for failure to respond in a timely manner to the Notice of Allowability mailed October 21, 2008. A Notice of Abandonment was mailed on February 17, 2009. On February 24, 2009, a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed April 22, 2009. In response, on May 1, 2009, the present petition was filed.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected drawings; (2) the petition fee of \$1,620; (3) an adequate statement of unintentional delay; and (4) a terminal disclaimer and the \$140 fee required by 37 CFR 1.137(d).

The terminal disclaimer filed May 1, 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : March 10, 2009

TO SPE OF : ART UNIT 2914

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/267657/D585330

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**

Magdaleno Talley

Certificates of Correction Branch

703-308-9390 ext. 120

Thank You For Your Assistance

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

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes do not apply.

Denied

State the reasons for denial below.

Comments: The examiner required an amendment to the title in the non-final rejection of 11.14.2007. IN response applicant amended the title to "Holding Device for a Flag or Tower" which is the title of the patent. See attached copy of applicant's amendment received 3.13.08



SPE

2914
Art Unit

Applicant's amendment of
3.13.08 amending the
title.

In The Specification

Please amend the title of the application on the Title Page, Line 10 as follows:

~~APPARATUS FOR HOLDING AND SPINNING A TOWEL OR FLAG~~
HOLDING DEVICE FOR A FLAG OR TOWER

Please amend Lines 5-10 on Page 1 as follows:

Your petitioner, DANIEL OAS, a citizen of the United States and a resident of Irwindale, State of California, whose residence and post office address is 6250 North Irwindale Avenue, Irwindale, California 91702; prays that Letters Patent may be granted to him for the new and original design for an ~~APPARATUS FOR HOLDING AND SPINNING A TOWEL OR FLAG~~ a HOLDING DEVICE FOR A FLAG OR TOWER set forth in the following specification:

Please amend Lines 4 through 10 on Page 2 as follows:

Be it known that I, DANIEL OAS, have invented a new, original and ornamental design for an ~~APPARATUS FOR HOLDING AND SPINNING A TOWEL OR FLAG~~ a HOLDING DEVICE FOR A FLAG OR TOWER of which the following is a specification, reference being had to the accompanying drawings, forming a part hereof.

FIG. 1 is a perspective view of an ~~APPARATUS FOR HOLDING AND SPINNING A TOWEL OR FLAG~~ a HOLDING DEVICE FOR A FLAG OR TOWER showing my new design;

ROZSA LAW GROUP LC
ATTORNEYS AT LAW
18757 BURBANK BOULEVARD, SUITE 220
TARZANA, CALIFORNIA 91356-3346
TELEPHONE (818) 783-0990

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1 Please amend Lines 24 through 27 on Page 2 as follows:

2
3 FIG. 6 is a ~~top plan view~~ an enlarged top plan view; and

4
5 FIG. 7 is a ~~bottom plan view~~ an enlarged bottom plan view.

6
7
8 Please amend Lines 4-5 on Page 3 as follows:

9
10 The Ornamental design for an ~~APPARATUS FOR HOLDING AND SPINNING A~~
11 ~~TOWEL OR FLAG~~ a HOLDING DEVICE FOR A FLAG OR TOWER, as shown and
12 described.

13
14 Please amend Lines 4-26 on Page 5 as follows:

15
16 I, DANIEL OAS, the above-named petitioner, declare that I am a citizen of the United
17 States and that I am a resident of Irwindale, California, and that I verily believe myself to be the
18 original, first, and only inventor of the design of an ~~APPARATUS FOR HOLDING AND~~
19 ~~SPINNING A TOWEL OR FLAG~~ a HOLDING DEVICE FOR A FLAG OR TOWER,
20 described and claimed in the foregoing specification, that I do not know and do not believe that
21 the same was ever known or used in the United States of America before my invention thereof or
22 patented or described in any printed publication in any country before my invention thereof, or
23 more than one year prior to this application, or in public use or on sale in the United States of
24 America more than one year prior to this application, that said design has not been patented or
25 made the subject of an inventor's certificate issued before the date of this application, that said
26 design has not been patented or made the subject of an inventor's certificate issued before the
27 date of this application in any country foreign to the United States on an application filed by me
28 or my legal representatives or assigns more than six months prior to this application; that I

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TELEPHONE (818) 783-0990

1 acknowledge my duty to disclose information of which I am aware which is material to the
2 patentability of this application, in accordance with 37 C.F.R. § 1.56(a), that I have reviewed and
3 understood the contents of the above-identified specification, including the claim, as amended by
4 any amendment specifically referred to above, and that no application for patent or inventor's
5 certificate on this design has been filed by me or my legal representative or assign in any country
6 foreign to the United States of America except as follows: NONE.
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UNITED STATES PATENT AND TRADEMARK OFFICE

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

Date Mailed : December 21, 2009
Serial No. : 29/267657
Patent No. : D585,330 S
Patent Issued : January 27, 2009
Title : HOLDING DEVICE FOR A FLAG OR TOWER

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent.

Respecting the alleged error noted in your request the examiner required an amendment to the title in the non-final rejection of 11-14- 2007. In response, applicant amended the title to "Holding Device for a flag or Tower "which is the title of the patent. See amendment received 3-13-08.

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

Magdalene Talley
For Mary F. Diggs, Supervisor
Decisions and Certificate
Of Correction Branch
(571)272-0943
FAX 571-270-9942

Rozsa Law Group LC
18757 Burbank Blvd.
Tarzana, CA 91356-3346

MD/mt

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Doc Code:

Approved for use through 03/31/2007. OMB 0851-0031

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

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

REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)	Application Number	29/267676
	Filing Date	OCTOBER 19, 2006
	First Named Inventor	MICHAEL SCHMIDT
	Title	PORTABLE DIGITAL AUDIO PLAYER
	Atty Docket Number	3126-001D/JAB

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

Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900
1-29-07

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:
D/14, 474, 260, 167, 156, 496, 137, 138, 155, 160, 168; 700/94; 455/347, 351

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.

J. C. Bondell Signature JANUARY 19, 2007 Date

JAY A. BONDELL Typed or printed name 2R188 Registration Number, if applicable

(646) 424 0770 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 be (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.

01/23/2007 190748 29267676

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01 FC:1802



**VOLPE AND KOENIG, P.C.
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103**

COPY MAILED

MAR 12 2008

OFFICE OF PETITIONS

In re Application of :
Carl-Axel Alm et al :
Application No. 29/267,716 : DECISION ON PETITION
Filed: October 18, 2006 : UNDER 37 CFR 1.313(c)(1)
Attorney Docket No. AXIS-PTO12.2 :

This is a decision on the petition under 37 CFR 1.313(c), filed March 10, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED**.

37 CFR 1.313(c) provides that:

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

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

(2) Consideration of a request for continued examination in compliance with 37 CFR 1.114; or

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

Upon payment of the issue fee, an application will not be withdrawn from issue upon petition except for the reasons enumerated in 37 CFR 1.313(c). The circumstances of the above-identified application do not fall within any of those exceptions.

For the reason stated above, the petition under 37 CFR 1.313(c) cannot be granted.

Petitioner is encouraged to file a petition under 37 CFR 1.313(c)(3)(CPA).

37 CFR 1.313(c)(2) is not a proper filing for a design application.

Additionally, petitioner is reminded that the filing of any renewed petition to withdraw from issue may not be recognized or effective if not received by the appropriate deciding official in time to act prior to issuance. *Note* 37 CFR 1.313(d). It is recommended that the facsimile number listed below be used to file the renewed petition.

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

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

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

By fax: **(571) 273-0025**
 Office of Petitions

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


Karen Creasy
Petitions Examiner
Office of Petitions



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STE 1500
ATLANTA GA 30339-5994

DEC 17 2007

OFFICE OF PETITIONS

In re Application of :
Childress : DECISION ON PETITION
Application No. 29/267,725 :
Filed: October 20, 2006 :
Atty. Dkt. No.: 80346-1010 :

This decision is in response to the petition to revive under 37 CFR 1.137(a), filed October 12, 2007.

The petition under 37 CFR 1.137(a) 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 1.137(a)." This is not a final agency decision.

This application became abandoned August 26, 2007 for failure to timely submit a proper reply to the Notice of Allowability (Notice) mailed May 25, 2007. The Notice set a three month statutory period of time for reply. Notice of Abandonment was mailed September 20, 2007.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(1); (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 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

The instant petition fails to satisfy requirements (1), (3), and (4) set forth above.

As to item (1), no reply to the Notice has been received. Any renewed petition must include a reply to the Notice.

As to item (3), petitioner has failed to present 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 37 CFR 1.137(a) was unavoidable.

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 Director to have been "unavoidable." See, 37 CFR 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 or 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).

Petitioner argues that the drawing requirement was issued in error and references oral discussions with the examiner of record concerning the matter.

The Notice required submission of corrected drawings. A review of the record does not reveal that corrected drawings were submitted.

In accordance with 35 USC 133, "[u]pon 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 Director in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Director that such delay was unavoidable."

Further, a delay caused by an applicant's lack of knowledge or improper application of the patent statute, rules of practice or

the MPEP is not rendered "unavoidable" due to the applicant's reliance upon oral advice from USPTO employees. See, *In re Sivertz*, 227 USPQ 255, 256 (Comm'r Pat. 1985). See, also, MPEP 711.03(c).

Any renewed petition should be accompanied by evidence to establish that a reply to the Notice was timely submitted within the three month statutory period of time for reply.

As to item (4), the petition lacks the required terminal disclaimer. Any renewed petition must include the required terminal disclaimer (and fee).

As to petitioner's request for a refund of the petition fee submitted herewith, the submission of the petition fee is a prerequisite to treatment on the merits of any petition submitted pursuant to 37 CFR 1.137(a). Accordingly, petitioner's request for refund is hereby **DISMISSED**.

ALTERNATE VENUE

Petitioner may wish to consider filing a petition stating that the delay was unintentional. Petitioner's attention is directed to 37 CFR 1.137(b) which provides for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of an issue fee was "unavoidable". An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required petition fee and reply.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

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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P.O. Box 1450
ALEXANDRIA, VA 22313-1450
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THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA GA 30339-5994

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MAR 17 2008

OFFICE OF PETITIONS

In re Application of :
Childress :
Application No. 29/267,725 : ON PETITION
Filed: October 20, 2006 :
Attorney Docket No. 80346-1010 :

This is a decision on the petition renewed under the unintentional provisions of 37 CFR 1.137(b), filed January 7, 2008, to revive the above-identified application. This is also a decision applicant's request for refund.

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

The petition for refund of petition fee 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 August 26, 2007 for failure to timely submit a proper reply to the Notice of Allowability (Notice) mailed May 25, 2007. The Notice set a three month statutory period of time for reply. Notice of Abandonment was mailed September 20, 2007.

DECISION UNDER 37 CFR 1.137(b)

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(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 petition lacks requirement (4) set forth above. Any renewed petition must be accompanied by the required terminal disclaimer (and terminal disclaimer fee).

DECISION ON REQUEST FOR REFUND

In accordance with 37 CFR 1.137(b)(2), submission of the petition fee is a requirement for treatment on the merits of any petition submitted pursuant to 37 CFR 1.137(b). Moreover, failure to respond in writing to an Office communication within the time period set forth therein will result in the abandonment of the application.

Petitioner states the examiner of the instant application verbally indicated that drawings were not necessary in connection with the Notice of Allowability mailed May 25, 2007. However, a review of the record does not reveal that a supplemental Notice of Allowability to this effect was issued. Accordingly, failure to timely respond in writing to the Notice of Allowability within the three month statutory period of time for reply resulted in the abandonment of the application. Petitioner's reliance upon oral advice from an employee of the USPTO is not sufficient grounds for issuance of a 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 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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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA GA 30339-5994

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AUG 04 2008

In re Application of :
Childress :
Application No. 29/267,725 : DECISION ON PETITION
Filed: October 20, 2006 :
Attorney Docket No. 80346-1010 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed May 16, 2008, to revive the above-identified application. This decision clarifies the decision mailed August 4, 2008.

This application became abandoned August 26, 2007 for failure to timely submit a proper reply to the Notice of Allowability (Notice) mailed May 25, 2007. The Notice set a three month statutory period of time for reply. Notice of Abandonment was mailed September 20, 2007.

A grantable petition under 37 CFR 1.137(b) requires: (1) the reply required to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

The instant petition has been carefully reviewed and found in compliance with the above set forth requirements. As acknowledged by the examiner of record, no new drawings are required.

In view thereof, the petition is hereby **GRANTED**.

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

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


Alesia M. Brown
Petitions Attorney
Office of Petitions



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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA GA 30339-5994

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OCT 07 2008

OFFICE OF PETITIONS

In re Application of: Marcu et al.
Application No.: 29/267,725
Filed: October 20, 2006
For: COOL WEATHER CAP

:
: CORRECTION OF DECISION
:
:

There were two decisions mailed on August 4, 2008 in response to the petition filed May 16, 2008. The decision which was silent as to the drawing requirements has been **WITHDRAWN**. This decision has also been closed to avoid any confusion since new drawings are not required.

This application is being forwarded to The Office of Data Management for processing into a patent.

Anthony Knight
Supervisor
Office of Petitions
(571) 272-3687
AK



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COMMISSIONER FOR PATENTS
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HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

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JUN 15 2007

OFFICE OF PETITIONS

In re Application of :
Kian Kiat Alan Chua, et al :
Application No. 29/267,731 :
Filed: October 19, 2006 :
Attorney Docket No. 200602164-1 :

DECISION GRANTING PETITION

This is a decision on the petition filed November 3, 2006, requesting that the above-identified application be accorded a filing date of October 19, 2006, instead of the presently accorded date of October 20, 2006.

Petitioner 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 October 19, 2006. In support, petitioner provides a copy of the Express Mail label, No. EV 103991165 US. The same Express Mail tracking number appears on the transmittal letter found in the file.

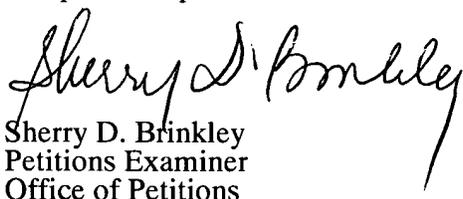
It is noted that while the "date-in" is not legible on the copy of the Express Mail mailing label, the label includes a USPS receipt date stamp of "OCT 19 2006." The evidence presented is convincing that the Express Mail package was entrusted to the USPS on October 19, 2006, as shown by the USPS stamped receipt date. Further, the USPS Track & Confirm restoration record for Express Mail Label No. EV 103991165 US corroborates acceptance of the "Express Mail" package in question on October 19, 2006 at 4:20pm. Accordingly, this application is entitled to a filing date of October 19, 2006.

The petition is **GRANTED**.

No petition fee was charged to counsel's deposit account, nor is one due.

The application is being referred to Office of Initial Patent Examination (OIPE) for correction of the filing date to **October 19, 2006**, and issuance of a Corrected Official Filing Receipt.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4000.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions



**MICHAEL W. HAAS
RESPIRONICS, INC.
1010 MURRY RIDGE LANE
MURRYSVILLE PA 15668**

**COPY MAILED
SEP 25 2008**

In re Application of :
Peter Chi Fai Ho et al. :
Application No. 29/267,741 : **DECISION ON PETITION**
Filed: October 20, 2006 :
Attorney Docket No. 03-53 Des :

This is a decision on the petition under 37 CFR 1.137(b), filed May 2, 2008, 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 15, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed January 15, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on April 16, 2008. A Notice of Abandonment was mailed on May 15, 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 \$820.00 issue fee, (2) the petition fee of \$1540.00, (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 Phyllis Spivack at 571-272-6052 or in her absence, the undersigned at (571)272-7099.

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



David Buccì
Petitions Examiner
Office of Petitions



HUSCH BLACKWELL SANDERS, LLP
Husch Blackwell Saunders LLP Welsh & Katz
120 S Riverside Plaza
22nd Floor
Chicago, IL. 60606

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DEC 05 2008

OFFICE OF PETITIONS

In re Application of :
Steve CASTEEL et al :
Application No. 29/267,831 : **DECISION ON PETITION**
Filed: October 23, 2006 :
Attorney Docket No. 6881/97895 :

This is a decision on the petition, filed October 9, 2007, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of February 8, 2007, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before May 8, 2007.

Petitioner states that a timely reply was mailed via certificate of mailing on March 16, 2007, which included the following papers: Issue Fee Part B-Fees Transmittal Form PTOL-85 and a check numbered 104401, in the amount of \$400.00. Petitioner has submitted a copy of the previously mailed correspondence, which bears a certificate of mailing dated March 16, 2007, which would have rendered the reply timely if received.

The file record does not include the originally submitted papers. Failure to receive correspondence which includes a certificate of mailing or certificate of facsimile transmission is addressed in 37 CFR 1.8(b), reproduced below:

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.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of February 10, 2007 is hereby withdrawn and the application restored to pending status.

The copy of the reply received with the petition will be accepted in place of the reply shown to have been mailed (or transmitted by facsimile) on March 16, 2007.

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



Thurman K. Page
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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INTERNATIONAL TRUCK INTELLECTUAL PROPERTY COMPANY,
4201 WINFIELD ROAD
P.O. BOX 1488
WARRENVILLE, IL 60555

COPY MAILED

JUN 25 2007

OFFICE OF PETITIONS

In re Application of :
Beigel, Allendorph, Tirey, Collins, Mueller, Oliver, Lal, :
Kiely, Ice, Mitchell, Nix, Crook, Kohli, Schoon, and Osellett :
Application No.: 29/267,867 : **DECISION REFUSING**
Filed: October 24, 2006 : **RULE 47(a) STATUS**
Attorney Docket No: D6202 :
For: TRUCK VEHICLE :

This is a decision on the petition under 37 CFR 1.47(a) filed June 7, 2007.

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

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

The above-identified application was filed on October 24, 2006, without a properly executed declaration. A Notice to File Missing Parts of Nonprovisional Application was mailed on November 7, 2006, indicating that a proper declaration executed was required as well as a surcharge of \$130.00 for the late filing of the same. On June 7, 2007, the instant petition was filed, along with a request for an extension of time within the fifth month.

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

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

The instant petition lacks item (1) as set forth above.

As to item (1), petitioner has not established that a diligent effort was made to locate inventor Oselett. The petition states that inventor Oselett received and responded to the first package containing the application papers, but the second package containing another declaration for the inventor to sign was received by some one other than inventor Oselett and no response was received. As part of the diligence requirement, petitioner must make reasonable efforts to find the most current address for the non-signing inventor and detail those efforts as part of the petition. The evidence is not convincing that diligence requirement has been satisfied. Petitioner is not required to affirmatively locate the non-signing inventor, but must demonstrate that efforts were made toward that end. Further to this point, Section 409.03(d) of the *Manual of Patent Examining Procedure* (MPEP) provides, in pertinent, part that:

Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.

The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as **internet searches**, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement.

The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions.

The renewed petition must be accompanied by evidence of petitioner's efforts to locate inventor Oselett.

Deposit account 14-0603 will be charged \$200.00 for the instant petition fee.

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

By mail: Mail Stop Petitions
 Commissioner for Patents,
 PO 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 (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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INTERNATIONAL TRUCK INTELLECTUAL PROPERTY COMPANY,
4201 WINFIELD ROAD
P.O. BOX 1488
WARRENVILLE, IL 60555

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AUG 31 2007

In re Application of :
Beigel, Allendorph, Tirey, Collins, Mueller, Oliver, Lal, :
Kiely, Ice, Mitchell, Nix, Crook, Kohli, Schoon, and Osellett :
Application No.: 29/267,867 :
Filed: October 24, 2006 :
Attorney Docket No: D6202 :
For: TRUCK VEHICLE :

OFFICE OF PETITIONS

: DECISION GRANTING
: RULE 47(a) STATUS
:

This is in response to the renewed petition under 37 CFR 1.47(a), filed August 10, 2007.

The renewed petition is **GRANTED**.

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

The above-identified application was filed on October 24, 2006, without a properly executed declaration. A Notice to File Missing Parts of Nonprovisional Application was mailed on November 7, 2006, indicating that a proper declaration executed was required as well as a surcharge of \$130.00 for the late filing of the same. On June 7, 2007, a petition under 37 CFR 1.47(a) was filed, along with a request for an extension of time within the fifth month. The petition was dismissed by a decision mailed June 25, 2007.

Petitioner has shown that inventor Ossellet is unavailable execute the declaration and join the above-identified application The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

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

This application will be directed to the Office of Initial Patent Examination for further processing.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

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JUL 06 2007

OFFICE OF PETITIONS

In re Application of

Jill Marie Shurtleff

Application No. 29/267,868

Filed: October 24, 2006

Attorney Docket No D-1149

:
:
:
: DECISION ON PETITION
:

This is a decision on the "Petition to request Correction of Filing Date/ Filing Receipt", filed June 11, 2007, which will be treated as a petition under 37 CFR 1.10.

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 1.10."

The instant petition was filed to correct what petitioner believed was an incorrect filing date accorded the above-cited application. Petitioner maintains that the correct filing date for the application should be October 24, 2006, not the currently accorded date of October 23, 2006.

Section 1.10(a) of the Title 37 of the Code of Federal Regulations indicates that correspondence received by the Patent and Trademark Office that was delivered by Express Mail will be considered filed in the Office on the date of deposit with the United States Postal Service. Where there is a discrepancy between the date of deposit as shown on the Express Mail label and the filing date accorded the correspondence by the Office, 37 CFR 1.10(c) provides that an applicant may petition to have the Commissioner accord the correspondence a filing date as of the "date in" on Express Mail label. In accordance with 37 CFR 1.10(c), a successful petition must:

- (1) . . . be filed promptly after the person becomes aware that the Office has accorded

or will accord a filing date other than the USPS deposit date;

2) [provide] the number on the Express Mail mailing label was placed on a paper(s) or fee(s) that constituted the correspondence prior to the original mailing by Express Mail; and

(3) . . . 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 instant petition does not satisfy the requirements of item (3) above.

Relative to item (3), a true copy of Express Mail mailing label EV677376103US was not found with the petition papers. The renewed petition should be accompanied by a copy of the Express Mail label showing a "date-in" of October 24, 2006.

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

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

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

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



Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



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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BROOKSTONE/GTPP
55 SOUTH COMMERCIAL STREET
MANCHESTER, NH 03101

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APR 22 2009

OFFICE OF PETITIONS

In re Application of :
David Laituri, et al. :
Application No. 29/267,934 :
Filed: October 25, 2006 :
Attorney Docket No. 33964-2160 [BSTONE 06.08] :

ON PETITION

This is a decision in response to the petition, filed February 19, 2009, to revive the above-identified design application under 37 CFR 1.137(b).

The petition is **GRANTED**.

This application became abandoned for a failure to timely pay the issue fee on or before January 2, 2009, as required by the Notice of Allowance and Fee(s) Due mailed October 1, 2008. A Notice of Abandonment was mailed January 27, 2009. On February 19, 2009, 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 issue fee of \$860, (2) the petition fee of \$1,620, (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 19, 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 for further processing.

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
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PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND OH 44114-3108

MAILED
OCT 19 2009
OFFICE OF PETITIONS

In re Patent No. D564077 :
Issue Date: March 11, 2008 :
Application No. 29/267,939 :
Filed: October 25, 2006 :
Attorney Docket No. BUG8-41442 :

ON PETITION

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 amount of \$695.00 has been charged to petitioner's deposit account as authorized on September 22, 2009.

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.

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

/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
www.uspto.gov

MCCARTER & ENGLISH, LLP
FOUR GATEWAY CENTER
100 MULBERRY STREET
NEWARK NJ 07102

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NOV 18 2008

In re Application of :
Ronald H. Griffin et al : DECISION GRANTING PETITION
Application No. 29/267,940 : UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: October 25, 2006 :
Attorney Docket No. 96964-01049 :

This is a decision on the petition under 37 CFR 1.313(c)(3), filed November 17, 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 September 25, 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 November 17, 2008.

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 and consideration of the concurrently filed IDS

/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

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON, MA 02111

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MAR 06 2009

OFFICE OF PETITIONS

In re Application of :
Paul O. Ramstad, et. al. :
Application No. 29/267,974 : DECISION ON PETITION
Filed: October 26, 2006 :
Attorney Docket No. 35678-620001US :

This is a decision on the petition under 37 CFR 1.137(b), filed January 12, 2009, to revive the above-identified design application.

The application became abandoned for failure to reply in a timely manner to the Office action under Ex parte Quayle, 1935 Dec. Comm'r Pat. 11 (1935) mailed, December 27, 2007. A Notice of Abandonment was mailed on July 24, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of three sheets of replacement drawings, containing Figures 1-5, in response after Ex Parte Quayle, (2) the petition fee of \$1,620, (3) a proper statement of unintentional delay and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Therefore, the petition is **GRANTED**.

The terminal disclaimer under 37 CFR 1.137(d), filed January 12, 2009, has been accepted and made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

The Office acknowledges receipt of \$1,730 for a four month extension of time filed on January 12, 2009. However, 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). Accordingly, since the \$1,730 extension of time was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited back to petitioner's credit card.

This application file is being referred to Technology Center Art Unit 2916 for further processing in accordance with this decision.

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

Andrea Smith
Petitions Examiner
Office of Petitions



MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON, MA 02111

MAILED

AUG 20 2009

OFFICE OF PETITIONS

In re Application of :
Paul O. RAMSTAD, et al. : DECISION GRANTING PETITION
Application No. 29/267,974 : UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: October 26, 2006 :
Attorney Docket No. **35678-620001US** :

This is a decision on the petition under 37 CFR 1.313(c)(3), filed August 13, 2009, 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 14, 2009 in the parent application is not refundable nor can it be applied towards any new Notice of Allowance which may issue on the CPA filed August 13, 2009.

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This matter is being referred to Technology Center AU 2916 for processing of the CPA and consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 7/17/09

Paper No.: _____

TO SPE OF : ART UNIT 2914 Nelson, Thornton (spe)

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/268031 Patent No.: D592760

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580**



Certificates of Correction Branch
703-308-9390 ext. _____

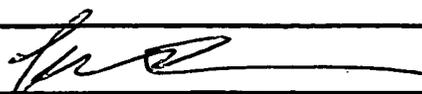
Thank You For Your Assistance

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

Note your decision on the appropriate box.

- | | |
|---|--|
| <input checked="" type="checkbox"/> Approved | All changes apply. |
| <input type="checkbox"/> Approved in Part | Specify below which changes do not apply. |
| <input type="checkbox"/> Denied | State the reasons for denial below. |

Comments: _____



SPE

2914 4.17.10
Art Unit



FAY SHARPE LLP
1100 SUPERIOR AVENUE, SEVENTH FLOOR
CLEVELAND, OH 44114

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MAR 28 2007

In re Application of :
Brian V. Sokol :
Application No. 29/268,166 :
Filed: October 25, 2006 :
Attorney Docket No. SIMC 2 00026 :

**OFFICE OF PETITIONS
DECISION GRANTING PETITION**

This is a decision on the petition filed January 16, 2007, to vacate the Notice of Omitted Items in Nonprovisional Application (the "Notice") mailed November 14, 2006.

The petition is **granted**.

On October 25, 2006, the above-identified application was filed. However, on November 14, 2006, the Office of Initial Patent Examination mailed the Notice stating that application had been accorded a filing date of October 25, 2006, and advising applicant that Figures 2 and 3, as described in the specification, appeared to have been omitted. The notice set a non-extendable period for reply two-month from its mailing date.

In response, on January 16, 2007, applicant filed the present petition, a copy of Figures 2 and 3, and an Office date-stamped postcard receipt. The postcard reveals that two sheets of drawings were filed on October 26, 2006. A review of the application file history reveals that all of the documents originally filed and that are itemized on the postcard are stamped October 25, 2006. The evidence is convincing that the postcard date of October 26, 2006, is incorrect and that drawings and other application papers were received on October 25, 2006.

Accordingly, the petition is granted; the Notice is vacated, accordingly. The petition fee will be refunded, in due course.

The application file is being returned to the Office of Initial Patent Examination for further processing with the presently accorded filing date of October 25, 2006, with Figures 2 and 3 as part of the original disclosure.

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


Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH PA 15219

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DEC 10 2007

OFFICE OF PETITIONS

In re Application of :
Moir, et al. :
Application No. 29/268,243 : DECISION
Filed: 31 October, 2006 :
Attorney Docket No. 5091-053330 :

This is a decision on the petition filed on 18 June, 2007, under 37 C.F.R. §1.47(a).

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 under 37 C.F.R. §1.47(a) is **DISMISSED**.

NOTES:

Any reply must include a renewed petition (and fee) must include a petition under 37 C.F.R. §1.47 and 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 "Petition under 37 C.F.R. §1.47";

Thereafter, there will be no further reconsideration of this matter.

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.

BACKGROUND

The record indicates:

- the instant application was filed on 31 October, 2006, without, *inter alia*, a fully executed oath/declaration;
- on 14 November, 2006, the Office mailed a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration (signed and dated) was required;
- on 18 June, 2007, Petitioner Paul M. Reznick (Reg. No. 33,059) filed, *inter alia*, the instant petition, an oath/declaration signed by Ms. Moir and Messrs. Scali and Huff (for themselves and on behalf of) but not the non-signing co-inventors Kevin I. McCarthy (Mr. McCathy) and Stephanie Didier (Ms. Didier), and statement by Petitioner that materials were transmitted to the non-signing inventors (with copies of the transmittal letters in support thereof) with evidence of inclusion therewith of the entire application (description, claims, abstract and drawings) to the non-signing inventors—however, there is no evidence of delivery, and in absence of delivery evidence of the diligence in determining the reasonably believed to be valid and/or last known addresses used therefore—Petitioner is directed to the discussion below from the Manual of Patent Examining Procedure for a discussion of the requirements under the law, as discussed, and out of an abundance of caution, Petitioner is requested to provide clarification in this regard.

The above-described procedure (and as set forth in detail below) is a matter of due process owed to the averred non-signing inventor(s).

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 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.²

² 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

ANALYSIS

The regulations at 37 C.F.R. §1.47 provide in pertinent part:

§ 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.

* * *

The regulations at 37 C.F.R. §1.63 provide in pertinent part:

§1.63 Oath or declaration.

(b) In addition to meeting the requirements of paragraph (a) of this section, the oath or declaration must also:

- (1) Identify the application to which it is directed;
- (2) State that the person making the oath or declaration has reviewed and understands the contents of the application, including the claims, as amended by any amendment specifically referred to in the oath or declaration; and

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]

(3) State that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in § 1.56.

When one alleges a refusal of the inventor to sign the application papers, 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, *inter alia*, presented the inventor with the application papers and/or to whom the refusal was made.

The commentary at MPEP §409.03(d) provides:

409.03(d) Proof of Unavailability or Refusal

INVENTOR CANNOT BE REACHED

Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 C.F.R. §1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.

The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 C.F.R. §1.47.

Furthermore, the fact that an inventor is hospitalized and/or is not conscious is not an acceptable reason for filing under 37 C.F.R. §1.47. 37 C.F.R. §1.43 may be available under these circumstances. See MPEP §409.02. Such a petition under 37 C.F.R. §1.47 will be dismissed as inappropriate.

The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions.

REFUSAL TO JOIN

A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address

of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the 37 C.F.R. §1.47 applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See MPEP §106. It is reasonable to require that the inventor be presented with the application papers before a petition under 37 C.F.R. §1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).

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

Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient.

When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the 37 C.F.R. §1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

Thus, a copy of the entire application must be sent to the last known address of the non-signing inventor with a request that he/she sign the declaration for the patent application—and evidence of that transmittal submitted—but also a reasonable effort must be made to ascertain a current or last known address, and the petition must state over the signature and registration number of the Petitioner the last known address and, if appropriate, evidence of the due diligence effort ascertaining same.

Alternatively, an oath or declaration for the patent application in compliance with 37 C.F.R. §§1.63 and 1.64 must be presented.

(The declaration must set forth the inventor's residence, citizenship and post office address. An oath or declaration in compliance with 37 C.F.R. §§1.63 and 1.64 signed by the Rule 1.47 applicant is required.³)

Petitioner's attention is directed to the discussion in the BACKGROUND and ANALYSIS, above, and should ensure that the deficiencies addressed there are corrected with any future petition herein, to include (but not necessarily be limited to) the requirements that a copy of the transmittal letter forwarding the entire application (description, claims, abstract and drawings) to, and evidencing reasonable diligence in ascertaining a reasonably believed last known/current address for the non-signing inventor, all as required by law.

CONCLUSION

Therefore, the instant petition hereby is **dismissed**.

Further correspondence with respect to this matter should be addressed as follows:⁴

By mail: Commissioner for Patents⁵
 P.O. Box 1450
 Alexandria, VA 22313-1450

By FAX: IFW Formal Filings
 (571) 273-8300
 ATTN.: Office of Petitions

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

³ See: MPEP 409.03(b).

⁴ On July 15, 2005, the Central Facsimile (FAX) Number changed from (703) 872-9306 to (571) 273-8300. Old number(s) no longer are in service and (571) 273-8300 is the only facsimile number recognized for centralized delivery. (For further information, see: <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/cfax062005.pdf>.)

⁵ To determine the appropriate addresses for other subject-specific correspondence, refer to the USPTO Web site at www.uspto.gov.

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. §1.2³) 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

³ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



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FEB 04 2008

OFFICE OF PETITIONS

THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH PA 15219

In re Application of :
Moir, et al. :
Application No. 29/268,243 : DECISION
Filed: 31 October, 2006 :
Attorney Docket No. 5091-053330 :

This is a decision on the petition filed on 30 January, 2008, under 37 C.F.R. §1.47(a).

For the reasons set forth below, the petition under 37 C.F.R. §1.47(a) is **DISMISSED**.

BACKGROUND

The record indicates:

- the instant application was filed on 31 October, 2006, without, *inter alia*, a fully executed oath/declaration;
- on 14 November, 2006, the Office mailed a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration (signed and dated) was required;
- on 18 June, 2007, Petitioner Paul M. Reznick (Reg. No. 33,059) filed, *inter alia*, the original petition, an oath/declaration signed by Ms. Moir and Messrs. Scali and Huff (for themselves and on behalf of) but not the non-signing co-inventors Kevin I. McCarthy (Mr. McCathy) and Stephanie Didier (Ms. Didier), and statement by Petitioner that materials were transmitted to the non-signing inventors (with copies of the transmittal

Application No. 29/268,243

letters in support thereof) with evidence of inclusion therewith of the entire application (description, claims, abstract and drawings) to the non-signing inventors—however, there is no evidence of delivery, and in absence of delivery evidence of the diligence in determining the reasonably believed to be valid and/or last known addresses used therefore—Petitioner was requested to provide clarification in this regard, and the petition was dismissed on 10 December, 2007;

- the instant petition seeks to address the former deficiencies, and Petitioner avers that the former non-signing inventors have joined in the oath/declaration, and submits a copy of their respective signed oath/declaration.

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 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

In view of the joinder of the inventor, further consideration under Rule 1.47(a) is not necessary and the petition is considered to be moot. This application does not have any Rule 1.47 status and no such status should appear on the file wrapper. This application need not be returned to this Office for any further consideration under Rule 1.47(a).

CONCLUSION

For the foregoing reasons, the instant petition is **dismissed as moot for joinder**.

This application is being released to OIPE for further processing as necessary before being returned to substantive examination in due course.

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

See specifically, the regulations at 37 C.F.R. §10.18.

Application No. 29/268,243

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. §1.2²) 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

² The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

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JAN 29 2007

OFFICE OF PETITIONS

In re Application of	:	
Vernellis Huff	:	
Application No. 29/268,279	:	DECISION ON PETITION
Filed: November 2, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 4707-D1	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 2, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declaration statement signed by the applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

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

The application is being forwarded to the Technology Center Art Unit 2915 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : March 19,2008

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/268,446 Patent No.: D551825 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: The drawings 4/16/2007 in 29/268446 are incorrect. The drawings should be original drawings Figures 22 through 42 from 29200844 see Preliminary Amendment 11/6/2006.Thank you

/Paula A. Greene/


STELLA M. REID

SUPERVISORY PATENT EXAMINER

AU 2912



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Date Mailed : 04/28/08

Patent No. : D551825 S
Patent Issued : 09/25/07
Docket No. : S216-2DES2

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.

Respecting the alleged errors in the documents filed on 12/18/07; please see attachment.

“Therefore, no correction(s) is in order here under United States Codes (U.S.C.) 254 and the Code of Federal Regulation (C.F.R.) 1322.”

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

Lamonte M. Newsome
Lamonte M. Newsome

For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(703) 305-8309 or (703)-308-9390 #112

**BRIAN D. SMITH, P.C.
1125 SEVENTEENTH STREET
SUITE 600
DENVER CO 80202**

LMN

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : March 19, 2008

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/268,446 Patent No.: D551825 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: The drawings 4/16/2007 in 29/268446 are incorrect. The drawings should be original drawings Figures 22 through 42 from 29200844 see Preliminary Amendment 11/6/2006. Thank you

/Paula A. Greene/


STELLA M. REID

SUPERVISORY PATENT EXAMINER

AU 2912



INGRASSIA FISHER & LORENZ, P.C.
7150 E. CAMELBACK, STE. 325
SCOTTSDALE AZ 85251

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NOV 22 2006

OFFICE OF PETITIONS

Application No. 29/268,501 (formerly
11/486,458)
Filed: July 13, 2006
Attorney Docket No. 037.0006D1

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:
:
:

ON PETITION

This is a decision on the petition filed August 10, 2006 requesting conversion of Application No. 11/486,458 to a design application under 37 CFR 1.182.

The petition under 1.182 is **GRANTED**.

The above-identified application was filed on July 13, 2006 with a transmittal letter having an incorrect heading of "UTILITY PATENT APPLICATION TRANSMITTAL" and including incorrect filing, search and examination fees. Substantively, the application, as filed, was a design application; that is, the specification was arranged in accordance with 37 CFR 1.154 and had the characteristic single claim to an ornamental design for an article pursuant to 37 CFR 1.153.

In light of the above evidence, Application No. 11/486,458 has been converted to Design Application No. 29/268,501. Please refer to Design Application No. 29/268,501 in all future correspondence with the Office as stated in the Notice of Corrected Application Number mailed on November 9, 2006.

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

Frances Hicks
Petitions Examiner
Office of Petitions



BACHMAN & LAPOINTE, P.C.
900 CHAPEL STREET
SUITE 1201
NEW HAVEN CT 06510

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JAN 17 2008

OFFICE OF PETITIONS

In re Application of : DECISION DISMISSING PETITION
Eduard Staller : UNDER 37 CFR 1.55(c)
Application No. 29/268512 :
Filing or 371(c) Date: 11/07/2006 :
Attorney Docket No.: 06-595 :

This is a decision on the "Petition to Accept Unintentionally Delayed Priority Claim", filed November 8, 2007, to accept an unintentionally delayed claim under 35 U.S.C. § 1119(a)-(d) for the benefit of priority to prior-filed European Community Design Application No. 000594254, filed September 25, 2006.

The petition is **dismissed as inappropriate**.

The provisions of 37 CFR § 1.55(a), Claim for foreign priority, provide a method for "[a]n applicant in a nonprovisional application [to] claim the benefit of the filing date of one or more prior foreign applications." Under 37 CFR § 1.55(c), if the claim for priority in the nonprovisional application under 35 U.S.C. 119(a)-(d) or 365(a) is presented after the time period provided by paragraph (a) of this section, the claim may be accepted if the claim identifying the prior foreign application by specifying its application number, country (or intellectual property authority), and the day, month, and year of its filing was unintentionally delayed. (Emphasis supplied).

Petitioner is advised that there is no provision in the rules to accept an unintentionally delayed priority claim in a Design application. The MPEP 1504.10, Priority Under 35 U.S.C. 119(a)-(d), provides, in relevant part, as follows:

35 U.S.C. 172. Right of priority.

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 provisions of 35 U.S.C. 119(a)-(d) apply to design patent applications. However, in order to obtain the benefit of an earlier foreign filing date, the United States application must be filed within 6 months of the earliest date on which any foreign application for the same design was filed. Design applications may not make a claim for priority of a provisional application under 35 U.S.C. 119(e).

The United States will recognize claims for the right of priority under 35 U.S.C. 119(a)-(d) based on applications filed under such bilateral or multilateral treaties as the "Hague Agreement Concerning the International Deposit of Industrial Designs," "Uniform Benelux Act on Designs and Models" and "European Community Design." In filing a claim for priority of a foreign application previously filed under such a treaty, certain information must be supplied to the United States Patent and Trademark Office. In addition to the application number and the date of filing of the foreign application, the following information is required:

- (A) the name of the treaty under which the application was filed,
- (B) the name of at least one country other than the United States in which the application has the effect of, or is equivalent to, a regular national filing and
- (C) the name and location of the national or inter-governmental authority which received the application. (Emphasis supplied).

A review of the petition reveals that the petition does not include the requisite information. As such, the petition may not be treated as a priority claim. The petition fee has been refunded¹.

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 Derek Woods at (571) 272-3232.


Anthony Knight
Supervisor
Office of Petitions

¹ Applicant is also advised that Office fees, including the Petition fee, changed effective September 30, 2007.



**OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8403**

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MAR 18 2009

In re Patent No. D563391
Issue Date: March 4, 2008
Application No. 29/268,534
Filed: November 8, 2006
Attorney Docket No. D/4608-107

:
: **OFFICE OF PETITIONS**
: **DECISION ON PETITION**
:
:

This is a decision on the petition under 37 CFR 1.182, filed April 24, 2008, requesting issuance of a duplicate Letters Patent for the above-identified patent. This is also a decision on the request for refund filed April 30, 2008.

The petition under 37 CFR 1.182 is **Dismissed** as Moot.

The request for refund is **Granted**.

The petition under 37 CFR 1.182 is dismissed as moot in view of the filing of the request for refund submitted on April 30, 2008.

As to the request for refund, the \$400.00 fee for the petition under 37 CFR 1.182 has been credited to petitioner's credit card account.

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

Karen Creasy
Petitions Examiner
Office of Petitions



MUELLER AND SMITH, LPA
MUELLER-SMITH BUILDING
7700 RIVERS EDGE DRIVE
COLUMBUS OH 43235

In re Application of

Amy L. Essig

Application No. 29/268,576

Filing Date: November 10, 2006

Attorney Docket No. ALE 2-002-3

COPY MAILED

JAN 04 2008

OFFICE OF PETITIONS

This is a decision on the petition under 37 CFR §1.137(b), December 6, 2007, 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 non-final Office action mailed February 23, 2007. The notice allowed a shortened statutory period for reply of three months from its mailing date. No reply was received within the allowable period, and the application became abandoned on May 24, 2007. A Notice of Abandonment was mailed on October 3, 2007.

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.

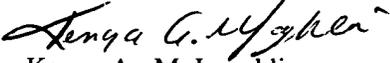
As to item (4), the terminal disclaimer was not found with the petition papers. The subject application is a design application, therefore; a terminal disclaimer is required in order to revive the application. Any renewed petition filed must be accompanied by the completed terminal disclaimer form, which 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"

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)
<p>In re Application of:</p> <p>Name:</p> <p>Application Number:</p> <p>Filed:</p> <p>For:</p>	
<p>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.</p>	
<p>Check either box 1 or 2 below, if appropriate.</p>	
<p>1. <input type="checkbox"/> 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.</p> <p>2. <input type="checkbox"/> The undersigned is an attorney or agent of record. Registration Number _____</p>	
<p>_____</p> <p style="text-align: center;">Signature</p>	<p>_____</p> <p style="text-align: center;">Date</p>
<p>_____</p> <p style="text-align: center;">Typed or Printed Name</p>	<p>_____</p> <p style="text-align: center;">Telephone Number</p>
<p><input type="checkbox"/> Terminal disclaimer fee under 37 CFR 1.20(d) included.</p>	
<p>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.</p>	
<p>* 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.</p>	

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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MUELLER-SMITH BUILDING
7700 RIVERS EDGE DRIVE
COLUMBUS OH 43235

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FEB 15 2008

OFFICE OF PETITIONS

In re Application of

Amy L. Essig

Application No. 29/268,576

Filed: November 10, 2006

Attorney Docket No. ALE 2-002-3

:
:
:
:
:

DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed January 24, 2008, to revive the above-identified application.

The renewed petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed February 23, 2007, which set a shortened statutory period for reply of three (3) months from its mailing date. No extensions of time were obtained within the allowable period. Accordingly, the application became abandoned on May 24, 2007. A Notice of Abandonment was mailed on October 3, 2007.

The amendment filed December 6, 2007, is noted.

The terminal disclaimer filed January 24, 2008, is also noted.

The application is being forwarded to Technology Center 2900, GAU 2915 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

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
29/268,626	11/09/2006	2912	430	001621.118838	4	1	1

CONFIRMATION NO. 8577

CORRECTED FILING RECEIPT



OC000000022356140

24335
 WARNER NORCROSS & JUDD LLP
 900 FIFTH THIRD CENTER
 111 LYON STREET, N.W.
 GRAND RAPIDS, MI 49503-2487

Date Mailed: 02/06/2007

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)

Manon Belley, Laval, CANADA;
 Martin W.F. Dean, St. Albans, UNITED KINGDOM;

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 11/24/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US29/268,626**

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

Non-Publication Request: No

Early Publication Request: No

Title

Footwear upper

Preliminary Class

D02

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).



Paper No.

SEYFARTH SHAW LLP
131 S. DEARBORN ST., SUITE2400
CHICAGO IL 60603-5803

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JAN 09 2008

OFFICE OF PETITIONS

In re Application of :
Giuseppe Borgnovo : DECISION ON PETITION
Application No. 29/268,657 :
Filed: November 9, 2006 :
Atty Docket No. 37387-402400 :

This is a decision on the "PETITION IN RESPONSE TO NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION," filed April 30, 2007, requesting that the above-referenced application, including two pages of specification, including a claim, be accorded a filing date of November 9, 2006.

The petition is GRANTED to the extent indicated.

Application papers in the above-identified application were filed on November 9, 2006. However, on November 17, 2006, the Office of Initial Patent Examination mailed applicant a "Notice of Incomplete Nonprovisional Application," notifying applicant that the application papers had not been accorded a filing date because the application was deposited without a complete specification including at least one claim as prescribed by 35 USC 112.

In response, applicant filed the present petition. In the petition, applicant acknowledges inadvertently omitting a copy of the specification from the prior-filed foreign application to which this application claims priority under 35 U.S.C. 119(a)-(d) or (f). Applicants argued, however, that the filing date of November 9, 2006, should still be accorded pursuant to § 1.57(a)(3).

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

(a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under § 1.55 for priority of a prior-filed foreign application, or a claim under 1.78 for the benefit of a prior-filed provisional, nonprovisional or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under § 1.55 or § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).

(1) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by § 1.114(b), or abandonment of the application, whichever occurs earlier. The applicant is also required to:

(i) Supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. 111;

(ii) Supply an English language translation of any prior-filed application that is in a language other than English; and

(iii) Identify where the inadvertently omitted portion of the specification or drawings can be found in the prior-filed application.

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

It is noted that the application as filed included an executed declaration containing a claim under 35 U.S.C. 119(a)-(d) and (f) to priority of prior-filed European Community Application No. 000529805, filed on May 12, 2006, in the Italian language. The present petition is accompanied by a copy of the Italian priority document as well as an English translation of the application and a statement that the translation is accurate.

However, applicant has not filed an amendment as required by 37 CFR 1.57(a) to add the omitted specification which petitioner asserts is contained in the prior-filed foreign application. As such, the requirements of 37 CFR 1.57(a) have not been met, and the application is not entitled to a filing date under the provisions of 37 CFR 1.57(a).

Nevertheless, it is noted that the application papers deposited on November 9, 2006, included a transmittal letter referring to the application by title and stating that the application contains seven (7) drawings sheets¹ and a declaration in which the inventor states:

"I believe if 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: HANDLE the specification of which is attached hereto."

Neither a formal specification (written description) nor a formal claim was included with the application when it was deposited. However, since 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 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

¹ Although the transmittal letter references seven (7) sheets of drawings, a review of the record reveals that only six (6) sheets of drawings were received. Nevertheless, as at least one drawing was received on the filing date, the application meets the requirement of 35 U.S.C. § 113.

herein since this is a design application for which the form of the claim is set by 37 CFR 1.153.

Under the circumstances, it is appropriate that the transmittal letter and the language quoted above from the declaration be construed as the specification and claim, respectively for purposes of according this application a filing date of November 9, 2006.

Petitioner is reminded that errors as such 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 to the extent that the application is accorded a filing date of November 9, 2006.

The present petition included a formal specification and claim, which 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.²

As the petition was necessitated by applicant's filing error, the petition fee will not be refunded.

The application is being referred to the Office of Initial Patent Examination for further processing with a filing date of November 9, 2006, using the application papers filed on that date.

Telephone inquiries concerning this matter may be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.



Charles Pearson
Director, Office of Petitions

² 35 U.S.C. § 112, first paragraph; 35 U.S.C. § 132.



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Paper No.

SEYFARTH SHAW LLP
131 S. DEARBORN ST., SUITE2400
CHICAGO IL 60603-5803

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OFFICE OF PETITIONS

In re Application of :
Giuseppe Borgnovo : DECISION ON PETITION
Application No. 29/268,683 :
Filed: 9 November, 2006 :
Atty Docket No. 37387-402500 :

This is a decision on the "PETITION IN RESPONSE TO NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION," filed 1 May, 2007, requesting that the above-referenced application, including two pages of specification, including a claim, be accorded a filing date of 9 November, 2006,

The petition is GRANTED to the extent indicated.

Application papers in the above-identified application were filed on 9 November, 2006. However, on 9 February, 2007, the Initial Patent Examination Division mailed applicants a "Notice of Incomplete Nonprovisional Application," notifying applicant that the application papers had not been accorded a filing date because the application was deposited without a complete specification including at least one claim as prescribed by 35 USC 112.

In response, applicant filed the present petition. In the petition, applicant acknowledges inadvertently omitting a copy of the specification from the prior-filed foreign application to which this application claims priority under 35 U.S.C. 119(a)-(d) or (f). Applicants argued, however, that the filing date of 9 November, 2006, should still be accorded pursuant to § 1.57(a)(3).

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

(a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under § 1.55 for priority of a prior-filed foreign application, or a claim under 1.78 for the benefit of a prior-filed provisional, nonprovisional or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under § 1.55 or § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).

(1) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by § 1.114(b), or abandonment of the application, whichever occurs earlier. The applicant is also required to:

(i) Supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. 111;

(ii) Supply an English language translation of any prior-filed application that is in a language other than English; and

(iii) Identify where the inadvertently omitted portion of the specification or drawings can be found in the prior-filed application.

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

It is noted that the application as filed included an executed declaration containing a claim under 35 U.S.C. 119(a)-(d) and (f) to priority of prior-filed European Community Application No. 000529805, filed on 12 May, 2006, in the Italian language. The present petition is accompanied by a copy of the Italian priority document as well as an English translation of the application and a statement that the translation is accurate.

However, applicant has not filed an amendment as required by 37 CFR 1.57(a) to add the omitted specification which petitioner asserts is contained in the prior-filed foreign application. As such, the requirements of 37 CFR 1.57(a) have not been met, and the application is not entitled to a filing date under the provisions of 37 CFR 1.57(a).

Nevertheless, it is noted that the application papers deposited on 9 November, 2006, included a transmittal letter referring to the application by title and stating that the application contains seven (7) drawings sheets¹ and a declaration in which the inventor states:

"I believe if 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: HANDLE the specification of which is attached hereto."

Neither a formal specification (written description) nor a formal claim was included with the application when it was deposited. However, since 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 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,

¹ Although the transmittal letter references seven (7) sheets of drawings, a review of the record reveals that only six (6) sheets of drawings were received. Nevertheless, as at least one drawing was received on the filing date, the application meets the requirement of 35 U.S.C. § 113.

and is, no doubt as to the form of, and what is to be claimed herein since this is a design application for which the form of the claim is set by 37 CFR 1.153.

Under the circumstances, it is appropriate that the transmittal letter and the language quoted above from the declaration be construed as the specification and claim, respectively for purposes of according this application a filing date of 9 November, 2006.

Petitioner is reminded that errors as such 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 to the extent that the application is accorded a filing date of 9 November, 2006.

The present petition included a formal specification and claim, which 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.²

As the petition was necessitated by applicant's filing error, the petition fee will not be refunded.

The application is being referred to the Office of Initial Patent Examination for further processing with a filing date of 9 November, 2006, using the application papers filed on that date.

Telephone inquiries concerning this matter may be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.

A handwritten signature in black ink, appearing to read "Charles Pearson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Charles Pearson
Director, Office of Petitions

² 35 U.S.C. § 112, first paragraph; 35 U.S.C. § 132.

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	Sheldon H. Goodman et al.
	Title	Storage System
	Atty Docket Number	41495

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

12-6-06 Approved
Jacqueline M. Stone
 Jacqueline M. Stone, Director
 Technology Center 1700/2900

113006 U.S. PTO
 29/268716

 110906

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 6, Subclasses 510, 511, 566, 574; Design Class 19, Subclasses 75, 78, 86, 90; Design Class 3, Subclass 306; Class 211, Subclass 88.01; Class 220, Subclasses 485, 491, 495

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.

Joseph J. Corso

 Signature

November 9, 2006

 Date

Joseph J. Corso

 Typed or printed name

25845

 Registration Number, if applicable

216-579-1700

 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.

11/14/2006 TRESHANI 00000062 29268716

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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OFFICE OF PETITIONS

THE BLACK & DECKER CORPORATION
701 EAST JOPPA ROAD, TW199
TOWSON, MD 21286

In re Application of :
Michael Stirm :
Application No. 29/268,730 : **ON PETITION**
Filed: November 9, 2006 :
Attorney Docket No. D-US-PR-1225 :

This is a decision on the petition, filed January 16, 2008, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

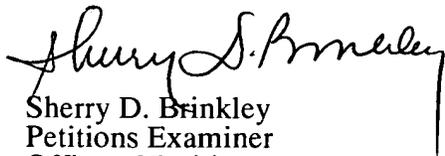
The above-identified application became abandoned for failure to respond in a timely manner to the Notice of Allowability mailed September 10, 2007. A Notice of Abandonment was mailed on January 7, 2008. In response, on January 16, 2008, the present petition was filed.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected drawings; (2) the petition fee of \$1,540; (3) an adequate statement of unintentional delay; and (4) a terminal disclaimer and the \$130 fee required by 37 CFR 1.137(d).

The terminal disclaimer filed January 16, 2008 is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

The application is being referred to the Office of Data Management to be processed into a patent.

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


Sherry D. Brinkley
Petitions Examiner
Office of Petitions



JGJR.: 09-07

Paper No: __

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OCT 01 2007

OFFICE OF PETITIONS

MCDERMOTT, WILL & EMERY LLP
227 WEST MONROE STREET
SUITE 4400
CHICAGO IL 60606-5096

In re Application of	:	
O'Neil, et al.	:	DECISION
Application No.: 29/268,748	:	
Filing Date: 10 November, 2006	:	
Attorney Docket No. 055606-0198	:	

This is a decision on the petition filed on 28 March, 2007, under 37 C.F.R. §1.47(a).

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 under 37 C.F.R. §1.47(a) is **DISMISSED**.

NOTES:

- (1) Any reply must include a renewed petition (and fee) must include a petition under 37 C.F.R. §1.47 and 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 "Petition under 37 C.F.R. §1.47";
- (2) Thereafter, there will be no further reconsideration of this matter.

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.

BACKGROUND

The record reflects that:

- the instant application was filed on 10 November, 2006, without, *inter alia*, a fully executed oath/declaration;
- on 27 November, 2006, the Office mailed a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration (signed and dated) was required;
- on 28 March, 2007, Petitioner Brent A. Hawkins (Reg. No. 44,146) filed, *inter alia*, the instant petition with an oath/declaration signed by inventors O'Neil, Lok, Bing, Chu R., Chu P., Dopplet, Ellefson, Richards Virkus and Kell (for themselves and on behalf of) but absent that of non-signing inventors Anthony Martinez and Letesa Isler, and while Petitioner seems to aver compliance with the rule that that the entire application (description, claims, abstract and drawings) were sent to Martinez and Isler the documents clearly show that this was not done with the first transmissions in or about March 2006 (when only the oath/declaration are mentioned as transmitted) and with the October 2006 transmittal there is indication only of drop-off as to Martinez and there was no delivery as to Isler, moreover, there is no indication as to diligence to ascertain the reasonableness of the use and statement of the last known addresses for Martinez and Isler for such transmittal.

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.²

² 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

ANALYSIS

The regulations at 37 C.F.R. §1.47 provide in pertinent part:

§ 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.

* * *

The regulations at 37 C.F.R. §1.63 provide in pertinent part:

§1.63 Oath or declaration.

(b) In addition to meeting the requirements of paragraph (a) of this section, the oath or declaration must also:

(1) Identify the application to which it is directed;

(2) State that the person making the oath or declaration has reviewed and understands the contents of the application, including

-
- (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]

the claims, as amended by any amendment specifically referred to in the oath or declaration; and

(3) State that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in § 1.56.

When one alleges a refusal of the inventor to sign the application papers, 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, *inter alia*, presented the inventor with the application papers and/or to whom the refusal was made.

The commentary at MPEP §409.03(d) provides:

409.03(d) Proof of Unavailability or Refusal

INVENTOR CANNOT BE REACHED

Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 C.F.R. §1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.

The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 C.F.R. §1.47.

Furthermore, the fact that an inventor is hospitalized and/or is not conscious is not an acceptable reason for filing under 37 C.F.R. §1.47. 37 C.F.R. §1.43 may be available under these circumstances. See MPEP §409.02. Such a petition under 37 C.F.R. §1.47 will be dismissed as inappropriate.

The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions.

REFUSAL TO JOIN

A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the 37 C.F.R. §1.47 applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See MPEP §106. It is reasonable to require that the inventor be presented with the application papers before a petition under 37 C.F.R. §1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956).

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

Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient.

When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the 37 C.F.R. §1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or

in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

Thus, not only must a copy of the entire application must be sent to the last known address of the non-signing inventor (or the estate representative) with a request that he/she sign the declaration for the patent application—and evidence of that transmittal submitted—but also a reasonable effort must be made to ascertain a current or last known address, and the petition (with fee) must state over the signature and registration number of the Petitioner the last known address and, if appropriate, evidence of the due diligence effort ascertaining same.

Alternatively, an oath or declaration for the patent application in compliance with 37 C.F.R. §§1.63 and 1.64 must be presented.

(The declaration must set forth the inventor's residence, citizenship and post office address. An oath or declaration in compliance with 37 C.F.R. §§1.63 and 1.64 signed by the Rule 1.47 applicant is required.³)

Petitioner's attention is directed to the discussion in the BACKGROUND and ANALYSIS, above, and should ensure that the deficiencies addressed there are corrected with any future petition herein and that a copy of the transmittal letter forwarding the entire application (description, claims, abstract and drawings) to, and evidencing reasonable diligence in ascertaining a reasonably believed last known/current address for the non-signing inventor, all as required by law.

CONCLUSION

Therefore, the instant petition hereby is **dismissed**.

Further correspondence with respect to this matter should be addressed as follows:⁴

³ See: MPEP 409.03(b).

⁴ On July 15, 2005, the Central Facsimile (FAX) Number changed from (703) 872-9306 to (571) 273-8300. Old number(s) no longer are in service and (571) 273-8300 is the only facsimile number recognized for centralized delivery. (For further information. see: <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/cfax062005.pdf>.)

By mail: Commissioner for Patents⁵
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: IFW Formal Filings
(571) 273-8300
ATTN.: Office of Petitions

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

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. §1.2¹⁰) 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

⁵ To determine the appropriate addresses for other subject-specific correspondence, refer to the USPTO Web site at www.uspto.gov.

¹⁰ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



JGJR.: 12-07

Paper No: ___

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DEC 17 2007

OFFICE OF PETITIONS

MCDERMOTT, WILL & EMERY LLP
227 WEST MONROE STREET
SUITE 4400
CHICAGO IL 60606-5096

In re Application of	:	
O'Neil, et al.	:	DECISION
Application No.: 29/268,748	:	
Filing Date: 10 November, 2006	:	
Attorney Docket No. 055606-0198	:	

This is a decision on the petition filed on 3 December, 2007, under 37 C.F.R. §1.47(a).

For the reasons set forth below, the petition under 37 C.F.R. §1.47(a) is **GRANTED**.

BACKGROUND

The record reflects that:

- the instant application was filed on 10 November, 2006, without, *inter alia*, a fully executed oath/declaration;
- on 27 November, 2006, the Office mailed a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration (signed and dated) was required;
- on 28 March, 2007, Petitioner Brent A. Hawkins (Reg. No. 44,146) filed, *inter alia*, the original petition with an oath/declaration signed by inventors O'Neil, Lok, Bing, Chu R., Chu P., Dopplet, Ellefson, Richards Virkus and Kell (for themselves and on behalf of) but absent that of non-signing inventors Anthony Martinez and Letesa Isler, and while Petitioner seems to aver compliance with the rule that the entire application (description, claims, abstract and drawings) were sent to Martinez and Isler the documents clearly

show that this was not done with the first transmissions in or about March 2006 (when only the oath/declaration are mentioned as transmitted) and with the October 2006 transmittal there is indication only of drop-off as to Martinez and there was no delivery as to Isler, moreover, there is no indication as to diligence to ascertain the reasonableness of the use and statement of the last known addresses for Martinez and Isler for such transmittal—and the petition was dismissed on 1 October, 2007;

- the instant petition filed by Petitioner Monique A. Morneault (Reg. No. 37,893) seeks to overcome these deficiencies with, inter alia, a signed oath/declaration from co-inventor Isler and a showing as to a diligent effort to ascertain a reasonably believed valid/current/last known address for remaining non-signing inventor Martinez, and sets forth that information, and that the entire application (description, claims, abstract and drawings) were sent to Martinez that the entire application (description, claims, abstract and drawings) were sent to Martinez at such address.

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

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.

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).

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. §1.2²) 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

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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DEC 17 2007

OFFICE OF PETITIONS

ANTHONY MARTINEZ
3541 47TH AVENUE SW
SEATTLE, WA 98116

In re Application of :
O'Neil, et al. : **COMMUNICATION**
Application No.: 29/268,748 :
Filing Date: 10 November, 2006 :
Attorney Docket No. 055606-0198 :

Dear Anthony Martinez:

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.

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

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]

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. §1.2²) 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:
MCDERMOTT, WILL & EMERY LLP
227 WEST MONROE STREET
SUITE 4400
CHICAGO IL 60606-5096

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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20100310

DATE : March 10, 2010

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction on Patent No.: D555636

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:

/STELLA M REID/
Supervisory Patent Examiner. Art Unit 2912



ALBERT BORDAS, P.A.
5975 SUNSET DRIVE
SUITE 607
MIAMI FL 33143

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MAR 12 2008

OFFICE OF PETITIONS

In re Application of

FRAGA, Juan C. et al.

Application No. 29/268,794

Filed: November 13, 2006

Attorney Docket No. **070008.15**

:
:
:
:
:
:
:

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 06, 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 Albert Bordas, the sole attorney of record. Albert Bordas has been withdrawn as attorney or agent of record. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Juan Fraga at the address indicated below.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Tredelle D. Jackson
Petitions Examiner
Office of Petitions

cc: **JUAN C. FRAGA**
2840 N. 2ND STREET
N. FORT MYERS, FL 33917



K. S. Cornaby
Suite 1500
170 South Main Street
Salt Lake City UT 84101

COPY MAILED
SEP 26 2008

In re Application of :
Jeffrey S. **Wade** et al. :
Application No. 29/268,799 : **ON PETITION**
Filed: November 13, 2006 :
Attorney Docket No. 16687.0002 :

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 **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 pay the issue and publication fees on or before July 7, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed April 4, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on July 8, 2008. A Notice of Abandonment was mailed on July 22, 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 lacks items 2 and 4.

Receipt of a fee in the amount of \$255.00 is noted. However, under 37 CFR 1.17(m), the required fee is \$770.00.

Receipt of the issue fee is acknowledged.

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

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

By 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 Phyllis Spivack at 571-272-6052 or in her absence, the undersigned at (571) 272-7099.



David Bucco
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

K. S. Cornaby
Suite 1500
170 South Main Street
Salt Lake City UT 84101

COPY MAILED

JAN 15 2009

OFFICE OF PETITIONS

In re Application of :
Jeffrey S. WADE et al. :
Application No. 29/268,799 : **DECISION ON PETITION**
Filed: November 13, 2006 :
Attorney Docket No. 16687.0002 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed October 08, 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 pay the issue and publication fees on or before July 07, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed April 04, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on July 08, 2008. A Notice of Abandonment was mailed July 22, 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 renewed petition lacks item (4).

Receipt of a petition fee in the amount of \$810 is acknowledged.

Turning to 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 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. If the terminal disclaimer is signed by an assignee, the assignee must comply with the requirements of 37 CFR 3.73(b).

Although a terminal disclaimer was indicated as an enclosure filed with the petition, no such terminal disclaimer is of record. A blank terminal disclaimer form is enclosed with this decision for petitioner's convenience.

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

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

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

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

Any questions concerning this matter may be directed to the Felix O. Figueroa at (571) 272-6051 or in his absence, the undersigned at (571) 272-7099.



for David Bucci
Petitions Examiner
Office of Petitions

Enclosure: Terminal disclaimer form (PTO/SB/63).

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)
<p>In re Application of:</p> <p>Name:</p> <p>Application Number:</p> <p>Filed:</p> <p>For:</p> <p>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.</p> <p>Check either box 1 or 2 below, if appropriate.</p> <p>1. <input type="checkbox"/> 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.</p> <p>2. <input type="checkbox"/> The undersigned is an attorney or agent of record. Registration Number _____</p> <p>_____</p> <p style="text-align: center;">Signature Date</p> <p>_____</p> <p style="text-align: center;">Typed or Printed Name Telephone Number</p> <p><input type="checkbox"/> Terminal disclaimer fee under 37 CFR 1.20(d) included.</p> <p>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.</p> <p>* 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.</p>	

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

K. S. Cornaby
Suite 1500
170 South Main Street
Salt Lake City UT 84101

MAILED
JUN 10 2009
OFFICE OF PETITIONS
DECISION ON PETITION

In re Application of :
Jeffrey S. WADE et al. :
Application No. 29/268,799 :
Filed: November 13, 2006 :
Attorney Docket No. 16687.0002 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed January 23, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to pay the issue and publication fees on or before July 07, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed April 04, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on July 08, 2008. A Notice of Abandonment was mailed July 22, 2008.

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 and publication fees; (2) the petition fee of \$810; and (3) the required statement of unintentional delay; and (4) the required terminal disclaimer and fee have been received. Accordingly, the issue and publication fees are accepted as having been unintentionally delayed.

The terminal disclaimer filed January 23, 2009 has been accepted.

Telephone inquiries concerning this decision should be directed to Ronald Abelson at (571) 272-3165 or in his absence, the undersigned at (571) 272-7099.

The application file is being referred to the Office of Data Management.


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

OLIVER LAW FIRM, PS INC.
7907 ALMA BLVD.
WAXHAW NC 28173

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OCT 28 2008

In re Application of :
Alexander Elnekaveh :
Application No. 29/268,842 : DECISION ON PETITION
Filed: November 13, 2006 :
Attorney Docket No. 370.05-5.5 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 5, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The 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 mailed March 17, 2008, 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
Petitions Examiner
Office of Petitions



ARLENE L. HORNILLA
P. O. BOX 1113
MINNEAPOLIS, MN 55440

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DEC 18 2007

OFFICE OF PETITIONS

In re Application of	:	
Ali El-Afandi	:	
Application No. 29/268,865	:	DECISION ON PETITION
Filed: November 13, 2006	:	
Attorney Docket No.	:	
GMIR6616US-DIV	:	

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

This application became abandoned for failure to timely submit corrected drawings (as replacement sheets) on or before May 9, 2007, as required by the Notice of Allowability mailed February 9, 2007. A Notice of Abandonment was mailed on June 22, 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 \$130 is required. If the terminal disclaimer is signed by an assignee, the assignee must comply with the requirements of 37 CFR 3.73(b).

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

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

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

The centralized facsimile number is (571) 273-8300.

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218 or to the Office of Petitions Help Desk at (571) 272-3282 after January 3, 2008.



Frances Hicks
Petitions Examiner
Office of Petitions



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MAY 20 2008

OFFICE OF PETITIONS

Arlene L. Hornilla
P.O. Box 1113
Minneapolis MN 55440

In re Application of :
Ali El-Afandi :
Application No. 29/268,865 : **ON PETITION**
Filed: November 13, 2006 :
Attorney Docket No. GMIR6616US-DIV5 :

This is a decision on the Renewed petition under 37 CFR 1.137(b), filed February 15, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file corrected drawings in a timely manner in reply to the Notice of Allowance/Allowability mailed February 9, 2007, which set a statutory period for reply of three (3) months. Accordingly, by operation of law, the above-identified application became abandoned on May 10, 2007.

The petition decision mailed December 18, 2007 dismissed the petition filed August 27, 2007, noting that the requirements of 37 CFR 1.137(b)(4) a terminal disclaimer was lacking.

The instant renewed petition includes a terminal disclaimer.

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 of \$1500; (3) the required statement of unintentional delay; and (4) the terminal disclaimer and fee have been received. Accordingly, the corrected drawings are accepted as having been unintentionally delayed.

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 Carl Friedman at (571) 272-6842.

The application file is being referred to the Office of Data Management.

A handwritten signature in black ink, appearing to read 'Carl Friedman', with a long horizontal flourish extending to the right.

Carl Friedman
Petitions Examiner
Office of Petitions

Cc: Patterson, Thunte, Skaar & Christense, P.A.
4800 IDS Center
80 South 8th Street
Minneapolis, Minnesota 55402-2100



DAVIS & BUJOLD, PLLC
112 PLEASANT STREET
CONCORD, NH 03301

MAILED

FEB 12 2009

In re Application of	:	OFFICE OF PETITIONS
Richard A. Alimenti, et al.	:	
Application No. 29/268,926	:	DECISION ON PETITION
Filed: November 15, 2006	:	TO WITHDRAW
Attorney Docket No. ORGOFO D02AUS	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 18, 2008.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request to withdraw less than all attorneys appointed by customer number 20210 cannot be approved. The addition and/or deletion of a practitioner from the list of practitioners associated with a Customer Number should be made by submitting a "Request for Customer Number Data Change" (PTO/SB/124) which will result in the addition or deletion of such practitioner from the list of persons authorized to represent any applicant or assignee of the entire interest who appointed all of the practitioners associated with such Customer Number. See MPEP 403 Section I. Customer Number Practice.

Further the request cannot be approved because the practitioner(s) have not certified that he has (1) given reasonable notice to the client, prior to the expiration of the reply period that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within the client must respond.

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 undersigned at 571-272-1642.

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

Attachment: PTO/SB/83

cc: SCOTT A. DANIELS
DANIELS PATENT LAW PLLC
43 CENTRE STREET
CONCORD, NH 03301



ALBERT BORDAS, P.A.
5975 SUNSET DRIVE
SUITE 607
MIAMI FL 33143

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MAR 1 2 2008

OFFICE OF PETITIONS

In re Application of :

FRAGA, Juan C. :

Application No. 29/268,966 :

Filed: November 17, 2006 :

Attorney Docket No. 070008.16 :

**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. § 1.136(b), filed December 06, 2007.

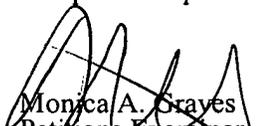
The request is **APPROVED**.

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 Albert Bordas, the sole attorney of record. Albert Bordas has been withdrawn as attorney or agent of record. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the inventor Juan Fraga at the address indicated below.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.


Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **JUAN C. FRAGA**
2840 N. 2ND STREET
N. FORT MYERS, FL 33917



UNITED STATES PATENT AND TRADEMARK OFFICE

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

MICHELIN NORTH AMERICA, INC.
INTELLECTUAL PROPERTY DEPARTMENT
MARC BLDG 31-2
515 MICHELIN ROAD
GREENVILLE SC 29605

COPY MAILED

JUL 28 2009

OFFICE OF PETITIONS

In re Application of :
Michael Don Taylor et al. :
Application No. 29/268,967 : DECISION ON PETITION
Filed: November 16, 2006 :
Attorney Docket No. D50-0230 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 21, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

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

This application became abandoned for failure to timely pay the issue and publication fees on or before March 4, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed December 4, 2008. Accordingly, the date of abandonment of this application is March 5, 2009.

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 JoAnne Burke at (571)272-4584.



Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



MICHELIN NORTH AMERICA, INC.
INTELLECTUAL PROPERTY DEPARTMENT
MARC BLDG 31-2
515 MICHELIN ROAD
GREENVILLE SC 29605

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NOV 09 2009

OFFICE OF PETITIONS

In re Application of :
Michael Don Taylor et al. :
Application No. 29/268,967 : **DECISION ON PETITION**
Filed: November 16, 2006 :
Attorney Docket No. D50-0230 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed August 14, 2009, to revive the above-identified application.

The petition is **GRANTED**.

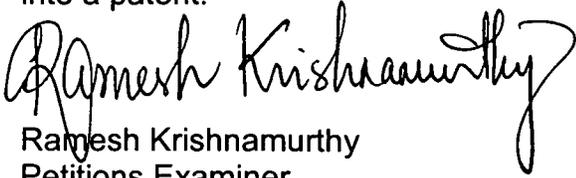
This application became abandoned for failure to timely pay the issue and publication fees on or before March 4, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed December 4, 2008. Accordingly, the date of abandonment of this application is March 5, 2009.

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 \$860, (2) the petition fee of \$1,620; and (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 submitted on August 14, 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.

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

This application is being referred to the Office of Data Management to be processed into a patent.

A handwritten signature in black ink, reading "Ramesh Krishnamurthy". The signature is written in a cursive style with a large, sweeping initial 'R'.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



Richard J. Barone
65 Willhurst Drive
Rochester, NY 14606

COPY MAILED
MAY 29 2008
OFFICE OF PETITIONS

In re Application of Barone :
Application No. 29/269,001 : Decision on Petition
Filing Date: November 18, 2006 :
Attorney Docket No. MSRB 1a :

This is a decision on the petition under 37 CFR 1.137(b), filed January 26, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

Facts:

The Office mailed a Notice of Allowability on September 20, 2007. The Notice required the submission of a new declaration. The Notice set a period for reply of three months. A reply was not timely filed in response to the Notice of Allowability. As a result, the application became abandoned on December 21, 2007. A Notice of Abandonment was mailed January 8, 2008.

Discussion:

The Office will not consider the merits of a petition prior to receipt of the petition fee. The required fee for a petition under 37 CFR 1.137(b) is \$770. Petitioner only submitted \$65. Therefore, the Office will not consider the merits of the petition at this time.

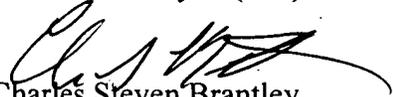
If petitioner wishes for the Office to review the petition to revive, petitioner must submit an additional \$705 within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The \$705 should be accompanied by a cover letter entitled "Renewed Petition under 37 CFR 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
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



Richard J. Barone
65 Willhurst Drive
Rochester, NY 14606

COPY MAILED

JUN 26 2008

OFFICE OF PETITIONS

In re Application of Barone :
Application No. 29/269,001 :
Filing Date: November 18, 2006 :
Attorney Docket No. MSRB 1a :

Decision on Petition

This is a decision on the renewed petition under 37 CFR 1.137(b), filed June 7, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

The Office mailed a Notice of Allowability on September 20, 2007. The Notice required the submission of a new declaration. The Notice set a period for reply of three months. A reply was not timely filed in response to the Notice of Allowability. As a result, the application became abandoned on December 21, 2007. A Notice of Abandonment was mailed January 8, 2008.

Petitioner requests revival of the application.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) the reply required to the outstanding Office action or notice, unless previously filed,
- (2) the petition fee,
- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
- (4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

As to item (1) above, the declaration submitted incorrectly lists the inventor's country of residence as Monroe. A new declaration should be filed.

As to item (4), a terminal disclaimer has not been filed. A terminal disclaimer and the \$65 fee should be filed.

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

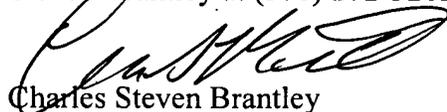
under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)."

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

Attached: Declaration form
 Terminal Disclaimer form
 Privacy Act Notice

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

**DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 CFR 1.63)**

Declaration
Submitted
With Initial
Filing

OR

Declaration
Submitted after Initial
Filing (surcharge
(37 CFR 1.16 (f))
required)

Attorney Docket Number	MSRB 1a
First Named Inventor	Richard Barone
COMPLETE IF KNOWN	
Application Number	29/269,001
Filing Date	November 18, 2006
Art Unit	2911
Examiner Name	Cynthia Ramirez

I hereby declare that: (1) Each inventor's residence, mailing address, and citizenship are as stated below next to their name; and (2) I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Bin Pulling Hook

(Title of the Invention)

the application of which

is attached hereto
OR

was filed on (MM/DD/YYYY) 11/18/2006 as United States Application Number or PCT International

Application Number 29/269,001 and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

Authorization To Permit Access To Application by Participating Offices

If checked, the undersigned hereby grants the USPTO authority to provide the European Patent Office (EPO), the Japan Patent Office (JPO), and any other intellectual property offices in which a foreign application claiming priority to the above-identified application is filed access to the above-identified patent application. See 37 CFR 1.14(c) and (h). This box should not be checked if the applicant does not wish the EPO, JPO, or other intellectual property office in which a foreign application claiming priority to the above-identified application is filed to have access to the application.

In accordance with 37 CFR 1.14(h)(3), access will be provided to a copy of the application-as-filed with respect to: 1) the above-identified application, 2) any foreign application to which the above-identified application claims priority under 35 USC 119(a)-(d) if a copy of the foreign application that satisfies the certified copy requirement of 37 CFR 1.55 has been filed in the above-identified US application, and 3) any U.S. application from which benefit is sought in the above-identified application.

In accordance with 37 CFR 1.14(c), access may be provided to information concerning the date of filing the Authorization to Permit Access to Application by Participating Offices.

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

DECLARATION — Utility or Design Patent Application

Claim of Foreign Priority Benefits

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

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

DECLARATION — Utility or Design Patent Application

Direct all correspondence to:	<input type="checkbox"/> The address associated with Customer Number:	<input type="checkbox"/>	OR	<input checked="" type="checkbox"/> Correspondence address below
Name Richard J. Barone				
Address 65 Willhurst Drive				
City Rochester	State NY	ZIP 14606		
Country United States	Telephone 585-426-6984	Email		
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. Petitioner/applicant is advised that documents which form the record of a patent application (such as the PTO/SB/01) are placed into the Privacy Act system of records DEPARTMENT OF COMMERCE, COMMERCE-PAT-7, System name: <i>Patent Application Files</i> . Documents not retained in an application file (such as the PTO-2038) are placed into the Privacy Act system of COMMERCE/PAT-TM-10, System name: <i>Deposit Accounts and Electronic Funds Transfer Profiles</i> .				
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 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.				
NAME OF SOLE OR FIRST INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle (if any)) Richard J.		Family Name or Surname Barone		
Inventor's Signature			Date	
Residence: City Rochester	State NY	Country USA	Citizenship US	
Mailing Address 65 Willhurst Drive				
City Rochester	State NY	Zip 14606	Country USA	
<input type="checkbox"/> Additional inventors or a legal representative are being named on the supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.				

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: Richard J. Barone

Application Number: 29/269,001

Filed: November 18, 2006

For: Bin Pulling Hook

The owner*, Richard J. Barone of 100 percent interest in the above-identified application hereby disclaims a terminal part of the term of any patent granted the above-identified application equivalent to: (1) if the above-identified application is a design application, the period of abandonment of the above-identified application, and (2) if the above-identified application is a utility or plant application, the lesser of: (a) the period of abandonment of the application; or (b) the period extending beyond twenty years from the date on which the above-identified application was filed in the United States or, if the application contains a specific reference to an earlier filed application(s) under 35 U.S.C. 120, 121, or 365(c), from the date on which the earliest such application was filed. This disclaimer also applies to any patent granted on a utility or plant application filed before June 8, 1995, or a design application, that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the above-identified application. This disclaimer is binding upon the grantee, and its successors or assigns.

Check either box 1 or 2 below, if appropriate.

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

Signature_____
Date_____
Richard J. Barone
Typed or Printed Name_____
585-426-6984
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.



Richard J. Barone
65 Willhurst Drive
Rochester, NY 14606

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OCT 07 2008

OFFICE OF PETITIONS

In re Application of Barone	:	
Application No. 29/269,001	:	Decision on Petition
Filing Date: November 18, 2006	:	
Attorney Docket No. MSRB 1a	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed July 3, 2008, to revive the above-identified application.

The petition is **granted**.

The Office mailed a Notice of Allowability on September 20, 2007. The Notice required the submission of a new declaration. The Notice set a period for reply of three months. A reply was not timely filed in response to the Notice of Allowability. As a result, the application became abandoned on December 21, 2007. A Notice of Abandonment was mailed January 8, 2008.

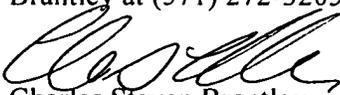
Petitioner requests revival of the application. A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) the reply required to the outstanding Office action/notice, unless previously filed,
- (2) the petition fee,
- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
- (4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

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

The Patent Publication Branch of the Office of Data Management 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

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.
29/269,080	11/21/2006	Juan Carlos Fraga		7908

7590 05/02/2008
JUAN CARLOS FRAGA
2840 N SECOND ST
NORTH FORT MYERS, FL 33917

EXAMINER

RADEMAKER, CHARLES GARTH

ART UNIT	PAPER NUMBER
2913	

MAIL DATE	DELIVERY MODE
05/02/2008	PAPER

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

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

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	29/269080
Filing Date	11/21/2006
First Named Inventor	Juan C. Fraga
Art Unit	2913
Examiner Name	
Attorney Docket Number	070008.17

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

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

- 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: Applicant requested to manage his patent matters with the USPTO directly in order to save legal fees.

Approved 5-2-08
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

CORRESPONDENCE ADDRESS

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

The address associated with Customer Number:

OR

<input checked="" type="checkbox"/>	Firm or Individual Name	Juan C. Fraga			
Address		2840 N. 2nd Street			
City	N. Fort Myers	State	FL	Zip	33917
Country	United States of America				
Telephone	239-878-0672	Email	jchammer_mail@yahoo.com		
Signature	/Albert Bordas/				
Name	Albert Bordas, Esq.	Registration No.	45,595		
Date	12/6/2007	Telephone No.	305-669-9848		

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.



**R. MICHAEL WEST LAW OFFICES OF
R. MICHAEL WEST, A PROFESSIONAL CORPORATION
455 CAPITOL MALL; SUITE 405
SACRAMENTO CA 95814-4603**

COPY MAILED

MAR 12 2008

OFFICE OF PETITIONS

In re Application of :

BOEDECKER, Kevin B. :
Application No. 29/269,119 :
Filed: November 20, 2006 :
Attorney Docket No. **10821** :

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 17, 2007.

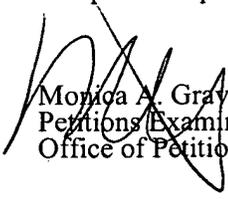
The request is **APPROVED**.

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 Robert West, the sole attorney of record. Robert West has been withdrawn as attorney or agent of record. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the inventor Kevin Boedecker at the address indicated below.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.


Monica A. Grayes
Petitions Examiner
Office of Petitions

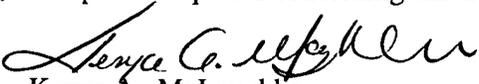
cc: **KEVIN B. BOEDECKER
8340 JEANETTE WAY
GRANITE BAY, CA 95746**

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

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

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

Telephone inquiries concerning this decision should be directed to the undersigned (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

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

In re Application of

Ronald H. Berman

Application No. 29/269,167

Filing Date: November 22, 2006

Attorney Docket No. BERMR.7507

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NOV 07 2008

OFFICE OF PETITIONS

This is a decision on the petition under 37 CFR §1.137(b), October 10, 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 Notice of Allowability mailed April 2, 2008. 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 3, 2008. A Notice of Abandonment was mailed on July 29, 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.


Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: "Terminal Disclaimer to Accompany Petition"

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

TERMINAL DISCLAIMER TO ACCOMPANY PETITION

Docket Number (Optional)

In re Application of:

Name:

Application Number:

Filed:

For:

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

Check either box 1 or 2 below, if appropriate.

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

Signature_____
Date_____
Typed or Printed Name_____
Telephone Number

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

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

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

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

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

Privacy Act Statement

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

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

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



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

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

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JAN 14 2009

OFFICE OF PETITIONS

In re Application of: :
Ronald H. Berman :
Application No. 29/269,167 :
Filed: November 22, 2006 :
Attorney Docket No. BERMR.7507 :

DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR §1.137(b), January 6, 2009, to revive the above-identified application.

The renewed petition is **granted**.

This application became abandoned for failure to respond to the Notice of Allowability mailed April 2, 2008. The Notice set forth a three (3) month statutory period for reply. Accordingly, this application became abandoned on October 18, 2006. A Notice of Abandonment was mailed on July 29, 2008. A Petition under 37 CFR 1.137(b) was first filed on October 10, 2008, and dismissed by a decision mailed November 7, 2008.

The terminal disclaimer filed January 6, 2009, is noted.

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. If 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 application is being forwarded to the Office of Data Management for processing into a patent.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



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JUL 21 2008

OFFICE OF PETITIONS

BACHMAN & LAPOINTE, P.C.
900 CHAPEL STREET
SUITE 1201
NEW HAVEN CT 06510

In re Application of : DECISION DISMISSING PETITION
Eduard Staller : UNDER 37 C.F.R. 1.55(c)
Application No. 29/269,206 :
Filing or 371(c) Date: 21 November 2006 :
Attorney Docket No.: 06-619 :

This is a decision on the "Petition to Accept Unintentionally Delayed Priority Claim", filed under 37 CFR 1.55(c) on 16 November 2007, to accept an unintentionally delayed claim under 35 U.S.C. §119(a)-(d).

The petition is **DISMISSED**.

Petitioner seeks the benefit of priority to prior-filed European Community Design Application No. 000597836, filed September 25, 2006. This application was filed after November 29, 2000, and did not include a reference to the foreign application, for which benefit is now sought.

Any petition for a delayed claim for priority must be based upon 37 CFR 1.78 and as set forth in 37 CFR 1.78(a)(2)(ii)

The time periods in this paragraph do not apply if the later-filed application is:

- (A) An application for a design patent;

Accordingly, a petition under 37 CFR 1.78 is not necessary for the filing of a priority claim in a design application regardless of the date upon which the priority claim is filed. See also MPEP 201.14.

For original applications filed under 35 U.S.C. 111(a) (**other than a design application**) on or after November 29, 2000, the requirements of the statute are

Application No. 29/269,206

that the applicant must (a) file a claim for the right of priority and (b) identify the original foreign application by specifying the application number of the foreign application, the intellectual property authority or country in which the application was filed and the date of filing of the application. (Emphasis Added)

It is not necessary for applicant to file a petition to claim priority in a design application. It is suggested that applicant file an amendment to claim priority, which will be considered by the examiner in due course.

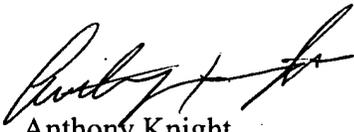
Further correspondence with respect to this matter should be addressed as follows:

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 John J. Gillon, Jr., at (571) 272-3214.



Anthony Knight
Supervisor
Office of Petitions



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Mister Kjell Hagstrom
Pilefeltsgatan 73
Halmstad 30250
SWEDEN

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DEC 19 2007

OFFICE OF PETITIONS

In re Application of :
Hagstrom :
Application No. 29/269,219 : DECISION ON PETITION
Filed: November 24, 2006 :
Attorney Docket No. N/A :

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

The petition is **DISMISSED**.

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

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed December 11, 2006. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 12, 2007.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (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 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(d). The instant petition lacks items (3) and (4).

With respect to (3) above: The showing of record is not sufficient to establish to the satisfaction of the Director that the delay was unavoidable.

Decisions on reviving abandoned applications on the basis of “unavoidable” delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

The word ‘unavoidable’ . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.

In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm’r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 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).

Applicant admittedly received the December 11, 2006 Notice to File Missing Parts of Nonprovisional Application. The Notice was clear that a applicant was given an extendable two (2) month period from the mail date of the Notice to file all required items and pay any fees required to avoid abandonment. The Notice stated that a properly executed oath or declaration, the basic filing fee, a late fee/declaration surcharge, the search fee, and the examination fee were required to be submitted prior to the expiration of the period set in the Notice in order to avoid abandonment. Petitioner faxed the Office a letter requesting clarification of the Notice on December 20, 2006. The Office received this letter and it is present in the application file.

Unfortunately, applicant did not properly respond to the Notice within the period set for response. Instead, applicant waited to receive a response from the Office to his December 20, 2006 facsimile transmission.

A proper reply was not received until September 5, 2007.

Petitioner is informed that an applicant may delay action until the end of the time period for reply. In doing so, however, the applicant must assume the risk attendant to such delay. See Ex parte Warren, 1901 Dec. Comm’r Pat. 137 (Comm’r Pat. 1901). The rules of practice are clear that prosecution of an application to save it from abandonment must include such complete and proper action as the condition of the case may require. Petitioner’s failure to appreciate that the filing of a request for clarification of the Notice did not relieve petitioner of the burden of timely filing a proper response to avoid abandonment of the above-identified application is unfortunate, **but it is not unavoidable delay.**

The abandonment of an application is not “unavoidable” within the meaning of 35 U.S.C. 133 and 37 CFR 1.137(a) in the situation in which the applicant simply permits the maximum extendable statutory period for reply to expire while awaiting another action from the Office. The time period for response to the Notice continued to run even though a request for clarification of the Notice was received in the Office within the time period for response to the Notice.

A delay resulting from the lack of knowledge or improper application of the patent statute, rules of practice or the MPEP does not constitute an “unavoidable” delay. See Haines v. Quigg, 673 F. Supp. 314, 317, 5 USPQ2d 1130, 1132 (N.D. Ind. 1987), Vincent v. Mossinghoff, 230 USPQ 621, 624 (D.D.C. 1985); Smith v. Diamond, 209 USPQ 1091 (D.D.C. 1981); Potter v. Dann, 201 USPQ 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm’r Pat. 130, 131 (1891).

With respect to (4) above, 37 CFR 1.137(d) requires that a petition under 37 CFR 1.137(a) or 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. For petitioner’s convenience a blank Terminal Disclaimer to Accompany Petition is enclosed. If petitioner files any revival petition, this form must be part of the petition. A terminal disclaimer must be accompanied by a \$65.00 fee.

If petitioner cannot provide the evidence necessary to establish unavoidable delay, or simply does not wish to, petitioner may wish to consider filing a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an “unintentionally” abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was “unavoidable.” This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An “unintentional” petition under 37 CFR 1.137(b) must be accompanied by the \$770.00 petition fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b). for petitioner’s convenience a blank Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b).

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

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

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

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

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

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



Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

CC: KJELL HAGSTROM
 LYCKAKERSGATAN 32
 S-30237 HALMSTAD 30250
 SWEDEN

Enclosures: blank Petition for Revival of an Application for Patent Abandoned
 Unintentionally under 37 CFR 1.137(b)

 blank Terminal Disclaimer to Accompany Petition

 Privacy Act Statement

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

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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Privacy Act Statement

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Mister Kjell Hagstrom
Pilefeltsgatan 73
Halmstad 30250
SWEDEN

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JUN 23 2008

OFFICE OF PETITIONS

In re Application of :
Hagstrom :
Application No. 29/269,219 : DECISION ON PETITION
Filed: November 24, 2006 :
Attorney Docket No. N/A :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 11, 2008, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed December 11, 2006. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 12, 2007.

Applicant has submitted a proper reply in the form of various fees and an executed declaration, a proper statement of the unintentional nature of the delay in responding to the December 11, 2006 Notice, a terminal disclaimer and required fee, and the petition fee.

The petition is **granted**.

This application is being returned to the Office of Patent Application Processing for further pre-examination processing.

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

Shirene Willis Brantley
Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, DC 20231

10/28/09

Patent No. :D574178
Inventor(s) :Kang Doo Kim
Issued : 8/5/2008
Title : MICROWAVE OVEN
Atty.doc./File No.

Request for Certificates of Correction

Consideration has been given to your request for the issuance of a Certificate of Correction, for the above – identified patent under the provisions of CFR 1.322.

Inspection of the application for the patent reveals the Terminal Disclaimer filed dated is printed in accordance with the record please show evidence of supporting data. Therefore being no fault on the Patent and Trademark Office, It has no authority to issue a certificate of correction under the provision of 1.322.

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

Future written correspondence concerning this matter should be filed and directed to Decisions & Certificates of Correction Branch.

Henry Randall
Decisions & Certificates
of Correction Branch
(703) 756-1571

RAYMOND A. DIPERNA
C/O LADAS & PARRY LLP
26 WEST 61ST STREET
NEW YORK, NEW YORK 10023

HR



**THE PROCTER & GAMBLE COMPANY
GLOBAL LEGAL DEPARTMENT - IP
SYCAMORE BUILDING - 4TH FLOOR
299 EAST SIXTH STREET
CINCINNATI OH 45202**

**MAILED
AUG 17 2009
OFFICE OF PETITIONS**

In re Application of :
Bjoern KLING et al. :
Application No. 29/269,356 : **DECISION ON PETITION**
Filed: November 29, 2006 :
Attorney Docket No. ZD4679 :

This is a decision on the petition under 37 CFR 1.137(b), filed January 30, 2009, 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 times under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned for failure to timely pay the issue fee and to submit corrected formal drawings on or before January 06, 2009, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed October 06, 2008. Accordingly, the date of abandonment of this application is January 07, 2009.

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 lack items (2) and (4).

With respect to items (2) and (4), the petition was not accompanied by the required petition fee of \$1,620.00 and since the instant application is a design application, a terminal disclaimer and the large entity \$140.00 fee are required by 37 CFR 1.137(b) for revival.

No consideration on the merits can be given that petition until the required fee is received.

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

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

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

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at (571) 272-4231.



Michelle R. Eason
Paralegal Specialist
Office of Petitions



**THE PROCTER & GAMBLE COMPANY
GLOBAL LEGAL DEPARTMENT - IP
SYCAMORE BUILDING - 4TH FLOOR
299 EAST SIXTH STREET
CINCINNATI OH 45202**

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DEC 07 2009

OFFICE OF PETITIONS

In re Application of :
Bjoern KLING et al. :
Application No. 29/269,356 : **DECISION ON PETITION**
Filed: November 29, 2006 :
Attorney Docket No. ZD4679 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed October 19, 2009, to revive the above-identified design 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 January 06, 2009, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed October 06, 2008. Accordingly, the date of abandonment of this application is January 07, 2009.

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 of \$430.00 and replacement drawings; (2) the petition fee of \$1,620.00; (3) a proper statement of unintentional delay and; (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the issue fee payment 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 Michelle R. Eason at (571) 272-4231.

This application is being referred to the Office of Data Management.

Michelle R. Eason
Paralegal Specialist
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

MCCARTER & ENGLISH, LLP
FOUR GATEWAY CENTER
100 MULBERRY STREET
NEWARK NJ 07102

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JUN 09 2008

OFFICE OF PETITIONS

In re Application of

Petersen, et al.

Application No. 29/269,366

Filed: November 28, 2006

Attorney Docket No. 96964-01091

DECISION ON PETITION

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed May 14, 2008.

The petition is **granted**.

This application was held abandoned February 5, 2008, after no reply was received to the Notice of Allowance and Issue Fee Due mailed November 5, 2007. The notice set forth a statutory period of reply of three months from its mailing date. No response was received within the allowable period and the application became abandoned on February 5, 2008. A Notice of Abandonment was mailed March 27, 2008. The instant petition was filed on May 14, 2008. Petitioner maintains that the notice of November 5, 2007, was never received and provides a copy of the relevant docketing calendar as proof of the same¹.

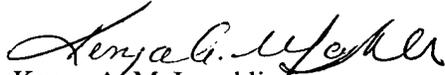
Section 711.03(c)(II) of the *Manual of Patent Examining Procedure* ("MPEP") provides that in order to establish non-receipt of an Office action so as to prove that the imposition of a holding of abandonment is improper, petitioner must: 1) provide a statement to the Office indicating that the Office action was not received by petitioner; 2) include in the statement an attestation to the fact that a review of the file jacket and docket records maintained by petitioner indicates that the Office action was not received; and 3) provide a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed.

Petitioner has met the burden of proof as established by Section 711.03(c)(II) of the MPEP. The holding of abandonment is, therefore, withdrawn.

¹ It is also noted that a declaration executed by the joint inventors and changing the power of attorney and correspondence address was filed on June 20, 2007, but not entered. Accordingly, the Notice of Allowance and Issue Fee Due was sent to the wrong address.

The application file is being forwarded to the Office of Data Management for further processing that may include remailing the Notice of Allowance and Issue Fee Due and resetting of the period for reply.

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



Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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	29/269,381
Filing Date	11-30-06
First Named Inventor	JURKIEWICZ, Tadeusz
Art Unit	2913
Examiner Name	To be assigned
Attorney Docket Number	COCH-0244-DES

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

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

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

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.

12-6-07
Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

The reasons for this request are: The real party in interest for the above-captioned application has engaged in conduct which makes it unreasonably difficult for undesigned counsel to carry out their employment effectively. 37 CFR 10.40(c)

CORRESPONDENCE ADDRESS

1. The correspondence address is NOT affected by this withdrawal.
2. Change the correspondence address and direct all future correspondence to:
- The address associated with Customer Number:

OR

<input checked="" type="checkbox"/> Firm or Individual Name	Jayne Andrews, Patent Manager				
Address	Cochlear Limited 14-16 Mars Road				
City	Lane Cove	State	NSW	Zip	2066
Country	Australia				
Telephone	011-61-2-9425-6555		Email		
Signature	/Ajay A. Jagtiani/				
Name	Ajay A. Jagtiani		Registration No.	35,205	
Date	October 9, 2007		Telephone No.	703-591-2664	

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.



HARNES, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

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MAR 16 2007

OFFICE OF PETITIONS

In re Application of
Akihisa Wanibe et al.
Application No. 29/269,400
Filed: November 29, 2006
Attorney Docket No. 9319N-001962

ON PETITION

This is a decision on the "Petition For Filing Date Under 37 CFR 1.10(e) Correspondence Never Received", filed February 22, 2007.

The petition is **DISMISSED** as involving moot issues.

The instant petition is filed because petitioners had not received USPTO acknowledgment of the submission of this Application.

Please be advised that the application was in fact received, assigned application serial number 29/269,400 and a filing date of November 29, 2006 was duly accorded.

Additionally, while the petition claims that no filing receipt or other communication has been received by Applicant in this application, be advised that a Filing Receipt and Notice to File Missing Parts was mailed to petitioner on March 7, 2007, at the address of record listed above (the same address listed on the petition), and to date no response has been filed.

In view of the above, this matter is referred to the Office of Initial Patent Examination to await a response to the Notice mailed March 7, 2007 and thereafter for further pre-examination processing.

Telephone inquiries specific to this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



ANTON P. NESS
FOX ROTHSCHILD LLP
1250 SOUTH BROAD STREET, SUITE 1000
P.O. BOX 431
LANSDALE PA 19446-0431

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MAR 24 2008

OFFICE OF PETITIONS

In re Application of :
Schweikert, et al. : DECISION ON PETITION
Application No. 29/269,425 :
Filed: November 30, 2006 :
Docket No.: MED-0167DD6 :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed February 29, 2008.

This application was held abandoned for failure to timely submit a proper reply to the Notice of Allowability mailed October 18, 2007. Notice of Abandonment was mailed February 20, 2008.

Petitioners assert that a response to the Notice of Allowability was timely submitted on December 14, 2007. Petitioners have submitted a copy of the reply to the Notice of Allowability. Further, the response to the Notice of Allowability bears a certificate of mailing date of December 14, 2007 in accordance with 37 CFR 1.8.

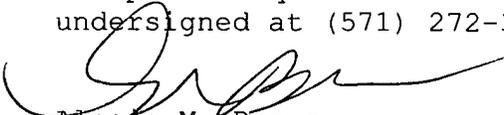
The original response filed December 14, 2007 has not been located in the application file. However, the evidence presented is most persuasive that a reply Office action was in fact timely submitted.

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**.

The application file 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

MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004

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SEP 28 2007

In re Application of :
Alden et al. :
Application No. 29/269,434 :
Filed: November 30, 2006 :
Attorney Docket No. 049006-5001-01 :

OFFICE OF PETITIONS
ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed September 19, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) the required reply,
- (2) the petition fee,
- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
- (4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Where there is a question as to whether either the abandonment or the delay in filing a petition, under 37 CFR 1.137 was unintentional, the Commissioner may require additional information.²

The instant petition lacks item(s) (4). Since the instant application is a design application, a terminal disclaimer and fee are required under 37 CFR 1.137(b). A blank form is enclosed for petitioner's convenience.

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

¹ In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

² See MPEP 711.03(c)(III)(C) and (D).

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

By hand: Customer Window located at:

U.S. Patent and Trademark Office
Customer Service Window Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.


Liana Walsh
Petitions Examiner
Office of Petitions

Enclosure: PTO/SB/63

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

MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004

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NOV 29 2007

OFFICE OF PETITIONS

In re Application of :
Alden et al. :
Application No. 29/269,434 : **DECISION ON PETITION**
Filed: November 30, 2006 :
Attorney Docket No. 049006-5001-01 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 19, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The terminal disclaimer has been received and accepted.

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

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


Liana Walsh
Petitions Examiner
Office of Petitions

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

Application Number	To be assigned	29/269,503
Filing Date	To be assigned	
First Named Inventor	Sean M. McDowell	
Title	PORTION OF A SHOE UPPER	
Attorney Docket Number	2465-8089US	

ADDRESS TO:

**MAIL STOP EXPEDITED DESIGN
COMMISSION FOR PATENTS
P.O. BOX 1450
Alexandria, VA 22313-1450**

Approved

Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900
1-29-07

This is a request for expedited examination of a design application under 37 CER 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:

US. CL. D2/896, D2/897, D2/902, D2/907, D2/908, D2/910 D2/911, D2/912, D2/916, D2/922, D2/935, D2/969, D2/970, D2/971, D2/972, 36/45, 36/50.1, 36/83, 36/88, 36/89, 36/93, 36/101, 36/102, 36/103, 36/104, 36/106, 36/108, 36/109, 36/113, 36/114, 36/115, 36/116, 36/126, 36/127, 36/128, 36/129, 36/130

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

Laurence B. Bond

Typed or printed name

(801) 532-1922

Telephone Number

18 January 2007

Date

30,549

Registration Number, if applicable

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 22343-1450.**
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.





PTOISB/27 (09-04)

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 person is 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	29/269,504
	Filing Date	12/1/2006
	First Named Inventor	Sebastien Mermet
	Title	PORTION OF A SHOE UPPER
	Attorney Docket Number	2465-8096US

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

Approved 1-23-07
Jacqueline M. Stone
 Jacqueline M. Stone, Director
 Technology Center 1700/2900

This is a request for expedited examination of a design application under 37 CER 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:

US. CL. D2/896, D2/897, D2/902, D2/907, D2/908, D2/910, D2/911, D2/912, D2/916, D2/922, D2/935, D2/969, D2/970, D2/971, D2/972, 36/45, 36/50.1, 36/83, 36/88, 36/89, 36/93, 36/101, 36/102, 36/103, 36/104, 36/106, 36/108, 36/109, 36/113, 36/114, 36/115, 36/116, 36/126, 36/127, 36/128, 36/129, 36/130

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.

Laurence B. Bond

 Signature

19 January 2007

 Date

Laurence B. Bond

 Typed or printed name

30,549

 Registration Number, if applicable

(801) 532-1922

 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 22343-1450.**
 If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO 5 1422
 JAN 19 2007

PTOISB/27 (09-04)

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 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	29/269,505
	Filing Date	12/1/2006
	First Named Inventor	Martin Lotti
	Title	PORTION OF A SHOE UPPER
	Attorney Docket Number	2465-8095US

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

Approved *1-23-07*
Jacqueline M. Stone
 Jacqueline M. Stone, Director
 Technology Center 1700/2900

This is a request for expedited examination of a design application under 37 CER 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:

US. CL. D2/896, D2/897, D2/902, D2/907, D2/908, D2/910 D2/911, D2/912, D2/916, D2/922, D2/935, D2/969, D2/970, D2/971, D2/972, 36/45, 36/50.1, 36/83, 36/88, 36/89, 36/93, 36/101, 36/102, 36/103, 36/104, 36/106, 36/108, 36/109, 36/113, 36/114, 36/115, 36/116, 36/126, 36/127, 36/128, 36/129, 36/130

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

Laurence B. Bond

 Typed or printed name

 (801) 532-1922

 Telephone Number

 19 Jan 2007

 Date

 30,549

 Registration Number, if applicable

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 22343-1450.**
 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
GLOBAL LEGAL DEPARTMENT - IP
SYCAMORE BUILDING - 4TH FLOOR
299 EAST SIXTH STREET
CINCINNATI, OH 45202

MAILED

MAY 19 2009

OFFICE OF PETITIONS

In re Application of
Christopher E. Bates, et al.
Application No. 29/269,528
Filed: December 1, 2006
Attorney Docket No. D1167

:
:
:
:
:
:

ON PETITION

This is a decision on the petition, filed March 17, 2009, 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 June 15, 2007. A Notice of Abandonment was mailed on April 17, 2008. On March 17, 2009, the present petition was filed.

Petitioner argues that while the notice required corrected drawings, including changes required by the examiner's amendment, there are no outstanding issues related to the drawings indicated in the examiner's amendment. However, petitioner has not provided any evidence that a reply to the Notice of Allowability was filed.

37 CFR 1.135 states: "[p]rosecution of an application to save it from abandonment pursuant to paragraph (a) of this section **must include such complete and proper reply as the condition of the application may require**. Emphasis added. Moreover, 35 U.S.C 133 states: [u]pon 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 Director in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Director that such delay was unavoidable.

In the instant application petitioner failed to comply with 35 U.S.C. 133 and 37 CFR 1.135 in that petitioner has failed to include such complete and proper reply as the condition of the application may require., *i.e.*, petitioner has failed to respond to the Notice of Allowability mailed June 15, 2007. Accordingly, the application was properly held abandoned.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) a proposed reply, (2) the petition fee of \$1,620, (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 respond to the Notice of June 15, 2007 is accepted as being unintentionally delayed.

The terminal disclaimer filed March 17, 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 04-12-08

TO SPE OF : ART UNIT 2916

SUBJECT : Request for Certificate of Correction for Appl. No.: **29/269532** Patent No.: **D545213**

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

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

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



Angela Green
Certificates of Correction Branch
703.308.9380 ext. *123*

Thank You For Your Assistance

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

Note your decision on the appropriate box.

Approved

Approved in Part

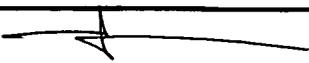
Denied

All changes apply.

Specify below which changes do not apply.

State the reasons for denial below.

Comments: _____



IAN SIMMONS
SUPERVISORY PATENT EXAMINER

SPE

2916
Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

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

VICTOR ALAN HENZI
ROBERT BOSCH CORPORATION
2800 SOSOUTH 25TH AVENUE
BROADVIEW IL 60155

COPY MAILED

MAR 27 2008

OFFICE OF PETITIONS

In re Application of :
Kathleen E. Arnold et al :
Application No. 29/269,541 : DECISION GRANTING PETITION
Filed: November 30, 2006 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 2006/7010 :

This is a decision on the petition under 37 CFR 1.137(b), filed September 26, 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 corrected drawings; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance/Notice of Allowability mailed June 12, 2007, is accepted as having been unintentionally delayed.

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

This matter is being referred to the Office of Data Management and for review of the drawings submitted on September 26, 2007.

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. None

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
333 SOUTH HOPE STREET
48TH FLOOR
LOS ANGELES CA 90071-1448

COPY MAILED

JUN 25 2007

OFFICE OF PETITIONS

In re Application of :
Nam Wai Chau, Ka Kin Ho, :
Randall L. May, Brian Wood, and :
Siu Cheong Hon :
Application No. 29/269,570 : DECISION ON PETITION UNDER
Filed: November 30, 2006 : 37 C.F.R. §1.47(A)
Attorney Docket No. 0SEM-124124 :
Title: GRILL LID :

This is in response to the petition pursuant to 37 C.F.R. §1.47(a)¹, filed February 14, 2007.

On November 30, 2006, the application was filed, identifying Nam Wai Chau, Ka Kin Ho, Randall L. May, Brian Wood, and Siu Cheong Hon as joint inventors. The application was deposited without an executed oath or declaration. On December 15, 2006, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice) was mailed, notifying applicant that a fully executed oath or declaration and the surcharge associated with

1 A grantable petition under 37 C.F.R. §1.47(a) requires:

- (1) the petition fee of \$200;
- (2) a surcharge of either \$65 or \$130, if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 1.16(f);
- (3) a statement of the last known address of the non-signing inventor;
- (4) proof that either:
 - a) a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application, or
 - b) the non-signing inventor cannot be found or reached after diligent effort, and a statement that these efforts were not successful;
- (5) a declaration which complies with 37 C.F.R. §1.63.

the late submission of the same would be required, along with the basic filing fee, the search fee, and the examination fee. The notice set a two-month period for response.

With the present petition, Petitioner has submitted, *inter alia*, the surcharge associated with the late submission of an oath or declaration, the basic filing fee, the search fee, the examination fee, and a declaration that has been executed by each of the inventors save Mr. Wood.

Petitioner has established that a complete copy of the application was sent to the legal representative of the non-signing inventor, and that a response has not been received.

Petitioner has met each of the five requirements of Rule §1.47(a), and has submitted all required fees. Therefore, the petition is **GRANTED** and this application is hereby accorded Rule §1.47(a) status.

As provided in Rule §1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the address given on the declaration. Notice of the filing of this application will also be published in the Official Gazette.

The Office of Initial Patent Examination (OIPE) will be notified of this decision so that the application may receive further processing.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225². 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

² Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 08-28-09

TO SPE OF : ART UNIT 2915

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/269570 Patent No.: D562629

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



Angela Green

Certificates of Correction Branch
703-756-1541

Thank You For Your Assistance

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

Approved

All changes apply.

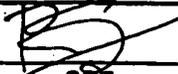
Approved in Part

Specify below which changes do not apply.

Denied

State the reasons for denial below.

Comments: _____


ROBERT M. SPEAR
U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office
DESIGN PRACTICE SPECIALIST

2915
Art Unit

9.8.09



Paul T. Kashimba, Esq.
Gunster, Yoakley & Stewart, P.A.
Suite 1400
500 East Broward Boulevard
Fort Lauderdale FL 33394

COPY MAILED

JAN 10 2008

OFFICE OF PETITIONS

In re Application of	:	
YAMAGUCHI et al.	:	
Application No. 29/269,638	:	DECISION ON PETITION
Filed: 12/05/2006	:	
Attorney Docket No. 3133.001	:	

This is decision on the "REQUEST TO WITHDRAW HOLDING OF ABANDONMENT," filed November 1, 2007.

The application became abandoned for failure to timely pay the issue fee as required by the Notice of Allowance and Fee(s) Due, mailed June 29, 2007, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on September 30, 2007. A Notice of Abandonment was mailed on October 23, 2007.

Petitioners state they did not receive the Notice of Allowance. Petitioners assert that the USPTO mailed the Notice of Abandonment to another law firm, and therefore, they assume that the Notice of Allowance was also sent to the other law firm. Petitioners indicate that they submitted a Revocation of Power of Attorney With New Power of Attorney and Change of Correspondence Address on February 12, 2007.

Specifically, practitioner, Michael A. Slavin, contends¹:

From the submission of the Revocation of Attorney, received by the Patent Office on February 12, 2007, the Patent Office was aware of the change of attorney and the undersigned should have received all correspondence. The

¹ Mr. Slavin asserted that during the first week of February 2007, he filed a Response and Revocation of Attorney in related Applications No. 29/277,050; 29/276,798; 29/276,799; and 29/276,806, which were accepted in each of the applications. The Office notes that unlike the subject application, there is no record of receipt of any revocation of power of attorney in the above-mentioned related applications. Rather, the original declaration and Application Data Sheet submitted on filing identified the practitioners and the address associated with Customer No. 21917 as having power of attorney and where the Office should direct all correspondence.

undersigned did not receive any correspondence but it is clear that the Patent Office received the undersigned Response as evidenced by the postcard receipt and the charging of the undersigned deposit account. It is further clear that the undersigned did not receive any correspondence as the Notice of Allowance was delivered to another attorney at another firm. It is respectfully submitted that withdrawal of abandonment is appropriate as this situation is similar to that which existed in *Delgar, Inc. et al. V. Schuyler*, 172 USPQ 513 (D.D.C. 1971) in which the attorney did not receive the required notifications form (sic) the Patent Office.

Petition pp. 3-4.

After reviewing the USPTO records, it appears that the Office received a Revocation of Power of Attorney With New Power of Attorney and Change of Correspondence Address on February 12, 2007. The Office notes that Haruyuki Yoshida signed the Revocation of Power of Attorney Document; however, he did not check either box on the form indicating if he was the applicant/inventor or the assignee of the entire interest. Moreover, petitioners did not provide a Statement under 37 CFR 3.73(b). The Office reminds petitioners that an applicant(s) for patent (37 CFR 1.41(b)) or an assignee of the entire interest of a patent (accompanied by a Statement under 37 CFR 3.73(b)) may revoke a power of attorney at any stage in the proceedings. 37 CFR 1.36. Furthermore, where an executed oath or declaration under 37 CFR 1.63 has been filed by any of the inventors, the correspondence address may be changed by (A) a patent practitioner of record, (B) an assignee as provided for under 37 CFR 3.71(b), or (C) all of the applicants (37 CFR 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with 37 CFR 3.71. 37 CFR 1.33(a)(2).

Unfortunately, the revocation of power of attorney and the request to change the correspondence address did not meet the requirements of 37 CFR 1.33, 1.36 or 3.71. Thus, the Office could not accept the Revocation of Power of Attorney With New Power of Attorney and Change of Correspondence Address or enter it into the record. For this reason, the USPTO mailed the Notice of Allowance and the Notice of Abandonment to the correct correspondence address.

The petition to withdraw the holding of abandonment is **dismissed**. A copy of the Notice of Allowance and Notice of Allowability accompany this decision for petitioners' 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." In the alternative, petitioner may wish to file a petition to revive under 37 CFR 1.137.

The power of attorney has not been revoked nor has the correspondence address been changed. Therefore, as a one-time courtesy, the Office is mailing a carbon copy of this decision and the enclosures to the address listed on the petition. Thereafter, the Office will continue to mail all

communications to the address of record unless petitioners file a proper Revocation of Power of Attorney With New Power of Attorney and Change of Correspondence Address with the USPTO.

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

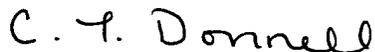
By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

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
Senior Petitions Attorney
Office of Petitions

Attachments: Copies of Notice of Allowance and Notice of Allowability

Cc: MCHALE AND SLAVIN PA
 2855 PGA BLVD.
 PALM BEACH GARDENS, FL 33410



UNITED STATES PATENT AND TRADEMARK OFFICE

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

NOTICE OF ALLOWANCE AND FEE(S) DUE

7590 06/29/2007
Paul T. Kashimba, Esq.
Gunster, Yoakley & Stewart, P.A.
Suite 1400
500 East Broward Boulevard
Fort Lauderdale, FL 33394

EXAMINER
HILL, SHANDA C
ART UNIT PAPER NUMBER

2912
DATE MAILED: 06/29/2007

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.

29/269,638 12/05/2006 Susumu Yamaguchi 3133.001 3143
TITLE OF INVENTION: REFRIGERATOR

Table with 7 columns: APPLN. TYPE, SMALL ENTITY, ISSUE FEE DUE, PUBLICATION FEE DUE, PREV. PAID ISSUE FEE, TOTAL FEE(S) DUE, DATE DUE

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.

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)

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.

7590 06/29/2007

Paul T. Kashimba, Esq.
 Gunster, Yoakley & Stewart, P.A.
 Suite 1400
 500 East Broward Boulevard
 Fort Lauderdale, FL 33394

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.
29/269,638	12/05/2006	Susumu Yamaguchi	3133.001	3143

TITLE OF INVENTION: REFRIGERATOR

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$800	\$0	\$0	\$800	10/01/2007

EXAMINER	ART UNIT	CLASS-SUBCLASS
HILL, SHANDA C	2912	D15-088000

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, _____ 1
 (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. _____ 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 _____
 Typed or printed name _____

Date _____
 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

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
Values: 29/269,638, 12/05/2006, Susumu Yamaguchi, 3133.001, 3143

EXAMINER

HILL, SHANDA C

ART UNIT PAPER NUMBER

2912

DATE MAILED: 06/29/2007

7590 06/29/2007
Paul T. Kashimba, Esq.
Gunster, Yoakley & Stewart, P.A.
Suite 1400
500 East Broward Boulevard
Fort Lauderdale, FL 33394

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.

**Notice of Allowability
For
A Design Application**

Application No.
29/269,638

Examiner
SHANDA C. HILL

Applicant(s)
YAMAGUCHI ET AL.

Art Unit
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 claim is allowed.
3. Acceptable drawings:
 - (a) The drawings filed on 05 December 2006 are accepted by the Examiner.
 - (b) Drawing Figures filed on _____ and drawing Figures filed on _____ are accepted by the Examiner.
4. The claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f) is acknowledged.
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Receipt Date _____ | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| 5. <input type="checkbox"/> Notice of Informal Patent Application | 9. <input type="checkbox"/> Other _____. |

NOTE: print from score

Multiple embodiments

This application discloses the following embodiments:

Embodiment 1 - Figs. 1 through 7

Embodiment 2 - Figs. 8 through 14

Embodiment 2 - Figs. 15 through 21

Multiple embodiments of a single inventive concept may be included in the same design application only if they are patentably indistinct. See *In re Rubinfeld*, 270 F.2d 391, 123 USPQ 210 (CCPA 1959). Embodiments that are patentably distinct from one another do not constitute a single inventive concept and thus may not be included in the same design application. See *In re Platner*, 155 USPQ 222 (Comm'r Pat. 1967).

The above identified embodiments are considered by the examiner to present overall appearances that are basically the same. Furthermore, the differences between the appearances of the embodiments are considered minor and patentably indistinct, or are shown to be obvious in view of analogous prior art cited. Accordingly, they are deemed to be obvious variations and are being retained and examined in the same application. Any rejection of one embodiment over prior art will apply equally to all other embodiments. See *Ex parte Appeal No. 315-40*, 152 USPQ 71 (Bd. App. 1965). No argument asserting patentability based on the differences between the embodiments will be considered once the embodiments have been determined to comprise a single inventive concept. Failure of applicant to traverse this determination in reply to this action will be considered an admission of lack of patentable distinction between the above identified embodiments.

Foreign Priority

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on September 7, 2006. It is noted, however, that applicant has not filed a certified copy of the Japanese application as required by 35 U.S.C. 119(b).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shanda C. Hill whose telephone number is 571-272-6025. The examiner can normally be reached on Mon.-Thurs., 8:00 am - 6:30 pm.

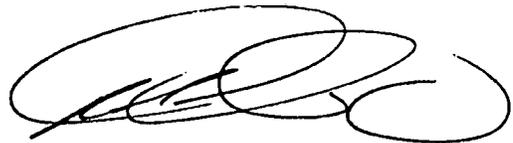
Art Unit: 2912

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 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Shanda C. Hill
Patent Examiner



MITCHELL SIEGEL
PRIMARY EXAMINER



MCHALE & SLAVIN, P.A.
2855 PGA BLVD
PALM BEACH GARDENS FL 33410

MAILED

MAR 05 2010

OFFICE OF PETITIONS

In re Application of :
YAMAGUCHI et al. :
Application No. 29/269,638 : **DECISION ON PETITION**
Filed: December 5, 2006 :
Attorney Docket No. 3133.001 :

This is a decision on the petition under 37 CFR 1.137(b), filed July 18, 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)." No additional petition fee is necessary.

This application became abandoned for failure to pay the issue fee as required by the Notice of Allowance and Fee(s) Due mailed on June 29, 2007, which set a three (3) month statutory period for reply. Accordingly, the application became abandoned on September 30, 2007. A Notice of Abandonment was mailed on October 23, 2007.

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).

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

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

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

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

Correspondence may also be submitted electronically via EFS-Web.

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



Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



COPY MAILED

MAR 18 2010

MCHALE & SLAVIN, P.A.
2855 PGA BLVD
PALM BEACH GARDENS FL 33410

In re Application of	:	
YAMAGUCHI et al.	:	
Application No. 29/269,638	:	DECISION ON PETITION
Filed: December 5, 2006	:	
Attorney Docket No. 3133.001	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed March 12, 2010, to revive the above-identified application.

This application became abandoned for failure to pay the issue fee as required by the Notice of Allowance and Fee(s) Due mailed on June 29, 2007, which set a three (3) month statutory period for reply. Accordingly, the application became abandoned on September 30, 2007. A Notice of Abandonment was mailed on October 23, 2007.

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).

Accordingly, the failure to timely respond to the Notice of Allowance and Fee(s) Due is accepted as being unintentionally delayed. The petition under 37 CFR 1.137(b) is **GRANTED**. The terminal disclaimer is accepted and has been made of record.

This matter is being referred to the Office of Data Management.

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

C. Y. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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	
	Title	PORTION OF A SHOE UPPER
	Attorney Docket Number	2465-8062US

118921 U.S. PTO
201269655**ADDRESS TO:**

MAIL STOP EXPEDITED DESIGN
COMMISSION FOR PATENTS
P.O. BOX 1450
Alexandria, VA 22313-1450

Approved 12-14-06
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2006

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

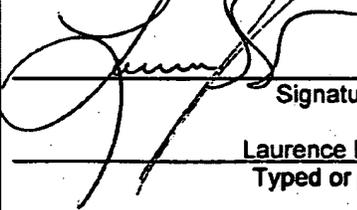
NOTE: If the Request made by this form accompanies original application papers, include form PTO/SB/18 "Design Patent Application Transmittal" or its equivalent. A preexamination search was conducted. The field of search was:

US. CL. D2/896, D2/897, D2/902, D2/907, D2/908, D2/910 D2/911, D2/912, D2/916, D2/922, D2/935, D2/969, D2/970, D2/971, D2/972, 36/45, 36/50.1, 36/83, 36/88, 36/89, 36/93, 36/101, 36/102, 36/103, 36/104, 36/106, 36/108, 36/109, 36/113, 36/114, 36/115, 36/116, 36/126, 36/127, 36/128, 36/129, 36/130

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
Laurence B. Bond

Typed or printed name
(801) 532-1922

Telephone Number

6 Dec. 2006

Date
30,549

Registration Number, if applicable

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 22343-1450.**
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

12/07/2006 SSITHIB1 00000073 201469 29269655

04 FC:1802 900.00 DA

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	
	Title	PORTION OF A SHOE UPPER
	Attorney Docket Number	2465-8061US

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

Approved 12-14-06
 Jacqueline M. Stone
 Jacqueline M. Stone, Director
 Technology Center 1700/2000

112021 U.S. PTO
 291200636
 120606

This is a request for expedited examination of a design application under 37 CER 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:

US. CL. D2/896, D2/897, D2/902, D2/907, D2/908, D2/910 D2/911, D2/912, D2/916, D2/922, D2/935, D2/969, D2/970, D2/971, D2/972, 36/45, 36/50.1, 36/83, 36/88, 36/89, 36/93, 36/101, 36/102, 36/103, 36/104, 36/106, 36/108, 36/109, 36/113, 36/114, 36/115, 36/116, 36/126, 36/127, 36/128, 36/129, 36/130

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

Laurence B. Bond
 Typed or printed name

(801) 532-1922
 Telephone Number

6 Dec. 2006
 Date

30,549
 Registration Number, if applicable

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 22343-1450.**
 If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004

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SEP 04 2007

OFFICE OF PETITIONS

In re Application of :
Jason Douglas Wong et al. :
Application No. 29/269,671 :
Filed: December 5, 2006 :
Attorney Docket No: **046411-0364-02-US** :

ON PETITION

This is a decision on the petition filed July 17, 2007 under 37 CFR 1.137(b),¹ to revive the above-identified application.

The petition 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 June 18, 2007 for failure to file corrected drawings in response to the Notice of Allowability mailed on March 15, 2007. Accordingly, the Notice of Abandonment was mailed on July 11, 2007.

While the issue fee was previously submitted and while the corrected drawings have

¹Effective 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) gratable 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).

been submitted with the instant petition, the petition does not satisfy requirement (4) of the regulation.

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.

A handwritten signature in black ink that reads "Patricia Faison-Ball". The signature is written in a cursive, flowing style.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004

COPY MAILED

SEP 27 2007

OFFICE OF PETITIONS

In re Application of :
Jason Douglas Wong et al. :
Application No. 29/269,671 :
Filed: December 5, 2006 :
Attorney Docket No.: 046411-0364-02-US :

ON PETITION

This is a decision on the renewed petition filed September 18, 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 June 18, 2007 for failure to file corrected drawings in response to the Notice of Allowability mailed on March 15, 2007. Accordingly, the Notice of Abandonment was mailed on July 11, 2007. The issue fee was previously paid and a petition to revive was filed July 17, 2007 with the corrected drawings but the petition was dismissed in a decision mailed September 4, 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, 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

¹Effective 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) gratable 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).

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	Bo Lupo
	Title	PORTION OF A SHOE UPPER
	Attorney Docket Number	2465-8058US

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

Approved 12-14-06
 Jacqueline M. Stone, Director
 Technology Center 1700/2900

113006 U.S. PTO
 29/269687
 120606

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

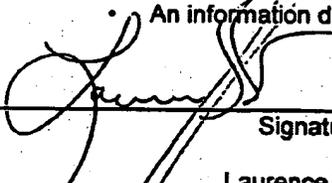
A preexamination search was conducted. The field of search was:

US. CL. D2/896, D2/897, D2/902, D2/907, D2/908, D2/910, D2/911, D2/912, D2/916, D2/922, D2/935, D2/969, D2/970, D2/971, D2/972, 36/45, 36/50.1, 36/83, 36/88, 36/89, 36/93, 36/101, 36/102, 36/103, 36/104, 36/106, 36/108, 36/109, 36/113, 36/114, 36/115, 36/116, 36/126, 36/127, 36/128, 36/129, 36/130

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
 Laurence B. Bond

 Typed or printed name

 (801) 532-1922

 Telephone Number

6 Dec. 2006

 Date
 30,549

 Registration Number, if applicable

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 22343-1450. 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

CARR & FERRELL LLP
2200 GENG ROAD
PALO ALTO CA 94303

COPY MAILED
JAN 28 2008
OFFICE OF PETITIONS

In re Application of :
Mieko Kusano et al : DECISION GRANTING PETITION
Application No. 29/269,715 : UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: December 6, 2006 :
Attorney Docket No. PA4051US :

This is a decision on the petition under 37 CFR 1.313(c)(3), filed January 24, 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 December 26, 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 January 24, 2008.

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 and consideration of the concurrently filed IDS.


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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Paper No.

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JUN 09 2009

OFFICE OF PETITIONS

Ralph A. Dowell of DOWELL & DOWELL P.C.
2111 Eisenhower Ave
Suite 406
Alexandria VA 22314

In re Application of :
Nicolaas Van Der Blom :
Application No. 29/269,720 : DECISION ON PETITION
Filed: December 7, 2006 : PURSUANT TO
Attorney Docket No.: 16363DES : 37 C.F.R. § 1.137(B)
Title: PUMP WITH PRESSURE GAUGE :

This is a decision on the petition filed March 16, 2009, pursuant to 37 C.F.R. § 1.137(b) to revive the above-identified application.

The petition pursuant to 37 C.F.R. § 1.137(b) 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 and Issue Fee Due, mailed October 19, 2007, 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 January 20, 2008. A Notice of Abandonment was mailed on February 28, 2008.

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

¹ See MPEP § 710.02(e) (III).

- 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.

With this petition, Petitioner has submitted the petition and issue fees, the proper statement of unintentional delay, and both a terminal disclaimer and the associated fee.

As such, each of the four requirements of Rule 1.137(b) has been met.

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 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

² Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



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.
29/269,791	12/08/2006	Hsiu Pen Yang	SK1600-TYBB	7750

7590 12/10/2007
Charles R. Sutton
LAW OFFICES OF ROGER C. HSU
Ste. 302
201 S. Lake Ave.
Pasadena, CA 91101

EXAMINER

JACKSON, MARCUS A

ART UNIT	PAPER NUMBER
2916	

MAIL DATE	DELIVERY MODE
12/10/2007	PAPER

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

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

Charles R. Sutton
LAW OFFICES OF ROGER C. HSU
201 S. Lake Ave., Ste. 302
Pasadena CA 91101

In re Application of :
Yang, Hsiu Pen :
Application No. 29/269,791 : **DECISION ON PETITION**
Filed: December 8, 2006 :
Attorney Docket No. SK1600-TYBB :

This is a decision on the Petition To Withdraw Holding Of Abandonment, received in the United States Patent & Trademark (USPTO) on August 31, 2007.

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 submit corrected drawings, as required in the Notice of Allowability mailed February 9, 2007. The Notice of Abandonment, mailed on June 29, 2007 indicates, "No corrected drawings have been received".

The petitioner has not presented any evidence sufficient according to one of the following standards:

- 37 CFR 1.8(b) Certificate of mailing or transmission
- 37 CFR 1.10 Filing of correspondence by "Express Mail"
- MPEP 503 Return Post Card as Prima Facie Evidence

In light of the insufficient evidence, 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. 101.



Deborah A. Stephens
Director
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Charles R. Sutton
LAW OFFICES OF ROGER C. HSU
Ste. 302
201 S. Lake Ave.
Pasadena, CA 91101

COPY MAILED

JUL 16 2008

OFFICE OF PETITIONS

In re Application of :
Hsiu Pen Yang :
Application No. 29/269,791 :
Filed: December 8, 2006 :
Attorney Docket No. SK1600-TYBB :

ON PETITION

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

The application became abandoned for failure to timely respond to the Notice of Allowability mailed February 9, 2007. A Notice of Abandonment was mailed on June 9, 2007.

The petition is **dismissed**.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (4).

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. However, in accordance with 37 CFR 1.34(a), the signature of Charles R. Sutton appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts.

On the other hand, a review of the record reveals that the terminal disclaimer under 37 CFR 1.137(d), filed February 8, 2008 was 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).

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.

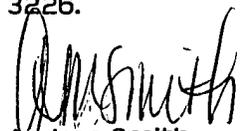
Further correspondence with respect to this matter should be addressed as follows:

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

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

Charles R. Sutton
LAW OFFICES OF ROGER C. HSU
Ste. 302
201 S. Lake Ave.
Pasadena, CA 91101

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In re Application of :
Hsiu Pen Yang :
Application No. 29/269,791 : DECISION ON PETITION
Filed: December 8, 2006 :
Attorney Docket No. SK1600-TYBB :

This is a decision on the renewed petition under 37 CFR 1.137(b) filed on August 7, 2008, to revive the above-identified application.

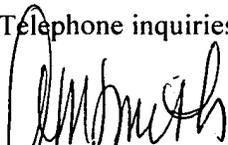
The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of \$400 for payment of the issue fee, a terminal disclaimer with the \$65 fee and six sheets of replacement drawings containing Figures 1-6; (2) the petition fee of \$770; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

The terminal disclaimer filed under 37 CFR 1.137(d) on August 7, 2008 is 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 a terminal disclaimer fee of \$65 on February 8, 2008 and again on August 7, 2008. Since the terminal disclaimer filed on August 7, 2008 is acceptable, the one filed on February 8, 2008 will be treated as a duplicate payment. Therefore, 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.

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



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.
29/269,792	12/08/2006	Hsiu Pen Yang	SK1600-MGU04	7786

7590 12/10/2007
Charles R. Sutton
LAW OFFICES OF ROGER C. HSU
Ste. 302
201 S. Lake Ave.
Pasadena, CA 91101

EXAMINER

JACKSON, MARCUS A

ART UNIT PAPER NUMBER

2916

MAIL DATE DELIVERY MODE

12/10/2007

PAPER

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

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

Charles R. Sutton
LAW OFFICES OF ROGER C. HSU
201 S. Lake Ave., Ste. 302
Pasadena CA 91101

In re Application of :
Yang, Hsiu Pen :
Application No. 29/269,792 : **DECISION ON PETITION**
Filed: December 8, 2006 :
Attorney Docket No. SK1600-MGU04 :

This is a decision on the Petition To Withdraw Holding Of Abandonment, received in the United States Patent & Trademark (USPTO) on October 15, 2007.

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 submit corrected drawings, as required in the Notice of Allowability mailed February 9, 2007. The Notice of Abandonment, mailed on August 14, 2007 indicates, "No corrected drawings have been received".

The petitioner has not presented any evidence sufficient according to one of the following standards:

- 37 CFR 1.8(b) Certificate of mailing or transmission
- 37 CFR 1.10 Filing of correspondence by "Express Mail"
- MPEP 503 Return Post Card as Prima Facie Evidence

In light of the insufficient evidence, the holding of abandonment cannot be withdrawn.

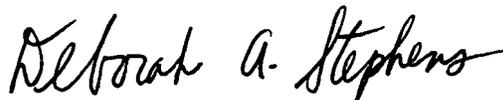
Applicant may seek relief by filing a petition for Revival of Abandoned Application under CFR § 1.137 (a) or (b). (Forms are available at USPTO website <http://www.uspto.gov>)

- 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. 101.



Deborah A. Stephens
Director
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Charles R. Sutton
LAW OFFICES OF ROGER C. HSU
Ste. 302
201 S. Lake Ave.
Pasadena CA 91101

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OCT 09 2008
OFFICE OF PETITIONS

In re Application of :
Hsiu Pen Yang :
Application No. 29/269,792 : ON PETITION
Filed: December 8, 2006 :
Attorney Docket No. SK1600-MGU04 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 8, 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 formal drawings in a timely manner in reply to the Notice of Allowability, mailed February 9, 2007, which set a period for reply of three (3) months. Accordingly, this application became abandoned on May 10, 2007. The Notice of Abandonment was mailed August 14, 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).

The terminal disclaimer filed herewith petition cannot be accepted because it was not signed by a registered patent attorney or patent agent of record appointed in compliance with § 1.32(b) or an assignee as provided under § 3.71(b) of this chapter. A terminal disclaimer cannot be signed by an attorney in representative capacity.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application.

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

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

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

The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to Terri Williams at (571) 272-2991.



Chris Bottorff
Petitions Examiner
Office of Petitions



Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**CHARLES R. SUTTON
LAW OFFICES OF ROGER C. HSU
201 S. LAKE AVE., STE 600
PASADENA CA 91101**

COPY MAILED

MAR 05 2009

OFFICE OF PETITIONS

In re Application of :
Hsiu Pen Yang :
Application No. 29/269,792 : **DECISION ON PETITION**
Filed: December 8, 2006 :
Attorney Docket No. SK1600-MGU04 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed November 10, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit Corrected Drawings on or before May 9, 2007, as required by the Notice of Allowability For a Design Application mailed February 9, 2007. Accordingly, the date of abandonment of this application is May 10, 2007. A Notice of Abandonment was mailed August 14, 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 (previously submitted on February 8, 2008); (2) the petition fee of \$770.00 (previously paid on February 8, 2008); (3) a proper statement of unintentional delay and (4) a Terminal Disclaimer with the accompanying \$65.00 fee (previously paid on February 8, 2008).

The request for a terminal disclaimer is accepted and has been made of record.

Further, petitioner has submitted an unnecessary duplicate payment of the terminal disclaimer fee. Therefore, the November 10, 2008 \$70.00 terminal disclaimer fee will be refunded to petitioner via treasury check in due course.

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 the Corrected Drawings submitted on February 8, 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
www.uspto.gov
DW Oct-07

Charles R. Sutton
LAW OFFICES OF ROGER C. HSU
Ste. 302
201 S. Lake Ave.
Pasadena CA 91101

COPY MAILED

OCT 17 2007

OFFICE OF PETITIONS

In re Application of :
Hsiu Pen Yang :
Application Number: 29/269796 : ON PETITION
Filing Date: 12/08/2006 :
Attorney Docket Number: SK3700- :
RAM02 :

This is a decision in reference to the "REQUEST FOR RECONSIDERATION OF ABANDONMENT" filed on 10 September, 2007, which is treated as a petition to withdraw the holding of abandonment.

The petition is **DISMISSED**.

This application became abandoned on 9 May, 2007, for failure to timely submit corrected drawings in response to the Notice of Allowability For A Design Application mailed on 8 February, 2007, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on 11 July, 2007.

Petitioner's registered patent practitioner, Charles R. Sutton, states in the petition that petitioner admits that the drawings were inadvertently not filed, but requests that the Examiner "reverse his holding of abandonment" and "provide a new time period for reply" for filing the drawings.

The showing of record is insufficient to withdraw the holding of abandonment.

At the outset, the Notice of Allowability states that applicant has three (3) months from the mailing date of this communication to file a reply, and that failure to comply will result in **ABANDONMENT** of this application.

35 U.S.C. 133 states:

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 Director in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Director that such delay was unavoidable.

37 CFR § 1.135, states, in pertinent part:

(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.

(b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.

The showing of record is that petitioners clearly failed to timely file the corrected drawings. As such, the application became abandoned as a matter of law for failure to timely submit the corrected drawings.

Moreover, while such failure may have been inadvertent, it does not merit a withdrawal of the holding of abandonment. It is the responsibility of the applicant, not the USPTO, to file timely and proper papers in compliance with the laws, regulations, and Office procedures.

Any request for reconsideration must be filed within **TWO MONTHS** of the date of this decision. **This period may not be extended.**¹

ALTERNATIVE VENUE

Petitioner may wish to consider filing a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application instead of filing a renewed petition under 37 CFR 1.181 or a petition under 37 CFR 1.137(a).

¹ 37 CFR 1.181(f).

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. In nonprovisional utility application abandoned for failure to respond to a non-final Office action, the required reply may be met by filing either (A) an argument or amendment under 37 CFR 1.111 or (B) a continuing application under 37 CFR 1.53(b).
- (2) The petition fee as set forth in 37 CFR 1.17(m), **\$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 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 (d) of this section.

A form for filing a petition to revive an unintentionally abandoned application accompanies this decision for petitioner's convenience. If petitioner desires to file a petition under 37 CFR 1.137(b) instead of filing a request for reconsideration, petitioner must complete the enclosed petition form (PTO/SB/64) and pay the \$770.00 petition fee. Additionally, a terminal disclaimer and fee of \$130.00 (\$65.00 for a small entity) must be submitted with a petition to revive a design application. The terminal disclaimer form is enclosed.

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

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: PTO/SB/63
PTO/SB/64

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)
<p>In re Application of:</p> <p>Name:</p> <p>Application Number:</p> <p>Filed:</p> <p>For:</p>	
<p>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.</p>	
<p>Check either box 1 or 2 below, if appropriate.</p>	
<p>1. <input type="checkbox"/> 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.</p> <p>2. <input type="checkbox"/> The undersigned is an attorney or agent of record. Registration Number _____</p>	
<p>_____ Signature</p>	<p>_____ Date</p>
<p>_____ Typed or Printed Name</p>	<p>_____ Telephone Number</p>
<p><input type="checkbox"/> Terminal disclaimer fee under 37 CFR 1.20(d) included.</p>	
<p>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.</p>	
<p>* 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.</p>	

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.

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.

[Page 1 of 2]

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.



CHARLES R. SUTTON
LAW OFFICES OF ROGER C. HSU
STE. 302
201 S. LAKE AVE.
PASADENA CA 91101

COPY MAILED

JAN 18 2008

OFFICE OF PETITIONS

In re Application of :
Hsui Pen Yang :
Application Number: 29/269796 : DECISION ON PETITION
Filing Date: 12/08/2006 :
Attorney Docket Number: SK3700- :
RAM02 :

This is a decision on the petition filed on December 17, 2007, under 37 CFR 1.137(b),¹ to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on May 9, 2007, for failure to timely submit corrected drawings in response to the Notice of Allowability for a Design Application mailed on February 8, 2007, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on July 11, 2007. The petition to withdraw the holding of abandonment filed on September 10, 2007, was dismissed on October 17, 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 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

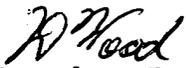
(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

Receipt of the corrected drawings is acknowledged.

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 Data Management for processing into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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29/269,797

12/08/2006

Hsiu Pen Yang

SK3700-SLD03

7781

7590

12/10/2007

Charles R. Sutton
LAW OFFICES OF ROGER C. HSU
Ste. 302
201 S. Lake Ave.
Pasadena, CA 91101

EXAMINER

JACKSON, MARCUS A

ART UNIT	PAPER NUMBER
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2916

MAIL DATE	DELIVERY MODE
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12/10/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Charles R. Sutton
LAW OFFICES OF ROGER C. HSU
201 S. Lake Ave., Ste. 302
Pasadena CA 91101

In re Application of :
Yang, Hsiu Pen :
Application No. 29/269,797 : **DECISION ON PETITION**
Filed: December 8, 2006 :
Attorney Docket No. SK3700-SLD03 :

This is a decision on the Petition To Withdraw Holding Of Abandonment, received in the United States Patent & Trademark (USPTO) on October 18, 2007.

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 submit corrected drawings, as required in the Notice of Allowability mailed February 8, 2007. The Notice of Abandonment, mailed on August 16, 2007 indicates, "No corrected drawings have been received".

The petitioner has not presented any evidence sufficient according to one of the following standards:

- 37 CFR 1.8(b) Certificate of mailing or transmission
- 37 CFR 1.10 Filing of correspondence by "Express Mail"
- MPEP 503 Return Post Card as Prima Facie Evidence

In light of the insufficient evidence, 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. 101.

Deborah A. Stephens
Deborah A. Stephens
Director
Office of Data Management



CHARLES R. SUTTON
LAW OFFICES OF ROGER C. HSU
201 S. LAKE AVENUE
SUITE 302
PASADENA, CA 91101

COPY MAILED

AUG 15 2008

In re Application of :
Hsiu Pen Yang :
Application No. 29/269,797 : **ON PETITION**
Filed: December 8, 2006 :
Attorney Docket No. SK3700-SLD03 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 8, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to submit formal drawings in a timely manner in reply to the Notice of Allowability, mailed February 8, 2007, which set a period for reply of three (3) months. Accordingly, this application became abandoned on May 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) (1).

The drawings fail to comply with the requirement of 37 CFR 1.84(d) which states:

Drawings: One or more application drawings shall be amended in the following manner: Any changes to an application drawing must be in compliance with § 1.84 and must be submitted on a replacement sheet of drawings which shall be an attachment to the amendment document and, in the top margin, labeled "Replacement Sheet". Any replacement sheet of drawings shall include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is

amended. Any new sheet of drawings containing an additional figure must be labeled in the top margin as "New Sheet". All changes to the drawings shall be explained, in detail, in either the drawing amendment or remarks section of the amendment paper.

(1) A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be included. The marked-up copy must be clearly labeled as "Annotated Sheet" and must be presented in the amendment or remarks section that explains the change to the drawings.

(2) A marked-up copy of any amended drawing figure, including annotations indicating the changes made, must be provided when required by the examiner.

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



CHARLES R. SUTTON,
LAW OFFICES OF ROGER C. HSU
201 S. LAKE AVE., STE.,600
PASADENA CA 91101

COPY MAILED

DEC 23 2008

OFFICE OF PETITIONS

In re Application of :
Hsui Pen Yang :
Application No. 29/269,797 : DECISION ON PETITION
Filed: December 8, 2006 :
Attorney Docket No. SK3700-SLD03 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed September 15, 2008, to revive the above-identified application.

This application became abandoned for failure to timely submit corrected formal drawings on or before May 8, 2007, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed February 8, 2007. Accordingly, the date of abandonment of this application is May 9, 2007.

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. However, if petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that 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. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

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 \$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 file corrected drawings 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.

The petition is **GRANTED**.

The drawings have been approved by the USPTO draftsman.

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 processing into a patent.


April M. Wise
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/269,798	12/08/2006	Hsiu Pen Yang	SK1600-103924D	7780

7590 12/10/2007
Charles R. Sutton
LAW OFFICES OF ROGER C. HSU
Ste. 302
201 S. Lake Ave.
Pasadena, CA 91101

EXAMINER

JACKSON, MARCUS A

ART UNIT	PAPER NUMBER
2916	

MAIL DATE	DELIVERY MODE
12/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Charles R. Sutton
LAW OFFICES OF ROGER C. HSU
201 S. Lake Ave., Ste. 302
Pasadena CA 91101

In re Application of :
Yang, Hsiu Pen :
Application No. 29/269,798 : **DECISION ON PETITION**
Filed: December 8, 2006 :
Attorney Docket No. SK1600-103924D :

This is a decision on the Petition To Withdraw Holding Of Abandonment, received in the United States Patent & Trademark (USPTO) on October 23, 2007.

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 submit corrected drawings, as required in the Notice of Allowability mailed February 8, 2007. The Notice of Abandonment, mailed on August 21, 2007 indicates, "No corrected drawings have been received".

The petitioner has not presented any evidence sufficient according to one of the following standards:

- 37 CFR 1.8(b) Certificate of mailing or transmission
- 37 CFR 1.10 Filing of correspondence by "Express Mail"
- MPEP 503 Return Post Card as Prima Facie Evidence

In light of the insufficient evidence, 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>)

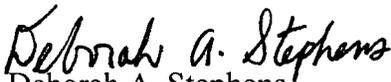
- Under 37 CFR 1.137(a), a petition for the revival of an *unavoidable* abandoned application
- Under 37 CFR 1.137(b), a petition for the revival of an *unintentionally* abandoned application

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. 101.


Deborah A. Stephens
Director
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CHARLES R. SUTTON
LAW OFFICES OF ROGER C. HSU
SUITE 302
201 S. LAKE AVENUE
PASADENA, CA 91101

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JUL 18 2008

In re Application of :
Hsiu Pen Yang :
Application No. 29/269,798 : DECISION ON PETITION
Filed: December 8, 2006 :
Attorney Docket No. SK1600- :
1032924SD :

This is a decision on the petition under 37 CFR 1.137(b), filed December 17, 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 May 8, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed February 8, 2007, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on May 9, 2007. A Notice of Abandonment was mailed on August 21, 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 and corrected formal drawings filed December 17, 2007, (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 undersigned at (571) 272-1642.

This application is being referred to Publishing Division for further processing in accordance with this decision on petition.



April M. Wise
Petitions Examiner
Office of Petitions



CHARLES R. SUTTON
LAW OFFICES OF ROGER C. HSU
STE. 302
201 S. LAKE AVE.
PASADENA CA 91101

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NOV 09 2007

OFFICE OF PETITIONS

In re Application of :
Hsiu Pen Yang : ON PETITION
Application No. 29/269,800 :
Filed: December 8, 2002 :
Attorney Docket No. U-013688-5 :

This is a decision on the request for reconsideration filed October 18, 2007, and treated under 37 CFR 1.181, to withdraw the holding of abandonment of 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 1.181," or, as explained in more detail below, "...under 37 CFR 1.137(a)" or (b). This is not a final agency decision.

The above-referenced application was held abandoned on May 9, 2007 for failure to file corrected drawings in response to the Notice of Allowability mailed February 8, 2007. Accordingly, a Notice of Abandonment was mailed August 17, 2007.

Petitioner argues that the Holding of Abandonment should be withdrawn because a bona fide attempt was made to file a complete response. Petitioner bases his argument on the fact that he didn't know that the Notice of Allowability required the filing of corrected drawings. Further, petitioner submits a statement from a secretary wherein she admits that she didn't read the Notice of Allowability and therefore did not communicate to the Attorney of Record that corrected drawings were required.

Petitioner's argument has been considered but has been found to be non-persuasive. This application is properly abandoned because of either negligence or incompetence of an office employee. More importantly, petitioner has not presented any basis for which relief should be granted under 37 CFR 1.181. Rather, in as much as the

secretary admits having made a mistake in not reading the Notice of Allowability which required Corrected Drawings, the petition sounds in abandonment based on an unintentional delay.

In view thereof and since a proper response was not timely filed, the holding of abandonment will not be withdrawn and the notice of abandonment will not be vacated.

ALTERNATIVE VENUES

Petitioner may wish to consider filing a renewed petition under 37 CFR 1.137(a)¹ or 37 CFR 1.137(b),² which now provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b).

The filing of a petition under the unintentional standard cannot be intentionally delayed

¹A grantable petition under 37 CFR 1.137(a) must be accompanied by:

(1) the required reply, unless previously filed; In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(l);

(3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

²Effective 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 require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

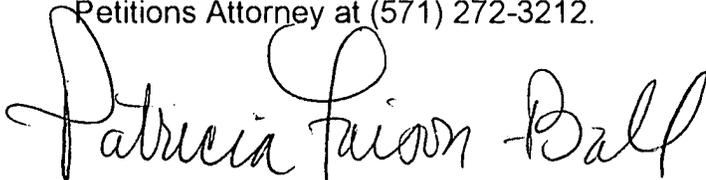
and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

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

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink that reads "Patricia Faison-Ball". The signature is written in a cursive, flowing style with large, connected letters.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



CHARLES R. SUTTON
LAW OFFICES OF ROGER C. HSU
STE. 302
201 S. LAKE AVE.
PASADENA CA 91101

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FEB 21 2008

OFFICE OF PETITIONS

In re Application of :
Hsiu Pen Yang :
Application No. 29/269,800 : ON PETITION
Filed: December 8, 2006 :
Attorney Docket No. SK1600-TYTC04 :

This is a decision on the petition filed February 8, 2008 under 37 CFR 1.137(b), ¹ to revive the above-identified application.

The petition under 37 CFR 1.137 (b) is **GRANTED**.

The above-referenced application was held abandoned on May 9, 2007 for failure to file corrected drawings in response to the Notice of Allowability mailed February 8, 2007. Accordingly, a Notice of Abandonment was mailed August 20, 2007.

All other requirements under 37 CFR 1.137(b) having been met, including the filing of a terminal disclaimer and fee, 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

¹Effective 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) gratable 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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201 S. LAKE AVE.
PASADENA CA 91101

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NOV 16 2007

OFFICE OF PETITIONS

In re Application of :
Hsiu Pen Yang : ON PETITION
Application No. 29/269,801 :
Filed: December 8, 2006 :
Attorney Docket No. SK1600-C1088 :

This is a decision on the request for reconsideration filed October 23, 2007, and treated under 37 CFR 1.181, to withdraw the holding of abandonment of 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 1.181," or, as explained in more detail below, "...under 37 CFR 1.137(a)" or (b). This is not a final agency decision.

The above-referenced application was held abandoned on May 9, 2007 for failure to file corrected drawings in response to the Notice of Allowability mailed February 8, 2007. Accordingly, a Notice of Abandonment was mailed August 20, 2007.

Petitioner argues that the Holding of Abandonment should be withdrawn because a bona fide attempt was made to file a complete response. Petitioner bases his argument on the fact that he didn't know that the Notice of Allowability required the filing of corrected drawings. Further, petitioner submits a statement from a secretary wherein she admits that she didn't read the Notice of Allowability and therefore did not communicate to the Attorney of Record that corrected drawings were required.

Petitioner's argument has been considered but has been found to be non-persuasive. This application is properly abandoned because of either negligence or incompetence of an office employee. More importantly, petitioner has not presented any basis for

which relief should be granted under 37 CFR 1.181. Rather, in as much as the secretary admits having made a mistake in not reading the Notice of Allowability which required Corrected Drawings, the petition sounds in abandonment based on an unintentional delay.

In view thereof and since a proper response was not timely filed, the holding of abandonment will not be withdrawn and the notice of abandonment will not be vacated.

ALTERNATIVE VENUES

Petitioner may wish to consider filing a renewed petition under 37 CFR 1.137(a)¹ or 37 CFR 1.137(b),² which now provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b).

¹A grantable petition under 37 CFR 1.137(a) must be accompanied by:

(1) the required reply, unless previously filed; In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(l);

(3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

²Effective 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 require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

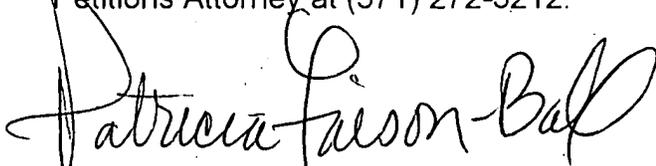
The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

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

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in cursive script that reads "Patricia Faison-Ball". The signature is written in black ink and is positioned above the printed name and title.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



CHARLES R. SUTTON
LAW OFFICES OF ROGER C. HSU
STE. 302
201 S. LAKE AVE.
PASADENA CA 91101

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FEB 21 2008

OFFICE OF PETITIONS

In re Application of :
Hsiu Pen Yang :
Application No. 29/269,801 : ON PETITION
Filed: December 8, 2006 :
Attorney Docket No. SK1600-C1088 :

This is a decision on the petition filed February 8, 2008 under 37 CFR 1.137(b), ¹ to revive the above-identified application.

The petition under 37 CFR 1.137 (b) is **GRANTED**.

The above-referenced application was held abandoned on May 9, 2007 for failure to file corrected drawings in response to the Notice of Allowability mailed February 8, 2007. Accordingly, a Notice of Abandonment was mailed August 20, 2007.

All other requirements under 37 CFR 1.137(b) having been met, including the filing of a terminal disclaimer and fee, 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) ~~by a~~ gratable 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 require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).



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NOV 16 2007

OFFICE OF PETITIONS

ON PETITION

In re Application of
Hsiu Pen Yang
Application No. 29/269,802
Filed: December 8, 2006
Attorney Docket No. SK1600-DCAG05

This is a decision on the request for reconsideration filed October 23, 2007, and treated under 37 CFR 1.181, to withdraw the holding of abandonment of 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 1.181," or, as explained in more detail below, "...under 37 CFR 1.137(a)" or (b). This is not a final agency decision.

The above-referenced application was held abandoned on May 9, 2007 for failure to file corrected drawings in response to the Notice of Allowability mailed February 8, 2007. Accordingly, a Notice of Abandonment was mailed August 21, 2007.

Petitioner argues that the Holding of Abandonment should be withdrawn because a bona fide attempt was made to file a complete response. Petitioner bases his argument on the fact that he didn't know that the Notice of Allowability required the filing of corrected drawings. Further, petitioner submits a statement from a secretary wherein she admits that she didn't read the Notice of Allowability and therefore did not communicate to the Attorney of Record that corrected drawings were required.

Petitioner's argument has been considered but has been found to be non-persuasive. This application is properly abandoned because of either negligence or incompetence of an office employee. More importantly, petitioner has not presented any basis for

which relief should be granted under 37 CFR 1.181. Rather, in as much as the secretary admits having made a mistake in not reading the Notice of Allowability which required Corrected Drawings, the petition sounds in abandonment based on an unintentional delay.

In view thereof and since a proper response was not timely filed, the holding of abandonment will not be withdrawn and the notice of abandonment will not be vacated.

ALTERNATIVE VENUES

Petitioner may wish to consider filing a renewed petition under 37 CFR 1.137(a)¹ or 37 CFR 1.137(b),² which now provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b).

¹A grantable petition under 37 CFR 1.137(a) must be accompanied by:

(1) the required reply, unless previously filed; In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(l);

(3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

²Effective 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 require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

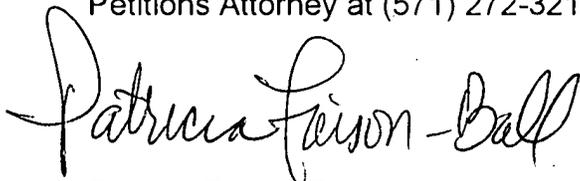
The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

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

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in cursive script that reads "Patricia Faison-Ball". The signature is written in black ink and is positioned to the left of the printed name and title.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



CHARLES R. SUTTON
LAW OFFICES OF ROGER C. HSU
STE. 302
201 S. LAKE AVE.
PASADENA CA 91101

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JAN 04 2008

OFFICE OF PETITIONS

In re Application of :
Hsiu Pen Yang :
Application No. 29/269,802 :
Filed: December 8, 2006 :
Attorney Docket No. **SK1600-DCAG05** :

ON PETITION

This is a decision on the petition filed December 17, 2007 under 37 CFR 1.137(b),¹ to revive the above-identified application.

The petition under 37 CFR 1.137 (b) is GRANTED.

A Notice of Allowability, mailed February 8, 2007, required the submission of corrected drawings on or before May 8, 2007. This application became abandoned May 9, 2007. Accordingly, a Notice of Abandonment was mailed August 21, 2007.

All other requirements under 37 CFR 1.137(b) having been met, including the filing of a terminal disclaimer and fee, 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) gratable 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)).



KEVIN STEINACKER
STE. 1401
1201 PACIFIC AVENUE
TACOMA, WA 98402

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JAN 18 2007

OFFICE OF PETITIONS

In re Application of
Scot Calkins
Application No. 29/269,806
Filed: December 7, 2006
Attorney Docket No. 4118-330

:
:
: DECISION ACCORDING STATUS
: UNDER 37 CFR 1.47(b)
:

This decision is in response to the petition filed December 7, 2006 under 37 CFR 1.47(b).

The petition is **GRANTED**.

The above-identified application was filed on December 7, 2006 with the instant petition under 37 CFR 1.47(b) claiming that the sole inventor, Scott Calkins, refuses to execute the oath or declaration.

A grantable petition under 37 CFR 1.47(b) requires:

- (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
- (3) the petition fee;
- (4) a statement of the last known address of the non-signing inventor;
- (5) proof of proprietary interest, and
- (6) proof of irreparable damage.

Included with the petition is an oath or declaration signed by Lisa Chissus, President of Flex-a-lite Consolidated, Inc., the assignee, with proof that the application papers were sent to the non-signing inventor and that through his legal counsel, Mr. Calkins refuses to execute the oath or declaration and thus by his actions to cooperate with the filing of the instant application.

In addition to the signed oath or declaration by Ms. Chissus and proof that the application materials have been sent to the non-signing inventor, the petition fee, the last known address for Mr. Calkins, a copy of the assignment previously executed by

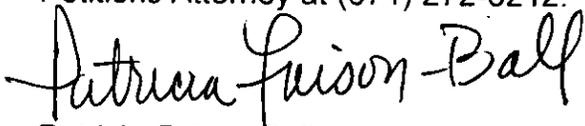
the sole inventor to show proprietary interest and a statement that the application is filed to preserve the applicants rights in the application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). In view thereof, this application is hereby accorded Rule 1.47(b) status.

Thus, as provided in Rule 1.47c, this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This matter is being referred to Technology Center 2916 for examination in due course.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink that reads "Patricia Faison-Ball". The signature is written in a cursive, flowing style.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



Kevin Steinacker
Ste. 1401
1201 Pacific Ave.
Tacoma, WA 98402

COPY MAILED

APR 18 2007

OFFICE OF PETITIONS

In re Application of Scot Calkins	:	
Application No. 29/269,807	:	Decision According Status
Filed: December 7, 2006	:	Under 37 CFR 1.47(b)
Attorney Docket No. 4118-278	:	
For: Dual Fan Assembly and Shroud	:	
With Spider Web Support	:	

This is in response to the petition under 37 CFR 1.47(b), filed December 7, 2006.

The petition is **granted**.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The Office of Initial Patent Examination will be informed of the instant decision so that it may continue to prepare the application for examination.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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	Not Yet Assigned
	Filing Date	Concurrently Herewith
	First Named Inventor	Daisuke SHIONO
	Title	DISC PLAYER
	Atty Docket Number	SDE-1878/CON4

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:

1. US Design Patent Search, Years: 1976 to present, US Classifications: D14/135-136, 156-157, 160-165, 167-168, 192-198, 188, 217, 257, 258, 445
2. Japanese Design Search, Years: Jan. 2000 to Oct. 2006. Search term and Classifications (H4-460B or H4-460BA or H4-460BB) and (vehicle installation) Old Japanese Design Classification are used for this search

Related applications: 29/245,286 and 4 applications concurrently filed.

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.

Approved

12-28-06
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

December 11, 2006

Signature

Date

Toshikatsu Imaizumi

L0046

Typed or printed name
(202)-955-3750

Registration Number, if applicable

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.

2/12/2006 SSITHIB1 00000058 180013 29269868

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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)	Application Number	Not Yet Assigned
	Filing Date	Concurrently Herewith
	First Named Inventor	Daisuke SHIONO
	Title	DISC PLAYER
	Atty Docket Number	SDE-1878/CON3

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:

- US Design Patent Search, Years: 1976 to present, US Classifications: D14/135-136, 156-157, 160-165, 167-168, 192-198, 188, 217, 257, 258, 445
- Japanese Design Search, Years: Jan. 2000 to Oct. 2006, Search term and Classifications (H4-460B or H4-460BA or H4-460BB) and (vehicle installation) Old Japanese Design Classification are used for this search

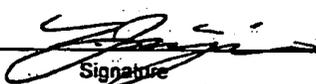
Related applications: 29/245,286 and 4 applications concurrently filed.

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.

Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

12-28-06

 _____ Signature Toshikatsu Imaizumi _____ Typed or printed name (202)-955-3750 _____ Telephone Number	December 11, 2006 _____ Date L0046 _____ Registration Number, if applicable
---	--

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.

113006 U.S. PTO
20/269869
121106

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.

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	Not Yet Assigned
	Filing Date	Concurrently Herewith
	First Named Inventor	Daisuke SHIONO
	Title	DISC PLAYER
	Atty Docket Number	SDE-1878/CON1

ADDRESS TO:
 MAIL STOP EXPEDITED DESIGN
 COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, VA 22313-1450

113006 U.S. PTO
29/245286
121106

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:

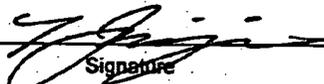
1. US Design Patent Search, Years: 1976 to present, US Classifications: D14/135-136, 156-157, 160-165, 167-168, 192-198, 188, 217, 257, 258, 445
2. Japanese Design Search, Years: Jan. 2000 to Oct. 2006, Search term and Classifications: (H4-460B or H4-460BA or H4-460BB) and (vehicle installation) Old Japanese Design Classification are used for this search

Related applications: 29/245,286 and 4 applications concurrently filed.

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.

12-28-06
Jacqueline M. Stone
 Approved
 Jacqueline M. Stone, Director
 Technology Center 1700/2900



 Signature
 Toshikatsu Imaizumi

 Typed or printed name
 (202)-955-3750

 Telephone Number

December 11, 2006

 Date
 L0046

 Registration Number, if applicable

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.

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	Not Yet Assigned
Filing Date	Concurrently Herewith
First Named Inventor	Daisuke SHIONO
Title	DISC PLAYER
Atty Docket Number	SDE-1878/CON2

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:

1. US Design Patent Search, Years: 1976 to present, US Classifications: D14/135-136, 156-157, 160-165, 167-168, 192-198, 188, 217, 257, 258, 445

2. Japanese Design Search, Years: Jan. 2000 to Oct. 2006, Search term and Classifications
(H4-460B or H4-460BA or H4-460BB) and (vehicle installation)
Old Japanese Design Classification are used for this search

Related applications: 29/245,286 and 4 applications concurrently filed.

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.

Approved

12-28-06
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

Toshikatsu Imaizumi
Signature

Toshikatsu Imaizumi

Typed or printed name
(202)-955-3750

Telephone Number

December 11, 2006

Date

L0046

Registration Number, if applicable

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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12/28/06
U.S. PTO
29/245,286/1
121106



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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

C. R. Bard, Inc.
Bard Peripheral Vascular, Inc.
1415 W. 3rd Street
P.O. Box 1740
Tempe AZ 85280-1740

MAILED

JUL 09 2009

OFFICE OF PETITIONS

In re Application of :
Vogel et al. :
Application No. 29/269929 : ON PETITION
Filing or 371(c) Date: 12/12/2006 :
Attorney Docket Number: 568-PDD-06-15 DES:

This is a decision on the renewed Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b), filed May 18, 2009.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowability, mailed August 8, 2008. The Notice set a non-extendable three (3) month period for reply. No reply having been received, the application became abandoned on November 9, 2008. A Notice of Abandonment was mailed December 2, 2008.

Applicant files the present petition and an amendment to the Drawings in response to the Notice of Allowability.

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 a Terminal Disclaimer. Accordingly, the reply is accepted as having been 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 the Office of Data Management for processing into a patent.

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

CC: RUTAN & TUCKER
611 ANTON BLVD., SUITE 1400
COSTA MESA, CA 92626



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

COPY MAILED

JUL 18 2008

In re Patent No. :
D566,863 :
Application No. 29/270,063 : **DECISION GRANTING PETITION**
Filing Date: December 14, 2006 :
Issue Date: April 15, 2008 :
Attorney Docket No. 040302-0620 :

This is a decision on the petition under 37 CFR 1.182, filed June 26, 2008, requesting issuance of duplicate Letters of Patent for the above-identified patent. This is also a decision on the petition under 37 CFR 1.182 to expedite the petition for duplicate Letters of Patent.

The petitions are **granted**.

The file record discloses that the above-cited application matured into U.S. Patent No. D566,863 on April 15, 2008. Petitioner maintains, however, that the patent was received but lost thereafter.

In view of the facts set forth in the petition, it is concluded that the original Letters of Patent was lost after receipt. The Office of Data Management is directed to issue duplicate Letters of Patent.

Any questions concerning this decision may be directed to the undersigned at (571)272-3222. Any questions concerning issuance of the duplicate Letter of Patent should be directed to Niomi Farmer, Office of Data Management at (703) 308-9250 extension 129.

A copy of this decision is being forwarded to the Office of Data Management for issuance of a duplicate Letter of Patent.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

cc: Niomi Farmer—Office of Data Management FAX: 571-270-9753



LET Z. KWAN, ESQ.
2263 VANDALIA AVENUE
LOS ANGELES CA 90032

COPY MAILED

MAR 24 2008

OFFICE OF PETITIONS

In re Application of	:	
Yanchen Zhang	:	
Application No.: 29/270072	:	ON PETITION
Filing or 371(c) Date: 12/14/2006	:	
Title of Invention: DIGITAL CALIPER	:	

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 December 26, 2007.

This Petition is hereby **dismissed**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

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, mailed June 25, 2007. The Notices set a non-extendable three (3) month period for reply. No reply having been received, the application became abandoned on September 26, 2007. A Notice of Abandonment was mailed November 15, 2007.

Applicable Law, Rules and MPEP

A petition to revive an abandoned application on the grounds that the failure to reply was unintentional (37 CFR 1.137(b)) must be accompanied by: (1) the required reply; (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 37 CFR 1.137(b) was unintentional; (3) any terminal disclaimer required pursuant to 37 CFR 1.137(d) (see above discussion); and (4) the petition fee as set forth in 37 CFR 1.17(m). Applicant lacks item (1).

Analysis and conclusion

As to item (1), a review of the Notice of Allowability reveals that corrected drawings, including those required by the Examiner's Amendment, were required. Applicant has not filed corrected drawings with the present petition.

Corrected drawings are required.

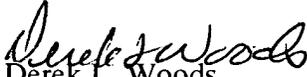
Further correspondence with respect to this matter should be addressed as follows:

By mail: Director for Patents
 PO Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.


Derek L. Woods
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

LET Z. KWAN, ESQ.
2263 VANDALIA AVENUE
LOS ANGELES CA 90032

COPY MAILED

APR 14 2008

In re Application of : **OFFICE OF PETITIONS**
Yanchen Zhang :
Application No.: 29/270072 : **ON PETITION**
Filing or 371(c) Date: 12/14/2006 :
Title of Invention: DIGITAL CALIPER :

This is a decision on the "Petition to Withdrawal Holding of Abandonment Based on Failure to Receive Office Action," filed March 31, 2008. The petition is properly treated 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 June 25, 2007. The Notices set a non-extendable three (3) month period for reply. No reply having been received, the application became abandoned on September 26, 2007. A Notice of Abandonment was mailed November 15, 2007.

Applicant filed a petition to revive the application and the issue fee payment on December 26, 2007; however, the petition was dismissed for failing to meet the requirements of a grantable petition under 37 CFR 1.137(b).

With the present petition, Applicant has demonstrated non-receipt of the Notices by a preponderance of the evidence.

In view of the foregoing, the petition is **granted**. The holding of abandonment is hereby withdrawn.

The application will be referred to Technology Center Art Unit 2915 for re-mailing of the Notices and re-setting the period for response.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.


Derek L. Woods
Attorney
Office of Petitions

17712 U.S. PTO

"SPECIAL PROCEDURES SUBMISSION"

EXPEDITED DESIGN

37 CFR 1.155

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Nathaniel J. Radcliffe et al.

New. U.S. Patent Application

Filed: December 15, 2006

Docket No.: 130667

For: A PORTION OF A GOLF CLUB HEAD

113006 U.S. PTO
29/270099
121506

REQUEST FOR EXPEDITED EXAMINATION OF DESIGN PATENT APPLICATION
UNDER 37 CFR 1.155

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Expedited Examination is requested for this design patent application. In accordance with 37 CFR 1.155, the following information is submitted:

1. The application has been filed with the executed declaration filed concurrently herewith, with all fees paid and drawings in compliance with 37 CFR 1.84;
2. The applicant conducted a pre-examination search. An Information Disclosure Statement is filed concurrently herewith to submit the results of the pre-examination search. The field of search included Subclasses 324, 327-331, 345 and 346 in Class 473, and Subclasses 733, 752, 753 and 759 in Class D21.

The U.S. Patent and Trademark Office is authorized to debit our Deposit Account No. 15-0461 in the amount of \$900.00 under 37 CFR 1.17 (k) to effect filing of this request for expedited examination.

Expedited Examination is respectfully requested.

Respectfully submitted,

Edward P. Walker
Registration on No. 31,450

Jesse O. Collier
Registration No. 53,839

1-29-07
Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

2/18/2006 CNGUYEN2 00000030 150461 29270099
4 FC:1802 900.00 DA

EPW:JOC/cdk

Date: December 15, 2006

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

**DEPOSIT ACCOUNT USE
AUTHORIZATION**
Please grant any extension
necessary for entry;
Charge any fee due to our
Deposit Account No. 15-0461

17712 U.S. PTO
121506

"SPECIAL PROCEDURES SUBMISSION"

EXPEDITED DESIGN

37 CFR 1.155

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Nathaniel J. Radcliffe et al.

New. U.S. Patent Application

Filed: December 15, 2006

Docket No.: 130666

For: A PORTION OF A GOLF CLUB HEAD

113006 U.S. PTO
29/270100
121506

REQUEST FOR EXPEDITED EXAMINATION OF DESIGN PATENT APPLICATION
UNDER 37 CFR 1.155

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Expedited Examination is requested for this design patent application. In accordance with 37 CFR 1.155, the following information is submitted:

1. The application has been filed with the executed declaration filed concurrently herewith, with all fees paid and drawings in compliance with 37 CFR 1.84;

2. The applicant conducted a pre-examination search. An Information Disclosure Statement is filed concurrently herewith to submit the results of the pre-examination search. The field of search included Subclasses 324, 327-331, 345 and 346 in Class 473, and Subclasses 733, 752, 753 and 759 in Class D21.

The U.S. Patent and Trademark Office is authorized to debit our Deposit Account No. 15-0461 in the amount of \$900.00 under 37 CFR 1.17 (k) to effect filing of this request for expedited examination.

Expedited Examination is respectfully requested.

2/18/2006 CNGUYEN2 00000031 150461 29270100
4 FC:1802 900.00 DA

Respectfully submitted,

Edward P. Walker
Registration No. 31,450

Jesse O. Collier
Registration No. 53,839

1-29-07
Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

EPW:JOC/cdk

Date: December 15, 2006

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

**DEPOSIT ACCOUNT USE
AUTHORIZATION**
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necessary for entry;
Charge any fee due to our
Deposit Account No. 15-0461



LADAS & PARRY LLP
26 WEST 61ST STREET
NEW YORK NY 10023

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JUN 17 2008

OFFICE OF PETITIONS

In re Application of :
Selmecei et al. :
Application No. 29/270,150 :
Filed: December 15, 2006 :
Attorney Docket Number: UD 051740-5 :

ON PETITION

This is a decision on the petition, filed May 21, 2008, 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 filed under 37 CFR 1.181 is **Granted**.

This above-identified application became abandoned for failure to timely file a reply to the restriction requirement of September 21, 2007. The restriction requirement set a one (1) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application was held abandoned on October 22, 2007. A Notice of Abandonment was mailed on April 30, 2008.

Petitioner contends a reply to the restriction requirement was received in the Office on November 23, 2007. Petitioner states that the reply in the form of an amendment, and request for one month extension of time and a \$120.00 check. In support of petitioner's argument, petitioner has submitted a copy of the amendment, a stamped post card receipt dated November 23, 2007 and a copy of the cashed check.

Petitioner does acknowledge the reply included the incorrect application number. The reply did contain the correct art unit, filing date, examiner's name, applicant, attorney docket number and title of invention.

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 application 29/270,130 rather than the correct application No. 29/270,150. The Office elects, in this instance, to treat applicant's listing of a typographical error in providing the correct application number, as a correctable minor error as permitted under MPEP 502. *However, applicant is 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.*

The response submitted November 23, 2007 has been located. Based on the facts stated in the instant petition and the corroborative evidence provided, it is concluded that the holding of abandonment was improperly imposed.

The Notice of Abandonment is hereby vacated and the holding of abandonment is withdrawn.

This application is being forwarded to the Art Unit 2912 for further processing of the reply submitted on November 23, 2007.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.



Charlema R. Grant
Petition Attorney
Office of Petitions

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	Christopher D. McGrath
	Title	PORTION OF A SHOE UPPER
	Attorney Docket Number	2465-8059US

ADDRESS TO: MAIL STOP EXPEDITED DESIGN COMMISSION FOR PATENTS P.O. BOX 1450 Alexandria, VA 22313-1450	Approved <i>1-29-07</i> <i>Jacqueline M. Stone</i> Jacqueline M. Stone, Director Technology Center 1700/2900
	13006 U.S. PTO 29/270247 121806

This is a request for expedited examination of a design application under 37 CER 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:

US. CL. D2/896, D2/897, D2/902, D2/907, D2/908, D2/910 D2/911, D2/912, D2/916, D2/922, D2/935, D2/969, D2/970, D2/971, D2/972, 36/45, 36/50.1, 36/83, 36/88, 36/89, 36/93, 36/101, 36/102, 36/103, 36/104, 36/106, 36/108, 36/109, 36/113, 36/114, 36/115, 36/116, 36/126, 36/127, 36/128, 36/129, 36/130

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.

Laurence B. Bond

Signature
Laurence B. Bond

Typed or printed name
(801) 532-1922

Telephone Number

18 Dec. 2006

Date
30,549

Registration Number, if applicable

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 22343-1450.
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

1-27-2010



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Patent No. : D581,799 S
Inventor(s) : Damien Bourne
Issued : December 2, 2008
Application No.: 29/270,273

Request for Certificate of Correction

Consideration has been given your request under the provisions of Rule 1.323 or 1.322.

The alleged error in the omission of the priority data, resulted from applicant's failure to fully comply with 35 U.S.C. 119, in that the:

- [a.] priority data was omitted from the oath or declaration;
- [b.] claim for priority was not included in the application paper;

In view of the foregoing, your request is hereby denied.

Further correspondence concerning this matter, should be directed to:

U.S. Patent and Trademark Office
Washington, DC 20231
Attn: Decisions & Certificates of Correction Branch

Eva James
For: Mary Digggs
Decisions & Certificate
of Correction Branch
(703-756-1583 or 1580)

Richard M. LaBarge
Marshall, Gerstein & Borun LLP
233 S. Wacker Drive, Suite 6300
Sears Tower
Chicago, Illinois 60606-6357

ej

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	David J. Dirsa
	Title	PORTION OF A SHOE UPPER
	Attorney Docket Number	2465-8060US

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN COMMISSION FOR PATENTS
P.O. BOX 1450
Alexandria, VA 22313-1450

1-29-07 Approved
Jacqueline M. Stone
 Jacqueline M. Stone, Director
 Technology Center 1700/2900

113008 U.S. PTO
 29/270302
 122006

This is a request for expedited examination of a design application under 37 CER 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:

US. CL. D2/896, D2/897, D2/902, D2/907, D2/908, D2/910 D2/911, D2/912, D2/916, D2/922, D2/935, D2/969, D2/970, D2/971, D2/972, 36/45, 36/50.1, 36/83, 36/88, 36/89, 36/93, 36/101, 36/102, 36/103, 36/104, 36/106, 36/108, 36/109, 36/113, 36/114, 36/115, 36/116, 36/126, 36/127, 36/128, 36/129, 36/130

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.

Laurence B. Bond

 Signature
 Laurence B. Bond

 Typed or printed name
 (801) 532-1922

 Telephone Number

20 Dec. 2006

 Date
 30,549

 Registration Number, if applicable

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 22343-1450.**
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



JAMES M. DUNCAN
P.O. BOX 11172
BAKERSFIELD, CA 93389-1172

COPY MAILED

JUN 05 2008

In re Application of	:	OFFICE OF PETITIONS
Junck, Anthony David	:	
Application No. 29/270,338	:	DECISION ON PETITION
Filed: December 21, 2006	:	
Attorney Docket No. 15272-3	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed May 7, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within **TWO (2) MONTHS** from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) the required reply,
- (2) the petition fee,
- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
- (4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Where there is a question as to whether either the abandonment or the delay in filing a petition, under 37 CFR 1.137 was unintentional, the Commissioner may require additional information.²

The instant petition lacks item(s) (4). Although petition did submit the terminal disclaimer fee, the terminal disclaimer itself was not submitted. A blank form is enclosed for petitioner's convenience.

Further correspondence with respect to this matter should be addressed as follows:

¹ In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

² See MPEP 711.03(c)(III)(C) and (D).

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Window located at:

 U.S. Patent and Trademark Office
 Customer Service Window Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-8300
 ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.



Liana Walsh
Petitions Examiner
Office of Petitions

Enclosure – PTO/SB/63

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

JAMES M. DUNCAN
P.O. BOX 11172
BAKERSFIELD, CA 93389-1172

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JUL 15 2008

OFFICE OF PETITIONS

In re Application of :
Junck, Anthony David :
Application No. 29/270,338 :
Filed: December 19, 2006 :
Attorney Docket No. 15272-3 :

ON PETITION

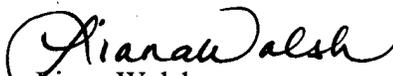
This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed June 18, 2008, to revive the above-identified application.

The petition is **GRANTED**.

Petitioner has now satisfied all requirements under 37 CFR 1.137(b) with the submission of the terminal disclaimer.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Data Management for processing into a patent.


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

CARTER, DELUCA, FARRELL & SCHMIDT, LLP
445 BROAD HOLLOW ROAD, SUITE 225
MELVILLE, NY 11747

COPY MAILED

AUG 18 2008

OFFICE OF PETITIONS

In re Application of :
John Seymour **BURNETT** :
Application No. 29/270,345 : **DECISION ON PETITION**
Filed: December 20, 2006 :
Attorney Docket No. 1315-45 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 26, 2008, to revive the above-identified design application.

The petition is **GRANTED**.

The application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowability, mailed November 20, 2007, which set a period for reply of three (3) months. Accordingly, this application became abandoned on February 20, 2008.

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; (3) the required statement of unintentional delay; and (4) a Terminal Disclaimer.

The Terminal Disclaimer is accepted and has been made of record.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at (571)272-6735.

This application is being referred to the Office of Data Management for processing into a patent.


Thurman Page
Petitions Examiner
Office of Petitions

"SPECIAL PROCEDURES SUBMISSION"

EXPEDITED DESIGN

37 CFR 1.155

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Douglas E. ROBERTS et al.

New. U.S. Patent Application

Filed: December 21, 2006

Docket No.: 130738

For: A PORTION OF A GOLF CLUB HEAD



REQUEST FOR EXPEDITED EXAMINATION OF DESIGN PATENT APPLICATION

UNDER 37 CFR 1.155

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Approved *1-29-07*
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

Sir:

Expedited Examination is requested for this design patent application. In accordance with 37 CFR 1.155, the following information is submitted:

1. The application has been filed with the executed declaration filed concurrently herewith, with all fees paid and drawings in compliance with 37 CFR 1.84;
2. The applicant conducted a pre-examination search. An Information Disclosure Statement is filed concurrently herewith to submit the results of the pre-examination search. The field of search included Subclasses 747-751 and 759 in Class D21.

The U.S. Patent and Trademark Office is authorized to debit our Deposit Account No. 15-0461 in the amount of \$900.00 under 37 CFR 1.17 (k) to effect filing of this request for expedited examination.

Expedited Examination is respectfully requested.

Respectfully submitted,

Edward P. Walker
Registration No. 31,450

Thomas J. Pardini
Registration No. 30,411

12/26/2006 ATRINH 00000033 150461 29270348
01 FC:1802 900.00 DA

EPW:TJP/cdk

Date: December 21, 2006

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE
AUTHORIZATION
Please grant any extension
necessary for entry;
Charge any fee due to our
Deposit Account No. 15-0461

1804
"SPECIAL PROCEDURES SUBMISSION"

EXPEDITED DESIGN

37 CFR 1.155

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Douglas E. ROBERTS et al.

New. U.S. Patent Application

Filed: December 21, 2006

Docket No.: 130737

For: A PORTION OF A GOLF CLUB HEAD



REQUEST FOR EXPEDITED EXAMINATION OF DESIGN PATENT APPLICATION

UNDER 37 CFR 1.155

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 1-29-07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

Sir:

Expedited Examination is requested for this design patent application. In accordance with 37 CFR 1.155, the following information is submitted:

1. The application has been filed with the executed declaration filed concurrently herewith, with all fees paid and drawings in compliance with 37 CFR 1.84;
2. The applicant conducted a pre-examination search. An Information Disclosure Statement is filed concurrently herewith to submit the results of the pre-examination search. The field of search included Subclasses 224, 327-331, and 350 in Class 473, and Subclasses 747-751 and 759 in Class D21.

The U.S. Patent and Trademark Office is authorized to debit our Deposit Account No. 15-0461 in the amount of \$900.00 under 37 CFR 1.17 (k) to effect filing of this request for expedited examination.

Expedited Examination is respectfully requested.

12/26/2006 ATRINH 00000035 150461 29270358
01 FC:1802 900.00 DA

Respectfully submitted,

Thomas Pardini

Edward P. Walker
Registration No. 31,450

Thomas J. Pardini
Registration No. 30,411

EPW:TJP/cdk

Date: December 21, 2006

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

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AUTHORIZATION
Please grant any extension
necessary for entry;
Charge any fee due to our
Deposit Account No. 15-0461



UNITED STATES 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.

KARL L. LARSON
GARDERE WYNNE SEWELL LLP, IP SECTION
3000 THANKSGIVING TOWER
1601 ELM STREET, SUITE 3000
DALLAS TX 75201

COPY MAILED

APR 14 2008

OFFICE OF PETITIONS

In re Application of	:	
Jon Dukerschein et al.	:	
Application No. 29/270,392	:	DECISION ON TWO PETITIONS
Filed: December 20, 2006	:	PURSUANT TO
Attorney Docket No.: 126239-	:	37 C.F.R. §§ 1.137(B) AND
4019	:	1.182
Title: WALL MOUNTABLE	:	
CONTROLLER	:	

This is a decision on the petition filed February 14, 2008, pursuant to 37 C.F.R. § 1.137(b) to revive the above-identified application.

On March 21, 2008, Petitioner submitted a petition pursuant to 37 C.F.R. § 1.182 for expedited handling of the petition pursuant to 37 C.F.R. § 1.137(b), along with the fee associated with the filing of the petition to expedite.

The petition pursuant to 37 C.F.R. § 1.182 is **GRANTED**. Expedited handling will be accorded to the petition pursuant to 37 C.F.R. § 1.137(b).

The petition pursuant to 37 C.F.R. § 1.137(b) 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 and Issue Fee Due, mailed October 31, 2007, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting issue fees¹. Accordingly, this application became abandoned on February 1, 2008. A Notice of Abandonment was mailed subsequent to the filing of these two petitions on March 27, 2008.

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.

With this petition, Petitioner has submitted the design issue fee, the petition fee, the proper statement of unintentional delay, a Continued Prosecution Application (CPA) Request Transmittal Sheet, the design filing fee, the design examination fee, the design search fee, and the terminal disclaimer along with the associated fee.

As such, each of the four requirements of Rule 1.137(b) has been met.

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 CPA submitted on February 14, 2008 can be processed.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225². All other inquiries

¹ See MPEP § 710.02(e).

² Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

concerning the status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

"SPECIAL PROCEDURES SUBMISSION"

EXPEDITED DESIGN

37 CFR 1.155

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Sharon J. PARK et al.

New. U.S. Patent Application

Filed: December 22, 2006

Docket No.: 130801

For: A PORTION OF A GOLF CLUB HEAD

112821 U.S. PTO
29/270422
122206

REQUEST FOR EXPEDITED EXAMINATION OF DESIGN PATENT APPLICATION

UNDER 37 CFR 1.155

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Approved *1-29-07*
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

Sir:

Expedited Examination is requested for this design patent application. In accordance with 37 CFR 1.155, the following information is submitted:

1. The application has been filed with the executed declaration filed concurrently herewith, with all fees paid and drawings in compliance with 37 CFR 1.84;

2. The applicant conducted a pre-examination search. An Information Disclosure Statement is filed concurrently herewith to submit the results of the pre-examination search. The field of search included Subclasses 219, 238, 242, 252, 253, 257, 282, 290, 314, 324, 330, 331, 341, 342, 349 and 350 in Class 473.

The U.S. Patent and Trademark Office is authorized to debit our Deposit Account No. 15-0461 in the amount of \$900.00 under 37 CFR 1.17 (k) to effect filing of this request for expedited examination.

Expedited Examination is respectfully requested.

Respectfully submitted,

Edward P. Walker
Registration No. 31,450

Jesse O. Collier
Registration No. 53,839

2/27/2006 MBELETE1 00000065 150461 29270422

11 FC:1802 900.00 DA

EPW:JOC/jdb

Date: December 22, 2006

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE
AUTHORIZATION
Please grant any extension
necessary for entry;
Charge any fee due to our
Deposit Account No. 15-0461

"SPECIAL PROCEDURES SUBMISSION"

EXPEDITED DESIGN

37 CFR 1.155

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Sharon J. PARK et al.

New. U.S. Patent Application

Filed: December 22, 2006

Docket No.: 130802

For: A PORTION OF A GOLF CLUB HEAD

112921 U.S. PTO
29/270423
122206

REQUEST FOR EXPEDITED EXAMINATION OF DESIGN PATENT APPLICATION
UNDER 37 CFR 1.155

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Approved *1-29-07*
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

Sir:

Expedited Examination is requested for this design patent application. In accordance with 37 CFR 1.155, the following information is submitted:

1. The application has been filed with the executed declaration filed concurrently herewith, with all fees paid and drawings in compliance with 37 CFR 1.84;
2. The applicant conducted a pre-examination search. An Information Disclosure Statement is filed concurrently herewith to submit the results of the pre-examination search. The field of search included Subclasses 219, 238, 242, 252, 253, 257, 282, 290, 314, 324, 330, 331, 341, 342, 349 and 350 in Class 473.

The U.S. Patent and Trademark Office is authorized to debit our Deposit Account No. 15-0461 in the amount of \$900.00 under 37 CFR 1.17 (k) to effect filing of this request for expedited examination.

Expedited Examination is respectfully requested.

12/27/2006 MBELETE1 00000064 150461 29270423
01 FC:1802 900.00 DA

Respectfully submitted,

[Signature]
Edward P. Walker
Registration No. 31,450

Jesse O. Collier
Registration No. 53,839

EPW:JOC/emt

Date: December 22, 2006

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

**DEPOSIT ACCOUNT USE
AUTHORIZATION**
Please grant any extension
necessary for entry;
Charge any fee due to our
Deposit Account No. 15-0461

"SPECIAL PROCEDURES SUBMISSION"

EXPEDITED DESIGN

37 CFR 1.155

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Sharon J. PARK et al.

New. U.S. Patent Application

Filed: December 22, 2006

Docket No.: 130799

For: A PORTION OF A GOLF CLUB HEAD

1-29-07
1-29-07
29/270424
122206

REQUEST FOR EXPEDITED EXAMINATION OF DESIGN PATENT APPLICATION
UNDER 37 CFR 1.155

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Approved

Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

Sir:

Expedited Examination is requested for this design patent application. In accordance with 37 CFR 1.155, the following information is submitted:

1. The application has been filed with the executed declaration filed concurrently herewith, with all fees paid and drawings in compliance with 37 CFR 1.84;
2. The applicant conducted a pre-examination search. An Information Disclosure Statement is filed concurrently herewith to submit the results of the pre-examination search. The field of search included Subclasses 219, 238, 242, 252, 253, 257, 282, 290, 314, 324, 330, 331, 341, 342, 349 and 350 in Class 473.

The U.S. Patent and Trademark Office is authorized to debit our Deposit Account No. 15-0461 in the amount of \$900.00 under 37 CFR 1.17 (k) to effect filing of this request for expedited examination.

Expedited Examination is respectfully requested.

Respectfully submitted,

[Signature]
Edward F. Walker
Registration No. 31,450

Jesse O. Collier
Registration No. 53,839

12/27/2006 MBELETE1 00000063 150461 29270424

01 FC:1802 900.00 DA

EPW:JOC/emt

Date: December 22, 2006

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE
AUTHORIZATION
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necessary for entry;
Charge any fee due to our
Deposit Account No. 15-0461

"SPECIAL PROCEDURES SUBMISSION"

EXPEDITED DESIGN

37 CFR 1.155

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Sharon J. PARK et al.

New. U.S. Patent Application

Filed: December 22, 2006

Docket No.: 130798

For: A PORTION OF A GOLF CLUB HEAD

112921 U.S. PTO
29/270425
122206

REQUEST FOR EXPEDITED EXAMINATION OF DESIGN PATENT APPLICATION
UNDER 37 CFR 1.155

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Approved

1-29-07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

Sir:

Expedited Examination is requested for this design patent application. In accordance with 37 CFR 1.155, the following information is submitted:

1. The application has been filed with the executed declaration filed concurrently herewith, with all fees paid and drawings in compliance with 37 CFR 1.84;
2. The applicant conducted a pre-examination search. An Information Disclosure Statement is filed concurrently herewith to submit the results of the pre-examination search. The field of search included Subclasses 219, 238, 242, 252, 253, 257, 282, 290, 314, 324, 330, 331, 341, 342, 349 and 350 in Class 473.

The U.S. Patent and Trademark Office is authorized to debit our Deposit Account No. 15-0461 in the amount of \$900.00 under 37 CFR 1.17 (k) to effect filing of this request for expedited examination.

Expedited Examination is respectfully requested.

Respectfully submitted,

[Signature]
Edward F. Walker
Registration No. 31,450

Jesse O. Collier
Registration No. 53,839

12/27/2006 HBELETE1 00000071 150461 29270425
01 FC:1802 900.00 DA

EPW:JOC/emt

Date: December 22, 2006

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE
AUTHORIZATION
Please grant any extension
necessary for entry;
Charge any fee due to our
Deposit Account No. 15-0461

"SPECIAL PROCEDURES SUBMISSION"

EXPEDITED DESIGN

37 CFR 1.155

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Sharon J. PARK et al.

New. U.S. Patent Application

Filed: December 22, 2006

Docket No.: 130797



For: A PORTION OF A GOLF CLUB HEAD

REQUEST FOR EXPEDITED EXAMINATION OF DESIGN PATENT APPLICATION
UNDER 37 CFR 1.155

1-29-07
Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

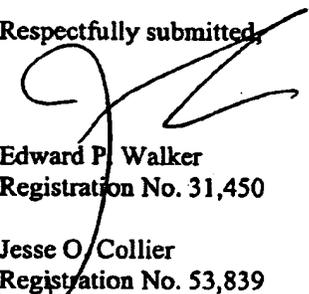
Expedited Examination is requested for this design patent application. In accordance with 37 CFR 1.155, the following information is submitted:

1. The application has been filed with the executed declaration filed concurrently herewith, with all fees paid and drawings in compliance with 37 CFR 1.84;
2. The applicant conducted a pre-examination search. An Information Disclosure Statement is filed concurrently herewith to submit the results of the pre-examination search. The field of search included Subclasses 219, 238, 242, 252, 253, 257, 282, 290, 314, 324, 330, 331, 341, 342, 349 and 350 in Class 473.

The U.S. Patent and Trademark Office is authorized to debit our Deposit Account No. 15-0461 in the amount of \$900.00 under 37 CFR 1.17 (k) to effect filing of this request for expedited examination.

Expedited Examination is respectfully requested.

Respectfully submitted,


Edward P. Walker
Registration No. 31,450

Jesse O. Collier
Registration No. 53,839

12/27/2006 MBELETE1 00000069 150461 29270426

01 FC:1802 900.00 DA

EPW:JOC/emt

Date: December 22, 2006

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

**DEPOSIT ACCOUNT USE
AUTHORIZATION**
Please grant any extension
necessary for entry;
Charge any fee due to our
Deposit Account No. 15-0461

"SPECIAL PROCEDURES SUBMISSION"

EXPEDITED DESIGN

37 CFR 1.155

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Sharon J. PARK et al.

New. U.S. Patent Application

Filed: December 22, 2006

Docket No.: 130800



For: A PORTION OF A GOLF CLUB HEAD

REQUEST FOR EXPEDITED EXAMINATION OF DESIGN PATENT APPLICATION

UNDER 37 CFR 1.155

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Approved *1-29-07*
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

Sir:

Expedited Examination is requested for this design patent application. In accordance with 37 CFR 1.155, the following information is submitted:

1. The application has been filed with the executed declaration filed concurrently herewith, with all fees paid and drawings in compliance with 37 CFR 1.84;
2. The applicant conducted a pre-examination search. An Information Disclosure Statement is filed concurrently herewith to submit the results of the pre-examination search. The field of search included Subclasses 219, 238, 242, 252, 253, 257, 282, 290, 314, 324, 330, 331, 341, 342, 349 and 350 in Class 473.

The U.S. Patent and Trademark Office is authorized to debit our Deposit Account No. 15-0461 in the amount of \$900.00 under 37 CFR 1.17 (k) to effect filing of this request for expedited examination.

Expedited Examination is respectfully requested.

Respectfully submitted,

Edward F. Walker
Registration No. 31,450

Jesse O. Collier
Registration No. 53,839

12/27/2006 MBELETE1 0000067 150461 29270427

11 FC:1802 900.00 DA

EPW:JOC/emt

Date: December 22, 2006

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

**DEPOSIT ACCOUNT USE
AUTHORIZATION**
Please grant any extension
necessary for entry;
Charge any fee due to our
Deposit Account No. 15-0461



FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

COPY MAILED

AUG 28 2009

OFFICE OF PETITIONS

In re Application of	:	
Jung Yong Lee et al	:	
Application No. 29/270,443	:	ON PETITION
Filed: December 22, 2006	:	
Attorney Docket No. 24998-15140	:	

This is a decision on the petition, filed July 24, 2009 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 formal drawings in a timely manner in reply to the Notice of Allowance mailed March 24, 2009, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on June 25, 2009.

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 treated until the terminal disclaimer is received.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By facsimile: (571) 273-8300
 ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210.



Irvin Dingle
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

MAILED

OCT 19 2009

OFFICE OF PETITIONS

In re Application of
Jung Yong Lee et al
Application No. 29/270,443
Filed: December 22, 2006
Attorney Docket No. 24998-15140

ON PETITION

This is a decision on the renewed petition filed September 15, 2009 under 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 payment of the Issue fee; (2) the petition fee; (3) the required statement of unintentional delay statement and (4) Terminal Disclaimer 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 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

FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

MAILED

MAY 14 2010

OFFICE OF PETITIONS

In re Application of
Lee et al.
Application No. 29/270,444
Filed: December 22, 2006
Attorney Docket No. 24998-15139

:
:
: DECISION ON PETITION
:
:

This is a decision on the petition under 37 CFR 1.137(b), filed February 27, 2010 to revive the above-identified design application.

The petition is **GRANTED**.

The application became abandoned for failure to submit corrected formal drawings in a timely manner in reply to the Notice of Allowability, mailed October 26, 2009, which set a period for reply of three (3) months. Accordingly, this application became abandoned on January 27, 2010. A Notice of Abandonment was mailed February 9, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form replacement drawings, (2) the petition fee of \$1,620, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee of \$140 as required by 37 CFR 1.137(d). Accordingly, the failure to timely submit replacement drawings as required by the Notice of Allowability is accepted as being unintentionally delayed.

The terminal disclaimer filed February 27, 2010 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 Alicia Kelley at (571)272-6059.

This application is being referred to the Office of Data Management for processing into a patent.

Carl Friedman
Petitions Examiner
Office of Petitions

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	Sebastien Mermel
	Title	PORTION OF A SHOE UPPER
	Attorney Docket Number	2465-8070US

ADDRESS TO:

MAIL STOP EXPEDITED DESIGN
COMMISSION FOR PATENTS
P.O. BOX 1450
Alexandria, VA 22313-1450

Approved

1-29-07
*Jacqueline M. Stone*Jacqueline M. Stone, Director
Technology Center 1700/2900112921 U.S. PTO
29/270474

122206

This is a request for expedited examination of a design application under 37 CER 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.

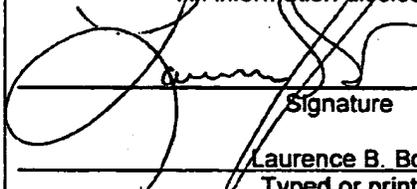
A preexamination search was conducted. The field of search was:

US. CL. D2/896, D2/897, D2/902, D2/907, D2/908, D2/910, D2/911, D2/912, D2/916, D2/922, D2/935, D2/969, D2/970, D2/971, D2/972, 36/45, 36/50.1, 36/83, 36/88, 36/89, 36/93, 36/101, 36/102, 36/103, 36/104, 36/106, 36/108, 36/109, 36/113, 36/114, 36/115, 36/116, 36/126, 36/127, 36/128, 36/129, 36/130

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
Laurence B. Bond

Typed or printed name

(801) 532-1922

Telephone Number

22 Dec. 2006

Date

30,549

Registration Number, if applicable

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 22343-1450.
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

12/28/2006 AMNDRAF1 00000018 201469 29270474

04 FC:1802

900.00 DA



COPY MAILED

DEC 17 2007

OFFICE OF PETITIONS

LIU & LIU
444 S. FLOWER STREET SUITE 1750
LOS ANGELES CA 90071

In re Application of :
Yang, et al. :
Application No. 29/270,506 : DECISION
Filed: 26 December, 2006 :
Attorney Docket No. 1153/230 :

This is a decision on the petition filed on 18 June, 2007, and supplemented with a terminal disclaimer and fee on 11 December, 2007, under 37 C.F.R. §1.137(b) to revive an application abandoned due to unintentional delay.

The petition under 37 C.F.R. §1.137(b) is **GRANTED**.

BACKGROUND

The record reflects that:

- Petitioner failed to reply timely and properly to the Notice of Allowance/Allowability and Fees Due mailed on 7 March, 2007, with reply due under a non-extendable deadline on or before 7 June, 2006;
- the instant application went abandoned after midnight 7 June, 2007;
- it does not appear that the Office mailed the Notice of Abandonment before the instant petition was filed;

- on 18 June, 2007, Petitioner filed the instant petition (with fee), a reply in the form of the fees due and made the statement of unintentional delay;
- the Office mailed the Notice of Abandonment on 13 July, 2007;
- on 11 December, 2007, Petitioner supplemented the petition herein with the required Terminal Disclaimer and fee.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that 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 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.²

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).³

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.

² See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

See specifically, the regulations at 37 C.F.R. §10.18.

³ 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

The 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.⁴

Delays in responding properly raise the question whether delays are unavoidable.⁴ Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a).⁵

And the Petitioner must be diligent in attending to the matter.⁶ Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care.

(By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.⁷))

Allegations as to
Unintentional Delay

The requirements for relief under the provisions of 37 C.F.R. §1.137(b) are: petition, fee, reply, showing of unintentional delay, and—where appropriate—a terminal disclaimer and fee

It appears that Petitioner has satisfied the regulatory requirements herein.

CONCLUSION

The petition under 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to Publications Branch to be processed into a patent in due course.

⁴ See: *Changes to Patent Practice and Procedure; Final Rule Notice*, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

⁵ See: *In re Application of G*, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989).

⁶ See: *Diligence in Filing Petitions to Revive and Petitions to Withdraw the Holding of Abandonment*, 1124 Off. Gaz. Pat. Office 33 (March 19, 1991). It was and is Petitioner's burden to exercise diligence in seeking either to have the holding of abandonment withdrawn or the application revived. See 1124 Off. Gaz. Pat. Office *supra*.

⁷ Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

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. §1.2⁹) 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

⁹ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PAUL GAUER ATTORNEY
347 FRANKLIN STREET
BLOOMFIELD NJ 07003

MAILED

MAY 20 2009

In re Application of :
Hutchinson :
Application No. 29/270,519 :
Filed: December 27, 2006 :
Attorney Docket No. N/A :
For: COMBINATION SECURITY PACK
AND COVER

OFFICE OF PETITIONS
ON PETITION

This decision is mailed in response to the petition under 37 CFR 1.181, filed May 1, 2009, requesting withdrawal of the holding of abandonment in the above-identified application.

The petition under 37 CFR 1.181 is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. This is **not** final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned for failure to timely respond to the Notice of Allowability For A Design Application (Notice), mailed October 21, 2008, which set a three (3) month period for reply. Accordingly, this application became abandoned on January 22, 2009. A Notice of Abandonment was mailed on February 13, 2009.

Petitioner asserts the application did not become abandoned because (1) applicant timely replied by submitting the issue fee on November 15, 2008 and (2) although the October 21, 2008 Notice required corrected drawings, because box #7 was checked, it suggested to applicant that the drawings were being amended by the examiner and that applicant did not need to file corrected drawings.

With respect to argument (1), payment of the issue fee was made in response to the Notice of Allowance and Fee(s) Due, not the Notice of Allowability For a Design Application. Both Notices set forth separate and distinct requirements. Applicant had to meet the requirements set in both Notices to avoid abandonment.

With respect to argument (2), petitioner is reminded that the Notice of Allowability For A Design Application set a three month period for reply. The Notice clearly states that corrected

drawings as replacement sheets must be submitted, including changes required by the attached examiner's amendment/comment. The Notice was never withdrawn. Failure to timely reply resulted in the abandonment of the application. Even if an applicant believes an Office action is mailed in error or lacks merit or is confusing, failure to respond *in some manner* by the deadline set in the Office action will result in the application's abandonment.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is **dismissed**.

Petitioner is encouraged to file a petition to revive under the unintentional delay provisions of 37 CFR 1.137(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

By FAX: (571) 273-8300 - ATTN: Office of Petitions

Telephone inquiries 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

PAUL GAUER ATTORNEY
347 FRANKLIN STREET
BLOOMFIELD NJ 07003

COPY MAILED

SEP 21 2009

In re Application of
Hutchinson
Application No. 29/270,519
Filed: December 27, 2006
Attorney Docket No. N/A
For: COMBINATION SECURITY PACK
AND COVER

OFFICE OF PETITIONS

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed August 19, 2009, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely respond to the Notice of Allowability For A Design Application (Notice), mailed October 21, 2008, which set a three (3) month period for reply. Accordingly, this application became abandoned on January 22, 2009. A Notice of Abandonment was mailed on February 13, 2009.

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 \$810.00; (3) an acceptable statement of unintentional delay, and (4) a properly executed terminal disclaimer and the required \$70.00 fee.

After the mailing of this decision, the application will be referred to the Office of Data Management for processing into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Shirene Willis Brantley
Senior 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, DC 20231
www.uspto.gov

JUL 23 2007

In re Application of

Abraham Mohammed

Serial Number: 29/270,527

Filed: December 27, 2006

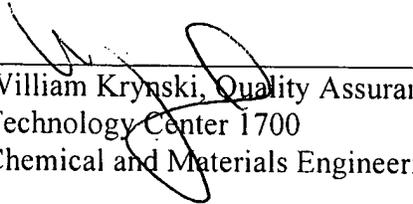
For: BASE FOR A HOOKAH LAMP

DECISION ON
PETITION UNDER
M.P.E.P. 708.02(IV)

This is in response to the petition filed December 27, 2006, requesting that the above-identified application be granted Special Status under Section 708.02 (IV) of the MPEP and 37 CFR 1.102(c)

The petition has been considered and found to comply with the requirements set forth under the above-noted section. Accordingly, the petition is granted.

The petition is GRANTED.



William Krynski, Quality Assurance Specialist
Technology Center 1700
Chemical and Materials Engineering

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	Andrew Caine
	Title	PORTION OF A SHOE UPPER
	Attorney Docket Number	2465-8073US

113006 U.S. PTO
29/270545
122706**ADDRESS TO:**MAIL STOP EXPEDITED DESIGN
COMMISSION FOR PATENTS
P.O. BOX 1450
Alexandria, VA 22313-145012/29/2006 RAHMADI 00008062 201469 29270545
04 FC:1802 900.00 DA**This is a request for expedited examination of a design application under 37 CER 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:

US. CL. D2/896, D2/897, D2/902, D2/907, D2/908, D2/910, D2/911, D2/912, D2/916, D2/922, D2/935, D2/969, D2/970, D2/971, D2/972, 36/45, 36/50.1, 36/83, 36/88, 36/89, 36/93, 36/101, 36/102, 36/103, 36/104, 36/106, 36/108, 36/109, 36/113, 36/114, 36/115, 36/116, 36/126, 36/127, 36/128, 36/129, 36/130

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.

Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

Laurence B. Bond

Signature

Laurence B. Bond

Typed or printed name

(801) 532-1922

Telephone Number

27 Dec. 2006

Date30,549

Registration Number, if applicable

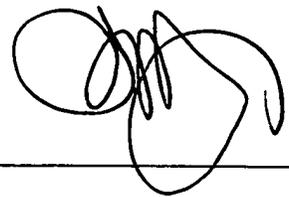
1-29-07

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 22343-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION



Paper No.: _____

DATE : 03/29/10

TO SPE OF : ART UNIT 2900

SUBJECT : Request for Certificate of Correction for Appl. No 29/270,559 D571747

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)

**Should the change(s)
Be made?**

RoChau Johnson

Certificates of Correction Branch

571 272-0470

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.

XXDenied

State the reasons for denial below.

Comments: The requested drawings contain impermissible new matter and would result in rejection of the claim under 35 USC 112, first paragraph. _____

/Robert M. Spear/

2915 _____

SPE

Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KANESAKA BERNER AND PARTNERS, LLP
1700 DIAGONAL ROAD
SUITE 310
ALEXANDRIA, VA 22314-2848

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SEP 20 2007

OFFICE OF PETITIONS

In re Application :
Manabu Kato :
Application No. 29/270,621 : DECISION ON PETITION
Filed: December 29, 2006 :
Attorney Docket No. NOZ-048DES :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 16, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowability mailed on April 11, 2007, which set a period for reply of three (3) months. Accordingly, this application became abandoned on July 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 corrected drawings, (2) the petition fee of \$1500.00, (3) a proper statement of unintentional delay, and (4) terminal disclaimer and fee as required by 37 CFR 1.137(d).

The terminal disclaimer is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Publishing Division for further processing in accordance with this decision accepting the late submission of corrected drawings.

Frances Hicks
Petitions Examiner
Office of Petitions

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)**

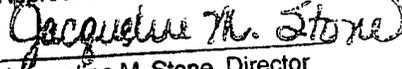
Application Number	To be assigned
Filing Date	To be assigned
First Named Inventor	Tate E. Kuerbis
Title	PORTION OF A SHOE UPPER
Attorney Docket Number	2465-8099US

113260 U.S. PTO
29/270623

122806

ADDRESS TO:MAIL STOP EXPEDITED DESIGN
COMMISSION FOR PATENTS
P.O. BOX 1450
Alexandria, VA 22313-1450

Approved


 Jacqueline M. Stone, Director
 Technology Center 1700/2900
 1-29-07
This is a request for expedited examination of a design application under 37 CER 1.155.

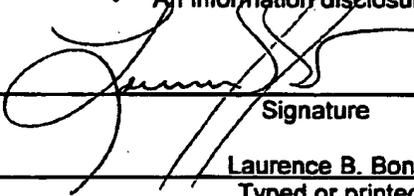
NOTE: If the Request made by this form accompanies original application papers, include form PTO/SB/18 "Design Patent Application Transmittal" or its equivalent.
A preexamination search was conducted. The field of search was:

US. CL. D2/896, D2/897, D2/902, D2/907, D2/908, D2/910, D2/911, D2/912, D2/916, D2/922, D2/935, D2/969, D2/970, D2/971, D2/972, 36/45, 36/50.1, 36/83, 36/88, 36/89, 36/93, 36/101, 36/102, 36/103, 36/104, 36/106, 36/108, 36/109, 36/113, 36/114, 36/115, 36/116, 36/126, 36/127, 36/128, 36/129, 36/130

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
 Laurence B. Bond

 Typed or printed name
 (801) 532-1922

 Telephone Number

28 December 2006

 Date
 30,549

 Registration Number, if applicable

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 22343-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

1/03/2007 CKGUYEN2 00000032 201469 29270623

4 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

CHRIS PAPAGEORGE
14625 S. VERMONT #5
GARDENA, CA 90247

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MAR 14 2007

OFFICE OF PETITIONS

In re Application of	:	
Robert L. Rich	:	
Application No. 29/270,641	:	DECISION ON PETITION
Filed: December 29, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. R015	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 29, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declaration statement signed by the applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2911 for action on the merits commensurate with this decision.


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

MORRIS OBRYANT COMPAGNI, PC
734 EAST 200 SOUTH
SALT LAKE CITY, UT 84102

COPY MAILED

JUL 10 2008

OFFICE OF PETITIONS

In re Application of

GUSTIN, Ciella

Application No. 29/270,644

Filed: December 28, 2006

Attorney Docket No. **3877.PCRA.DS2**

:
:
:
:
:
:

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 September 10, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to **MORRIS OBRYANT COMPAGNI, PC** has been revoked by the assignee of the patent application on October 23, 2007. 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 571-272-7253.


Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **HONIGMAN MILLER SCHWARTZ & COHN LLP**
38500 WOODWARD AVENUE, SUITE 100
BLOOMFIELD HILLS, MI 48304-5048

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 4/1/10 Paper No.: _____

TO SPE OF : ART UNIT 2900 Fox, Barbara

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/270679 Patent No.: D553939

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the COCIN document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code COCX.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square - 9D10-A
Palm Location 7580



Certificates of Correction Branch
703-756-1571 _____

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 request for Certificate of Correction contains a typographical error: The related application should read "29/234,822" and not "29/234,827". However, 29/270,679 cannot be a continuation of '822 because there is no basis in '822 for the boundary line newly added in '679. Instead, '679 would properly be a continuation in part.

 SPE Art Unit 2911
U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office
CATHRON C. BROOKS
SUPERVISORY PATENT EXAMINER



LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD NJ 07090

COPY MAILED

FEB 08 2008

OFFICE OF PETITIONS

In re Application of :
SULLER, et al. : DECISION GRANTING PETITION
Application No. 29/270,718 : UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: December 28, 2006 :
Attorney Docket No. BELLO 3.1-034 :

This is a decision on the petition under 37 CFR 1.313(c)(3), filed February 6, 2008 and re-submitted February 8, 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 December 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 February 8, 2008.

Telephone inquiries should be directed to Monica A. Graves at (571) 272-7253.

This matter is being referred to Technology Center AU 2915 for processing of the CPA filed February 8, 2008.

Karen Creasy
Petitions Examiner
Office of Petitions