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United States Patent and Trademark Office
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LAW OFFICES OF ERIC KARICH
2807 ST. MARK DR.
MANSFIELD TX 76063

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MAY 2 9 2008

OFFICE OF PETITIONS

In re Application of :
Ron Meiry :
Application No. 29/270,796 : ON PETITION
Filed: January 3, 2007 :
Attorney Docket No. 0514-12DA :

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 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 acceptable formal drawings in a timely manner in reply to the Notice of Allowability, mailed September 13, 2007, which set a period for reply of three (3) months. Accordingly, this application became abandoned on December 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) in that the terminal disclaimer filed February 11, 2008 is disapproved as being improper. The proper form is **PTO/SB/63**. It is further noted that the inventor's name on the instant petition as well as on the Terminal Disclaimer differs from that in the file record at USPTO for this 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 the undersigned at (571) 272-4914.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

Encl: Terminal Disclaimer Form PTO/SB/63

PTO/SB/63 (01-08)
Approved for use through 05/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to a collection of information unless it displays a valid OMB control number.

TERMINAL DISCLAIMER TO ACCOMPANY PETITION	Docket Number (Optional)

In re Application of:

Name:

Application Number:

Filed:

For:

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

Check either box 1 or 2 below, if appropriate.

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

_____ Signature

_____ Date

_____ Typed or Printed Name

_____ Telephone Number

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

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

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

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

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

Privacy Act Statement

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

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

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

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LAW OFFICES OF ERIC KARICH
2807 ST. MARK DR.
MANSFIELD TX 76063

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JUN 27 2008

OFFICE OF PETITIONS

In re Application of :
Ron Meiry :
Application No. 29/270,796 : ON PETITION
Filed: January 3, 2007 :
Attorney Docket No. 0514-12DA :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed June 17, 2008, 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 Allowability, mailed September 13, 2007, which set a period for reply of three (3) months. Accordingly, this application became abandoned on December 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 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 reply to Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed September 13, 2007, is accepted as having been unintentionally delayed.

The terminal disclaimer is accepted and has been made of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272 - 4914.

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

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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TRELLIS INTELLECTUAL PROPERTY LAW GROUP, PC
1900 EMBARCADERO ROAD
SUITE 109
PALO ALTO CA 94303

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OCT 17 2007

OFFICE OF PETITIONS

In re Application of	:	
Ward et al.	:	
Application Number: 29/270870	:	DECISION GRANTING PETITION
Filing Date: 01/05/2007	:	
Attorney Docket Number: 100127-001300US	:	

This is a decision on the petition under 37 CFR 1.182, filed on 18 September, 2007, to change the second named inventor's name.

The petition is **GRANTED**.

The first name of the first inventor will be changed from "Mindy" to --**Hoss**--.

Petitioner has presented a certified copy of a court order for name change.

Receipt of the court order reflecting the inventor's current name is acknowledged. The inventor's name has been corrected in Office records. A corrected Filing Receipt is enclosed for petitioner's records.

The application is being referred to the Technology Center for examination in due course.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: Corrected Filing Receipt

APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
29/270,870	01/05/2007	2911	215	100127-001300US	1	1

CONFIRMATION NO. 7799

37490
Trellis Intellectual Property Law Group, PC
1900 EMBARCADERO ROAD
SUITE 109
PALO ALTO, CA 94303

CORRECTED FILING RECEIPT

OC000000026326447

Applicant(s)

Hoss Ward, San Francisco, CA;
Nick Merz, San Francisco, CA;

Power of Attorney: The patent practitioners associated with Customer Number **37490**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 01/23/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US29/270,870

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Computer docking assembly

Preliminary Class

D14

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BEYER WEAVER LLP/APPLE INC.
P.O. BOX 70250
OAKLAND, CA 94612-0250

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SEP 20 2007

OFFICE OF PETITIONS

In re Application of :
Bartley K. Andre, et al. :
Application No. 29/270,881 : DECISION ON PETITION
Filed: January 5, 2007 : TO WITHDRAW
Attorney Docket No. APL1D566/P4988 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed May 9, 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 September 7, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Beyer Weaver LLP/Apple Inc.
P.O. Box 70250
Oakland, CA 94612-0250

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SEP 18 2007

OFFICE OF PETITIONS

In re Application of :
Bartley K. Andre et al. :
Application No. 29/270,882 : DECISION ON PETITION
Filed: January 5, 2007 : TO WITHDRAW
Attorney Docket No. APL1D565/P4987US1 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 9, 2007.

The request is **NOT APPROVED** 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 September 7, 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 Terri Williams at 571-272-2991.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Sterne Kessler Goldstein & Fox P.L.L.C.**
1100 New York Avenue, N.W.
Washington D.C. 20005

UNITED STATES PATENT AND TRADEMARK OFFICE

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Beyer Weaver LLP/Apple Inc.
P.O. Box 70250
Oakland, CA 94612-0250

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SEP 18 2007

OFFICE OF PETITIONS

In re Application of	:	
Bartley K. Andre et al.	:	
Application No. 29/270,883	:	DECISION ON PETITION
Filed: January 5, 2007	:	TO WITHDRAW
Attorney Docket No. APL1D564/P4986US1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 9, 2007.

The request is **NOT APPROVED** 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 September 7, 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 Terri Williams at 571-272-2991.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Sterne Kessler Goldstein & Fox P.L.L.C.**
1100 New York Avenue, N.W.
Washington, DC 20005

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEYER WEAVER LLP
P.O. BOX 70250
OAKLAND, CA 94612-0250

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NOV 0 6 2007

OFFICE OF PETITIONS

In re Application of :
ANDRE, et al. :
Application No. 29/270,884 : DECISION ON PETITION
Filed: January 5, 2007 : TO WITHDRAW
Attorney Docket No. **2607.0020000** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 9, 2007.

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

A review of the file record indicates that the power of attorney to **BEYER WEAVER LLP** has been revoked by the assignee of the patent application on September 7, 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: **STERNE KESSLER GOLDSTEIN & FOX P.L.L.C.**
1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. BOX 70250
OAKLAND, CA 94612-0250

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OCT 0 1 2007

OFFICE OF PETITIONS

In re Application of :
Vandetta B. CARTER :
Application No. 29/270,886 : DECISION ON PETITION
Filed: January 5, 2007 : TO WITHDRAW
Attorney Docket No. VC-005US(PAR) : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed May 9, 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 September 7, 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 Diane Goodwyn at 571-272-6735.

April M. Wise
Petitions Examiner
Office of Petitions

cc: STERNE KESSLER GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

UNITED STATES PATENT AND TRADEMARK OFFICE

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LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD NJ 07090

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SEP 30 2009

OFFICE OF PETITIONS

In re Patent No. D,559,584 :
Issue Date: January 15, 2008 :
Application No. 29/270,928 : ON PETITION
Filed: January 5, 2007 :
Attorney Docket No. BELL0 3.1-026 :

This is a decision on the petition filed December 15, 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) 272-3208. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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

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OWENS-ILLINOIS, INC.
ONE MICHAEL OWENS WAY
THREE O-I PLAZA
PERRYSBURG OH 43551-2999

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OCT 14 2008

OFFICE OF PETITIONS

In re Application of :
Darin M. Pugne :
Application No. 29/270,996 : ON PETITION
Filed: January 8, 2007 :
Attorney Docket No. 01826-01 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 26, 2008, to revive the above-identified application.

The application became abandoned for failure s to timely pay the issue fee on or before September 6, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed June 6, 2007, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on September 7, 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 Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (4).

A terminal disclaimer and the $65 terminal disclaimer fee is required under 37 CFR 1.137(d) if the application is: (1) a design application, (2) a utility application filed before June 8, 1995, or (3) a plant application filed before June 8, 1995. The terminal disclaimer must dedicate to the public a terminal part of the term of any patent granted the application equivalent to the period of abandonment of the application, and must also apply to any patent granted on any application containing a specific reference under 35 U.S.C. 120, 121 or 365(c) to the application for which revival is sought.

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

Attachment: blank copy of Terminal Disclaimer Form

PTO/SB/63 (09-08)
Approved for use through 10/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to a collection of information unless it displays a valid OMB control number.

TERMINAL DISCLAIMER TO ACCOMPANY PETITION	Docket Number (Optional)

In re Application of:

Name:

Application Number:

Filed:

For:

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

Check either box 1 or 2 below, if appropriate.

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

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

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

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

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

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

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

Privacy Act Statement

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

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

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

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www.uspto.gov

OWENS-ILLINOIS, INC.
ONE MICHAEL OWENS WAY,
THREE O-I PLAZA
PERRYSBURG, OH 43551-2999

In re Application of :
Darin M. Pugne :
Application No. 29/270,996 : DECISION ON PETITION
Filed: January 8, 2007 :
Attorney Docket No. 01826-01 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed November 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 September 6, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed June 6, 2007, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on September 7, 2007. A Notice of Abandonment was mailed on October 1, 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 $1620, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to timely 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. 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 the Office of Data Management for further processing in accordance with this decision on petition.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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OWENS-ILLINOIS, INC.
ONE MICHAEL OWENS WAY,
THREE O-I PLAZA
PERRYSBURG, OH 43551-2999

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SEP 25 2009

OFFICE OF PETITIONS

In re Application of :
Darin M. Pugne :
Application No. 29/270,996 : DECISION ON PETITION
Filed: January 8, 2007 :
Attorney Docket No. 01826-01 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed November 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 September 6, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed June 6, 2007, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on September 7, 2007. A Notice of Abandonment was mailed on October 1, 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 $1620, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to timely 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. 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 the Office of Data Management for further processing in accordance with this decision on petition.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

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JAMES R. CYPHER
405 14TH STREET
SUITE 1607
OAKLAND CA 94612

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SEP 29 2008

OFFICE OF PETITIONS

In re Application of :
Bao Lien WANG :
Application No. 29/271,022 : DECISION ON PETITION
Filed: January 04, 2007 :
Attorney Docket No. POI/0030 :

This is a decision on the petition under 37 CFR 1.137(b), filed May 01, 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 $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).

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 Michelle R. Eason at (571) 272-4231.

This application is being referred to Technology Center AU 2915 for processing of the CPA.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, NW
WASHINGTON, DC 20005

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NOV 30 2007

OFFICE OF PETITIONS

In re Application of	:	
Jeong-Min Kim et al	:	
Application No. 29/271,082	:	DECISION GRANTING PETITION
Filed: January 10, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 1779.1247	:	

This is a decision on the petition, filed November 29, 2007, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on October 15, 2007 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2912 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

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

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NIXON PEABODY, LLP
401 9TH STREET, NW
SUITE 900
WASHINGTON DC 20004-2128

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In re Application of	:	
Nicholas Grimshaw	:	
Application No.: 29/271090	:	DECISION ON
Filing or 371(c) Date: 01/10/2007	:	PETITION
Attorney Docket Number: 003616-16	:	

This is a decision in response to the "Petition to Withdraw the Holding of Abandonment Under 37 C.F.R. 1.181," filed June 5, 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 January 25, 2007. The Notice required the basic filing fee, a properly signed oath or declaration and late filing oath or declaration surcharge, the search and examination fees, and set a two (2) month period for reply. No reply having been received, the application became abandoned on March 26, 2007. A Notice of Abandonment was mailed May 20, 2008.

Applicant files the instant petition and asserts that a timely reply to the Office action, including a request for a five (5) month extension of time and fee, was filed July 30, 2007, as evidenced by Applicant's return-receipt postcard. In support of this assertion, Applicant files a copy of his return-receipt postcards acknowledging receipt by this Office of, *inter alia*, and Amendment and Statutory Disclaimer on August 23, 2007.

A review of the return-receipt postcards reveal that Applicant is correct. The postcard acknowledges receipt by this Office of, *inter alia*, a copy of the original executed declaration and power of attorney, an extension of time, and permission to charge the filing, search and examination fees, and late filing oath or declaration surcharge on July 30, 2007.

"A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

Office records also reveal that an assignment filed July 30, 2007 was recorded in this application, and that this Office charged the filing, search and examination fees, assignment recordation fee and late filing oath or declaration surcharge to applicants deposit account on July 30, 2007.

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

No petition fee has been charged and none is due.

The application will be referred to theOffice of Patent Application Processing for processing of the Reply, and for continued processing in due course.

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

Derek L. Woods
Attorney
Office of Petitions

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ASHKAN NAJAFI, P.A.
6817 SOUTHPOINT PARKWAY
SUITE 2301
JACKSONVILLE, FL 32216

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SEP 30 2008

OFFICE OF PETITIONS

In re Application of :
Bryan Trapani :
Application No. 29/271,128 : ON PETITION
Filed: January 10, 2007 :
Attorney Docket No. 16808D1 :

This is a decision on the petition, filed May 27, 2008, to revive the above-identified application under 37 CFR 1.137(b).

The petition is **DISMISSED**.

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

The application became abandoned for failure to timely pay the issue fee on or before August 10, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed May 10, 2007. A Notice of Abandonment was mailed on September 5, 2007. In response, on May 27, 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(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).

[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. It is noted that petitioner indicates that the terminal disclaimer is attached; however, none was found among the papers submitted on May 27, 2008. Consequently, an appropriate terminal disclaimer must be filed before the petition under 37 CFR 1.137(b) can be granted. The fee for the terminal disclaimer has been paid.

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

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

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

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ASHKAN NAJAFI, P.A.
6817 SOUTHPOINT PARKWAY
SUITE 2301
JACKSONVILLE, FL 32216

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JAN 14 2009

OFFICE OF PETITIONS

In re Application of
Bryan Trapani, et al.
Application No. 29/271,128
Filed: January 10, 2007
Attorney Docket No. 16808D1

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed October 14, 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 August 10, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed May 10, 2007, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on August 11, 2007. A Notice of Abandonment was mailed on September 5, 2007. On May 27, 2008, a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed September 30, 2008. On October 14, 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 $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 May 10, 2007 is accepted as being unintentionally delayed.

The terminal disclaimer filed October 14, 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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JONATHAN F. YATES
LIELL & MCNEIL ATTORNEYS PC
511 S. MADISON STREET
P.O. BOX 2417
BLOOMINGTON, IN 47402

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JUL 07 2008

In re Application of :
Sondra E. HAYES :
Application No. 29/271,180 : DECISION ON PETITION
Filed: January 11, 2007 :
Attorney Docket No. HAYES-001 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 30, 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 correct drawings request in a timely manner in reply to the Notice of Allowability, mailed November 27, 2007, which set a period for reply of three (3) months. Accordingly, this application became abandoned on February 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(s) (2) above.

The petition was not accompanied by the required petition fee of $770.00. A review of the Office records indicates that $750.00 was submitted; however there is a fee deficiency of $20.00. Any fee amount paid on or after September 30, 2007 must be paid as shown in the revised fee schedule. No consideration on the merits can be given that petition until the required fees are received.

The terminal disclaimer is accepted and has been made of record.

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

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

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

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

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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LIELL & MCNEIL ATTORNEYS PC
511 S. MADISON STREET
P.O. BOX 2417
BLOOMINGTON, IN 47402

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JAN 05 2009

OFFICE OF PETITIONS

In re Application of :
Sondra E. HAYES :
Application No. 29/271,180 : DECISION ON PETITION
Filed: January 11, 2007 :
Attorney Docket No. HAYES-001 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed August 07, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to correct drawings request in a timely manner in reply to the Notice of Allowability, mailed November 27, 2007, which set a period for reply of three (3) months. Accordingly, this application became abandoned on February 28, 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 corrected drawings, (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 Allowability mailed November 27, 2007 is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

This application is being referred to the Office of Data 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

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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

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MAR 1 0 2009

OFFICE OF PETITIONS

In re Application of Song :
Application No. 29/271,203 : Decision on Petition
Filing Date: January 12, 2007 :
Attorney Docket No. 069576-0186 :

This is a decision on the petition under 37 C.F.R. § 1.182, filed September 17, 2008, which requests withdrawal of the terminal disclaimer regarding U.S. Design Patent No. D512,694 filed on February 19, 2009.

The petition is **granted**.

The Office mailed a non-final Office action on November 19, 2007. The Office action stated,

> The claim is provisionally rejected under the judicially created doctrine of the obviousness-type double patenting of the claim of co-pending Application No. 29/271,202 in view of Kim et al. (D512,694).

In order to overcome the double patenting rejection, petitioner only needed to file a terminal disclaimer based on Application No. 29/271,202. However, petitioner filed one terminal disclaimer based on Application No. 29/271,202, and another terminal disclaimer based on Design Patent No. D512,694.

Petitioner seeks to withdraw the terminal disclaimer based on D512,694.

MPEP 1490, Section VII(A), states, with emphasis added,

> While the filing and recordation of an unnecessary terminal disclaimer has been characterized as an "un-happy circumstance" in *In re Jentoft*, 392 F.2d 633, 157 USPQ 363 (CCPA 1968), there is no statutory prohibition against nullifying or otherwise canceling the effect of a recorded terminal disclaimer which was erroneously filed before the patent issues. Since the terminal disclaimer would not take effect until the patent is granted, and the public has not had the opportunity to rely on the terminal disclaimer, relief from this unhappy circumstance may be available by way of petition or by refiling the application (other than by refiling it as a CPA).
>
> Under appropriate circumstances, *consistent with the orderly administration of the examination process*, the nullification of a recorded terminal disclaimer may be addressed

by filing a petition under 37 CFR 1.182 requesting withdrawal of the recorded terminal disclaimer.

In this case, petitioner could clearly file a continuing application in order to indirectly nullify the terminal disclaimer. However, such an action would not only place a burden on petitioner, but would burden the Office by forcing the Office to devote limited resources to the processing of a brand new application, docketing the new application, and taking similar steps. Therefore, granting the instant petition would be "consistent with the orderly administration of the examination process."

In this case, petitioner is *not* seeking to reopen the question of the propriety of the rejection made in the Office action of November 19, 2007. In other words, petitioner is not attempting, by petition, to have the Office determine whether the double patenting rejection was proper. Instead, petitioner has filed a terminal disclaimer based on Application No. 29/271,202 to overcome the rejection.

Based on all the facts, the petition is granted and the terminal disclaimer regarding Design Patent No. D512,694 filed on February 19, 2009, is hereby withdrawn.

It should be noted that this decision is **NOT** a determination that the subject matter of the current claims is distinct from the claims in the patents and/or applications to which the terminal disclaimer applied.[1] The examiner is **NOT** precluded, upon review of the record, to institute a double patenting rejection regarding the claims should he feel that such action is proper and necessary.

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

---

[1] It is the long-established policy of the Patent and Trademark Office to maintain the line of demarcation between petitionable and appealable subject matter. MPEP 1201. When the question of whether or not a given set of claims in one application or patent is distinct, or lies within the aegis of 35 USC 121, from another set of claims in another application or patent with respect to obviousness double patenting arises, that question relates to the merits of an invention, and the appropriate remedy for resolution of that issue ultimately lies by appeal as provided by statute. See e.g. In re Longi, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985). As noted by the court in In re Faust, 378 F.2d 966, 153 USPQ 813 (CCPA 1967) "the terminal disclaimer eliminates the necessity of considering what are most often exceedingly difficult questions. i.e., whether the subject matter of the appealed claims is obvious in view of the patent claims relied on as the basis for 'double patenting,' thus conserving judicial man hours both here and in the Patent Office." Further, it is well settled that the Commissioner will not, on petition, usurp the functions or impinge upon the jurisdiction of the Board. See In re Dickerson, 299 F.2d 954, 958, 133 USPQ 39, 43 (CCPA 1962); Bayley's Restaurant v. Bailey's of Boston, Inc., 170 USPQ 43, 44 (Comm'r Pat. 1971).

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ROLAND TONG
PO BOX 802691
VALENCIA CA 91380

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In re Application of :
Doug Lee :
Application No. 29/271,308 : DECISION ON PETITION
Filed: January 16, 2007 :
Attorney Docket No. 206029.004 :

This is a decision on the petition to revive the above-identified application under 37 CFR 1.137(b), filed September 4, 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 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." No further petition fee is due for a renewed petition. This is **not** a final agency decision within the meaning of 5 USC 704.

The above-identified application became abandoned for failure to timely pay the issue fee in response to the Notice of Allowance, mailed March 26, 2008. This Notice set a statutory period for reply of three (3) months for issue fee transmittal. No issue fee having been received, the application became abandoned on June 27, 2008. A Notice of Abandonment was mailed July 29, 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).

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

Further correspondence concerning this application should be addressed as follows:

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

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

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ROLAND TONG
PO BOX 802691
VALENCIA CA 91380

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DEC 19 2008

OFFICE OF PETITIONS

In re Application of :
Doug Lee :
Application No. 29/271,308 : DECISION ON PETITION
Filed: January 16, 2007 :
Attorney Docket No. 206029.004 :

This is a decision on the renewed petition to revive the above-identified application under 37 CFR 1.137(b), filed November 17, 2008.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to timely pay the issue fee in response to the Notice of Allowance, mailed March 26, 2008. This Notice set a statutory period for reply of three (3) months for issue fee transmittal. No issue fee having been received, the application became abandoned on June 27, 2008. A Notice of Abandonment was mailed July 29, 2008. Applicant filed a petition to revive under 37 CFR 1.137(b) on September 4, 2008. However, the petition was dismissed in a decision mailed on September 26, 2006. The petition was dismissed because it was not accompanied by the required terminal

disclaimer.

With the instant renewed petition, applicant filed a terminal disclaimer. The other requirements for a grantable petition under 37 CFR 1.137(b) were previously satisfied with the petition filed on September 4, 2008.

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

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Roland Tong
PO Box 802691
Valencia CA 91380

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DEC 0 9 2008

OFFICE OF PETITIONS

In re Application of :
Doug Lee :
Application No. 29/271,310 : DECISION ON PETITION
Filed: 01/16/2007 :
Attorney Docket No. 206029.004 :

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

The petition under 37 CFR 1.137(b) 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 February 11, 2008, which set a three (3) month statutory period for reply. A Notice of Abandonment was mailed on June 5, 2008.

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 § 1.137(d).

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

Petitioner failed to submit a terminal disclaimer and fee with the present petition. The Office reminds petitioner that a terminal disclaimer and fee are required under 37 CFR 1.137(d) if the application is a design application. The terminal disclaimer must dedicate to the public a terminal part of the term of any patent granted the above-identified application equivalent to the period of abandonment of the above- identified application.

Accordingly, any renewed petition to revive must be accompanied by a terminal disclaimer and fee in compliance with 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

Communication may also be submitted electronically via the USPTO electronic filing system.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Roland Tong
PO Box 802691
Valencia CA 91380

COPY MAILED

MAR 1 2 2009

OFFICE OF PETITIONS

In re Application of :
Doug Lee :
Application No. 29/271,310 : DECISION ON PETITION
Filed: 01/16/2007 :
Attorney Docket No. 206029.004 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed December 17, 2008, 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 February 11, 2008, which set a three (3) month statutory period for reply. A Notice of Abandonment was mailed on June 5, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the required reply, (2) the petition fee, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). The terminal disclaimer is accepted and has been made of record. Accordingly, the petition under 37 CFR 1.137(b) is **GRANTED**.

The application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 10-03-09

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/271356 Patent No.: D598770

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

A Green

Angela Green
Certificates of Correction Branch
703-756-1814

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: In a telephone interview with Applicant's Attorney, Mr. Arthur Schaier, on December 1, 2009, it was decided that there is no need for a correction to the above referenced Patent (D598,770). Mr. Schaier "withdraws" his petition – so it has been "denied" for ease of withdrawl.

STELLA M. REID
~~SUPERVISORY~~ SPE PATENT EXAMINER

2912
Art Unit

CPR
12/1/09

PTOL-306 (REV. ~~7/05~~) U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Date Mailed : December 4, 2009

Patent No. : D598770
Inventor :Francis A. Delfino, Jr.
Patent Issued :August 24, 2009
Title :DISPENSER FOR DISPENSING FRAGRANCES

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.

In a telephone interview with Applicant's attorney, Mr. Arthur Schaier, on December 1, 2009, it was decided that that a Certificate of Correction is not necessary to the above referenced patent (D598770). Accordingly, Mr. Schaier withdraws his petition.

In view of the foregoing applicants request in this matter is hereby denied for ease of withdrawl. Any telephone inquiry concerning this communication should be directed to Ms. A. Green at (703) 756-1541.

Mary Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(703) 756-1580 or (703) 756-1541

Arthur G. Schaier, Carmody & Torrance LLP
50 Leavenworth Street, P.O. Box 1110
Waterbury, CT 06721-1110

/arg

UNITED STATES PATENT AND TRADEMARK OFFICE

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

EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON MA 02205

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AUG 1 0 2009

OFFICE OF PETITIONS

In re Application of :
Clinton Wayne Edy et al. :
Application No. 29/271,535 : DECISION ON PETITION
Filed: January 22, 2007 :
Attorney Docket No. **67242DES(50024)** :

This is a decision on the petition under 37 CFR 1.182, filed, March 12, 2009, to change the name of inventor "Wayne Edy" to - Clinton Wayne Edy --.

The petition is **GRANTED**.

Office records have been updated to reflect the inventor's change of name. A corrected Filing Receipt, which reflects the inventor's change of name, accompanies this decision on petition.

As authorized, the $400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account.

Any questions concerning this matter may be directed to JoAnne Burke at (571) 272-4584. Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Office of Data Management for the normal course of business.

JoAnne Burke
Petitions Examiner
Office of Petitions

ATTACHMENT: Copy of the Corrected Filing Receipt mailed April 21, 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
29/271,535	01/22/2007	2914	280	67242DES(50024)	1	1

CONFIRMATION NO. 2280

CORRECTED FILING RECEIPT

21874
EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON, MA 02205

Date Mailed: 04/21/2009

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Clinton Wayne Edy, Wolsingham, UNITED KINGDOM;
Graham Jordison, Wolsingham, UNITED KINGDOM;

Power of Attorney: The patent practitioners associated with Customer Number 21874

Domestic Priority data as claimed by applicant

Foreign Applications
UNITED KINGDOM 3025517 07/21/2006

If Required, Foreign Filing License Granted: 01/31/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 29/271,535**

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

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

DEBRIS SOCK

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 AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PEARL COHEN ZEDEK LATZER, LLP
1500 BROADWAY
12TH FLOOR
NEW YORK, NY 10036

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MAR 14 2008

OFFICE OF PETITIONS

In re Application of	:	
Haimov, Neri	:	
Application No. 29/274,538	:	DECISION ON PETITION
Filed: April 30, 2007	:	
Attorney Docket No. D-0613-US	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed February 20, 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 Replacement Drawings, (2) the petition fee (previously submitted), and (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 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

SUNG I. OH, PROFESSIONAL LAW CORPORATION
710 QUAIL VALLEY LANE
WEST COVINA CA 91791

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JUN 0 4 2008

OFFICE OF PETITIONS

In re Application of :
Carl E. Earhart :
Application No. 29/271,541 : ON PETITION
Filed: January 22, 2007 :
For: AUTO CD/DVD HOLDER :

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

The petition is **DISMISSED**.

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

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

SUNG I. OH, PROFESSIONAL LAW CORPORATION
710 QUAIL VALLEY LANE
WEST COVINA CA 91791

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NOV 0 7 2008

OFFICE OF PETITIONS

In re Application of	:	
Carl E. Earhart	:	
Application No. 29/271,541	:	DECISION ON PETITION
Filed: January 22, 2007	:	
Attorney Docket No. 2205119-A	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed August 4, 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; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance mailed April 4, 2007, is accepted as having been unintentionally delayed.

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

This application is being referred to the Office of Data Management to be processed into a patent.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

PTO/SB/27 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE
Under the Paperwork Reduction ACT of 1995, no persons are required to respond to collection of information unless it displays a valid OMB control number.

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

Application Number	To be assigned
Filing Date	To be assigned
First Named Inventor	Armi Shin
Title	PORTION OF A SHOE UPPER
Attorney Docket Number	2465-8098US

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSION 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

13000 U.S.PTO
29/271648
012407

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

24 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 by37 CFR 1.155. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

01/25/2007 SSITHIB1 00000083 2927164B
04 FC:1802 900.00 OP

PTO/SB/27 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE
Under the Paperwork Reduction ACT of 1995, no persons are required to respond to collection of information unless it displays a valid OMB control number.

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

Application Number	To be assigned
Filing Date	To be assigned
First Named Inventor	Andrew Caine
Title	PORTION OF A SHOE UPPER
Attorney Docket Number	2465-8105US

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSION 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

113000 U.S. PTO
29/271649
012407

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 — Date: 24 July 2007

Laurence B. Bond
Typed or printed name

30,549
Registration Number, if applicable

(801) 532-1922
Telephone Number

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This collection of information is required by37 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.*

01/25/2007 SSITHIB1 00000084 29271649
04 FC:1802 900.00 OP

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

Application Number	To be assigned
Filing Date	To be assigned
First Named Inventor	Jason G. Petrie
Title	PORTION OF A SHOE UPPER
Attorney Docket Number	2465-8119US

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSION 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

113000 U.S.PTO
29/271651
012407

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.

_____ 24 January 2007
Signature Date

Laurence B. Bond — 30,549
Typed or printed name — 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 by37 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.*

01/25/2007 SSITHIB1 00000089 29271651
01 FC:1802 900.00 OP

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

Application Number	To be assigned
Filing Date	To be assigned
First Named Inventor	Jean-Francois Fullum
Title	PORTION OF A SHOE UPPER
Attorney Docket Number	2465-8121US

112921 U.S.PTO
29/271705
012507

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

Approved 2-8-07
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

25 Jan 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 by37 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.

01/26/2007 LWONDIM1 00000081 29271705
01 FC:1802 900.00 OP

PTO/SB/27 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE
Under the Paperwork Reduction ACT of 1995, no persons are required to respond to collection of information unless it displays a valid OMB control number.

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

Application Number	To be assigned
Filing Date	To be assigned
First Named Inventor	Kenneth Link
Title	PORTION OF A SHOE UPPER
Attorney Docket Number	2465-8125US

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSION 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

112921 U.S.PTO
29/271706
012507

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.

_____ 25 Jan 2007
Signature Date

Laurence B. Bond — 30,549
Typed or printed name — Registration Number, if applicable

(801) 532-1922
Telephone Number

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This collection of information is required by37 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.

01/26/2007 LWONDIM1 00000083 29271706
01 FC:1802 900.00 OP

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ALEXANDRIA, VA 22313-1450
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SUMMA, ADDITON & ASHE, P.A.
11610 NORTH COMMUNITY HOUSE ROAD
SUITE 200
CHARLOTTE NC 28277

MAILED

NOV 06 2009

OFFICE OF PETITIONS

In re Patent No. D591,186
Issue Date: April 28, 2009
Application No. 29/271,742
Filed: January 25, 2007
Attorney Docket No. 3520.001

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed February 20, 2009, to change the order of the named inventors in the above-identified patent.

The petition is **DISMISSED**.

Judge Schall in *Fina Technology Inc. v. Ewen*, 60 USPQ2d 1314 (CA FC 2001), stated:

> Whenever a mistake of a clerical or typographical nature, or of minor character, which was not the fault of the Patent and Trademark Office, appears in a patent and a showing has been made that such mistake occurred in good faith, the Director may, upon payment of the required fee, issue a certificate of correction, if the correction does not involve such changes in the patent as would constitute new matter or would require re-examination. Such patent, together with the certificate, shall have the same effect and operation in law on the trial of actions for causes thereafter arising as if the same had been originally issued in such corrected form. Section 255 does not provide for action by a district court. Rather, the statute permits only the Director to issue a certificate of correction for a clerical error. Furthermore, the order of inventorship does not appear to be the type of mistake contemplated by §255. Examples of mistakes that fall under §255 typically include correcting a misspelled word or adding a prior art reference that was submitted to and discussed by the examiner but inadvertently omitted by the applicant on PTO Form 1449 for listing references. *See In re Arnott*, 19 USPQ2d 1049, 1053 (Comm'r Pat. 1991). The order of inventors in the heading of a patent is taken by the PTO directly from the order in which the names appear in the original oath or declaration. Man. Pat. Exam. P., §605.04(f) (7th ed. rev. 1 2000). According to the Manual of Patent Examining Procedure, "no changes will be made [by the Director to the order of inventors] except when a petition under 37 C.F.R. 1.182 is granted." Id. In short, the order of inventors is not a clerical error

> contemplated by §255, and cannot be corrected in a judicial proceeding under that provision.
>
> It is not problematic for district courts to lack the authority to correct the order of inventors because "the particular order in which the names appear is of no consequence insofar as the legal rights of the joint applicants are concerned." Id. As we stated in *Fina I*, "if the inventors are properly named on the patent, Fina has no concerns about invalidity of the patent over inventorship problems." 123 F.3d at 1471, 43 USPQ2d at 1940.

In view of the above, since the order in which the names appear on the printed patent is of no consequence insofar as the legal rights of the joint applicants are concerned, and since there was no clerical error as contemplated by 35 U.S.C. § 255, the part of the petition under 37 CFR 1.182 requesting a change in the order of inventorship in the above-identified patent must be dismissed. Accordingly, even if filed, no certificate of correction will be issued to reflect the desired order of inventorship.

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, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

PTO/SB/27 (09-04)
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U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE
Under the Paperwork Reduction ACT of 1995, no persons are required to respond to collection of information unless it displays a valid OMB control number.

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	Kuerbis et al.
Title	PORTION OF A SHOE UPPER
Attorney Docket Number	2465-8129US

112921 U.S.PTO
29/271770
012607

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSION 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

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	26 January 2007 (Date)
Laurence B. Bond (Typed or printed name)	30,549 (Registration Number, if applicable)
(801) 532-1922 (Telephone Number)	

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This collection of information is required by37 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.*

01/29/2007 LNGUYEN1 00000055 29271770

01 FC:1018 ~~200.00 OP~~
02 FC:1112 ~~100.00 OP~~
03 FC:1311 ~~170.00 OP~~
04 FC:1802 900.00 OP

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UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. None

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

COPY MAILED

JUN 07 2007

OFFICE OF PETITIONS

In re Application of :
In Sun Yeo et al. :
Application No. 29/271,771 : DECISION ON PETITION
Filing Date: May 4, 2004 : UNDER 37 C.F.R. §1.53
Attorney Docket No.: 0630-2016PUS1 :
Title: TELEVISION INTEGRATED IN REFRIGERATOR :

This is a decision on the petition filed October 5, 2006, requesting that the Office accord a filing date of May 4, 2004 to the present application, assign a serial number to the same, and associate the submitted fees with the present application.

The Office regrets the period of delay in issuing this decision.

Applicant filed the present application on May 4, 2004, however no filing receipt was received. It is clear that Petitioner received the return postcard, however a serial number was not printed on the same. Petitioner has further alleged that the Office received both the filing fee and the recordation fee.

Subsequent to the filing of this petition, on March 9, 2007, the Office mailed a filing receipt, indicating that the present application had been accorded a filing date of May 4, 2004 and a serial number of 29/271,771. It follows that the present petition is **DISMISSED AS MOOT**.

A review of Office records shows that the filing fee was received and associated with the present application, however it does not appear that the recordation fee was received. It does not appear that a copy of the cancelled check has been included with this

decision. Should Petitioner wish to contest the non-receipt of the recordation fee, he may wish to contact the Office of Finance at 571-272-6400.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[1]. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

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

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

UNITED STATES 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

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

COPY MAILED

MAR 2 7 2007

OFFICE OF PETITIONS

In re Application of :
In Sun Yeo et al. :
Application No. 29/271,772 : DECISION ON PETITION
Filing Date: May 4, 2004 : UNDER 37 C.F.R. §1.53
Attorney Docket No.: 0630-2017PUS1 :
Title: TELEVISION INTEGRATED IN REFRIGERATOR :

This is a decision on the petition filed October 5, 2006, requesting that the Office accord a filing date of May 4, 2004 to the present application, and to assign a serial number to the same.

Applicant filed the present application on May 4, 2004, however a filing receipt was not received. It is clear that Petitioner received the return postcard, however a serial number was not printed on the same.

Subsequent to the filing of this petition, on March 9, 2007, the Office mailed a filing receipt, indicating that the present application had been accorded a filing date of May 4, 2004 and a serial number of 29/271,772. It follows that the present petition is **DISMISSED AS MOOT**.

A review of Office records shows that the basic filing fee of $340 has been charged to Petitioner's Deposit Account.

The fee associated with the filing of this petition will not be charged to Petitioner's Deposit Account.

The fee associated with the recordation of an assignment document will be charged to Petitioner's Deposit Account in due course.

After the mailing of this decision, the Assignment Branch will be notified of this decision, for recordation of the assignment of the present application.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[1]. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

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

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

EXPRESS MAIL NO. EV 855911476 US

PTO/SB/27 (09-06)
Approved for use through 03/31/2007. 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	Not yet assigned
Filing Date	Filed Herewith
First Named Inventor	Steven M. Trost
Title	SIDEWALL FOR A CONTAINER
Atty Docket Number	26959.00002

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
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

113021 U.S. PTO
29/271773
012607

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:

D9/537, 538, 552, 556, 559, 565, 569

01/29/2007 BABRAHA1 00000063 29271773
04 FC:1802 900.00 OP

Related applications:

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:

- Formal drawings (see 37 CFR 1.84).
- The fee set forth in 37 CFR 1.17(k).
- An information disclosure statement in compliance with 37 CFR 1.98.

Signature — January 26, 2007 (Date)

William D. Hall — Typed or printed name

35,535 — Registration Number, if applicable

(405) 235-9621 — 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

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OFFICE OF PETITIONS

STRAUB & POKOTYLO
620 TINTON AVENUE
BLDG. B, 2ND FLOOR
TINTON FALLS, NJ 07724

In re Application of :
Koji Shimobayashi :
Application No. 29/271,778 : DECISION GRANTING PETITION
Filed: January 25, 2007 :
Attorney Docket No. OOCL-353 (MG-2006DF0100-1:

This is a decision on the petition filed December 10, 2007, under 37 CFR 1.10(c) requesting that the above-cited application be accorded a filing date of January 25, 2007, rather than the presently accorded filing date of January 26, 2007.

Petitioner alleges that the application was deposited with the United States Postal Service, Express Mail Service on January 25, 2007. In support of the allegation, the petition is accompanied by a copy of the Express Mail postcard with a tracking number EV879135542US showing a "date-in" of January 25, 2007. The tracking number cited is the same number found on the application transmittal sheet that accompanied the original application papers. The evidence is convincing that the application papers were deposited on January 25, 2007.

In view of the above, the petition is granted. The new filing date for the above-cited application is January 25, 2007.

The Office of Patent Application Processing will further process the application with a filing date of January 25, 2007, and issue a corrected filing receipt.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HAMRE, SCHUMANN, MUELLER & LARSON, P.C.
P.O. BOX 2902
MINNEAPOLIS, MN 55402-0902

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JUL 25 2008

OFFICE OF PETITIONS

In re Application of :
Young-Ki Chung :
Application No. 29/271,787 : ON PETITION
Filed: January 26, 2007 :
Attorney Docket No. 20107.0004US01 :

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

The application became abandoned for failure to file a proper reply to the Notice of Allowance and Fee(s) Due mailed August 8, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of $410 for payment of the issue fee, a terminal disclaimer and $65 fee, and a Continued Prosecution Application (CPA) and fee; (2) the petition fee of $770; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the above application is again abandoned in favor of CPA.

Petitioner is advised that the issue fee paid on December 10, 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 10, 2007.

The terminal disclaimer under 37 CFR 1.137(d), filed December 10, 2007, has been accepted and made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

Since the Request for Continued Examination (RCE) filed on November 8, 2007 was improper, the $405 fee for the filing of the RCE will be refunded to petitioner's deposit account.

This application file is being referred to Technology Center Art Unit 2913 for further processing.

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

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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GOLD & RIZVI, P.A.
600 N. PINE ISLAND ROAD
SUITE 450
PLANTATION FL 33324-1311

MAILED

JUN 0 8 2009

OFFICE OF PETITIONS

In re Application of	:	
Lucy A. Mitchell	:	
Application No. 29/271824	:	DECISION ON
Filing or 371(c) Date: 01/26/2007	:	PETITION
Title of Invention:	:	
REFRIGERATOR	:	

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 March 30, 2009.

This Petition is hereby granted.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowance and Issue Fee Due, mailed December 2, 2008. The Notice required the issue fee, and set a non-extendable three (3) month period for reply. No complete and proper reply having been received, the application became abandoned on March 3, 2009. A Notice of Abandonment was mailed on March 27, 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; (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 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

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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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

MAILED

MAR 26 2009

OFFICE OF PETITIONS

In re Application of :
Shigeru MATSUMOTO, et al :
Application No. 29/271,857 : DECISION ON PETITION
Filed: January 29, 2007 :
Attorney Docket No. 130885 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 5, 2009, 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 Allowance and Fee(s) Due, mailed September 23, 2008, which set a period for reply of three (3) months. Accordingly, this application became abandoned on December 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 corrected drawings; (2) the petition fee of $1620; (3) a proper statement of unintentional delay; and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d).

The drawings have been reviewed by Examiner Barbara Fox. The Examiner indicates that the drawings are acceptable and do not contain new matter.

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 Data Management for processing into a patent.

Thurman K. Page

Thurman Page
Petitions Examiner
Office of Petitions

PTOISB/27 (09-04)
Approved for use through 07/31/2008. 0MB 0651-0031
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE
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112935 U.S. PTO
29/271891
012907

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	2465-8131US

ADDRESS TO:

MAIL STOP EXPEDITED DESIGN
COMMISSION 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

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

29 / Jany 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 by37 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.

01/31/2007 LNGUYEN1 00000003 29271891
04 FC:1802 900.00 OP

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

Application Number	To be assigned
Filing Date	To be assigned
First Named Inventor	John Hlavacs
Title	PORTION OF A SHOE UPPER
Attorney Docket Number	2465-8130US

ADDRESS TO:

MAIL STOP EXPEDITED DESIGN
COMMISSION 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

112935 U.S. PTO
29/271899
012907

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]
Signature

29 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 by37 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.

01/31/2007 WABDELR1 00000006 29271899

04 FC:1802 900.00 OP

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P.O. Box 1450
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STETINA BRUNDA GARRED & BRUCKER
75 ENTERPRISE, SUITE 250
ALISO VIEJO, CA 92656

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JUL 09 2008

OFFICE OF PETITIONS

In re Application of :
LUN, et al. :
Application No. 29/272,015 :
Filed: January 31, 2007 :
Attorney Docket No. SMART-122D :

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 October 15, 2007 to revive the above-identified application.

The petition is **DISMISSED.**

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

This application became abandoned for failure to timely pay the issue and publication fees and to submit corrected formal drawings on or before September 6, 2007 as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed June 6, 2007. Accordingly, the date of abandonment of this application is September 7, 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).

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

STETINA BRUNDA GARRED & BRUCKER
75 ENTERPRISE, SUITE 250
ALISO VIEJO CA 92656

RECEIVED

DEC 23 2008

OFFICE OF PETITIONS

In re Application of :
Peter Sui **LUN**, et al. :
Application No. 29/272,015 : DECISION ON PETITION
Filed: January 31, 2007 : UNDER 37 CFR 1.137(b)
Attorney Docket No. **SMART-122D** :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed August 1, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee and to submit corrected formal drawings on or before September 6, 2007, as required by the Notice of Allowance/Allowability mailed, June 6, 2007. Accordingly, the date of abandonment of this application is September 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 payment of the issue fee of $400; (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(b).

The terminal disclaimer filed August 1, 2008 has been entered and made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

The drawing(s) filed on October 15, 2007 have been approved by the USPTO draftsperson.

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

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

Brian W. Brown
Petitions Examiner
Office of Petitions

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

Application Number	To be assigned
Filing Date	To be assigned
First Named Inventor	Benjamin A. Shaffer
Title	PORTION OF A SHOE UPPER
Attorney Docket Number	2465-8122US

112921 U.S.PTO
29/272093
020107

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSION 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

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	1 Feb. 2007 Date
Laurence B. Bond Typed or printed name	30,549 Registration Number, if applicable
(801) 532-1922 Telephone Number	

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This collection of information is required by37 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.

02/02/2007 JBALINAN 00000077 29272093
04 FC:1802 900.00 OP

PTOISB/27 (09-04)
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U.S. PTO
29/272137
01/31/2007

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	2465-8072US

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

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 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 — Date: 31 January 2007

Laurence B. Bond
Typed or printed name

30,549
Registration Number, if applicable

(801) 532-1922
Telephone Number

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01/31/2007 LROBERT2 00000086 29272137
04 FC:1802 980.00 OP

This collection of information is required by37 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 29/272,171
Filing Date	To be assigned
First Named Inventor	Steve McDonald
Title	PORTION OF A SHOE UPPER
Attorney Docket Number	2465-8120US

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

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 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 — 2 February 2007 (Date)

Laurence B. Bond (Typed or printed name) — 30,549 (Registration Number, if applicable)

(801) 532-1922 (Telephone Number)

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This collection of information is required by37 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.*

02/05/2007 SDIRETA1 00000006 29272171
04 FC:1802 900.00 OP

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, DC 20231

7/24/08

Patent No. :D566609
Inventor(s) : Nikoay Novikov
Issued : 4/15/2008
Title : A DIAMOND
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 that item [75] is printed in accordance with the record and file a petition to correct inventors name. Therefore being no fault on the Patent and Trademark Office, It has no authority to issue a certificate of correction under the provision of 1.322.

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

Future written correspondence concerning this matter should be filed and directed to Decisions & Certificates of Correction Branch.

Henry Randall
Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) 308-9390 Ext. 108

NIKOLAY NOVIKOV
4541 MURIETTA AVE. # 3
SHERMAN OAKS, CA 91423

HR/CBN

UNITED STATES 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.M. Rylander
Rylander & Associates
406 West 12th Street
Vancouver, WA 98660

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AUG 0 4 2008

OFFICE OF PETITIONS

In re Application of :
Michael G. Miller :
Application No. 29/272,188 : ON PETITION
Filed: February 1, 2007 :
Attorney Docket No. MILM02-DES :

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

The petition is **dismissed**.

The application became abandoned for failure to respond to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed March 7, 2007. A Notice of Abandonment was mailed on November 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(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 (3).

Petitioner should note that the instant petition is unsigned; and therefore, the petition and statement of unintentional delay cannot be accepted at this time.

The Office acknowledges receipt of $770 for treatment of the petition and a terminal disclaimer and $65 fee. However, the Notice mailed March 7, 2007 required petitioner to submit a $65 surcharge for the late filing of the oath/declaration. Therefore, the $65 surcharge will be charged to petitioner's deposit account, as authorized.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) is 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 35 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.**

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 regarding 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

K.M. Rylander
Rylander & Associates
406 West 12th Street
Vancouver, WA 98660

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NOV 06 2008

In re Application of :
Michael G. Miller :
Application No. 29/272,188 : ON PETITION
Filed: February 1, 2007 :
Attorney Docket No. MILM02-DES :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed on August 6, 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 an executed oath/declaration with the $65 surcharge and a terminal disclaimer with the $65 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 August 6, 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 Patent Application Processing for further processing.

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

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BERNHARD P. MOLLDREM, JR.
224 HARRISON STREET
SUITE 200
SYRACUSE NY 13202

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FEB 0 2 2009

OFFICE OF PETITIONS

In re Application of
Eric STALLER
Application No. 29/272,255
Filed: February 05, 2007
Attorney Docket No. 729.003DE

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 24, 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 corrected drawings in a timely manner in reply to the Notice of Allowability, mailed July 14, 2008, which set a period for reply of three (3) months. Accordingly, this application became abandoned on October 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) above.

Any petition to revive in a design application must be accompanied by a terminal disclaimer and fee as set forth in § 1.321 dedicating to the public a terminal part of the term of any patent granted thereon equivalent to the period of abandonment of the application. A 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 Michelle R. Eason at (571) 272-4231.

Michelle R. Eason
Paralegal Specialist
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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BERNHARD P. MOLLDREM, JR.
224 HARRISON STREET
SUITE 200
SYRACUSE NY 13202

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MAR 30 2009

OFFICE OF PETITIONS

In re Application of :
Eric STALLER :
Application No. 29/272,255 : DECISION ON PETITION
Filed: February 05, 2007 :
Attorney Docket No. 729.003DE :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed February 09, 2009, 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 July 14, 2008, which set a period for reply of three (3) months. Accordingly, this application became abandoned on October 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 corrected drawings (2) the petition fee of 810.00, (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 submit corrected drawings as required by the Notice of Allowability of July 14, 2008 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 Office of Data 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
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INGRASSIA FISHER & LORENZ, P.C.
7150 E. CAMELBACK, STE. 325
SCOTTSDALE AZ 85251

ON PETITION

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OFFICE OF PETITIONS

Application No. 29/272,284 (formerly 11/483,044)
Filed: July 7, 2006
Attorney Docket No. 037.0001D2

This is a decision on the petition filed September 7, 2006, requesting conversion of Application No. 11/483,044 to a design application under 37 CFR 1.182.

The petition under 1.182 is **GRANTED**.

The above-identified application was filed on July 7, 2006 with a transmittal letter having an incorrect heading of "UTILITY APPLICATION" and including incorrect filing, search and examination fees. Substantively, the application and its preliminary amendment, 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. 11/483,044 has been converted to Design Application No. 29/272,284. Please refer to Design Application No. 29/272,284 in all future correspondence with the Office.

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

Karen Creasy
Petitions Examiner
Office of Petitions

Copied from 11483044 on 03/05/2007

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United States Patent and Trademark Office
P.O. Box 1450
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OFFICE OF PETITIONS

BAKER & HOSTETLER LLP
WASHINGTON SQUARE, SUITE 1100
1050 CONNECTICUT AVE., N.W.
WASHINGTON DC 20036-5304

In re Application of :
Hyoun Jik Youm :
Application No. 29/272,345 : DECISION ON PETITION
Filed: February 7, 2007 :
Attorney Docket No. 87248.1520 :

This is a decision on the petition filed August 14, 2008, which is being treated as a petition under 37 CFR 1.182, to correct the spelling of the name of inventor "Hyun Jik Yum" to – Hyoun Jik Youm --.

The petition is **GRANTED**.

Even though, office records were corrected prior to a decision on the above matter, the petition is necessary.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

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APR 0 3 2008

OFFICE OF PETITIONS

In re Application of :
Stig Peter JOHANSSON :
Application No. 29/272,382 : ON PETITION
Filed: February 7, 2007 :
Attorney Docket No. 10676.0003-00 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 6, 2007 and supplemented January 4, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed March 30, 2007. 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 March 31, 2007.

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

Since the above-identified application is a design application, 37 CFR 1.137(d) requires a terminal disclaimer dedicating to the public a terminal part of the term of any patent granted on the application or any patent granted on any continuing application that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the application. The period to be disclaimed will be a terminal part of the patent to be granted equivalent to the period of abandonment. The period of abandonment will be computed to be the number of months from the date of

abandonment to the date of filing a grantable petition. A terminal disclaimer fee of $130 ($65 if small entity) is required. If the terminal disclaimer is signed by an assignee, the assignee must comply with the requirements of 37 CFR 3.73(b).

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.

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 Diane Goodwyn at (571) 272-6735.

April M. Wise
Petitions Examiner
Office of Petitions

CC: TIMOTHY J. KEEFER
SEYFARTH SHAW LLP
131 S. DEARBORN STREET,
CHICAGO, IL 60603-5577

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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901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

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JUN 19 2008

OFFICE OF PETITIONS

In re Application of :
Stig Peter JOHANSSON :
Application No. 29/272,382 : ON PETITION
Filed: February 7, 2007 :
Attorney Docket No. 10676.0003-00 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed April 21, 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 Notice to File Missing Parts of Nonprovisional Application (Notice), mailed March 30, 2007. 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 March 31, 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 renewed petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied the required terminal disclaimer (and fee set forth in 37 CFR 1.20(d) required by 37 CFR 1.137(d).

The terminal disclaimer is accepted and has been made of record.

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

This application is being referred to the Office of Patent Processing for processing.

Thurman Page
Petitions Examiner
Office of Petitions

RAM Fee History Query

Revenue Accounting and Management

Name/Number: 29272382 Total Records Found: 9

Start Date: Any Date End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
04/22/2008	00000019	1	2814	$65.00	04/21/2008	CK
07/09/2007	00000056	1	2012	-$100.00	02/07/2007	DA 191351
07/09/2007	00000057	1	2112	-$50.00	02/07/2007	DA 191351
07/09/2007	00000058	1	2312	-$65.00	02/07/2007	DA 191351
07/09/2007	00000059	1	8026	$130.00	07/09/2007	DA 191351
07/09/2007	00000014	1	2453	$750.00	07/06/2007	CK
02/09/2007	00000032	1	2012	$100.00	02/07/2007	DA 191351
02/09/2007	00000033	1	2112	$50.00	02/07/2007	DA 191351
02/09/2007	00000034	1	2312	$65.00	02/07/2007	DA 191351

OIPE IAP97
APR 21 2008
PATENT & TRADEMARK OFFICE

PATENT
Attorney Docket No. 10676.0003-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	
Stig Peter JOHANSSON	Group Art Unit: 2913
Design Application No.: 29/272,382	Examiner: To be assigned
Filed: February 7, 2007	Confirmation No.: 5887
For: MOBILE TELEPHONE	

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

Sir:

RENEWED PETITION UNDER 37 C.F.R. § 1.137(b)

The above-identified application became abandoned for failure to file a timely and proper response to the Notice of Incomplete Nonprovisional Application mailed March 30, 2007. The abandonment date of this application was May 31, 2007 (i.e., the day after the expiration date of the period set for response). The U.S. Patent and Trademark Office (USPTO) mailed a Notice of Termination of Proceedings Under 37 C.F.R. 1.53(e) on July 2, 2007. A Petition to Revive Unintentionally Abandoned Application and a Response to Notice of Incomplete Non-Provisional Application was filed on July 3, 2007. A Supplemental Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 C.F.R. 1.137(b) was filed January 4, 2008.

The USPTO mailed a Decision on Petition on April 3, 2008 ("Decision"), dismissing Applicant's petition for allegedly failing to satisfy requirement (4) of 37 C.F.R. § 1.137(d), which requires:

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d) . . . .

In the Decision, the USPTO "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." Decision at page 1.

In response to the Decision, Applicant is, therefore, filing this Renewed Petition under 37 C.F.R. § 1.137(b) concurrently with a Terminal Disclaimer to Accompany Petition according to 37 C.F.R. §§ 1.137(d) and 1.321(b) disclaiming the terminal part of the patent to be granted equivalent to the period of abandonment. Accordingly, Applicant hereby renews its originally-filed petition for revival of this application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

If there are any other fees due in connection with the filing of this response, including any fees required for an extension of time under 37 C.F.R. § 1.136, such an extension is requested, and the Commissioner is authorized to charge any related fees to our Deposit Account No. 06-0916.

Attorney Docket No. 10676.0003-00
Design Application No.: 29/272,382

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: April 21, 2008

By: _____
Aaron M. Raphael
Reg. No. 47,885

Attachment: Terminal Disclaimer to Accompany Petition, PTO/SB/63

OIPE JAP97
APR 21 2008
PATENT & TRADEMARK OFFICE

PTO/SB/63 (01-08)
Approved for use through 04/30/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to a collection of information unless it displays a valid OMB control number.

TERMINAL DISCLAIMER TO ACCOMPANY PETITION	Docket Number (Optional) 10676.0003-00

In re Application of:

Name: Stig Peter JOHANSSON

Application Number: 29/272,382

Filed: February 7, 2007

For: MOBILE TELEPHONE

The owner*, Stig Peter JOHANSSON 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 47,885.

Signature — April 21, 2008 (Date)

Aaron Raphael (Typed or Printed Name) — (202) 408-4152 (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.

04/22/2008 SZEWDIE1 00000013 29272382
01 FC:2814 65.00 OP

* 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

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901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

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APR 2 4 2009

OFFICE OF PETITIONS

In re Application of :
Stig Peter Johansson :
Application Number: 29/272382 :
Filing Date: 02/07/2007 :
Attorney Docket Number: :
10676.0003-00 :

ON PETITION

This is a decision on the "PETITION REQUESTING EARLIER FILING DATE," filed on March 17, 2009, which is treated as a petition under 37 CFR 1.53 requesting that the above-identified application, including two (2) sheets of drawings, be accorded a filing date of February 7, 2007. This is also a corrected decision in response to the renewed petition under 37 CFR 1.137(b) filed on April 21, 2008.

The petition under 37 CFR 1.53 is **GRANTED**.

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

On February 7, 2007, the application was deposited. The application papers included a transmittal letter, and one page of specification including one (1) claim.

On March 30, 2007, a Notice of Incomplete Nonprovisional Application was mailed, stating that a filing date had not been accorded because the application was deposited without drawings, and that applicant should reconsider whether drawings were necessary under 35 U.S.C. § 113 (first sentence). The Notice stated that the filing date would be the date of receipt of the missing drawings.

On July 6, 2007, a petition under 37 CFR 1.137(b) was filed, accompanied by a postcard receipt and two (2) sheets of drawings. The application was subsequently accorded a filing date of July 6, 2007.

PETITION UNDER 37 CFR 1.53

Petitioner argues, in the present renewed petition, that two (2) sheets of drawings were filed with the other application papers

on February 7, 2007, but were subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioner's postcard receipt was supplied with the present petition. The postcard receipt shows an "Office-date" stamp of February 7, 2007, which includes the above-identified application number. The postcard identifies the application by the sole inventor's name, attorney docket number, and invention title, and acknowledges receipt of, *inter alia*, two (2) sheets of drawings. Petitioners request that the application, including the two (2) sheets of drawings, be accorded a filing date of February 7, 2007.

A review of the record reveals that no two (2) sheets of drawings received on February 7, 2007, are located among the application papers received on that date. However, the evidence is convincing that the application papers deposited on February 7, 2007, included two (2) sheets of drawings, which were subsequently misplaced in the Office. Therefore, the application, including two (2) sheets of drawings, is entitled to a filing date of February 7, 2007.

In view of the above, the petition is **granted**. No petition fee is due.

PETITION UNDER 37 CFR 1.137(b)

As the subject application was not previously accorded a filing date, the application did not become abandoned. The petition is dismissed as moot because the application was never abandoned. As the application was not entitled to a filing date as of the date of deposit because it was incomplete, it could not become abandoned.

The decision granting the petition mailed on June 19, 2008, is hereby **vacated**, and the petition is **dismissed as moot**.

The petition fee will be refunded.

As the application did not become abandoned, the terminal disclaimer filed on April 21, 2008, is unnecessary. The terminal disclaimer will not be entered, but will be retained in the application file. The terminal disclaimer fee will be refunded.

Receipt is acknowledged of the request for refund filed on March 17, 2009. As the petition was not necessitated by an error on the part of the applicant, the petition fee will be refunded to counsel.

The application will be processed with the copy of the two (2) sheets of drawings supplied on July 6, 2007, as a part of the original disclosure.

The application is being referred to the Office of Patent Application Processing for reprocessing with a filing date of **February 7, 2007**, using the application papers filed on that date, and the copy of two (2) sheets of drawings supplied on petition, and for an indication in Office records that two (2) sheets of drawings were present on filing.

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BANNER DEVELOPMENT, INC.
P.O. BOX 8859
ENDWELL NY 13762

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APR 0 9 2009

OFFICE OF PETITIONS

In re Application of	:	
Dellinger, Terry L.	:	
Application No. 29/272,383	:	ON PETITION
Filed: February 7, 2007	:	
Attorney Docket No. TD-102 DES	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed January 9, 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, as required by the Notice of Allowability, (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

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

AUG 2 7 2007

In re Application of
NOCE
Serial Number: 29/272,423
Filed: February 8, 2007
For: NASAL DILATOR

DECISION ON
PETITION UNDER
M.P.E.P. 708.02(IV)

This is in response to the petition filed July 12, 2007, 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

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.
29/272,424	02/08/2007	Louis O. Noce	716-11	9350

23117 7590 01/15/2008
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER	
LEE, CHRISTOPHER	

ART UNIT	PAPER NUMBER
2916	

MAIL DATE	DELIVERY MODE
01/15/2008	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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

1-15-08

23117
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

In re Application of: Louis Noce Serial No.: 29/272,424 Filed: February 8, 2007 Docket: 716-11 Title: NASAL DILATOR	DECISION ON PETITION TO MAKE SPECIAL BY EXPEDITING EXAMINATION UNDER 37 C.F.R. § 1.102(c)

This is a decision on the petition to Make Special by Expediting Examination received July 12, 2007. The petition is **GRANTED**.

REGULATION AND PRACTICE

An application may be made special upon filing a petition including any evidence showing that the applicant is 65 years of age or more, such as applicant's statement or a statement from a registered practitioner that he or she has evidence that the applicant is 65 years of age or older. No fee is required with such a petition. See 37 CFR 1.102(c) and MPEP § 708.02.IV.

Personal/medical information submitted as evidence to support the petition will be available to the public if the application file and contents are available to the public pursuant to 37 CFR 1.11 or 1.14. If applicant does not wish to have this information become part of the application file record, the information must be submitted pursuant to MPEP § 724.02 and (4) The fee set forth in § 1.20(b).

REVIEW OF FACTS

In this case, applicant has met the requirements set forth above in the petition papers submitted July 12, 2007.

DECISION

For the above-stated reason, the petition is **GRANTED**.

Any inquiry regarding this decision should be directed to Rob Spear, Design Practice Specialist, at (571) 272-2645.

Robert M. Spear, Design Practice Specialist,
Technology Center 2900

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JAMES R. CYPHER
405 14TH STREET
SUITE 1607
OAKLAND, CA 94612

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NOV 0 6 2008

OFFICE OF PETITIONS

In re Application of :
Chen Lin Yun :
Application No. 29/272,654 : ON PETITION
Filed: February 12, 2007 :
Attorney Docket No. POI-0029 :

This is a decision on the petition under 37 CFR 1.137(b), filed July 29, 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 Notice To File Missing Parts of Nonprovisional Application (Notice) mailed March 12, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. Five (5) months extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on October 13, 2007.

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

This matter is being referred to the Office of Patent Application 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

THOMPSON & THOMPSON, P.A.
P.O BOX 166
SCANDIA KS 66966

COPY MAILED

MAY 0 3 2007

OFFICE OF PETITIONS

In re Application of :
Eugene T. Logan :
Application No. 29/272,721 : DECISION ON PETITION
Filed: February 14, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. SIG-004 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 14, 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 declaration statement signed by 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 2913 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

PTO/SB/27 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	Filed herewith 29/272,738
Filing Date	Filed herewith
First Named Inventor	CISLO, Donald M.
Title	LOW VISIBILITY AERODYNAMIC ...
Atty Docket Number	07-18810

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
3-6-07

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:

D14/230,234 with some searching performed in classes 373/713 and D14/236

Related applications: 29/234,762; 29/234,763; 29/232,876; 29/268,857, and Docket no. 07-18809

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.

2/20/2007 CHGUYEN2 00000012 29272738
5 FC:1802 900.00 OP

Signature

2-12-07
Date

Daniel M. Cislo, Esq.
Typed or printed name

32,973
Registration Number, if applicable

(310) 451-0647
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: 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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CHRISTIE PARKER & HALE LLP
P.O. BOX 7068
PASADENA, CA 91109-7068

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SEP 2 4 2007

OFFICE OF PETITIONS

In re Application of	:	
Stuart Kevin Imai	:	
Application No. 29/272,750	:	DECISION GRANTING
Filed: February 12, 2007	:	PETITION
Attorney Docket No. 58982/E362	:	

CORRECTED DECISION

This is a decision on the petition, filed May 21, 2007, requesting that the above-identified application be accorded a filing date of February 12, 2007, rather than the presently accorded date of February 14, 2007. The petition is properly treated as a petition under 37 CFR 1.10(c).

Petitioner alleges that the application was deposited in Express Mail service on February 12, 2007. In support of this allegation, petitioner has submitted a copy of Express Mail label receipt number EV 826268286 US, which bears a hand-written "date-in" of February 12, 2007. Further, in an independent search of the USPS Express Mail Track and Confirm record for the Express Mail package in question, it was found that the package was entrusted to the USPS on February 12, 2007 at the Pasadena, CA, USPO at 7:10pm. The above-noted Express Mail number appears on the originally filed application papers of this file.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "date-in" on the Express Mail label; MPEP 513. The evidence is convincing that the application was deposited as "Express Mail" with the U. S. Postal Service on February 12, 2007.

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

This application file is being referred to the Office of Initial Patent Examination (OIPE) for correction of the filing date to February 12, 2007 and for issuance of a corrected filing receipt.

The decision mailed September 24, 2007 is hereby vacated as of the mail date of this decision.

Telephone inquiries relating to this decision should be directed Irvin Dingle at (571) 272-3210. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4100.

Irvin Dingle
Petition Examiner
Office of Petitions

PTO/SB/27 (09-08)
Approved for use through 03/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE
Under the Paperwork Reduction ACT of 1995, no persons are required to respond to 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	Unassigned 29/272,753
Filing Date	February 16, 2007
First Named Inventor	John ROTH
Title	FREESTANDING OUTDOOR KITCHEN CART
Atty Docket Number	030307-0312

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

4-17-07 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:

Date Conducted: 12/29/2006 (1) U.S. Patent Classes/Subclasses: 4/624, 625; 108/50.11, 50.18, 177; 126/25R, 29, 30, 40, 276; 248/129; 280/47.35; (2) U.S. Design Patent Classes/Subclasses: D07/332, 334, 337, 402, 403

Related applications: Registered Community Design Application 000648928 filed November 22, 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.

S. A. Bent
Signature

16 February 2007
Date

Stephen A. Bent
Typed or printed name

29,768
Registration Number, if applicable

202-672-5404
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: 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.

2/20/2007 CNGUYEN2 00000044 29272753
1 FC:1802 900.00 OP

PTO/SB/27 (09-06)
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	Unassigned 29/272,753
Filing Date	February 16, 2007
First Named Inventor	John ROTH
Title	FREESTANDING OUTDOOR KITCHEN CART
Atty Docket Number	030307-0312

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

Approved 4.27.07
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:

Date Conducted: 12/29/2006 (1) U.S. Patent Classes/Subclasses: 4/624, 625; 108/50.11, 50.18, 177; 126/25R, 29, 30, 40, 276; 248/129; 280/47.35; (2) U.S. Design Patent Classes/Subclasses: D07/332, 334, 337, 402, 403

Related applications: Registered Community Design Application 000648928 filed November 22, 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.

S. A. Bent
Signature

16 February 2007
Date

Stephen A. Bent
Typed or printed name

29,768
Registration Number, if applicable

202-672-5404
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: 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.

2/20/2007 CNGUYEN2 00000044 29272753
4 FC:1802 900.00 OP

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

Application Number	Unassigned 29/272,754
Filing Date	February 16, 2007
First Named Inventor	John ROTH
Title	FREESTANDING OUTDOOR KITCHEN CART SYSTEM
Atty Docket Number	030307-0309

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

Approved 4-17-07
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:

Date Conducted: 12/29/2006 (1) U.S. Patent Classes/Subclasses: 4/624, 625; 108/50.11, 50.18, 177; 126/25R, 29, 30, 40, 276; 248/129; 280/47.35; (2) U.S. Design Patent Classes/Subclasses: D07/332, 334, 337, 402, 403

Related applications: Registered Community Design Application 000648928 filed November 22, 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.

S. A. Bent
Signature

16 February 2007
Date

Stephen A. Bent
Typed or printed name

29,768
Registration Number, if applicable

202-672-5404
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.

2/20/2007 CHGUYEN2 00000043 29272754
01 FC:1802 900.00 OP

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United States Patent and Trademark Office
P.O. Box 1450
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www.uspto.gov

Knobbe, Martens, Olson & Bear, LLP
2040 Main Street
Fourteenth Floor
Irvine, CA 92614

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JUN 19 2008

OFFICE OF PETITIONS

In re Application of :
Simon Sollberger et al. :
Application No. 29/272,767 : DECISION ON PETITION
Filed: February 16, 2007 :
Attorney Docket No. PLLC.005DA :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 24, 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 reply to the Notice to File Missing Parts of Nonprovisional application, mailed March 13, 2007. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 14, 2007. A Notice of Abandonment was mailed on November 26, 2007.

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

Since the above-identified application is a design application, 37 CFR 1.137(d) requires a terminal disclaimer dedicating to the public a terminal part of the term of any patent granted on the application or any patent granted on any continuing application that contains a specific reference under 35 U.S.C. 120, 121, or 365 (c) to the application. The period to be disclaimed will be a terminal part of the patent to be granted equivalent to the period of abandonment. The period of abandonment will be computed to be the number of months from the date of abandonment to the date of filing a grantable petition. A terminal disclaimer fee of $65 is required. If the terminal disclaimer is signed by the assignee, the assignee must comply with the requirements of 37 CFR 3.73(b).

As authorized, $50 for the search fee and $65 for the examination fee are being charged to petitioner's deposit account.

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 $1,115 extension of time fee submitted with the petition on January 24, 2008 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

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

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

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

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

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

Andrea Smith
Petitions Examiner
Office of Petitions

Attachments: Terminal Disclaimer to Accompany Petition
Privacy Act Statement

PTO/SB/63 (01-08)
Approved for use through 05/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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TERMINAL DISCLAIMER TO ACCOMPANY PETITION	Docket Number (Optional)

In re Application of:

Name:

Application Number:

Filed:

For:

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

Check either box 1 or 2 below, if appropriate.

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

_____ _____
Signature Date

_____ _____
Typed or Printed Name Telephone Number

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

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

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

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

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

Privacy Act Statement

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

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

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

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2040 Main Street
Fourteenth Floor
Irvine, CA 92614

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OCT 01 2008

In re Application of :
Simon Sollberger et al. :
Application No. 29/272,767 : DECISION ON PETITION
Filed: February 16, 2007 :
Attorney Docket No. PLLC.005DA :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed August 19, 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 reply to the Notice to File Missing Parts of Nonprovisional application, mailed March 13, 2007. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 14, 2007. A Notice of Abandonment was mailed on November 26, 2007.

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

The terminal disclaimer filed along with the renewed petition on August 19, 2008 is not proper. The statement that "This disclaimer is binding upon the grantee, and its successors or assign" was not provided.

The revocation of power of attorney filed on January 24, 2008 is also not acceptable in that a name was not given above the signature and title of the vice president on the last page of the 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.**

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

Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Fourteenth Floor
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APR 07 2009

OFFICE OF PETITIONS

In re Application of :
Simon Sollberger et al. :
Application No. 29/272,767 : DECISION ON PETITION
Filed: February 16, 2007 :
Attorney Docket No. PLLC.005DA :

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 reply to the Notice to File Missing Parts of Nonprovisional application, mailed March 13, 2007. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 14, 2007. A Notice of Abandonment was mailed on November 26, 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 signed oath and declaration, with the required fee of $65 (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 oath and declaration is accepted as being unintentionally delayed.

The petition decision mailed October 1, 2008, dismissed the petition filed August 19, 2008 for failure to provide a proper terminal disclaimer. The renewed petition includes a proper terminal disclaimer.

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

A response to the petition mailed on October 1, 2008 was due no later than December 1, 2008. The renewed petition was filed on March 13, 2009, therefore a four month extension of time is due to make this reply timely. As authorized the fee in the amount of $865.00 will be charged to petitioner's deposit.

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 January 24, 2008.

Carl Friedman
Petitions Examiner
Office of Petitions

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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
29/272,786	02/16/2007	2913	215	913-D	1	1

CONFIRMATION NO. 1078

CORRECTED FILING RECEIPT

OC000000023305127

Alan F. Meckstroth
JACOX, MECKSTROTH & JENKINS
Suite 2
2310 Far Hills Building
Dayton, OH 45419-1575

Date Mailed: 04/10/2007

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)

Joseph A. Bornhorst, Dayton, OH;
Vincent Combs, Kettering, OH;
James J. Griffin, Dayton, OH;
Benson T. Rhoads, Kettering, OH;
David J. Settles, Springboro, OH;

Power of Attorney:

Alan Meckstroth--22607
Matthew Jenkins--34844

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 03/15/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US29/272,786

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Stackable precast concrete stairwell unit

Preliminary Class

D25

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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

GRANTED

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

date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

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

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ALEXANDRIA VA 22314

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SEP 30 2008

OFFICE OF PETITIONS

In re Application of :
Christopher J. VITITO :
Application No. 29/272,866 : DECISION ON PETITION
Filed: February 21, 2007 :
Attorney Docket No. **VIT-069** :

This is a decision on the petition under 37 CFR 1.137(b), filed September 03, 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 August 04, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed May 02, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on August 05, 2008. A Notice of Abandonment was mailed on August 28, 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) 571-272-2783.

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

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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SEP 30 2008

OFFICE OF PETITIONS

In re Application of :
Christopher J. Vitito :
Application No. 29/272,871 : ON PETITION
Filed: February 21, 2007 :
Attorney Docket No. VIT-068 :

This is a decision on the petition under 37 CFR 1.137(b), filed on September 3, 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 May 2, 2008. A Notice of Abandonment was mailed on August 27, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of $410 for payment of the issue fee and terminal disclaimer along with $65 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 September 3, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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KLARQUIST SPARKMAN, LLP
121 SW SALMON STREET
SUITE 1600
PORTLAND, OR 97204

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JUL 20 2007

OFFICE OF PETITIONS

In re Application of :
Brigham, et al. :
Application No. 29/272,916 : DECISION GRANTING PETITION
Filed: February 20, 2007 :
Attorney Docket No. 7094-77600-01 :

This is a decision on the petition filed May 29, 2007, under 37 CFR 1.10(c) requesting that the above-cited application be accorded a filing date of February 22, 2007, rather than the presently accorded filing date of February 20, 2007.

Petitioner alleges that the application was deposited with the United States Postal Service, Express Mail Service on February 20, 2007. In support of the allegation, the petition is accompanied by a copy of the Express Mail receipt with a tracking number EV668291784US showing a "date-in" of December 20, 2007. The tracking number cited is the same number found on the application transmittal sheet that accompanied the original application papers. The evidence is convincing that the application papers were deposited on December 20, 2007.

In view of the above, the petition is granted. The new filing date for the above-cited application is December 20, 2007

The Office of Initial Patent Examination will further process the application with a filing date of December 20, 2007, and issue a corrected filing receipt.

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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PORTLAND, OR 97204

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JUL 27 2007

OFFICE OF PETITIONS

In re Application of :
Brigham, et al. :
Application No. 29/272,916 : DECISION GRANTING PETITION
Filed: February 20, 2007 :
Attorney Docket No. 7094-77600-01 :

This is a decision on the petition filed May 29, 2007, under 37 CFR 1.10(c) requesting that the above-cited application be accorded a filing date of February 22, 2007, rather than the presently accorded filing date of February 20, 2007.

Petitioner alleges that the application was deposited with the United States Postal Service, Express Mail Service on February 20, 2007. In support of the allegation, the petition is accompanied by a copy of the Express Mail receipt with a tracking number EV668291784US showing a "date-in" of February 20, 2007. The tracking number cited is the same number found on the application transmittal sheet that accompanied the original application papers. The evidence is convincing that the application papers were deposited on February 20, 2007.

In view of the above, the petition is granted. The new filing date for the above-cited application is February 20, 2007

The Office of Initial Patent Examination will further process the application with a filing date of February 20, 2007, and issue a corrected filing receipt.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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PAXAR AMERICAS, INC.
ATTN: JOSEPH J. GRASS
170 MONARCH LANE
MIAMISBURG OH 45342

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DEC 28 2007

OFFICE OF PETITIONS

In re Application of	:	
Bailey et al.	:	DECISION REFUSING STATUS
Application No.29/272,950	:	UNDER 37 CFR 1.47(a)
Filed: February 22, 2007	:	
Attorney Docket No. M-681-D	:	
Title of Invention: Dispenser For Multiple Web Rolls	:	

This is in response to the petition filed June 4, 2007, under 37 C.F.R. §1.47(a).

The petition under 37 C.F.R. §1.47(a) is **DISMISSED**.

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

The above-identified application was filed on February 22, 2007, without a signed oath or declaration. Accordingly, on April 5, 2007, a "Notice to File Missing Parts of Application" was mailed requiring, for the purposes of this decision, an executed oath or declaration and a $130.00 surcharge for its late filing.

Pursuant to petitioner's request deposit account 13-3955 has been charged the $200.00 petition fee and the $130.00 surcharge.

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

The instant petition does not satisfy requirements (1).

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. Petitioner has provided a copy of an e-mail to non-signing inventor Baricovich where he was informed a copy of the application papers was going to be forwarded. Evidence has not been presented that the application papers were presented to the non-signing inventor. Were papers presented to inventor Baricovich's last known address?

Although inventor Baricovich is an employee of Rohrer Corporation, Scott Atkins cannot refuse on his behalf. MPEP 409.03(d) requires that the application papers be sent to the inventor or if inventor is represented by counsel to his representative. There is no evidence to establish that Scott Atkins represents inventor Baricovich. However, if the application papers were presented directly to inventor Baricovich, his failure to return the application papers maybe construed as refusal to execute the application papers. If the application papers were not presented to the inventor, a cover letter of instructions should accompany the mailing of the application papers setting a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct.

When it is concluded by the rule 47 applicant that an omitted inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

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

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By delivery service: (FedEx, UPS, DHL, etc.)	U.S. Patent and Trademark Office Customer Service Window, Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (573) 272-3215.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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PAXAR AMERICAS, INC.
ATTN: JOSEPH J. GRASS
170 MONARCH LANE
MIAMISBURG OH 45342

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MAR 2 0 2008

OFFICE OF PETITIONS

In re Application of :
Bailey et al. : DECISION GRANTING STATUS
Application No. 29/272,950 : UNDER 37 CFR 1.47(a)
Filed: February 22, 2007 :
Attorney Docket No. M-681-D :

This is a decision on the petition filed, February 15, 2008, requesting reconsideration of a decision mailed December 28, 2007, which refused to accord 37 CFR 1.47(a) status to the above-identified application.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application.

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

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Patent Processing for pre-examination processing.

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

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Sam T. Baricovich
244 E. Bailey Road, Unit C
Naperville, Illinois 60565

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MAR 2 0 2008

OFFICE OF PETITIONS

In re Application of
Bailey et al.
Application No. 29/272,950
Filed: February 22, 2007
Attorney Docket No. M-681-D

Dear Baricovich:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3215. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Charlema Grant

Charlema Grant
Petitions Attorney
Office of Petitions

cc: PAXAR AMERICAS, INC.
ATTN: JOSEPH J. GRASS
170 MONARCH LANE
MIAMISBURG OH 45342

UNITED STATES PATENT AND TRADEMARK OFFICE

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

STRASBURGER & PRICE, LLP
901 MAIN STREET
SUITE 4400
DALLAS TX 75202

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SEP 3 0 2008

OFFICE OF PETITIONS

In re Application of :
Chi Gon Chen :
Application No. 29/273,092 : ON PETITION
Filed: February 27, 2007 :
Attorney Docket No. 13677.5006 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b) filed February 28, 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 September 5, 2007, which set a period for reply of three (3) months. Accordingly, this application became abandoned on December 6, 2007. The Notice of Abandonment was mailed January 7, 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).

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.

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.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number). The power of attorney filed on February 28, 2008 does not include one of the above two options, therefore it was not accepted.

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

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

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

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)

cc: **Jeffrey G. Degenfelder**
CARSTENS & CAHOON, LLP
P.O. Box 802334
Dallas, TX 75380

PTO/SB/63 (08-08)
Approved for use through 09/30/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to 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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901 MAIN STREET
SUITE 4400
DALLAS TX 75202

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MAR 10 2009

OFFICE OF PETITIONS

In re Application of	:	
Chi Gon Chen	:	
Application No. 29/273,092	:	DECISION ON PETITION
Filed: February 27, 2007	:	
Attorney Docket No. 13677.5006	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed November 21, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

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

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), the terminal disclaimer filed herewith the renewed 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.

Although a Power of Attorney and change of correspondence address were submitted with the instant petition, neither can be accepted at this time as petitioner has submitted an improper 3.73 statement form. It is noted that the current assignee is International Development LLC, recorded on January 26, 2009 and not International Development Corporation as alleged by petitioner. Therefore, a properly completed 3.73 statement must be submitted by the International Development LLC in order to establish assignment rights. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.

Further, 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.

Additionally, petitioner has paid an unnecessary duplicate petition fee of $810.00. This amount will be refunded to petitioner's deposit account in due course.

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

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

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

By 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: Jeffrey G. Degenfelder
Carstens & Cahoon, LLP
P.O. Box 802334
Dallas TX 75380

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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P O BOX 802334
DALLAS TX 75380

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MAY 12 2009

OFFICE OF PETITIONS

In re Application of	:	
Chi Gon Chen	:	
Application No. 29/273,092	:	DECISION ON PETITION
Filed: February 27, 2007	:	
Attorney Docket No. AIDCO.2206	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed April 20, 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 December 5, 2007, as required by the Notice of Allowability mailed September 5, 2007. Accordingly, the date of abandonment of this application is December 6, 2007. A Notice of Abandonment was mailed January 7, 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 $770.00 (previously paid on February 28, 2008; (3) a proper statement of unintentional delay and (4) a Terminal Disclaimer with the accompanying $70.00 fee (previously paid on November 21, 2008).

The request for a terminal disclaimer is accepted and has been made of record.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

This application is being referred to the Office of Data Management for processing into a patent and review of the Corrected Drawings submitted with the instant petition.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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901 MAIN STREET
SUITE 4400
DALLAS TX 75202

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SEP 26 2008

In re Application of :
Chi Gon Chen :
Application No. 29/273,093 : ON PETITION
Filed: February 27, 2007 :
Attorney Docket No. COBALT 419 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b) filed February 25, 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 September 5, 2007, which set a period for reply of three (3) months. Accordingly, this application became abandoned on December 6, 2007. The Notice of Abandonment was mailed January 7, 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).

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.

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.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number). The power of attorney filed on February 25, 2008 does not include one of the above two options, therefore it was not accepted.

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

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

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

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)

cc: **Jeffrey G. Degenfelder**
CARSTENS & CAHOON, LLP
P.O. Box 802334
Dallas, TX 75380

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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STRASBURGER & PRICE LLP
901 MAIN STREET
SUITE 4400
DALLAS TX 75202

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MAR 0 6 2009

OFFICE OF PETITIONS

In re Application of :
Chi Gon Chen :
Application No. 29/273,093 : DECISION ON PETITION
Filed: February 27, 2007 :
Attorney Docket No. COBALT 419 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed November 20, 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.

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), the terminal disclaimer filed herewith renewed 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.

Although a Power of Attorney and change of correspondence address were submitted with the instant petition, neither can be accepted at this time as petitioner has submitted an improper 3.73 statement form. It is noted that the current assignee is International Development LLC, recorded on January 27, 2009 and not International Development Corporation as alleged by petitioner. Therefore, a properly completed 3.73 statement must be submitted by the International Development LLC in order to establish assignment rights. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.

Further, 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.

Additionally, petitioner has paid an unnecessary duplicate petition fee of $810.00. This amount will be refunded to petitioner's deposit account in due course.

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

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

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

By 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: Jeffrey G. Degenfelder
Carstens & Cahoon, LLP
P.O. Box 802334
Dallas TX 75380

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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CARSTENS & CAHOON, LLP
P O BOX 802334
DALLAS TX 75380

MAILED

MAY 12 2009

OFFICE OF PETITIONS

In re Application of	:	
Chi Gon Chen	:	
Application No. 29/273,093	:	DECISION ON PETITION
Filed: February 27, 2007	:	
Attorney Docket No. AIDCO.2204	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed April 20, 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 December 5, 2007, as required by the Notice of Allowability mailed September 5, 2007. Accordingly, the date of abandonment of this application is December 6, 2007. A Notice of Abandonment was mailed January 7, 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 $770.00 (previously paid on February 25, 2008; (3) a proper statement of unintentional delay and (4) a Terminal Disclaimer with the accompanying $70.00 fee (previously paid on November 20, 2008).

The request for a terminal disclaimer is accepted and has been made of record.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

This application is being referred to the Office of Data Management for processing into a patent and review of the Corrected Drawings submitted with the instant petition.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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901 MAIN STREET
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DALLAS, TX 75202

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SEP 22 2008

OFFICE OF PETITIONS

In re Application of :
Chi Gon Chen :
Application No. 29/273,098 : ON PETITION
Filed: February 27, 2007 :
Attorney Docket No. NAPOLI 438 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 25, 2008, to revive the above-identified application.

The application became abandoned for failure to submit formal drawings in a timely manner in reply to the Notice of Allowability, mailed September 5, 2007, which set a period for reply of three (3) months. Accordingly, this application became abandoned on December 6, 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 Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (4).

Since the above-identified application is a design application, 37 CFR 1.137(d) requires a terminal disclaimer dedicating to the public a terminal part of the term of any patent granted on the application or any patent granted on any continuing application that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the application. The period to be disclaimed will be a terminal part of the patent to be granted equivalent to the period of abandonment. The period of abandonment will be computed to be the number of months from the date of abandonment to the date of filing a grantable petition. A terminal disclaimer fee of $130 ($65 if small entity) is required. If the terminal disclaimer is signed by an assignee, the assignee must comply with the requirements of 37 CFR 3.73(b).

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. A courtesy copy of this decision is being mailed to petitioner. Nevertheless, all future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

The Power of Attorney filed with the petition on February 25, 2008 is not accepted. In order for an assignee to take action in a case before the Office, compliance with 37 CFR 3.73(b) must be satisfied. More specifically, 37 CFR 3.73(b) provides that: (1) when an assignee seeks to take action in a matter before the Office, the assignee must establish its ownership of the property to the satisfaction of the Commissioner; (2) ownership is established by submitting to the Office, in the Office file related to the matter in which action is sought to be taken, documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment submitted for recording) or by specifying (e.g., reel and frame number) where such evidence is recorded in the Office; (3) the submission establishing ownership must be signed by a party authorized to act on behalf of the assignee; and (4) documents submitted to establish ownership may be required to be recorded as a condition to permitting the assignee to take action in a matter pending before the Office. A blank 37 CFR 3.73(b) accompanies this decision.

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

Attachment: Blank 37 CFR 3.73(b)
Blank Copy of Terminal Disclaimer to Accompany Petition

cc: DAVID W. CARSTENS
CARSTENS & CAHOON, LLP
PO BOX 802334
DALLAS, TX 75380

UNITED STATES PATENT AND TRADEMARK OFFICE

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

STRASBURGER & PRICE, LLP
901 MAIN STREET
SUITE 4400
DALLAS, TX 75202

COPY MAILED

MAR 02 2009

OFFICE OF PETITIONS

In re Application of :
Chi Gon Chen :
Application No. 29/273,098 : ON PETITION
Filed: February 27, 2007 :
Attorney Docket No. AIDCO.2214 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed November 20, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

On the other hand, the terminal disclaimer under 37 CFR 1.137(d), filed November 20, 2008 cannot be accepted since it is not signed by an attorney or agent of record.

37 CFR 1.321(b) states:

> An applicant or assignee may disclaim or dedicate to the public the entire term, or any terminal part of the term, of a patent to be granted. Such terminal disclaimer is binding upon the grantee and its successors or assigns. The terminal disclaimer, to be recorded in the Patent and Trademark office must:
>
> 1) Be signed:
> (i) By the applicant, or
> (ii) If there is an assignee of record of an undivided part interest, by the applicant and such assignee, or

(iii) If there is an assignee of record of the entire interest, by such assignee, or
(iv) By an attorney or agent of record;
(2) Specify the portion of the term of the patent being disclaimed;
(3) State the present extent of applicant's or assignee's ownership interest in the patent to be granted; and
(4) Be accompanied by the fee set forth in §1.20(d).
(c) A terminal disclaimer, when filed to obviate judicially

In view of the above, an appropriate power of attorney or authorized agent must be submitted.

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

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

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

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

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: CARSTENS & CAHOON, LLP
P O BOX 802334
DALLAS, TX 75380

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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STRASBURGER & PRICE, LLP
901 MAIN STREET
SUITE 4400
DALLAS, TX 75202

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JUL 0 1 2009

OFFICE OF PETITIONS

In re Application of :
Chi Gon Chen :
Application No. 29/273,098 : ON PETITION
Filed: February 27, 2007 :
Attorney Docket No. AIDCO.2214 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed April 20, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

On the other hand, the terminal disclaimer under 37 CFR 1.137(d), filed April 20, 2009 cannot be accepted since it is not completely filed out to show who has complete ownership of the above application nor is it signed by an attorney or agent of record.

37 CFR 1.321(b) states:

> An applicant or assignee may disclaim or dedicate to the public the entire term, or any terminal part of the term, of a patent to be granted. Such terminal disclaimer is binding upon the grantee and its successors or assigns. The terminal disclaimer, to be recorded in the Patent and Trademark office must:
>
> 1) Be signed:
> (i) By the applicant, or
> (ii) If there is an assignee of record of an undivided part interest, by the applicant and such assignee, or

(iii) If there is an assignee of record of the entire interest, by such assignee, or
(iv) By an attorney or agent of record;
(2) Specify the portion of the term of the patent being disclaimed;
(3) State the present extent of applicant's or assignee's ownership interest in the patent to be granted; and
(4) Be accompanied by the fee set forth in §1.20(d).
(c) A terminal disclaimer, when filed to obviate judicially

With respect to the power of attorney:

The power of attorney submitted with the renewed petition on April 20, 2009 is not accepted. In order for an assignee to take action in a case before the Office, compliance with 37 CFR 3.73(b) must be satisfied. More specifically, 37 CFR 3.73(b) provides that: (1) when an assignee seeks to take action in a matter before the Office, the assignee must establish its ownership of the property to the satisfaction of the Commissioner; (2) ownership is established by submitting to the Office, in the Office file related to the matter in which action is sought to be taken, documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment submitted for recording) or by specifying (e.g., reel and frame number) where such evidence is recorded in the Office; (3) the submission establishing ownership must be signed by a party authorized to act on behalf of the assignee; and (4) documents submitted to establish ownership may be required to be recorded as a condition to permitting the assignee to take action in a matter pending before the Office. A blank 37 CFR 3.73(b) accompanies this decision.

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

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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

cc: CARSTENS & CAHOON, LLP
P O BOX 802334
DALLAS, TX 75380

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OFFICE OF PETITIONS

CARSTENS & CAHOON, LLP
P O BOX 802334
DALLAS, TX 75380

In re Application of :
Chi Gon Chen :
Application No. 29/273,098 : DECISION ON PETITION
Filed: February 27, 2007 :
Attorney Docket No. AIDCO.2214 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed September 1, 2009, 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 September 5, 2007, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on December 6, 2007. A Notice of Abandonment was mailed on January 7, 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 $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.

Since the $810 fee submitted with the petition on November 20, 2008 was previously paid on February 25, 2008, this fee is

considered was deemed unnecessary and will be credited to petitioner's deposit account.

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 further processing in accordance with this decision on petition.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

PTO/SB/27 (09-06)
Approved for use through 03/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE
Under the Paperwork Reduction ACT of 1995, no persons are required to respond to 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	29/273,112
Filing Date	
First Named Inventor	CHUN
Title	REAR PANEL FOR A PONYTAIL CAP
Atty Docket Number	CHUN-ID-020007

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

Approved 4-18-07
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:

US CLASS { D2/865,866,867,872,873,876,879,882,883,884,891,893; D28/39,
ISSUE PAT / PREGRANT PAT } 40,41,43; 2/171,174,181,195.1,195.2,195.3,195.4,209.12,209.13
EPO A42B1/00D-1/02,1/04; JAPAN PATENT OFFICE IPDL website: IPDL.NCIPI.GO.JP

Related applications: CONCURRENTLY FILED UTILITY PAT. APPL. "REAR PANEL FOR PONYTAIL CAP"

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.

Peter Chin
Signature

2/22/2007
Date

PETER CHIN
Typed or printed name

57,831
Registration Number, if applicable

(808) 396-1616
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.

2/28/2007 CNGUYEN2 00000057 29273112
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UNITED STATES PATENT AND TRADEMARK OFFICE

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FEB 14 2008

OFFICE OF PETITIONS

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

In re Application of :
Kang-Moon Kim, et al. :
Application No. 29/273,170 : ON PETITION
Filed: February 28, 2007 :
Attorney Docket No. 1779.1266 :

This is a decision on the petition under 37 CFR 1.313(c)(3), filed February 13, 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 February 13, 2008.

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

This matter is being referred to Technology Center AU 2916 for processing of the CPA and consideration of the concurrently filed Information Disclosure Statement (IDS).

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

In re Application of	:	MAR - 3 2009
GRUNER, FRANK	:	
Application No.: 29/273,441	:	DECISION ON
Filing or 371(c) Date: 03/07/07	:	PETITION
Attorney Docket Number: F-9398	:	

This is a decision in response to the "Petition to Withdraw Holding of Abandonment," filed June 30, 2008.

This petition is **GRANTED**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowance, mailed February 25, 2008.

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.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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AUG 22 2008

OFFICE OF PETITIONS

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

In re Patent No. D559452 :
Issue Date: January 8, 2008 :
Application No. 29/273,453 : ON PETITION
Filed: March 5, 2007 :
Attorney Docket No. 15261.0016US01 :

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

The petition is **granted.**

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3210. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

This application is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Irvin Dingle
Petitions Examiner
Office of Petitions

[1] See Official Gazette of June 22, 2004

PTO/SB/27 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE
Under the Paperwork Reduction ACT of 1995, no persons are required to respond to collection of information unless it displays a valid OMB control number.

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

Application Number	Filed herewith 29/273,495
Filing Date	Filed herewith
First Named Inventor	CISLO, Donald M.
Title	LOW VISIBILITY AERODYNAMIC ...
Atty Docket Number	07-18809

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 3-20-07

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:

D14/230, 234 with some searching performed in classes 373/713 and D14/236

Related applications: 29/234,762; 29/234,763; 29/232,876; 29/268,857, and Atty. Docket no. 07-18810

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:

- Formal drawings (see 37 CFR 1.84).
- The fee set forth in 37 CFR 1.17(k).
- An information disclosure statement in compliance with 37 CFR 1.98.

Signature

3-7-07
Date

Daniel M. Cislo, Esq.
Typed or printed name

32,973
Registration Number, if applicable

(310) 451-0647
Telephone Number

03/09/2007 EHAILE1 00000007 29273495
01 FC:1402 980.00 OP

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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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

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SEP 17 2007

OFFICE OF PETITIONS

ON PETITION

Application No. 29/273,496(formerly 11/397,154)
Filed: April 3, 2006
Attorney Docket No. QORTHO.025DDV2

This is a decision on the petition filed October 16, 2006 and resubmitted March 9, 2007 requesting conversion of Application No. 11/397,154 to a design application under 37 CFR 1.182.

The petition under 1.182 is **GRANTED**.

The above-identified application was filed on April 3, 2006 with a transmittal letter having an incorrect heading of "UTILITY APPLICATION" and including incorrect filing, search and examination fees. Substantively, the application and it preliminary amendment, 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, Design Application No. 11/397,154 has been converted to Design Application No. 29/273,496. Please refer to U.S. Application No. 29/273,496 in all future correspondence with the Office as stated in the forthcoming Notice of Corrected Application Number. A corrected filing receipt was mailed April 6, 2007.

Telephone inquiries should be directed to David Bucci 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
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WYETH
PATENT LAW GROUP
5 GIRALDA FARMS
MADISON NJ 07940

In re Application of : DEC 31 2008
FREELAND, MARY ELAINE et al. :
Application No.: 29/273,547 : DECISION ON
Filing or 371(c) Date: 03/08/07 : PETITION
Attorney Docket Number: AM103300 :

This is a decision in response to the "Petition to Withdraw Holding of Abandonment," filed November 7, 2008.

This is **GRANTED**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowability, mailed June 4, 2008.

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.

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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WYETH
PATENT LAW GROUP
5 GIRALDA FARMS
MADISON, NJ 07940

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FEB 17 2009

OFFICE OF PETITIONS

In re Application of :
Mary Elaine Freeland, et al. :
Application No. 29/273,547 : **ON PETITION**
Filed: March 8, 2007 :
Attorney Docket No. AM103300 :

This is a decision on the petition, filed February 13, 2009, requesting withdrawal of the above-identified application from issue under the provisions of 37 CFR 1.313(c).

The petition is DISMISSED AS MOOT.

A review of the record discloses that the application became abandoned for failure to submit formal drawings in a timely manner in reply to the Notice of Allowability, mailed June 4, 2008, which set a period for reply of three (3) months. A Notice of Abandonment was mailed on October 22, 2008. In response, on November 7, 2008, a petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 was filed. While the petition was granted in a decision mailed December 31, 2008, it was later discovered that the drawings provided, were not the drawings for the present application. Consequently, this application became abandoned by operation of law on September 5, 2008. Since the present petition was filed after abandonment of the application, the petition cannot be granted.

At present, the request for a Continued Prosecution Application (CPA) will not be further processed. The fee submitted with the improper CPA is refundable.

Applicant is advised that the abandonment of this application may only be overcome by filing a petition to revive under 37 CFR 1.137. A petition to revive may be appropriate if applicant's failure to reply was either unavoidable or unintentional. A petition under 37 CFR 1.137(a) or (b) cannot be intentionally delayed and therefore should be filed promptly. If petitioner chooses not to file a petition to revive this application, petitioner may simply request that the filing fees for the Improper CPA on February 13, 2009 be refunded.

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 of

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).

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

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By Internet:	EFS-Web[1]

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] 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
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Alexandria, VA 22313-1450
www.uspto.gov

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OFFICE OF PETITIONS

WYETH
PATENT LAW GROUP
5 GIRALDA FARMS
MADISON, NJ 07940

In re Application of
Mary Elaine Freeland et al
Application No. 29/273,547
Filed: March 8, 2007
Attorney Docket No. AM103300

ON PETITION

This is a decision on the petition filed April 16, 2009 under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the formal drawings in a timely manner in reply to the Notice of Allowance mailed June 4, 2008, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on September 5, 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 formal drawings; (2) the petition fee; (3) the required statement of unintentional delay 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

Michael L. Parks
Parks & Associates, PLLC
3131 W. Alabama, Suite 101
Houston, TX 77098

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APR 22 2009

OFFICE OF PETITIONS

In re Application of :
Stonie T. **CHANNEL** :
Application No. 29/273,561 : DECISION ON PETITION
Filed: March 8, 2007 : UNDER 37 CFR 1.137(b)
Attorney Docket No. **7083.02** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 13, 2009 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 February 17, 2009 as required by the Notice of Allowance and Fee(s) Due mailed November 17, 2008. Accordingly, the date of abandonment of this application is February 18, 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

MICHAEL L. PARKS
PARKS & ASSOCIATES, PLLC
3131 W. ALABAMA, SUITE 101
HOUSTON, TX 77098

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JUN 0 3 2009

OFFICE OF PETITIONS

In re Application of :
Stonie T. **CHANNEL** :
Application No. 29/273,561 : DECISION ON PETITION
Filed: March 8, 2007 : UNDER 37 CFR 1.137(b)
Attorney Docket No. **7083.02** :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed May 7, 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 February 17, 2009, as required by the Notice of Allowance and Fee(s) Due mailed, November 17, 2008. Accordingly, the date of abandonment of this application is February 18, 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 terminal disclaimer filed May 7, 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
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Alexandria, VA22313-1450
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OFFICE OF PETITIONS

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of
Chin-Ming Chen et al.
Application No. 29/273,600
Filed: March 9, 2007
Att'y Docket No. 4919-0111PUS1

: DECISION GRANTING PETITION

This is a decision on the petition filed August 15, 2007, in response to the Notice of Incomplete Nonprovisional Application mailed June 15, 2007, requesting that the above identified application be accorded a filing date of March 9, 2007. The petition is treated under 37 CFR 1.53.

On March 9, 2007, the application was filed.

On June 15, 2007, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application" stating that the application had not been accorded a filing date because the application was deposited without a specification, drawings and an oath or declaration, and that the filing date of the application would be the date of receipt of the specification and drawings.

In response, on August 15, 2007 the present petition, and a complete copy of the June 15, 2007 filing which includes a specification with at lease one claim, 7 sheets of drawings and an oath or declaration, were filed. Petitioners argue that the specification, drawings and oath or declaration were filed with the other application papers on March 9, 2007. In support of the petition, a copy of petitioner's postcard receipt which shows an official USPTO date-stamp of March 9, 2007, and the above-identified application number, and acknowledges receipt of, *inter alia*, a one page specification, 7 sheets of drawings and an oath or declaration was supplied with the present petition. Petitioner has also supplied copies of the specification, drawings and oath or declaration. Petitioner requests that the application, including the specification, drawings and oath or declaration, be accorded a filing date of March 9, 2007.

Upon review, the specification, drawings and oath or declaration purportedly deposited on March 9, 2007, have not been located among the application papers. However, the

evidence is convincing that the application papers deposited on March 9, 2007, included a specification, drawings and oath or declaration , which were subsequently misplaced in the USPTO. Therefore, the application, including the specification, drawings and oath or declaration, was complete on filing and entitled to a filing date of March 9, 2007.

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

The Notice of Incomplete Nonprovisional Application mailed June 15, 2007, is withdrawn. Therefore, the petition fee in the amount of $400.00 will be credited back to deposit account no. 02-2448.

The application is being returned to the Office of Initial Patent Examination for reprocessing with a filing date of March 9, 2007, using the application papers filed on March 9, 2007 and resubmitted with the instant petition on August 15, 2007.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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AVERILL & VARN
8244 PAINTER AVE.
WHITTIER CA 90602

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MAY 21 2008

OFFICE OF PETITIONS

In re Application of
Daniel OAS
Application No. 29/273,671
Filed: March 07, 2007
Attorney Docket No. **137/124**

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 03, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and corrected formal drawings on or before January 22, 2008, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed October 19, 2007. Accordingly, the date of abandonment of this application is January 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 payment of the issue fee of $410, and corrected formal drawings , (2) the petition fee of $770; and (3) a proper statement of unintentional delay.

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

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

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

David 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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JAN 28 2008

OFFICE OF PETITIONS

LAURA G. BARROW
P.O. BOX 215
ESTERO FL 33928

In re Application of	:	
James P. Antonic	:	DECISION GRANTING PETITION
Application No. 29/273,728	:	UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: March 12, 2007	:	
Attorney Docket No. CBS.0003D1	:	

This is a decision on the petition under 37 CFR 1.313(c)(3), filed January 25, 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 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 January 25, 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 and amendment.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

PTO/SB/27 (09-06)
Approved for use through 03/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE
Under the Paperwork Reduction ACT of 1995, no persons are required to respond to 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	29/273,811
Filing Date	
First Named Inventor	Leslie Paul Ezra
Title	DOUBLE MOTORCYCLE CARRIER WITH RAMP
Atty Docket Number	

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

Approved 3-23-07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

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

"motorcycle carrier", "motorcycle" AND "hitch"; D12/408, 414/462, 537 224/42.08 280/515

Related applications: D528,966

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.

Leslie P. Ezra
Signature

Feb 28, 2007
Date

Leslie Paul Ezra
Typed or printed name

Registration Number, if applicable

574 278 7149
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.

3/15/2007 HGUTEMA1 00000048 29273811
04 FC:1802 900.00 OP

PTO/SB/27 (09-06)
Approved for use through 03/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE
Under the Paperwork Reduction ACT of 1995, no persons are required to respond to 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	29/273,812
Filing Date	
First Named Inventor	Leslie Paul Ezra
Title	ATV or Go-cart Carrier with Ramp
Atty Docket Number	

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
3.23.07

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:

D12/408 ; D12/154, D34/28, 32, 35 419/537, 228 254/88 D12/154, 14/69.5, 71.1, 228 254/88 224/495, 224/495, 224/497, 500-511, 224/515, 224/500, 510, 924, 521, 523-530, 534, 224/924, 410/3, 11, 462, 463, 464, 468, 470, 466, 469, 474-485, 491, 494, 521, 524, 525, 526, 527

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.

Leslie P. Ezra
Signature

3/05/07
Date

Leslie Paul Ezra
Typed or printed name

Registration Number, if applicable

574 278 7149
Telephone Number

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

This collection of information is required by 37 CFR 1.155. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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

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PTO/SB/27 (09-06)
Approved for use through 03/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE
Under the Paperwork Reduction ACT of 1995, no persons are required to respond to 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	29/273,813
Filing Date	
First Named Inventor	Leslie Paul Ezra
Title	Single Motorcycle Carrier with Ramp
Atty Docket Number	

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

Approved 3-23-07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

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

3/15/2007 EGUTEMA1 00000050 29273813
04 FC:1802 900.00 OP

Related applications:

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:

- Formal drawings (see 37 CFR 1.84).
- The fee set forth in 37 CFR 1.17(k).
- An information disclosure statement in compliance with 37 CFR 1.98.

Leslie P. Ezra
Signature

3/07/07
Date

Leslie Paul Ezra
Typed or printed name

Registration Number, if applicable

574 278 7149
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.

Single Motorcycle Carrier with Ramp

Expedited Design Patent Application

I would please like to request that this design patent application be expedited

I have performed a preexamination search and included the fields of search and information disclosed on form SB08: Information Disclosure Statement by Applicant.

The fields in which a search has been performed are as follows:

224/402; 224/495, 224/497; 500-511; 224/515; 224/500,510,924,521,523, 524,525,526,528,529,530,534,224/924;
410/3, 11, 462, 463, 464, 468, 470, 466, 469, 474-485, 491, 494,
521, 524, 525, 526, 527, 528, 529, 530, 531 534, 536, 537,
214/1 SW, 450, 451, 452, 454, 505 224/29 R, 29 L,42.03 R, 42.03B,
42.44, 273, 282, 42.08 211/22; 224/42.03R, 42.03A, 273 42.07, 42.43, 42.44
280/769, 763.1, 477, 43.1, 43, 62, 64, 511;
D12/408;

A check for the expedited examination fee of $900 has been included.

Thank you,

Sincerely,

Brandon Ezra

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KEISLING PIEPER & SCOTT PLC
3739 STEELE BLVD.
SUITE 340
FAYETTEVILLE, AR 72703

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JUL 2 9 2008

In re Application of
James Marty Freeman
Application No. 29/273,830
Filed: March 13, 2007
Attorney Docket No. 016120

ON PETITION

This is a decision on the petition, filed April 4, 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 November 20, 2007. A Notice of Abandonment was mailed on March 19, 2008. In response, on April 4, 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 $770; (3) an adequate statement of unintentional delay; and (4) a terminal disclaimer and the $65 fee required by 37 CFR 1.137(d).

The terminal disclaimer filed April 4, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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JUN 17 2009

OFFICE OF PETITIONS

WILLIAM W. JONES
6 JUNIPER LANE
MADISON CT 06443

In re Application of :
Pearson, Laura :
Application No. 29/273,883 : ON PETITION
Filed: March 16, 2007 :
Attorney Docket No. H-1394 :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed April 28, 2009, 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 must be submitted for revival, as stated in 37 CFR 1.137(d). A blank form 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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WILLIAM W. JONES
6 JUNIPER LANE
MADISON CT 06443

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AUG 0 5 2009

OFFICE OF PETITIONS

In re Application of	:	
Pearson, Laura	:	
Application No. 29/273,883	:	ON PETITION
Filed: March 16, 2007	:	
Attorney Docket No. H-1394	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed June 25, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition now satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied a properly signed 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

Paper No.

Thomas M. Freiburger
P.O. Box 1026
Tiburon CA 94920

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JUL 18 2008

OFFICE OF PETITIONS

In re Application of :
Mark Pappas : DECISION ON
Application No. 29/273,908 : PETITION
Filed: March 16, 2007 :
Attorney Docket No. 827D :

This is a decision on the petition filed February 19, 2008, pursuant to 37 C.F.R. § 1.137(b), to revive the above-identified application.

The petition is **DISMISSED**.

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

The above-identified application became abandoned for failure to timely file corrected drawings within three months from the mailing date, September 14, 2007, of the Notice of Allowability[1]. No extensions of time are permitted for submitting corrected drawings. Accordingly, the application became abandoned. A Notice of Abandonment was mailed on January 8, 2008.

[1] In response to the Notice of Allowance mailed September 14, 2007, the issue fee was timely paid on December 17, 2007 (certificate of mailing dated December 14, 2007). No publication fee was due.

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 corrected drawings, payment of the petition fee, and the required statement of unintentional delay.

However, this petition does not satisfy requirement (4) above. No terminal disclaimer and fee were submitted with this petition.

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

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

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

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 (EFS-Web).

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

Thomas M. Freiburger
P.O. Box 1026
Tiburon CA 94920

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SEP 17 2008

OFFICE OF PETITIONS

In re Application of	:	
Mark Pappas	:	DECISION ON
Application No. 29/273,908	:	PETITION
Filed: March 16, 2007	:	
Attorney Docket No. 827D	:	

This is a decision on the RENEWED PETITION UNDER 37 CFR § 1.137(b), filed July 25, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely file corrected drawings within three months from the mailing date, September 14, 2007, of the Notice of Allowability[1]. A Notice of Abandonment was mailed on January 8, 2008.

By decision mailed July 17, 2008, the initial petition to revive filed February 19, 2008 was dismissed. The petition included the required reply in the form of corrected drawings, payment of the petition fee, and the required statement of unintentional delay. However, the petition did not include the terminal disclaimer (and disclaimer fee) required to revive this design application.

On instant renewed petition, applicant filed a terminal disclaimer (and disclaimer fee).

---

[1] In response to the Notice of Allowance mailed September 14, 2007, the issue fee was timely paid on December 17, 2007 (certificate of mailing dated December 14, 2007). No publication fee was due.

The terminal disclaimer has been accepted and made of record.

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

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

PTO/SB/27 (09-06)
Approved for use through 03/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE
Under the Paperwork Reduction ACT of 1995, no persons are required to respond to 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	29/273,942
Filing Date	
First Named Inventor	BRANDON JOSHUA EZRA
Title	MOBILITY SCOOTER RAMP
Atty Docket Number	

ADDRESS TO:

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

Approved
Jacqueline M. Stone 3.23.07
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:

"receiver hitch" AND ramp, hitch AND scooter, scooter AND ramp. 414/537; 296/61; D34/32,28 254/88 414/537 14/71.1, 71.7, 69.5

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.

Brandon Ezra — Signature

Feb 27, 2007 — Date

Brandon Joshua Ezra — Typed or printed name

Registration Number, if applicable

(574) 278 7149 — 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.

03/20/2007 EFLORES 00000007 29273942

04 FC:1802 900.00 OP

PTO/SB/27 (09-06)
Approved for use through 03/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE
Under the Paperwork Reduction ACT of 1995, no persons are required to respond to 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	29/273,943
Filing Date	
First Named Inventor	BRANDON JOSHUA EZRA
Title	JET SKI CARRIER
Atty Docket Number	

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:

"jet ski" AND carrier, "jet ski" AND hitch, "water vehicle" AND hitch
280/47.331; 414/543, 012/406, 224/497

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 3-27-07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

Brandon Ezra
Signature

Feb 27, 2007
Date

Brandon Joshua Ezra
Typed or printed name

Registration Number, if applicable

574 278 7149
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.

03/20/2007 EFLORES 00000008 29273943
04 FC:1802 900.00 OP

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Commissioner for Patents
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JUL 13 2007

OFFICE OF PETITIONS

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

In re Application of :
Oda, et al. :
Application No. 29/274,033 : DECISION GRANTING PETITION
Filed: March 22, 2007 :
Attorney Docket No. 8012-1430 :

This is a decision on the petition, filed June 19, 2007, to accord the above-identified application a filing date of March 22, 2007, with Figures 6E-F, 12A-B, 15A-B, and 16A-B of the drawings as part of the original disclosure.

The petition is **GRANTED.**

Application papers in the above-identified application were filed on March 22, 2007. However, on April 19, 2007, the Initial Patent Examination Division mailed applicants a "Notice to File Missing Parts of Nonprovisional Application." Applicants were notified the application papers had been accorded a filing date of January 31, 2007; however, Figures 6E-F, 12A-B, 15A-B, and 16A-B of the drawings appeared to have been omitted.

In response, applicant filed the present petition. Applicant has submitted a postcard receipt identifying the application, itemizing drawings, including "104 Sheets of Drawings" as enclosed, and bearing a USPTO date stamp of March 22, 2007.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office.[1]

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

Given the basis for granting this petition, the $400 petition fee has been to Deposit Account No. 25-0120.

The application is being returned to the Office of Initial Patent Examination for further processing, using the application papers filed March 22, 2007, and Figures 6E-F, 12A-B, 15A-B, and 16A-B of the drawings as resupplied on petition filed June 19, 2007, and for indication in Office records that one hundred four (104) sheets of drawings were present on filing.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

[1] See MPEP 503.

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OFFICE OF PETITIONS

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of	:	
Lim et al.	:	DECISION ON PETITION TO
Application Number: 29/274080	:	WITHDRAW HOLDING OF
Filing Date: 03/28/2007	:	ABANDONMENT
Attorney Docket Number: 3449-0812PUS1	:	

This is a decision in reference to the petition to withdraw the holding of abandonment, filed on August 29, 2008.

The petition is **GRANTED**.

The application was held abandoned for failure to timely respond to the Office letter sent on February 14, 2008, which set a one (1) month shortened period for reply. Notice of Abandonment was mailed on July 1, 2008.

Petitioners assert that the Office letter sent on February 14, 2008, was never received. In support, petitioners have provided a copy of the file jacket showing that the Office letter sent on February 14, 2008 was never received. Additionally, petitioners have provided a statement in the petition by the practitioner, James T. Eller, Jr. stating that a search of the file jacket for the present application and the image file wrapper reveals that the Notice of February 14, 2008, was never received.

Upon review, it is noted that the Office letter of February 14, 2008, was posted in electronic format via the USPTO's e-Office Action system. Further inspection indicates that no email notification was sent by the USPTO for the Office letter sent on February 14, 2008.

As such, the showing of record is that petitioners did not timely receive the Office letter sent on February 14, 2008, pursuant to the e-Office Action program in that the email notification was not timely sent.

Under the circumstances of this case, the showing of record is that there is no abandonment in fact.

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

The Office apologizes for any inconvenience to petitioners.

As petitioner has submitted a response to the Office communication mailed on February 14, 2008 with the subject petition, it is not necessary to remail the Office communication. Rather, the examiner will review the amendment submitted with the subject petition.

The application is being referred to Technology Center Art Unit 2916 for further processing.

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

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

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JUL 27 2007

OFFICE OF PETITIONS

In re Application of :
Takuya Niitsu :
Application No. 29/274,100 : DECISION GRANTING PETITION
Filed: March 28, 2007 :
Attorney Docket No.: SDE-2137 :

This is a decision on the petition filed June 19, 2007, in response to the "Notice to File Missing Parts" mailed May 4, 2007, which is treated under 37 CFR 1.182.

The instant application was filed March 28, 2007 and a filing date was accorded. However, the Notice indicated that Figures 11 and 12 as described in the specification, appeared to have been omitted.

Petitioner asserts that Figures 11 and 12 were among the papers filed on March 28, 2007, and submits, *inter alia*, a "legible" postcard receipt in evidence thereof. The postcard receipt, identifies the application and acknowledges, inter alia, that the application, although not itemized, included 12 sheets of drawings and bears a United States Patent and Trademark Office date-stamp of March 28, 2007. However, only ten (10) sheets of drawing figures is of record. It is obvious therefore that Figures 11 and 12 were included and as the postcard receipt lacks any notation of non-receipt of any items listed, the petition is **GRANTED.**

Given the basis for granting the petition, no petition fee is due. Petitioner's deposit account no. 18-0013 will be credited in the amount of $400.00.

This matter will be forwarded to the Office of Initial Patent Examination (OIPE) for further processing, using the application papers received in the Office on March 28, 2007 and Figures 11 and 12 submitted on petition June 19, 2007.

Telephone inquiries regarding this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES DEPARTMENT OF COMMERCE
COMMISSIONER FOR PATENTS
P. O. BOX 1450
ALEXANDRIA, VA 22313-1450

Date : 12/8/2008
Patent No. : D576,972 S
Inventor(s) : Niitsu
Issue Date : September 16, 2008
Title : **TELEVISION RECEIVER**
Doc./File No. : **SDE-2140**

Re: Certificate of Correction

Consideration has been given your request for a certificate of correction, for the above-identified patent under the provisions of Rule 1.322 and 1.323.

Respecting the alleged error(s) in your request, it is revealed that the drawing figures are printed in accordance with the record in the office at the time of the issue fee payment. The alleged drawing errors is/are a result of the applicant not presenting replacement drawings approved by the examiner. Therefore, no correction is in order here until newly approved drawings have been presented and approved by the office.

In view if the foregoing, your request is hereby denied.

Further consideration will be given concerning this matter upon receipt of a request for **Reconsideration** (reconsideration should be accompanied by supporting document(s) such as, amendment, postcard receipt, 1449/892, etc.) and should be filed and directed to Decisions & Certificates of Correction Branch.

Ernest C. White, *LIE* (703) 308-9390 x122
Mary F. Diggs, *Supervisor* (703) 308-9390 x125
Decisions & Certificates of Correction Branch

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

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Ana Paula Babo Pedroso De Lima
Rua Erwin Jenichen 92.
Blumenau, SC 89066-130.
BRAZIL

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APR 30 2008

OFFICE OF PETITIONS

In re Application of
Ana Paula Babo Pedroso De Lima
Application No. 29/274,135
Filed: 03/30/2007
Title: RECTANGULAR PRISM SHAPED TOILET AND RECTANGULAR PRISM SHAPED TANKS COMBINATIONS

DECISION ON PETITION

This is decision on the petition under 37 CFR 1.181, filed March 17, 2008, to withdraw the holding of abandonment in the above-identified application.

On October 11, 2007, the Office mailed a Notice of Allowability, which set a statutory period of three months to submit corrected drawings. In the apparent absence of a timely filed response, the application became abandoned on January 12, 2008. On February 5, 2008, the Office mailed a Notice of Abandonment.

In the present petition, petitioner avers that the Notice of Abandonment was mailed in error and requests withdrawal of the holding of abandonment. Specifically, petitioner asserts:

> Around late September 2007, the inventor and family moved to a city located 360 miles south from the address informed on the original application.
>
> Given the structural difficulties associated with a move in the middle of a semester, the inventor elected PAIR as a mean to track all three processes.
>
> There are email evidences depicting the inventor efforts to register, learn and use the PAIR System to monitor the progress of the applications at USPTO and overcome problems (attachments 2a, b and c).
>
> Until a new residence address had been defined in Blumenau city, the Private PAIR option gained relevance over the traditional letter mail as only an empty house was left at Carapicuiba City.

On December 2007 a new permanent residence address was defined in Blumenau and this information was promptly submitted and changed at USPTO (attachment 3) but, even after that update, the regular mail continued to be sent by USPTO to the empty house (old address) in Carapicuiba.

Without Paper documents, the inventor worked with PAIR and in that system the Notice of Allowance (NOA) was entered twice on two lines (see attachment 3) and, as they seemed to be the same document for an individual working on a Patent for the first time, the latest update was the one read and contained only payment instructions for issuing. Therefore the immediate reply and timely payment of "issue fees" happened as a bona fide attempt to advance the applications to their respective final actions.

Although some problems to access PAIR happened along December 2007 and January 2008 (see attached chain of e-mails to/from EBC) the inventor was able to verify on PAIR's Transaction History page of all three applications the following statements (see attachment 4):

- "Payment of fees received" and

- "Application is considered ready for issue".

Together these two status updates seemed to be a confirmation of a substantially complete reply to the NOA Office action, so the inventor only maintained the usual tracking of the patent applications via Private PAIR on the weekends.

***

Although the abandonment status was decided by USPTO on January 14th, the letter was mailed to the incorrect address and information published on PAIR only on February 5th and the inventor read the NOA posting for the first time on Private PAIR only on the 10th.

Petition, pp. 1-2.

Upon reviewing the facts set forth in the petition, it appears that in late September of 2007, petitioner moved from the correspondence address of record with the USPTO, prior to the mailing of the Notice of Allowance and Notice of Allowability of October 11, 2007. Petitioner established a new permanent residence in December 2007. However, petitioner did not submit a change of correspondence with the USPTO until December 2, 2007, over two months after her move in late September 2007. As petitioner moved before the Office mailed the Notice of Allowance and the Notice of Allowability, and did not change her correspondence address with the USPTO, the Office properly mailed the Notices to the correspondence address of record in the USPTO as it existed on that date.

With regard to petitioner's assertion that she submitted a change of correspondence address with the USPTO on December 2, 2007, the Office notes that there is a discrepancy between the address

associated with Customer No. 71452 and the written address identified on the Change of Correspondence Address Form. Specifically, Change of Correspondence Address Form indicated the written address as Rua Erwin Jenichen 92, Blumenau, SC 89066-130, Brazil. However, the current correspondence address associated with Customer No. 71452 is Rua Sao Lourenco 135, Carapicuiba, 06351-060 Brazil. There is no indication in the USPTO records that petitioner ever submitted a request to change the correspondence address associated with Customer No. 71452 to reflect her current mailing address.

The Office reminds petitioner that "[i]f more than one correspondence address is specified in a single document, the Office will select one of the specified addresses for use as the correspondence address and, if given, will select the address associated with a Customer Number over a typed correspondence address." 37 CFR 1.33(a). In accordance with 37 CFR 1.33(a), the USPTO selected and entered Customer No. 71452 (Rua Sao Lourenco 135, Carapicuiba, 06351-060 Brazil) over the typed correspondence address. As a courtesy, the Office is mailing this decision to the typed address indicated on the Change of Correspondence Address Form filed on December 2, 2007. However, to ensure that any future correspondence from the USPTO is received by petitioner, petitioner must submit a request to change the correspondence address associated with Customer No. 71452 to reflect her current mailing address. The appropriate form is enclosed for petitioner's convenience.

Furthermore, petitioner's argument that the Notice of Allowance and Notice of Allowability were identified in PAIR using the same document description and appeared to be the same document to "an individual working on a Patent for the first time" is not persuasive. The Notice of Allowability and the Notice of Allowance were mailed simultaneously on October 11, 2007. However, upon reviewing the Notices, it is apparent that they are not the same documents. The Notice of Allowability set a statutory period of three months from the mailing date of October 11, 2007, in which petitioner was required to submit corrected drawings. Additionally, the Notice of Allowance set a statutory period of three months from the mailing date of October 11, 2007, to pay the issue fee. Thus, the Notice of Allowability and the Notice of Allowance set concurrent but distinct requirements with which petitioner was required to comply. In accordance with 35 USC 133 and 151, the submission of corrected drawings is a necessary component of the required reply. Petitioner's payment of the issue fee in response to the Notice of Allowance did not negate the requirement to submit corrected drawings nor toll the period for reply to the Notice of Allowability. The Office reminds petitioner that 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).

As to petitioner's assertion that the Office mailed the Notice of Abandonment to an obsolete address, the Office reiterates that petitioner erred, not the USPTO, by failing to change the correspondence address associated with Customer No. 71452. Moreover, 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).

Accordingly, the showing of record does not warrant withdrawal of the holding of abandonment. The petition under 37 CFR 1.181 is **DISMISSED**.

Any request for reconsideration must be submitted with TWO (2) MONTHS of the mailing date of this decision. Extensions of this time period may be granted under 37 CFR 1.136. The request for reconsideration should include a cover sheet entitled "Renewed Petition Under 37 CFR 1.181." No additional petition fee is required.

Alternate Venue:

Petitioner may wish to consider filing a petition under 37 CFR 1.137(b) to revive the application. The appropriate form accompanies this decision for petitioner's convenience.

The Office notes:

> Petitions under 37 CFR 1.137(b) are less burdensome (statement(s) rather than a showing accompanied by documentary evidence) to file and are evaluated under the less stringent "unintentional delay" standard. Applicants determining whether to file a petition to revive an application under 37 CFR 1.137(b) or 1.137(a) should take the following into account: While the Office reserves the authority to require further information concerning the cause of abandonment and delay in filing a petition to revive, the Office relies upon the applicant's duty of candor and good faith and accepts the statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional" without requiring further information in the vast majority of petitions under 37 CFR 1.137(b). This is because the applicant is obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when a practitioner provides this statement to the Office. In addition, providing an inappropriate statement in a petition under 37 CFR 1.137(b) to revive an abandoned application may have an adverse effect when attempting to enforce any patent resulting from the application. See Lumenyte Int'l Corp. v. Cable Lite Corp., Nos. 96- 1011, 96-1077, 1996 U.S. App. LEXIS 16400, 1996 WL 383927 (Fed. Cir. July 9, 1996) (unpublished) (patents held unenforceable due to a finding of inequitable conduct in submitting an inappropriate statement that the abandonment was unintentional). Even if the Office requires further information in a petition under 37 CFR 1.137(b), such petition is still significantly less burdensome to prepare and prosecute than a petition under 37 CFR 1.137(a). The Office is almost always satisfied as to whether "the entire delay...was unintentional" on the basis of statement(s) by the applicant or representative explaining the cause of the delay (accompanied at most by copies of correspondence relevant to the period of delay). A showing of unavoidable delay will (in addition to the above) require: (1) evidence concerning the procedures in place that should have avoided the error resulting in the delay; (2) evidence concerning the training and experience of the persons responsible for the error; and (3) copies of any applicable docketing records to show that the error was in fact the cause of the delay. See MPEP § 711.03(c)(III)(C)(2). In addition, a petition under 37 CFR 1.137(a) must establish that the delay was unavoidable, and not

> just that it was unintentional. Thus, many petitions originally filed under 37 CFR 1.137(a) end up being granted under 37 CFR 1.137(b) when the applicant realizes that sufficient evidence concerning the delay is too difficult to obtain or the cause of delay simply does not amount to "unavoidable delay" within the meaning of 37 CFR 1.137(a). Since the requirements of 37 CFR 1.137(a) are more exacting than the corresponding requirements of 37 CFR 1.137(b), a petition under 37 CFR 1.137(a) is significantly less likely to be grantable as filed than is a petition under 37 CFR 1.137(b). The Office usually must render a number of interlocutory decisions dismissing a petition under 37 CFR 1.137(a) and requesting additional evidence until either the applicant provides a satisfactory showing of unavoidable delay (in which case the petition can be granted) or the Office concludes that the applicant cannot provide a satisfactory showing of unavoidable delay (in which case the petition must be denied). Thus, the period between when an applicant first files a petition to revive and the Office renders a decision granting (or denying) that petition will, more often than not, be much longer if the petition is under 37 CFR 1.137(a) than it would have been if the petition were under 37 CFR 1.137(b). 37 CFR 1.137(b) 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).

MPEP 711.03(c)(III)(C).

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

> (1) The reply required to the outstanding Office action or notice, unless previously filed.
>
> (2) The petition fee as set forth in § 1.17(m) (**currently the small entity fee of $770.00**);
>
> (3) A statement that the entire delay in filing the required 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.
>
> (4) Any terminal disclaimer (and fee set forth in § 1.20(d)) required pursuant to 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 FAX: (571) 273-8300
Attn: Office of Petitions

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

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosures: Forms PTO/SB/124A and PTO/SB/64

PTO/SB/64 (01-08)
Approved for use through 04/30/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)

First named inventor:

Application No.: Art Unit:

Filed: Examiner:

Title:

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1.Petition fee

☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____(identify type of reply):

☐ has been filed previously on _____.
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ _____.

☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

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.

PTO/SB/124A (01-06)
Approved for use through 12/31/2008. OMB 0651-0035
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Request for Customer Number Data Change

Address to:
Mail Stop EBC
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

To the Commissioner for Patents:

Please record the following data changes to **Customer Number**:

☐ Please change Address to:

Firm or Individual Name					
Address					
City		**State**		**Zip**	
Country					
Telephone		**Email**			

☐ Please **delete** the following practitioner registration number(s) from the Customer Number indicated above:

☐ Please **add** the following practitioner registration number(s) from the Customer Number above:

☐ Additional practitioner registration numbers are listed on supplemental sheet(s) attached hereto (PTO/SB/124B or equivalent)

Request Submitted by: (must be a person, e.g. registered practitioner, associated with the customer number shown above)

Firm Name (if applicable)			
Signature			
Name of Person Submitting request		Registration No.	
Telephone Number		Date	

This collection of information is required by 37 CFR 1.33. 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: Mail Stop EBC, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option.

PTO/SB/124B (01-06)
Approved for use through 12/31/2008. OMB 0651-0035
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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Request for Customer Number Data Change	**Practitioner Registration Number Supplemental Sheet**
	Page of Pages

To the Commissioner for Patents:

Please record the following data Changes to **Customer Number:**

☐ Please **delete** the following practitioner registration number(s) from the Customer Number indicated above:

☐ Please **add** the following practitioner registration number(s) to the Customer Number indicated above:

Firm Name			
Date		☐	Additional supplemental sheet(s) attached hereto

This collection of information is required by 37 CFR 1.33. 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: Mail Stop EBC, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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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

Ana Paula Babo Pedroso De Lima
Rua Erwin Jenichen 92.
Blumenau, SC 89066-130. BRAZIL

COPY MAILED

JUN 24 2008

OFFICE OF PETITIONS

In re Application of :
Ana Paula Babo Pedroso De Lima :
Application No. 29/274,135 : DECISION ON PETITION
Filed: 03/30/2007 :
Title: RECTANGULAR PRISM SHAPED :
TOILET AND RECTANGULAR PRISM :
SHAPED TANKS COMBINATIONS :

This is decision on the petition under 37 CFR 1.137(b), filed June 11, 2008, to revive the above-identified application.

On October 11, 2007, the Office mailed a Notice of Allowability, which set a statutory period of three months to submit corrected drawings. In the apparent absence of a timely filed response, the application became abandoned on January 12, 2008. On February 5, 2008, the Office mailed a Notice of Abandonment.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement 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 submit drawings in response to 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 application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Ana Paula Babo Pedroso De Lima
Rua Erwin Jenichen 92.
Blumenau, SC 89066-130.
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APR 3 0 2008

OFFICE OF PETITIONS

In re Application of :
Ana Paula Babo Pedroso De Lima :
Application No. 29/274,136 : DECISION ON PETITION
Filed: 03/30/2007 :
Title: SEMI CYLINDRICAL SHAPED :
TOILET AND RECTANGULAR PRISM :
SHAPED TANKS COMBINATIONS :

This is decision on the petition under 37 CFR 1.181, filed March 17, 2008, to withdraw the holding of abandonment in the above-identified application.

On October 11, 2007, the Office mailed a Notice of Allowability, which set a statutory period of three months to submit corrected drawings. In the apparent absence of a timely filed response, the application became abandoned on January 12, 2008. On February 5, 2008, the Office mailed a Notice of Abandonment.

In the present petition, petitioner avers that the Notice of Abandonment was mailed in error and requests withdrawal of the holding of abandonment. Specifically, petitioner asserts:

> Around late September 2007, the inventor and family moved to a city located 360 miles south from the address informed on the original application.
>
> Given the structural difficulties associated with a move in the middle of a semester, the inventor elected PAIR as a mean to track all three processes.
>
> There are email evidences depicting the inventor efforts to register, learn and use the PAIR System to monitor the progress of the applications at USPTO and overcome problems (attachments 2a, b and c).
>
> Until a new residence address had been defined in Blumenau city, the Private PAIR option gained relevance over the traditional letter mail as only an empty house was left at Carapicuiba City.

On December 2007 a new permanent residence address was defined in Blumenau and this information was promptly submitted and changed at USPTO (attachment 3) but, even after that update, the regular mail continued to be sent by USPTO to the empty house (old address) in Carapicuiba.

Without Paper documents, the inventor worked with PAIR and in that system the Notice of Allowance (NOA) was entered twice on two lines (see attachment 3) and, as they seemed to be the same document for an individual working on a Patent for the first time, the latest update was the one read and contained only payment instructions for issuing. Therefore the immediate reply and timely payment of "issue fees" happened as a bona fide attempt to advance the applications to their respective final actions.

Although some problems to access PAIR happened along December 2007 and January 2008 (see attached chain of e-mails to/from EBC) the inventor was able to verify on PAIR's Transaction History page of all three applications the following statements (see attachment 4):

- "Payment of fees received" and

- "Application is considered ready for issue".

Together these two status updates seemed to be a confirmation of a substantially complete reply to the NOA Office action, so the inventor only maintained the usual tracking of the patent applications via Private PAIR on the weekends.

***

Although the abandonment status was decided by USPTO on January 14th, the letter was mailed to the incorrect address and information published on PAIR only on February 5th and the inventor read the NOA posting for the first time on Private PAIR only on the 10th.

Petition, pp. 1-2.

Upon reviewing the facts set forth in the petition, it appears that in late September of 2007, petitioner moved from the correspondence address of record with the USPTO, prior to the mailing of the Notice of Allowance and Notice of Allowability of October 11, 2007. Petitioner established a new permanent residence in December 2007. However, petitioner did not submit a change of correspondence with the USPTO until December 2, 2007, over two months after her move in late September 2007. As petitioner moved before the Office mailed the Notice of Allowance and the Notice of Allowability, and did not change her correspondence address with the USPTO, the Office properly mailed the Notices to the correspondence address of record in the USPTO as it existed on that date.

With regard to petitioner's assertion that she submitted a change of correspondence address with the USPTO on December 2, 2007, the Office notes that there is a discrepancy between the address associated with Customer No. 71452 and the written address identified on the Change of Correspondence Address Form. Specifically, Change of Correspondence Address Form indicated the written address as Rua Erwin Jenichen 92, Blumenau, SC 89066-130, Brazil. However, the current correspondence address associated with Customer No. 71452 is Rua Sao Lourenco 135, Carapicuiba, 06351-060 Brazil. There is no indication in the USPTO records that petitioner ever submitted a request to change the correspondence address associated with Customer No. 71452 to reflect her current mailing address.

The Office reminds petitioner that "[i]f more than one correspondence address is specified in a single document, the Office will select one of the specified addresses for use as the correspondence address and, if given, will select the address associated with a Customer Number over a typed correspondence address." 37 CFR 1.33(a). In accordance with 37 CFR 1.33(a), the USPTO selected and entered Customer No. 71452 (Rua Sao Lourenco 135, Carapicuiba, 06351-060 Brazil) over the typed correspondence address. As a courtesy, the Office is mailing this decision to the typed address indicated on the Change of Correspondence Address Form filed on December 2, 2007. However, to ensure that any future correspondence from the USPTO is received by petitioner, petitioner must submit a request to change the correspondence address associated with Customer No. 71452 to reflect her current mailing address. The appropriate form is enclosed for petitioner's convenience.

Furthermore, petitioner's argument that the Notice of Allowance and Notice of Allowability were identified in PAIR using the same document description and appeared to be the same document to "an individual working on a Patent for the first time" is not persuasive. The Notice of Allowability and the Notice of Allowance were mailed simultaneously on October 11, 2007. However, upon reviewing the Notices, it is apparent that they are not the same documents. The Notice of Allowability set a statutory period of three months from the mailing date of October 11, 2007, in which petitioner was required to submit corrected drawings. Additionally, the Notice of Allowance set a statutory period of three months from the mailing date of October 11, 2007, to pay the issue fee. Thus, the Notice of Allowability and the Notice of Allowance set concurrent but distinct requirements with which petitioner was required to comply. In accordance with 35 USC 133 and 151, the submission of corrected drawings is a necessary component of the required reply. Petitioner's payment of the issue fee in response to the Notice of Allowance did not negate the requirement to submit corrected drawings nor toll the period for reply to the Notice of Allowability. The Office reminds petitioner that 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).

As to petitioner's assertion that the Office mailed the Notice of Abandonment to an obsolete address, the Office reiterates that petitioner erred, not the USPTO, by failing to change the correspondence address associated with Customer No. 71452. Moreover, 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).

Accordingly, the showing of record does not warrant withdrawal of the holding of abandonment. The petition under 37 CFR 1.181 is **DISMISSED**.

Any request for reconsideration must be submitted with TWO (2) MONTHS of the mailing date of this decision. Extensions of this time period may be granted under 37 CFR 1.136. The request for reconsideration should include a cover sheet entitled "Renewed Petition Under 37 CFR 1.181." No additional petition fee is required.

Alternate Venue:

Petitioner may wish to consider filing a petition under 37 CFR 1.137(b) to revive the application. The appropriate form accompanies this decision for petitioner's convenience.

The Office notes:

> Petitions under 37 CFR 1.137(b) are less burdensome (statement(s) rather than a showing accompanied by documentary evidence) to file and are evaluated under the less stringent "unintentional delay" standard. Applicants determining whether to file a petition to revive an application under 37 CFR 1.137(b) or 1.137(a) should take the following into account: While the Office reserves the authority to require further information concerning the cause of abandonment and delay in filing a petition to revive, the Office relies upon the applicant's duty of candor and good faith and accepts the statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional" without requiring further information in the vast majority of petitions under 37 CFR 1.137(b). This is because the applicant is obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when a practitioner provides this statement to the Office. In addition, providing an inappropriate statement in a petition under 37 CFR 1.137(b) to revive an abandoned application may have an adverse effect when attempting to enforce any patent resulting from the application. See Lumenyte Int'l Corp. v. Cable Lite Corp., Nos. 96- 1011, 96-1077, 1996 U.S. App. LEXIS 16400, 1996 WL 383927 (Fed. Cir. July 9, 1996) (unpublished) (patents held unenforceable due to a finding of inequitable conduct in submitting an inappropriate statement that the abandonment was unintentional). Even if the Office requires further information in a petition under 37 CFR 1.137(b), such petition is still significantly less burdensome to prepare and prosecute than a petition under 37 CFR 1.137(a). The Office is almost always satisfied as to whether "the entire delay...was unintentional" on the basis of statement(s) by the applicant or representative explaining the cause of the delay (accompanied at most by copies of correspondence relevant to the period of delay). A showing of unavoidable delay will (in addition to the above) require: (1) evidence concerning the procedures in place that should have avoided the error resulting in the delay; (2) evidence concerning the training and experience of the persons responsible for the error; and (3) copies of any applicable docketing records to show that the error

> was in fact the cause of the delay. See MPEP § 711.03(c)(III)(C)(2). In addition, a petition under 37 CFR 1.137(a) must establish that the delay was unavoidable, and not just that it was unintentional. Thus, many petitions originally filed under 37 CFR 1.137(a) end up being granted under 37 CFR 1.137(b) when the applicant realizes that sufficient evidence concerning the delay is too difficult to obtain or the cause of delay simply does not amount to "unavoidable delay" within the meaning of 37 CFR 1.137(a). Since the requirements of 37 CFR 1.137(a) are more exacting than the corresponding requirements of 37 CFR 1.137(b), a petition under 37 CFR 1.137(a) is significantly less likely to be grantable as filed than is a petition under 37 CFR 1.137(b). The Office usually must render a number of interlocutory decisions dismissing a petition under 37 CFR 1.137(a) and requesting additional evidence until either the applicant provides a satisfactory showing of unavoidable delay (in which case the petition can be granted) or the Office concludes that the applicant cannot provide a satisfactory showing of unavoidable delay (in which case the petition must be denied). Thus, the period between when an applicant first files a petition to revive and the Office renders a decision granting (or denying) that petition will, more often than not, be much longer if the petition is under 37 CFR 1.137(a) than it would have been if the petition were under 37 CFR 1.137(b). 37 CFR 1.137(b) 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).

MPEP 711.03(c)(III)(C).

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

> (1) The reply required to the outstanding Office action or notice, unless previously filed.
>
> (2) The petition fee as set forth in § 1.17(m) (**currently the small entity fee of $770.00**);
>
> (3) A statement that the entire delay in filing the required 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.
>
> (4) Any terminal disclaimer (and fee set forth in § 1.20(d)) required pursuant to 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 FAX: (571) 273-8300
Attn: Office of Petitions

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

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosures: Forms PTO/SB/124A and PTO/SB/64

PTO/SB/64 (01-08)
Approved for use through 04/30/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)

First named inventor:

Application No.: Art Unit:

Filed: Examiner:

Title:

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1.Petition fee

☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____(identify type of reply):

☐ has been filed previously on _____.
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ _____.

☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

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.

PTO/SB/124A (01-06)
Approved for use through 12/31/2008. OMB 0651-0035
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Request for Customer Number Data Change

Address to:
Mail Stop EBC
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

To the Commissioner for Patents:

Please record the following data changes to **Customer Number**:

☐ Please change Address to:

Firm or Individual Name					
Address					
City		**State**		**Zip**	
Country					
Telephone		**Email**			

☐ Please **delete** the following practitioner registration number(s) from the Customer Number indicated above:

☐ Please **add** the following practitioner registration number(s) from the Customer Number above:

☐ Additional practitioner registration numbers are listed on supplemental sheet(s) attached hereto (PTO/SB/124B or equivalent)

Request Submitted by: (must be a person, e.g. registered practitioner, associated with the customer number shown above)

Firm Name (if applicable)			
Signature			
Name of Person Submitting request		Registration No.	
Telephone Number		Date	

This collection of information is required by 37 CFR 1.33. 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: Mail Stop EBC, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option.

PTO/SB/124B (01-06)
Approved for use through 12/31/2008. OMB 0651-0035
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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Request for Customer Number Data Change

Practitioner Registration Number Supplemental Sheet

Page of Pages

To the Commissioner for Patents:

Please record the following data Changes to **Customer Number:**

☐ Please **delete** the following practitioner registration number(s) from the Customer Number indicated above:

☐ Please **add** the following practitioner registration number(s) to the Customer Number indicated above:

Firm Name

Date

☐ Additional supplemental sheet(s) attached hereto

This collection of information is required by 37 CFR 1.33. 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: Mail Stop EBC, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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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

Ana Paula Babo Pedroso De Lima
Rua Erwin Jenichen 92.
Blumenau, SC 89066-130 BRAZIL

COPY MAILED

JUN 24 2008

OFFICE OF PETITIONS

In re Application of :
Ana Paula Babo Pedroso De Lima :
Application No. 29/274,136 : DECISION ON PETITION
Filed: 03/30/2007 :
Title: SEMI CYLINDRICAL SHAPED TOILET :
AND RECTANGULAR PRISM SHAPED :
TANKS COMBINATIONS :

This is decision on the petition under 37 CFR 1.137(b), filed June 11, 2008, to revive the above-identified application.

On October 11, 2007, the Office mailed a Notice of Allowability, which set a statutory period of three months to submit corrected drawings. In the apparent absence of a timely filed response, the application became abandoned on January 12, 2008. On February 5, 2008, the Office mailed a Notice of Abandonment.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement 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 submit drawings in response to 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 application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Ana Paula Babo Pedroso De Lima
Rua Erwin Jenichen 92.
Blumenau, SC 89066-130.
BRAZIL

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APR 30 2008

OFFICE OF PETITIONS

In re Application of :
Ana Paula Babo Pedroso De Lima :
Application No. 29/274,137 : DECISION ON PETITION
Filed: 03/30/2007 :
Title: CYLINDRICAL SHAPED TOILET :
AND RECTANGULAR PRISM SHAPED :
TANKS COMBINATIONS :

This is decision on the petition under 37 CFR 1.181, filed March 17, 2008, to withdraw the holding of abandonment in the above-identified application.

On October 11, 2007, the Office mailed a Notice of Allowability, which set a statutory period of three months to submit corrected drawings. In the apparent absence of a timely filed response, the application became abandoned on January 12, 2008. On February 5, 2008, the Office mailed a Notice of Abandonment.

In the present petition, petitioner avers that the Notice of Abandonment was mailed in error and requests withdrawal of the holding of abandonment. Specifically, petitioner asserts:

> Around late September 2007, the inventor and family moved to a city located 360 miles south from the address informed on the original application.
>
> Given the structural difficulties associated with a move in the middle of a semester, the inventor elected PAIR as a mean to track all three processes.
>
> There are email evidences depicting the inventor efforts to register, learn and use the PAIR System to monitor the progress of the applications at USPTO and overcome problems (attachments 2a, b and c).
>
> Until a new residence address had been defined in Blumenau city, the Private PAIR option gained relevance over the traditional letter mail as only an empty house was left at Carapicuiba City.

On December 2007 a new permanent residence address was defined in Blumenau and this information was promptly submitted and changed at USPTO (attachment 3) but, even after that update, the regular mail continued to be sent by USPTO to the empty house (old address) in Carapicuiba.

Without Paper documents, the inventor worked with PAIR and in that system the Notice of Allowance (NOA) was entered twice on two lines (see attachment 3) and, as they seemed to be the same document for an individual working on a Patent for the first time, the latest update was the one read and contained only payment instructions for issuing. Therefore the immediate reply and timely payment of "issue fees" happened as a bona fide attempt to advance the applications to their respective final actions.

Although some problems to access PAIR happened along December 2007 and January 2008 (see attached chain of e-mails to/from EBC) the inventor was able to verify on PAIR's Transaction History page of all three applications the following statements (see attachment 4):

- "Payment of fees received" and

- "Application is considered ready for issue".

Together these two status updates seemed to be a confirmation of a substantially complete reply to the NOA Office action, so the inventor only maintained the usual tracking of the patent applications via Private PAIR on the weekends.

***

Although the abandonment status was decided by USPTO on January 14th, the letter was mailed to the incorrect address and information published on PAIR only on February 5th and the inventor read the NOA posting for the first time on Private PAIR only on the 10th.

Petition, pp. 1-2.

Upon reviewing the facts set forth in the petition, it appears that in late September of 2007, petitioner moved from the correspondence address of record with the USPTO, prior to the mailing of the Notice of Allowance and Notice of Allowability of October 11, 2007. Petitioner established a new permanent residence in December 2007. However, petitioner did not submit a change of correspondence with the USPTO until December 2, 2007, over two months after her move in late September 2007. As petitioner moved before the Office mailed the Notice of Allowance and the Notice of Allowability, and did not change her correspondence address with the USPTO, the Office properly mailed the Notices to the correspondence address of record in the USPTO as it existed on that date.

With regard to petitioner's assertion that she submitted a change of correspondence address with the USPTO on December 2, 2007, the Office notes that there is a discrepancy between the address associated with Customer No. 71452 and the written address identified on the Change of Correspondence Address Form. Specifically, Change of Correspondence Address Form indicated the written address as Rua Erwin Jenichen 92, Blumenau, SC 89066-130, Brazil. However, the current correspondence address associated with Customer No. 71452 is Rua Sao Lourenco 135, Carapicuiba, 06351-060 Brazil. There is no indication in the USPTO records that petitioner ever submitted a request to change the correspondence address associated with Customer No. 71452 to reflect her current mailing address.

The Office reminds petitioner that "[i]f more than one correspondence address is specified in a single document, the Office will select one of the specified addresses for use as the correspondence address and, if given, will select the address associated with a Customer Number over a typed correspondence address." 37 CFR 1.33(a). In accordance with 37 CFR 1.33(a), the USPTO selected and entered Customer No. 71452 (Rua Sao Lourenco 135, Carapicuiba, 06351-060 Brazil) over the typed correspondence address. As a courtesy, the Office is mailing this decision to the typed address indicated on the Change of Correspondence Address Form filed on December 2, 2007. However, to ensure that any future correspondence from the USPTO is received by petitioner, petitioner must submit a request to change the correspondence address associated with Customer No. 71452 to reflect her current mailing address. The appropriate form is enclosed for petitioner's convenience.

Furthermore, petitioner's argument that the Notice of Allowance and Notice of Allowability were identified in PAIR using the same document description and appeared to be the same document to "an individual working on a Patent for the first time" is not persuasive. The Notice of Allowability and the Notice of Allowance were mailed simultaneously on October 11, 2007. However, upon reviewing the Notices, it is apparent that they are not the same documents. The Notice of Allowability set a statutory period of three months from the mailing date of October 11, 2007, in which petitioner was required to submit corrected drawings. Additionally, the Notice of Allowance set a statutory period of three months from the mailing date of October 11, 2007, to pay the issue fee. Thus, the Notice of Allowability and the Notice of Allowance set concurrent but distinct requirements with which petitioner was required to comply. In accordance with 35 USC 133 and 151, the submission of corrected drawings is a necessary component of the required reply. Petitioner's payment of the issue fee in response to the Notice of Allowance did not negate the requirement to submit corrected drawings nor toll the period for reply to the Notice of Allowability. The Office reminds petitioner that 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).

As to petitioner's assertion that the Office mailed the Notice of Abandonment to an obsolete address, the Office reiterates that petitioner erred, not the USPTO, by failing to change the correspondence address associated with Customer No. 71452. Moreover, 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).

Accordingly, the showing of record does not warrant withdrawal of the holding of abandonment. The petition under 37 CFR 1.181 is **DISMISSED**.

Any request for reconsideration must be submitted with TWO (2) MONTHS of the mailing date of this decision. Extensions of this time period may be granted under 37 CFR 1.136. The request for reconsideration should include a cover sheet entitled "Renewed Petition Under 37 CFR 1.181." No additional petition fee is required.

Alternate Venue:

Petitioner may wish to consider filing a petition under 37 CFR 1.137(b) to revive the application. The appropriate form accompanies this decision for petitioner's convenience.

The Office notes:

> Petitions under 37 CFR 1.137(b) are less burdensome (statement(s) rather than a showing accompanied by documentary evidence) to file and are evaluated under the less stringent "unintentional delay" standard. Applicants determining whether to file a petition to revive an application under 37 CFR 1.137(b) or 1.137(a) should take the following into account: While the Office reserves the authority to require further information concerning the cause of abandonment and delay in filing a petition to revive, the Office relies upon the applicant's duty of candor and good faith and accepts the statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional" without requiring further information in the vast majority of petitions under 37 CFR 1.137(b). This is because the applicant is obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when a practitioner provides this statement to the Office. In addition, providing an inappropriate statement in a petition under 37 CFR 1.137(b) to revive an abandoned application may have an adverse effect when attempting to enforce any patent resulting from the application. See Lumenyte Int'l Corp. v. Cable Lite Corp., Nos. 96- 1011, 96-1077, 1996 U.S. App. LEXIS 16400, 1996 WL 383927 (Fed. Cir. July 9, 1996) (unpublished) (patents held unenforceable due to a finding of inequitable conduct in submitting an inappropriate statement that the abandonment was unintentional). Even if the Office requires further information in a petition under 37 CFR 1.137(b), such petition is still significantly less burdensome to prepare and prosecute than a petition under 37 CFR 1.137(a). The Office is almost always satisfied as to whether "the entire delay...was unintentional" on the basis of statement(s) by the applicant or representative explaining the cause of the delay (accompanied at most by copies of correspondence relevant to the period of delay). A showing of unavoidable delay will (in addition to the above) require: (1) evidence concerning the procedures in place that should have avoided the error resulting in the delay; (2) evidence concerning the training and experience of the persons responsible for the error; and (3) copies of any applicable docketing records to show that the error

was in fact the cause of the delay. See MPEP § 711.03(c)(III)(C)(2). In addition, a petition under 37 CFR 1.137(a) must establish that the delay was unavoidable, and not just that it was unintentional. Thus, many petitions originally filed under 37 CFR 1.137(a) end up being granted under 37 CFR 1.137(b) when the applicant realizes that sufficient evidence concerning the delay is too difficult to obtain or the cause of delay simply does not amount to "unavoidable delay" within the meaning of 37 CFR 1.137(a). Since the requirements of 37 CFR 1.137(a) are more exacting than the corresponding requirements of 37 CFR 1.137(b), a petition under 37 CFR 1.137(a) is significantly less likely to be grantable as filed than is a petition under 37 CFR 1.137(b). The Office usually must render a number of interlocutory decisions dismissing a petition under 37 CFR 1.137(a) and requesting additional evidence until either the applicant provides a satisfactory showing of unavoidable delay (in which case the petition can be granted) or the Office concludes that the applicant cannot provide a satisfactory showing of unavoidable delay (in which case the petition must be denied). Thus, the period between when an applicant first files a petition to revive and the Office renders a decision granting (or denying) that petition will, more often than not, be much longer if the petition is under 37 CFR 1.137(a) than it would have been if the petition were under 37 CFR 1.137(b). 37 CFR 1.137(b) 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).

MPEP 711.03(c)(III)(C).

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

(1) The reply required to the outstanding Office action or notice, unless previously filed.

(2) The petition fee as set forth in § 1.17(m) (**currently the small entity fee of $770.00**);

(3) A statement that the entire delay in filing the required 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.

(4) Any terminal disclaimer (and fee set forth in § 1.20(d)) required pursuant to 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 FAX: (571) 273-8300
Attn: Office of Petitions

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

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosures: Forms PTO/SB/124A and PTO/SB/64

PTO/SB/64 (01-08)
Approved for use through 04/30/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)

First named inventor:

Application No.: Art Unit:

Filed: Examiner:

Title:

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1.Petition fee

☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____(identify type of reply):

☐ has been filed previously on _____.
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ _____.

☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

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.

PTO/SB/124A (01-06)
Approved for use through 12/31/2008. OMB 0651-0035
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Request for Customer Number Data Change

Address to:
Mail Stop EBC
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

To the Commissioner for Patents:

Please record the following data changes to **Customer Number**:

☐ Please change Address to:

Firm or Individual Name					
Address					
City		**State**		**Zip**	
Country					
Telephone		**Email**			

☐ Please **delete** the following practitioner registration number(s) from the Customer Number indicated above:

☐ Please **add** the following practitioner registration number(s) from the Customer Number above:

☐ Additional practitioner registration numbers are listed on supplemental sheet(s) attached hereto (PTO/SB/124B or equivalent)

Request Submitted by: (must be a person, e.g. registered practitioner, associated with the customer number shown above)

Firm Name (if applicable)			
Signature			
Name of Person Submitting request		Registration No.	
Telephone Number		Date	

This collection of information is required by 37 CFR 1.33. 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: Mail Stop EBC, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option.

PTO/SB/124B (01-06)
Approved for use through 12/31/2008. OMB 0651-0035
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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Request for Customer Number Data Change	**Practitioner Registration Number Supplemental Sheet**
	Page of Pages

To the Commissioner for Patents:

Please record the following data Changes to **Customer Number:**

☐ Please **delete** the following practitioner registration number(s) from the Customer Number indicated above:

☐ Please **add** the following practitioner registration number(s) to the Customer Number indicated above:

Firm Name			
Date		☐	Additional supplemental sheet(s) attached hereto

This collection of information is required by 37 CFR 1.33. 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: Mail Stop EBC, 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

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

Ana Paula Babo Pedroso De Lima
Rua Erwin Jenichen 92.
Blumenau, SC 89066-130. BRAZIL

COPY MAILED

JUN 24 2008

OFFICE OF PETITIONS

In re Application of :
Ana Paula Babo Pedroso De Lima :
Application No. 29/274,137 : DECISION ON PETITION
Filed: 03/30/2007 :
Title: CYLINDRICAL SHAPED TOILET AND :
RECTANGULAR PRISM SHAPED TANKS :
COMBINATIONS :

This is decision on the petition under 37 CFR 1.137(b), filed June 11, 2008, to revive the above-identified application.

On October 11, 2007, the Office mailed a Notice of Allowability, which set a statutory period of three months to submit corrected drawings. In the apparent absence of a timely filed response, the application became abandoned on January 12, 2008. On February 5, 2008, the Office mailed a Notice of Abandonment.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement 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 submit drawings in response to 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 application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

THE NATH LAW GROUP
112 SOUTH WEST STREET
ALEXANDRIA VA 22314

MAILED

APR 0 8 2009

OFFICE OF PETITIONS

In re Application of
Stefanie Palka et al
Application No. 29/274,142
Filed: March 30, 2007
For: MOUNTING FRAME FOR CONNECTORS OF DATA TELECOMMUNICATION CABLES

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 26, 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).

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
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THE NATH LAW GROUP
112 SOUTH WEST STREET
ALEXANDRIA VA 22314

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MAY 07 2009

OFFICE OF PETITIONS

In re Application of
Stefanie Palka et al
Application No. 29/274,142
Filed: March 30, 2007
Attorney Docket No. 28183D

DECISION ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed April 15, 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 replacement drawings and terminal disclaimer/fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance/Notice of Allowability mailed September 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 and for review of the drawings submitted on March 26, 2009.

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
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JUN 17 2008

OFFICE OF PETITIONS

In re Application of :
Kida et al. : DECISION ON PETITION
Application Number: 29/274181 :
Filing Date: 04/03/2007 :
Attorney Docket Number: :
P71827US0 :

This is a decision on the petition, styled under 37 CFR 1.57(a), filed on October 4, 2007,[1] which is treated as a petition under 37 CFR 1.53 requesting that the above-identified application be accorded a filing date of April 3, 2007.[2]

The petition is **GRANTED**.

On April 3, 2007, the application was deposited. The filing including, *inter alia*, two (2) pages of specification, three (3) sheets of drawings, a declaration under 37 CFR 1.63, the design application filing fee, and a copy of a Japanese industrial design registration application.

On April 25, 2007, the Office of Patent Application Processing (OPAP) mailed a Notice of Incomplete Nonprovisional Application, informing applicants that the application did not include at least one claim in compliance with 35 U.S.C. § 112 and that the filing date of the application would be the date of receipt of a claim in compliance with 35 U.S.C. § 112.

Accordingly, on June 21, 2007, an amendment was filed, including a claim to the ornamental design. In response, the application was accorded a filing date of June 21, 2007.

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[1] The petition papers were first filed on June 25, 2007, but were not a separate paper but part of an amendment.

[2] See MPEP 506.

On June 25, 2007, the initial "SUPPLEMENTAL RESPONSE TO NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION AND PETITION UNDER 37 CFR § 1.57(a)," was filed accompanied by the petition fee and an English translation of the Japanese industrial design registration document present on filing.

On October 4, 2007, a duplicate copy of the petition was filed.

Petitioners admit that the claim was inadvertently omitted from the application papers filed on April 3, 2007, but argue that the prior-filed Japanese industrial design application, the priority of which is claimed in the declaration filed with the original application papers, contains an "implicit claim" to the design shown and described in the subject application.

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 … 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 … 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;
>
> (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 cannot be granted under 37 CFR 1.57(a) because, as petitioner concedes, "an explicit claim" was not contained in the prior Japanese application.

As stated in 37 CFR 1.153(a), the claim **shall** be in formal terms to the ornamental design for the article (specifying name) as shown, or as shown and described. As no such claim was present in the prior-filed application, the prior-filed application does not contain a claim for filing date purposes.

In this regard, it is noted that the English translation of the Japanese industrial design registration does not contain the word "claim."

As no claim, nor any wording which could be construed as a claim, was contained in the prior-filed foreign application, the prior filed Japanese industrial design registration application, clearly, cannot be relied upon as supplying the claim for the subject design application.

However, it is noted that the application papers deposited on April 3, 2007, included a declaration, signed by each of the joint inventors, stating that:

> ""I believe that I am . . . an original, first and joint inventor . . . of the subject matter which is claimed and for which patent is sought on the invention entitled: MARKING PEN which is described and claimed in: the attached specification…"

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

A formal claim was not included with the application when it was deposited. However, since this is a design application, the above-quoted language in the declaration can be construed as the claim required by 35 U.S.C. § 112 insofar as this design application is concerned. The form of a claim in a design application is fixed by rule and is accordingly different from the claims of other applications. Accordingly, since this is a design application, and since the claim language quoted above does appear at the conclusion, or end, of the specification, there is no statutory prohibition against construing this language as the statutory required claim. It is also clear that there has been, and is, no doubt as to the form of, and what is to be claimed herein since this is a design application for which the form of the claim is set by 37 CFR 1.153. Under the circumstances, it is appropriate that the language quoted above from the declaration be construed as the claim for purposes of according this application a filing date of April 3, 2007.

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

The petition is granted.

The paper filed on June 21, 2007, including "AMENDMENTS TO THE CLAIMS" will be treated as a preliminary amendment to include the formal claim.

As the present petition was necessitated by an error on the part of petitioner, the petition fee of $400.00 is necessary and will be not be refunded.

The application is being returned to the Office of Patent Application Processing for further processing with a filing date of **April 3, 2007**, using the application papers filed on that date, and the formal claim previously supplied by amendment.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Douglas I. Wood at 571.272.3231.

Anthony Knight
Supervisor
Office of Petitions

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APR 13 2009

OFFICE OF PETITIONS

In re Application of :
Enrico Bergese, et al. :
Application No. 29/274,193 : ON PETITION
Filed: April 4, 2007 :
Attorney Docket No. Q101001 :

This is a decision on the petitions, filed February 17, 2009, under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application and under the unintentional provisions of 37 CFR 1.137(b) to revive the above-identified application.

With respect to the petition filed under 37 CFR 1.181.

Petitioner states that the oath and declaration was filed on April 24, 2007, which included the following papers: specification, drawings, oath, application data sheet and priority papers. A review of the record shows that the file record does not include a properly executed oath and declaration. Only one page of the declaration was received on April 24, 2007. Petitioner's post card receipt does not indicate how many pages of the declaration were submitted and accordingly fails to provide evidence of receipt of a complete declaration. A completed declaration was received on May 1, 2007; however, no surcharge was received. A Notice of Incomplete Reply (Non-provisional) was mailed May 15, 2007 requiring payment of the surcharge. No reply was received. Accordingly, the application became abandoned June 25, 2007.

In view of the above, the petition fails to satisfy the requirements needed to withdraw the holding of abandonment. The petition under 37 CFR 1.181 is **DISMISSED**.

With respect to the petition filed under 37 CFR 1.137(b).

The application became abandoned for failure to reply in a timely manner to the Notice of Incomplete Reply (Non-provisional) (Notice), mailed May 15, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice mailed April 24, 2007. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 25, 2007.

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

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

A terminal disclaimer and the $140 terminal disclaimer fee is required under 37 CFR 1.137(d) if the application is: (1) a design application, (2) a utility application filed before June 8, 1995, or (3) a plant application filed before June 8, 1995. The terminal disclaimer must dedicate to the public a terminal part of the term of any patent granted the application equivalent to the period of abandonment of the application, and must also apply to any patent granted on any application containing a specific reference under 35 U.S.C. 120, 121 or 365(c) to the application for which revival is sought.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." 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 April M. Wise at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

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JUN 0 9 2009

OFFICE OF PETITIONS

In re Application of :
Enrico Bergese, et al. :
Application No. 29/274,193 : DECISION ON PETITION
Filed: April 4, 2007 :
Attorney Docket No. Q101001 :

This is a decision on the renewed petition, filed April 21, 2009, which is being treated as a petition under 37 CFR 1.181, 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 Notice to File Incomplete Reply (Non-Provisional) (Notice), which set a two-month (2) month shortened statutory period for reply from the mail date of the Notice mailed April 24, 2007. Accordingly, a reply was due on or before June 24, 2007.

Petitioner asserts that the Notice of Abandonment be withdrawn as a timely reply was filed via EFS Web on August 23, 2007, which included the following papers: a proper authorization to charge any additional fees under 37 CFR 1.16 and 1.17, which would have rendered the reply timely if received.

As the reply authorized the charging of the two-month extension of time due the Notice of Abandonment was premature. Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of May 15, 2007 is hereby withdrawn and the application restored to pending status.

The required surcharge for the Notice was received in the Office on August 23, 2007. The required two month (2) extension of time has been charged to petitioner's deposit account as authorized in the reply filed August 23, 2007.

Telephone inquiries concerning this decision should be directed to April M. Wise at 571-272-1642. All other inquires concerning the examination or status of this application should be directed to the Technology Center.

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 with petition.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:

DATE : October 15, 2009

29/274214

TO SPE OF : ART UNIT 2912

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

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:

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ALEXANDRIA, VA 22314

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OFFICE OF PETITIONS

In re Application of :
Sanjay Chandran et al :
Application No. 29/274,247 : ON PETITION
Filed: April 9, 2007 :
Attorney Docket No. RESP-0005-COD :

This is a decision on the petition, filed September 24, 2008 under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **DISMISSED.**

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

The above-identified application became abandoned for failure to submit the Issue fee in a timely manner in reply to the Notice of Allowance mailed May 30, 2008, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on August 31, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). 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

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JAN 12 2009

In re Application of
Sanjay Chandran et al
Application No. 29/274,247
Filed: April 9, 2007
Attorney Docket No. RESP-0005-COD

ON PETITION

This is a decision on the renewed petition filed December 2, 2008 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 and Publication fee; (2) the petition fee; (3) the required statement of unintentional delay 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

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STEPTOE & JOHNSON LLP
1330 CONNECTICUT AVENUE, N.W.
WASHINGTON DC 20036

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JUL 30 2008

OFFICE OF PETITIONS

In re Application of :
Xavier Lifran :
Application Number: 29/274380 : ON PETITION
Filing Date: 04/20/2007 :
Attorney Docket Number: :
28954.1454 :

This is a decision in reference to the "DECLARATION UNDER 37 CFR 1.47" filed on May 29, 2008, which, under the circumstances of this case, is being treated as a petition under 37 CFR 1.183 to waive 37 CFR 1.67 in that it requires a supplemental declaration to be executed by all inventors.

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. **FAILURE TO TIMELY RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.183."

On April 20, 2007, the application was filed. The original application papers included an executed declaration in compliance with 37 CFR 1.63, listing Xavier Lifran as the sole inventor.

On November 29, 2007, a non-final Office action was mailed, setting a three (3)-month time period for reply. The Office action required a new oath or declaration in compliance with 37 CFR 1.67 because the originally filed oath or declaration is defective.

On May 29, 2008, a petition for a three (3)-month extension of time was filed, along with an amendment and a new declaration.

The subject petition was also filed. Petitioner states that the inventor is on vacation and cannot be reached to sign the supplemental declaration. Petitioner has submitted a declaration signed on behalf of the assignee.

This application bears an original Declaration executed by the sole inventor, Xavier Lifran (hereinafter "Lifran"). Thus, the provisions of 37 CFR 1.47 do not apply in this instance. Rather, suspension of the rules under 37 CFR 1.183 may be granted in an "extraordinary situation, when justice requires."

Nevertheless, in addressing a showing under 37 CFR 1.183, it is appropriate to apply the principles for a showing under 37 CFR 1.47 to the situation at hand. Since inventor Lifran signed the original declaration, petitioners must show that efforts were made to obtain his signature on the supplemental declaration.

The facts presented on the record do not adequately establish an extraordinary situation. Petitioner has not sufficiently established any special circumstances of equities that would require suspension of the rules in the interests of justice.

Specifically, MPEP 409.03(d) states that the fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 CFR 1.47.

Petitioners must show that a diligent effort was made to reach Lifran and obtain his signature. In this regard, copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions. Declarations or affidavits by persons with first-hand knowledge of the facts therein must be provided.

If repeated attempts to contact the non-signing inventor by telephone, mail, and e-mail are unsuccessful, petitioners will have established that despite diligent efforts, the non-signing inventor could not be reached.

The fee for a petition under 37 CFR 1.183 is $400.00, and will be charged to counsel's deposit account as authorized in the petition for extension of time filed on May 29, 2008.

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

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

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

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

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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Alexandria, VA 22313-1450
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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON DC 20036

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JAN 14 2009

In re Application of	:	
Takao MIKAMI et al.	:	
Application No. 29/274,471	:	DECISION ON PETITION
Filed: April 26, 2007	:	
Attorney Docket No. 071514	:	

This is a decision on the petition under 37 CFR 1.137(b), filed November 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(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 file corrected drawings on or before October 14, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed July 11, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on October 15, 2008. A Notice of Abandonment was mailed on November 03, 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 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).

No terminal disclaimer was filed with the petition.

Additionally, 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.

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

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

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

Any questions concerning this matter may be directed to Felix O. Figueroa at (571) 272-6051.

for David Bucci
Petitions Examiner
Office of Petitions

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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON DC 20036

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JUN 10 2009

OFFICE OF PETITIONS

In re Application of :
Takao MIKAMI et al. :
Application No. 29/274,471 :
Filed: April 26, 2007 :
Attorney Docket No. 071514 :

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed February 4, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to file corrected drawings on or before October 14, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed July 11, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on October 15, 2008. A Notice of Abandonment was mailed on November 03, 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 corrected drawings; (2) the petition fee of $1620; (3) the required statement of unintentional delay; and (4) the required terminal disclaimer and fee have been received. Accordingly, the corrected drawings are accepted as having been unintentionally delayed.

The terminal disclaimer filed February 4, 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

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United States Patent and Trademark Office
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1500 BROADWAY
12TH FLOOR
NEW YORK, NY 10036

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FEB 12 2008

OFFICE OF PETITIONS

In re Application of :
Haimov, Neri :
Application No. 29/274,538 :
Filed: April 30, 2007 :
Attorney Docket No. D-0613-US :

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed December 27, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

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

The above-identified application became abandoned for failure to submit formal drawings and the issue fee in a timely manner in reply to the Notice of Allowability and Notice of Allowance mailed August 14, 2007. Accordingly, the above-identified application became abandoned on November 14, 2007. A Notice of Abandonment was mailed on December 11, 2007.

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

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

---

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

[2] See MPEP 711.03(c)(III)(C) and (D).

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

As to item (1), the Notice of Allowability required that corrected drawings to be submitted, which were not submitted with the instant petition.

As to item (4), since the instant application is a design application, 37 CFR 1.137(b) requires submission of a terminal disclaimer and fee. 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

PTO/SB/63 (01-08)
Approved for use through 02/29/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to a collection of information unless it displays a valid OMB control number.

TERMINAL DISCLAIMER TO ACCOMPANY PETITION	Docket Number (Optional)

In re Application of:

Name:

Application Number:

Filed:

For:

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

Check either box 1 or 2 below, if appropriate.

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

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

_____ _____
Signature Date

_____ _____
Typed or Printed Name Telephone Number

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

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

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

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

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

Privacy Act Statement

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

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

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

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PEARL COHEN ZEDEK LATZER, LLP
1500 BROADWAY
12TH FLOOR
NEW YORK, NY 10036

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MAR 14 2008

OFFICE OF PETITIONS

In re Application of	:	
Haimov, Neri	:	
Application No. 29/274,538	:	DECISION ON PETITION
Filed: April 30, 2007	:	
Attorney Docket No. D-0613-US	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed February 20, 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 Replacement Drawings, (2) the petition fee (previously submitted), and (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 the Office of Data Management for processing into a patent.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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NATH & ASSOCIATES
112 SOUTH WEST STREET
ALEXANDRIA VA 22314

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APR 28 2008

OFFICE OF PETITIONS

In re Application of	:	
Amy Levinson et al	:	DECISION GRANTING PETITION
Application No. 29/274,575	:	UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: May 4, 2007	:	
Attorney Docket No. 82798D	:	

This is a decision on the petition under 37 CFR 1.313(c)(3), filed April 25, 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 22, 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*** April 25, 2008.

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

This matter is being referred to Technology Center AU 2915 for processing of the CPA and consideration of the concurrently filed April 25, 2008.

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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The Nath Law Group
112 South West Street
Alexandria, VA 22314

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MAR 25 2009

OFFICE OF PETITIONS

In re Application of :
Amy Levinson, et. al. :
Application No. 29/274,575 : ON PETITION
Filed: May 4, 2007 :
Attorney Docket No. 82798D :

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

The petition is dismissed.

The application became abandoned for failure to file a timely reply to the Notice of Allowance and Fee(s) Due mailed on May 12, 2008. A Notice of Abandonment was mailed on September 4, 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).

A Terminal Disclaimer and $70 fee is required under 37 CFR 1.137(d) if the application is: (1) a design application, (2) a utility application filed before June 8, 1995, or (3) a plant application filed before June 8, 1995. The Terminal Disclaimer must dedicate to the public a terminal part of the term of any patent granted the application equivalent to the period of abandonment of the application, and must also apply to any patent granted on any application containing a specific reference under 35 U.S.C. 120, 121 or 365(c) to the application for which revival is sought. For petitioner's convenience, a blank Terminal Disclaimer form accompanies this decision.

It is noted that petitioner requests that the Office "apply Issue Fee paid in Parent Case to this CPA Case. However, the decision mailed on April 28, 2008 informed petitioner that the issue fee paid on January 22, 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 April 25, 2008. Therefore, $410 for payment of the issue fee will be charged to petitioner's deposit account, as authorized.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b), and be accompanied by the required Terminal Disclaimer and $70 fee." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

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

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

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

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

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

Andrea Smith
Petitions Examiner
Office of Petitions

Enclosure: Terminal Disclaimer Form No. PTO/SB/63

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAY 13 2009

OFFICE OF PETITIONS

In re Application of :
Amy Levinson, et. al. :
Application No. 29/274,575 : ON PETITION
Filed: May 4, 2007 :
Attorney Docket No. 82798D :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed April 8, 2009, to revive the above-identified application.

In response to the decision mailed March 25, 2009, petitioner submits the present renewed petition and a terminal disclaimer with the $70 fee submitted on April 8, 2009.

Since the requirements of 37 CFR 1.137(b) have been met, the renewed petition is **GRANTED**.

The terminal disclaimer under 37 CFR 1.137(d), filed April 8, 2009, has been accepted and made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

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

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

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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JUL 16 2007

In re Application of	:	
Tina M. Preston,	:	
Serial Number: 29/274606	:	PETITION UNDER
Filed: May 9, 2007	:	M.P.E.P.708.02 V
For: CANDLE STORAGE IMPLEMENT	:	

This is in response to the petition filed May 9, 2007, requesting that the above-identified application be granted Special Status under Section 708.02 V of the MPEP.

A petition for Special Status under Section 708.02 V is required to include evidence showing that the applicant is 65 years of age, or more, such as a birth certificate or applicant's statement. The petition does not include evidence showing the applicant's age.

Accordingly the petition is **DENIED.**

William Krynski
Quality Assurance Specialist
Technology Center 1700

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

NOV 14 2007

In re Application of	:	
Tina M. Preseton et al.	:	DECISION
Serial No.: 29/274,606	:	ON
Filed: May 9, 2007	:	PETITION
For: CANDLE STORAGE IMPLEMENT	:	UNDER 708.02, VI

This is in response to the petition filed May 9, 2007, requesting that the above identified application be granted Special Status under Section 708.02, VI of the MPEP and 37 CFR 1.102c.

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 to **GRANTED**.

William Krynski, Quality Assurance Specialist
Technology Center 1700
Chemical and Materials Engineering

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/274,608	05/09/2007	Gary Neil	055549.0076	1760

60125 7590 11/08/2007

MILLER THOMSON LLP
100 STONE ROAD WEST
SUITE 301
GUELPH, ON N1G-5L3
CANADA

EXAMINER	
DE, MIMOSA	

ART UNIT	PAPER NUMBER
2913	

MAIL DATE	DELIVERY MODE
11/08/2007	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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11-8-07

wk

In re Application of :
Gary Neil :
Serial Number: 29/274,608 : DECISION
Filed: May 9, 2007 : ON
For: Chair : PETITION

This is in response to the request filed ~~May 9, 2007~~ Oct 19, 2007, requesting expedited examination of a design application under 37 CFR 1.155.

37 CFR 1.155 establishes an expedited procedure for design applications. A design application may qualify for expedited examination provided the following requirements are met:

(A) A request for expedited examination is filed (Form PTO/SB/27 may be used);

(B) The design application is complete and it includes drawings in compliance with 37 CFR 1.84 (see 37 CFR 1.154 and MPEP § 1503 concerning the requirements for a complete design application);

(C) A statement is filed indicating that a preexamination search was conducted (a search made by a foreign patent office satisfies this requirement). The statement must also include a list of the field of search such as by U.S. Class and Subclass (including domestic patent documents, foreign patent documents and nonpatent literature);

(D) An information disclosure statement in compliance with 37 CFR 1.98 is filed;

(E) The basic design application filing fee set forth in 37 CFR 1 .16(f) is paid; and

(F) The fee for expedited examination set forth in 37 CFR 1.17(k) is paid.

If an application requesting expedited examination fails to comply with one or more of the requirements for expedited examination under 37 CFR 1.155, but the application is otherwise complete, the applicant will be promptly notified and required to comply with all requirements under 37 CFR 1.155 within a shortened time period extendable under 37 CFR 1.136(a). Unless all requirements under 37 CFR 1.155 are timely met, the application will await action in its regular turn.

In this case, applicant has not provided an information disclosure statement in compliance with 37 CFR 1.98 and a statement indicating that a preexamination search was conducted (a search made by a foreign patent office satisfies this requirement). The statement must also include a list of the field of search such as by U.S. Class and

29/274,608
Subclass (including domestic patent documents, foreign patent documents and nonpatent literature).

The Request is **Denied**.

Jacqueline M. Stone/lg

Jacqueline Stone, Director
Technology Center 2900
Designs

Lorelei G. Graham
MILLER THOMSON LLP
100 STONE ROAD WEST
SUITE 301
GUELPH ON N1G-5L3 CA CANADA

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AKERMAN SENTERFITT
8100 BOONE BOULEVARD
SUITE 700
VIENNA VA 22182-2683

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DEC 29 2009

OFFICE OF PETITIONS

In re Application of
Paul Simons
Application No. 29/274,629
Filed: May 10, 2007
Attorney Docket No. 41631-200766

DECISION ON REQUEST

This is a decision on the communication entitled, "REQUEST TO TAKE LARGE ENTITY FEES," filed March 26, 2009. This is also a decision on the Request for Refund filed October 27, 2009.

The requests are **DISMISSED**.

As to the communication filed, March 26, 2009, applicant states that the above application was filed without any indication of Small Entity status. However, applicant should be aware that small entity status was indicated on the transmittal letter submitted with the application upon filing on May 10, 2009. Applicant's attention is drawn to 37 CFR 1.28(c)(2)(i) and (ii). The payment of the fees submitted on March 26, 2009 was not itemized as required by 37 CFR 1.28(c)(2)(ii). Applicant is given a **ONE MONTH** non-extendable time period under § 1.136(a) to comply with the above matters. See also 37 CFR 1.28(c)(3).

As to the request for refund filed October 27, 2009, the Office is **unclear** as to the applicant's statement that, "the difference between a Large Entity Issue Fee and Small Entity Issue Fee is $390.00." The issue fee payment under large entity status at the current rate upon submission of the deficiency payment on March 26, 2009, is $860.00 for a design application. Office finance record indicates that an issue fee payment of $430.00 was submitted on December 22, 2008. Clarification is required.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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8100 BOONE BOULEVARD
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MAILED

APR 26 2010

OFFICE OF PETITIONS

In re Application of :
Paul Simons :
Application No. 29/274,629 : DECISION ON REQUEST
Filed: May 10, 2007 :
Attorney Docket No. 41631-200766 :

This is a decision on the communication entitled, "RESPONSE TO DECISION ON REQUEST FOR REFUND AND SECOND REQUEST FOR REFUND," filed January 26, 2010.

The request is Granted in-part.

Applicant requests a refund of $320.00 of the deficiency payment charged to petitioner's deposit account on April 9, 2009. However, applicant was informed in the decision mailed December 29, 2009, that the issue fee payment under large entity status at the current rate upon submission of the deficiency payment on March 26, 2009, is $860.00 for a design application. The Office finance record indicates that an issue fee payment of $430.00 was submitted on December 22, 2008. Therefore, a refund of $280.00 ($710.00 - $430.00) is being refunded to deposit account no. 50-0951 rather than the $320.00 requested on January 26, 2010.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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MAY 07 2010

OFFICE OF PETITIONS

JACKSON INTELLECTUAL PROPERTY GROUP PLLC
106 STARVALE LANE
SHIPMAN, VA 22971

In re Application of :
Wei-Chih Lin :
Application No. 29/274,731 : ON PETITION
Filed: May 18, 2007 :
Attorney Docket No. 7014.103 :

This is a decision on the petition, filed February 23, 2010, 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 to submit corrected formal drawings on or before June 30, 2008, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed March 28, 2008. Accordingly, the date of abandonment of this application is July 1, 2008. A Notice of Abandonment was mailed on July 29, 2008. On February 23, 2010, the present petition was filed.

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

[1] As amended effective December 1, 1997. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53194-95 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 119-20 (October 21, 1997).

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

The petition lacks items (4) above.

Since the above-identified application is a design application, 37 CFR 1.137(d) requires a terminal disclaimer dedicating to the public a terminal part of the term of any patent granted thereon equivalent to the period of abandonment of the application and the terminal disclaimer must also apply to any patent granted on a continuing design application that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the application for which revival is sought. The period of abandonment will be computed to be the number of months from the date of abandonment to the date of filing a grantable petition. To be effective, the terminal disclaimer must include the fee of $140 ($70 if small entity) pursuant to 37 CFR 1.20(d) and be signed in accordance with 37 CFR 1.33(b). If the terminal disclaimer is signed by an assignee, the assignee must comply with the requirements of 37 CFR 3.73(b).

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By Internet:	EFS-Web[3]

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[3] www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

UNITED STATES PATENT AND TRADEMARK OFFICE

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JACKSON INTELLECTUAL PROPERTY GROUP PLLC
106 STARVALE LANE
SHIPMAN, VA 22971

MAILED

JUN 10 2010

OFFICE OF PETITIONS

In re Application of :
Wei-Chih Lin :
Application No. 29/274,731 : ON PETITION
Filed: May 18, 2007 :
Attorney Docket No.: 7014.103 :

This is a decision on the renewed petition, filed May 10, 2010, 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 Allowance and Notice of Allowability mailed March 28, 2008. On February 23, 2010, a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed May 6, 2010. On May 10, 2010, the present petition was filed.

The present petition is found to complete the requirements of 37 CFR 1.137(b) in that petitioner has now supplied the terminal disclaimer and fee.

The terminal disclaimer filed May 10, 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.

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

PTO/SB/27 (09-06)
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	TBD 29/274,740
Filing Date	TBD
First Named Inventor	BARNHART, LUCILLE PATILLE
Title	SECURE CARD CASE
Atty Docket Number	BARN001

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

5/25/07

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:

USPC CL/SubCL: D03/201, 203.2, 203.6, 203.7, 205, 206, 212, 215, 242, 247, 294, 326, 901; D06/634; D09/414, 420, 422, 423, 430, 432; D27/141, 142, 153, 157, 159, 160, 161, 189; D28/83; 206/37, 37.1, 37.4, 38, 38.1, 39, 265, 268, 811, 816; 63/1.14, 7, 19; 150/131-149; 40/642.02, 655, 661, 1.5, 1.6, 586, 904, 299.01, 633; 224/191, 197, 199, 201, 257, 587, 600, 607; 232/1D, 57; 431/129, 135, 137, 144, 146, 152; 220/150. Databases: USPTO EAST (USPG Pub., USPAT) w/ Boolean combinations of terms (*card, document, picture, ticket, license,* or *identification;* selectively taken *w/ container, holder, box, neckwear, lanyard, lighter, lid, pivot, and/or hinge*). Extended searches based on Locarno 8th Ed. Industrial Design Classfn. Codes 03-01, 09-03, 27-05 ~ Hague Express (WIPO), Aus., Can., Finland Design Database.

Related applications: N/A .

If not previously filed for the above-identified application, the following items required b 37 CFR 1.155 are enclosed:

- Formal drawings (see 37 CFR 1.84).
- The fee set forth in 37 CFR 1.17(k)
- An information disclosure statement in compliance with 37 CFR 1.98.

Signature — Date: 05/21/2007

Donald Grant Kelly — Typed or printed name

30,521 — Registration Number, if applicable

703.548.8213 — 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

Paper No.

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OFFICE OF PETITIONS

REED SMITH LLP
Suite 1400
3110 Fairview Park Drive
Falls Church VA 22042

In re Application of	:	
Hirotaka Nishizawa et al.	:	
Application No. 29/274,768	:	
In re Patent No. D556,764	:	DECISION ON PETITION
Filing Date: May 22, 2007	:	PURSUANT TO 37 C.F.R.
Issue Date: December 4, 2007	:	§ 3.81(B)
Attorney Docket Number:	:	
TSUT.0131	:	
Title: MEMORY CARD	:	

This is a decision on the "PETITION UNDER 37 C.F.R. § 1.183 TO CORRECT ASSIGNEE DATA," filed January 25, 2008, to correct the Assignee's information on the Issue Fee Transmittal Form PTOL-85(b). This submission is being treated as a petition pursuant to 37 C.F.R. § 3.81(b)[1]

The petition is **GRANTED**.

With this petition, Petitioner requests that a Certificate of Correction be issued to correct the assignee information that appears on the face of the patent. Petitioner submits a "Certificate of Correction" for this purpose, which indicates that the assignee "Renesas Technology Corporation" should be changed to "Renesas Technology Corp."

37 C.F.R. §3.81(b), effective June 25, 2004, reads:

1 See Official Gazette, June 22, 2004.

> (b) 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.

Petitioner has set forth that the assignment was submitted for recordation as set forth in 37 C.F.R. § 3.11 before issuance of the patent.

Payment of the required $130 processing fee and the required $100 certificate of correction fee is acknowledged.

The Certificates of Correction Branch will be notified of this decision so that the requested Certificate of Correction can be issued.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Ruay L. Ho
IPFortune LLC
Suite 400
1700 Pennsylvania Ave., NW
Washington DC 20006

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JUN 26 2008

OFFICE OF PETITIONS

In re Application of	:	
Chaohua Deng	:	
Application No.: 29/274788	:	
Filing or 371(c) Date: 05/25/2007	:	DECISION
Attorney Docket Number:	:	ON PETITION
LONON_DENG_006	:	

This is a decision in response to the "Petition to Withdraw Holding of Abandonment Under 37 C.F.R. 1.137(a)," filed April 25, 2008. The petition is properly treated under 37 CFR §1.181(a). See, MPEP 711.03(c).

The petition is **granted**

The above-identified application became abandoned for failure to timely/properly reply to the Notice of Allowance and Issue Fee Due, and Notice of Allowability, mailed December 18, 2007. The Notices set a non-extendable three (3) month period for reply. No response having been received, the application became abandoned on March 19, 2007. A Notice of Abandonment was mailed April 11, 2008.

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

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

No petition fee has been charged and none is due.

The application will be referred to Technology Center Art Unit 2916 for re-mailing of the Notice of Allowance and Issue Fee Due and Notice of Allowability.

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

Derek L. Woods
Attorney
Office of Petitions

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 2 3 2007

In re Application of :
Gustav M. Nasiell :
Serial Number: 29/274,936 :
Filed: June 8, 2007 :
For: TUBING CUTTING DEVICE :

DECISION ON
PETITION UNDER
M.P.E.P. 708.02(IV)

This is in response to the petition filed June 8, 2007, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

6-30-09

Patent No. : D593,450 S
Ser. No. : 29/274,990
Inventor(s) : Paul C. Green, Jr., et. al.
Issued : June 2, 2009

Re: Request for Certificate of Correction

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

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

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

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

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

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

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

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

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

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

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

Eva James
For Mary Diggs
Decisions & Certificates
of Correction Branch
(703) 756-1583 or 1580

Elizabeth D. Ferrill
Finnegan, Henderson, Farabow
Garrett & Dunner
901 New York Avenue, NW
Washington, DC 20001-4413

ej

PTO/SB/27 (07-06)
Approved for use through 09/30/2006. 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	Not Yet Assigned 29/275,033
Filing Date	Herewith
First Named Inventor	Jack D. Whiteman
Title	WINE DISPLAY RACK
Atty Docket Number	3686-003

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

12-11-06 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 D6, subclasses 449, 457, 463, 466-69, 471

Class D7, subclasses 619.1, 701, 702, 706-08

Class 211, subclass 74

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.

/Mary M. Lee/	December 8, 2006
Signature	Date
Mary M. Lee	31,976
Typed or printed name	Registration Number, if applicable
405-285-4490	
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
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QUICKPATENTS, INC.
32861 CALLE PERFECTO
SUITE A
SAN JUAN CAPISTRANO, CA 92675

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SEP 22 2009

OFFICE OF PETITIONS

In re Application of	:	
Jon Capriola	:	DECISION ON PETITION
Application No. 29/275,052	:	TO WITHDRAW
Filed: December 11, 2006	:	FROM RECORD
Attorney Docket No. 1112816	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 11, 2009.

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

A review of the file record indicates that the power of attorney to practitioners associated with Quickpatents, Inc., were revoked by the applicant of the patent application on August 12, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to the undersigned at 571-272- 6059.

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: HERBERT L. ALLEN
ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST, P.A.
255 SOUTH ORANGE AVENUE, SUITE 1401
P. O. BOX 3791
ORLANDO, FL 32802-3791

29/275,056

SCANI Please forward case and paper to address shown below.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 8/11/08

TO SPE OF : ART UNIT 2913 Bahta, Abraham

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/275056 Patent No.: D558097

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

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

HENRY RANDALL
Certificates of Correction Branch
703-308-9390 ext. _____

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: _____

Caron D Veynar

CARON D. VEYNAR
SUPERVISORY PATENT EXAMINER
SPE

2913
Art Unit

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

Application Number	29/275,085
Filing Date	December 11, 2006
First Named Inventor	D'Wayne Edwards
Title	PORTION OF A SHOE UPPER
Atty Docket Number	015127.00841

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

12-14-06 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:

D2/896, 902, 907, 908, 910, 943, 944, 945, 946, 969, 972, 973 and 974

Related applications: Attorney Docket Nos. 015127.00842, 015127.00843 and 015127.00844 all filed on even date herewith

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

12/12/06
Date

Robert S. Katz
Typed or printed name

36402
Registration Number, if applicable

(202) 824-3000
Telephone Number

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

Application Number	29/275,086
Filing Date	December 12, 2006
First Named Inventor	D'Wayne Edwards
Title	PORTION OF A SHOE UPPER
Atty Docket Number	015127.00842

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:

D2/896, 902, 907, 908, 910, 943, 944, 945, 946, 969, 972, 973 and 974

Related applications: Attorney Docket Nos. 015127.00841, 015127.00843 and 015127.00844 all filed on even date herewith

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

[signature] — Signature

12/12/06 — Date

Robert S. Katz — Typed or printed name

36402 — Registration Number, if applicable

(202) 824-3000 — Telephone Number

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

Application Number	29/275,089
Filing Date	December 12, 2006
First Named Inventor	D'Wayne Edwards
Title	PORTION OF A SHOE OUTSOLE
Atty Docket Number	015127.00843

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:

D2/896, 902, 908, 946, 947, 948, 949, 951, 952, 953, 954, 955, 956, 957, 958, 959 and 960

Related applications: Attorney Docket Nos. 015127.00841, 015127.00842 and 015127.00844 all filed on even date herewith

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

[signature] 12/12/06
Signature Date

Robert S. Katz 36402
Typed or printed name Registration Number, if applicable

(202) 824-3000
Telephone Number

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

Application Number	29/275 090
Filing Date	December 12, 2006
First Named Inventor	D'Wayne Edwards
Title	PORTION OF A SHOE OUTSOLE
Atty Docket Number	015127.00844

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

12-14-06 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:

D2/896, 902, 908, 946, 947, 948, 949, 951, 952, 953, 954, 955, 956, 957, 958, 959 and 960

Related applications: Attorney Docket Nos. 015127.00841, 015127.00842 and 015127.00843 all filed on even date herewith

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

12/12/06
Date

Robert S. Katz
Typed or printed name

36402
Registration Number, if applicable

(202) 824-3000
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.

29/275,150

PTO/SB/27 (07-06)
Approved for use through 09/30/2006. 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	UNASSIGNED
Filing Date	UNASSIGNED
First Named Inventor	Christina Yang
Title	Shoe Upper
Atty Docket Number	210859.17872

ADDRESS TO:

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

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

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

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

CLASS: D2 SUBCLASS: 896, 902, 903, 907, 908, 911, 916, 919, 938, 943, 944, 945, 946, 969, 971, 972, 973, 974

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 12-28-06
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

Signature

Dec. 17, 2006
Date

MARSHALL A. LERNER
Typed or printed name

Registration Number, if applicable

310-557-1511
Telephone Number

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

This collection of information is required by 37 CFR 1.155. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20100521

DATE : May 21, 2010

TO SPE OF : ART UNIT 2916

SUBJECT : Request for Certificate of Correction on Patent No.: D576178

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:

/I. S./
Supervisory Patent Examiner.Art Unit 2916

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Howard & Howard Attorneys, P.C.
The Pinehurst Office Center
Suite #101
39400 Woodward Avenue
Bloomfield Hills, MI 48304-5151

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NOV 16 2007

OFFICE OF PETITIONS

In re Application of
Daniel W. King
Application No. 29/275,171
Filed: December 15, 2006
Attorney Docket No. 68,002-699

DECISION ON PETITION

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 **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 December 22, 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 23, 2007. A notice of abandonment was mailed on August 23, 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).

The period set forth in the terminal disclaimer of record is not substantially "equivalent to the period of abandonment of the application." Accordingly, a substitute terminal disclaimer is required. The period to be disclaimed will be computed to be the number of months lapsed from the date of abandonment to the date of filing a grantable petition. A blank terminal is attached for petitioner's convenience.

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

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

By 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

Attachment: Blank Terminal Disclaimer Form

PTO/SB/63 (10-07)
Approved for use through 10/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to a collection of information unless it displays a valid OMB control number.

TERMINAL DISCLAIMER TO ACCOMPANY PETITION	Docket Number (Optional)

In re Application of:

Name:

Application Number:

Filed:

For:

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

Check either box 1 or 2 below, if appropriate.

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

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

_____ _____
Signature Date

_____ _____
Typed or Printed Name Telephone Number

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

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

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

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

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

Privacy Act Statement

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

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

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

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Howard & Howard, P.C.
The Pinehurst Office Center
Suite #101
39400 Woodward Avenue
Bloomfield Hills, MI 48304-5151

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JAN 25 2008

OFFICE OF PETITIONS

In re Application of :
Daniel W. King :
Application No. 29/275,171 : DECISION ON PETITION
Filed: December 15, 2006 :
Attorney Docket No. 68,002-699 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed December 6, 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 Notice to File Missing Parts of Non-Provisional Application (Notice), mailed December 22, 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 23, 2007. A Notice of Abandonment was mailed on August 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 signed oath/declaration and $130.00 surcharge fee, (2) the petition fee of $1500.00, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the reply to the Notice to File Missing Parts of Nonprovisional application mailed December 22, 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 December 6, 2007.

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

KRAMER LEVIN NAFTALIS & FRANKEL LLP
INTELLECTUAL PROPERTY DEPARTMENT
1177 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

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JUL 22 2008

In re Application of	:	
Asif MALIK, et al	:	
Application No. 29/275,173	:	DECISION ON PETITION
Filed: December 15, 2006	:	
Attorney Docket No. 099908/30160	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 15, 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 October 1, 2007, which set a period for reply of three (3) months. Accordingly, this application became abandoned on January 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 corrected drawings; (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).

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 Data Management for processing into a patent.

Christa Bottoli

for Thurman 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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DIW Oct-07

FAEGRE & BENSON LLP
PATENT DOCKETING
2200 WELLS FARGO CENTER
90 SOUTH SEVENTH STREET
MINNEAPOLIS MN 55402-3901

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OCT 0 4 2007

OFFICE OF PETITIONS

In re Application of	
Del Biondi, Riccoboni,	DECISION REFUSING STATUS
Stefanello, and Cacitti	UNDER 37 CFR 1.47(a)
Application Number: 29/275183	
Filing Date: 12/15/2006	
Attorney Docket Number: 76820-343412	

This is in response to the petition under 37 CFR 1.47(a) filed on 17 August, 2007.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified application was filed on 15 December, 2006, without an executed oath or declaration. Accordingly, on 17 January, 2007, the Office of Initial Patent Examination (OIPE) mailed a Notice to File Missing Parts of Nonprovisional Application, requiring an executed oath or declaration and a surcharge for its late filing. A two (2) month period for reply was set.

In response, on 17 August, 2007, a petition under 37 CFR 1.47(a), and a five (5) month extension of time and fee were filed. A declaration naming Stefano del Biondi, Ilenia Riccoboni, Lucion Stefanello, and Marta Cacitti, signed by all inventors except non-signing joint inventor Cacitti on behalf of themselves and non-signing joint inventor Cacitti was also filed.

Petitioners assert that the non-signing joint inventor is traveling and cannot be reached. Petitioners further state that she "has been out of contact for several months, does not wish to be contacted, and has given no indication of when, if ever, she will be returning."

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

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

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

(3) the petition fee;

(4) a surcharge of $130 or $65 (small entity) if the petition and/or declaration is not filed at the time of filing the application, and

(5) a statement of the last known address of the non-signing inventor.

The petition lacks item (1).

At the outset, the fact that the non-signing inventor is out of town or on vacation is not a reason for filing under 37 CFR 1.47.[1]

Furthermore, petitioners have not shown diligent efforts have been made to locate the non-signing inventor.

Petitioners have not shown that joint inventor Cacitti was sent or presented with a copy of the application as filed (specification, including claims, drawings, if any, and the declaration).[2] Based on the showing of record, it does not appear that the specification, including claims, and the drawings, were among the application papers sent to the non-signing inventor.

---

[1] MPEP 409.03(d)(I).

[2] MPEP 409.03(d).

Petitioners may show proof that a copy of the application was sent or given to the non-signing inventor for review by providing a copy of the cover letter transmitting the application papers (specification, including claims, drawings, if any, and the declaration) to the non-signing inventor or details given in an affidavit or declaration of facts by a person having first-hand knowledge of the details.

In the event that the application papers are returned as undeliverable, petitioners may show diligent efforts to locate the non-signing inventor by providing a copy of an envelope showing that a letter sent to the last known address of the non-signing inventor was returned as undeliverable by the post office. Furthermore, details of the efforts made to locate the non-signing inventor should be set forth in an affidavit or declaration of facts by a person having first-hand knowledge of the details. Additionally, if any inventor no longer lives at the last known address, petitioners may show diligent efforts by use of a national registry or other database to determine a current address for the non-signing inventor. If a more recent address is discovered, petitioners should send or give a copy of the application papers to the inventor at that address.

In light of the above, petitioners should provide evidence of efforts made to locate the non-signing inventor and forward a copy of the application to her for her review and signature of the declaration.

If repeated attempts to contact the non-signing inventor are unsuccessful, petitioners will have shown that despite diligent efforts, the inventor could not be reached.

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

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

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

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

Telephone inquiries 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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OFFICE OF PETITIONS

In re Application of	:
Del Biondi, Riccoboni,	: DECISION ACCORDING STATUS
Stefanello, and Cacitti	: UNDER 37 CFR 1.47(a)
Application Number: 29/275183	:
Filing Date: 12/15/2006	:
Attorney Docket Number: 76820-343412	:

This is in response to the "REQUEST FOR RECOSNIDERATION OF PETITION UNDER 37 C.F.R. § 1.47(a)," filed on February 4, 2008.

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventor, Marta Cacitti, has refused to join in the filing of the above-identified application after having been sent a copy of the application papers. Specifically, petitioners have shown, that a copy of the application was sent to the last known address for the non-signing inventor. The non-signing inventor, however, has failed to sign and return the declaration naming her as a joint inventor along with Stefano del Biondi, Ilenia Riccoboni, and Lucio Stefanello.

As such, the showing of record is that the non-signing inventor has constructively refused to sign and return the declaration naming her as a joint inventor.

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 2912 for examination in due course.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Feb-08

Marta Cacitti
Via Romana 20
33028 Tolmezzo UD
ITALY

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FEB 22 2008

OFFICE OF PETITIONS

In re Application of
Del Biondo et al.
Application No. 29/275,183
Filed: December 15, 2006
For: FOOTWEAR

Dear Ms. Cacitti:

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

FAEGRE & BENSON LLP
PATENT DOCKETING
2200 WELLS FARGO CENTER
90 SOUTH SEVENTH ST
MINNEAPOLIS MN 55402-3901

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	29/275,184
Filing Date	12/15/2006
First Named Inventor	Adrienne E. O'Donnell
Title	Icon for a Portion of a Display Screen
Atty Docket Number	013797.02932

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

Approved. Jacqueline M. Stone 1-23-07
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:

D14 (374, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, and 495); D18 (24, 25, 26, 27, 28, 29, 30, 31, 32, and 33); D19 (6 and 7); D20 (11 and 18); D21 (324, 325, 326, 327, 328, 329, 330, 331, 332, and 333); 345 (683 and 902); and 715 (764, 771, 773, 775, 776, 835, 836, 837, 838, 839, 846, and 976)

Related applications: 29/247,526, filed 6/23/2006

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.

/John M. Fleming/ — Signature
01/19/2007 — Date

John M. Fleming — Typed or printed name
56,536 — Registration Number, if applicable

202-824-3000 — 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.

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	29/275,186
Filing Date	12/15/2006
First Named Inventor	Adrienne E. O'Donnell
Title	Icon for a Portion of a Display Screen
Atty Docket Number	013797.02933

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER 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 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 (374, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, and 495); D18 (24, 25, 26, 27, 28, 29, 30, 31, 32, and 33); D19 (6 and 7); D20 (11 and 18); D21 (324, 325, 326, 327, 328, 329, 330, 331, 332, and 333); 345 (683 and 902); and 715 (764, 771, 773, 775, 776, 835, 836, 837, 838, 839, 846, and 976)

Related applications: 29/247,526, filed 6/23/2006

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.

/John M. Fleming/ — Signature
01/19/2007 — Date

John M. Fleming — Typed or printed name
56,536 — Registration Number, if applicable

202-824-3000 — 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.

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	29/275,187
Filing Date	12/15/2006
First Named Inventor	Adrienne E. O'Donnell
Title	Icon for a Portion of a Display Screen
Atty Docket Number	013797.02934

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 1-23-07

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:

D14 (374, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, and 495); D18 (24, 25, 26, 27, 28, 29, 30, 31, 32, and 33); D19 (6 and 7); D20 (11 and 18); D21 (324, 325, 326, 327, 328, 329, 330, 331, 332, and 333); 345 (683 and 902); and 715 (764, 771, 773, 775, 776, 835, 836, 837, 838, 839, 846, and 976)

Related applications: 29/247,526, filed 6/23/2006

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.

/John M. Fleming/ — Signature
01/19/2007 — Date

John M. Fleming — Typed or printed name
56,536 — Registration Number, if applicable

202-824-3000 — 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.

PTO/SB/27 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
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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	29/275,190
Filing Date	12/15/2006
First Named Inventor	Adrienne E. O'Donnell
Title	Icon for a Portion of a Display Screen
Atty Docket Number	013797.02935

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

Approved
Jacqueline M. Stone 1-23-07
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:

D14 (374, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, and 495); D18 (24, 25, 26, 27, 28, 29, 30, 31, 32, and 33); D19 (6 and 7); D20 (11 and 18); D21 (324, 325, 326, 327, 328, 329, 330, 331, 332, and 333); 345 (683 and 902); and 715 (764, 771, 773, 775, 776, 835, 836, 837, 838, 839, 846, and 976)

Related applications: 29/247,526, filed 6/23/2006

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.

/John M. Fleming/ — Signature
01/19/2007 — Date

John M. Fleming — Typed or printed name
56,536 — Registration Number, if applicable

202-824-3000 — 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.

29/275,322

PTO/SB/27 (09-06)
Approved for use through 03/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE
Under the Paperwork Reduction ACT of 1995, no persons are required to respond to 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 concurrently herewith
Filing Date	December 20, 2006
First Named Inventor	Alexander Jozef Magdalena Van de Rostyne
Title	HELICOPTER PROPELLER
Atty Docket Number	085804-014200

ADDRESS TO:

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

Approved 12-28-06
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:

A search was conducted by a professional searcher of the U.S.P.T.O. EAST database at the Public Search Room, in which the following class/subclasses were searched:

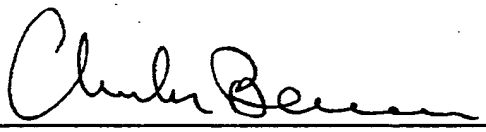
Class 244, Subclasses 7A, 7B, 17.11, 17.23, 35R
Class 416, Subclasses 223R, 243, Dig. 2
Class D12, Subclasses 319, 326, 327, 328, 329

Examiners Tien Dinh (Class 244) and Christopher Verdier (Class 416) were consulted and suggested the field of search.

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). **(4 Figures, 4 sheets)**
- The fee set forth in 37 CFR 1.17(k). **($900)**
- An information disclosure statement in compliance with 37 CFR 1.98. **(IDS with foreign references)**



Signature

December 20, 2006
Date

Charles Berman, Esq.
Typed or printed name

Reg. No. 29,249
Registration Number, if applicable

(310) 586-7770
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.

SCAN! **Please forward case and paper to address shown below.**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 9/19/07

TO SPE OF : ART UNIT 2911 (SPE) Cathron Brooks

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/275322 Patent No.: D546269

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

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

HENRY RANDALL
Certificates of Correction Branch
703-308-9390 ext. _____

Thank You For Your Assistance

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

Note your decision on the appropriate box.

- [X] Approved — All changes apply.
- [ ] Approved in Part — Specify below which changes do not apply.
- [ ] Denied — State the reasons for denial below.

Comments: _____

IAN SIMMONS
SUPERVISORY PATENT EXAMINER

SPE

2916
Art Unit

29/275,323

PTO/SB/27 (09-06)
Approved for use through 03/31/2007. 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	filed concurrently herewith
Filing Date	December 20, 2006
First Named Inventor	Alexander Jozef Magdalena Van de Rostyne
Title	HELICOPTER PROPELLER ROTOR
Atty Docket Number	085804-013900

ADDRESS TO:

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

Approved 12-28-06
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:

A search was conducted by a professional searcher of the U.S.P.T.O. EAST database at the Public Search Room, in which the following class/subclasses were searched:

Class 244, Subclasses 7A, 7B, 17.11, 17.23, 35R
Class 416, Subclasses 223R, 243, Dig. 2
Class D12, Subclasses 319, 326, 327, 328, 329

Examiners Tien Dinh (Class 244) and Christopher Verdier (Class 416) were consulted and suggested the field of search.

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). **(4 Figures, 4 sheets)**
- The fee set forth in 37 CFR 1.17(k). **($900)**
- An information disclosure statement in compliance with 37 CFR 1.98. **(IDS with foreign references)**

Signature — December 20, 2006 (Date)

Charles Berman, Esq. — Typed or printed name

Reg. No. 29,249 — Registration Number, if applicable

(310) 586-7770 — 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.

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

SCANI **Please forward case and paper to address shown below.**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 8/22/07

TO SPE OF : ART UNIT 2916

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/275323 Patent No.: D544825

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

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

HENRY RANDALL
Certificates of Correction Branch
703-308-9390 ext. _____

Thank You For Your Assistance

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

Note your decision on the appropriate box.

☒ Approved — All changes apply.

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

☐ Denied — State the reasons for denial below.

Comments: _____

IAN SIMMONS
SUPERVISORY PATENT EXAMINER

SPE

2916
Art Unit

29/275,324

PTO/SB/27 (09-06)
Approved for use through 03/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE
Under the Paperwork Reduction ACT of 1995, no persons are required to respond to 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 concurrently herewith
Filing Date	December 20, 2006
First Named Inventor	Alexander Jozef Magdalena Van de Rostyne
Title	HELICOPTER
Atty Docket Number	085804-014000

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

Approved:
12-28-06 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:

A search was conducted by a professional searcher of the U.S.P.T.O. EAST database at the Public Search Room, in which the following class/subclasses were searched:

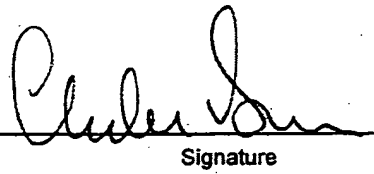
Class 244, Subclasses 7A, 7B, 17.11, 17.23, 35R
Class 416, Subclasses 223R, 243, Dig. 2
Class D12, Subclasses 319, 326, 327, 328, 329

Examiners Tien Dinh (Class 244) and Christopher Verdier (Class 416) were consulted and suggested the field of search.

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). **(6 Figures, 4 sheets)**
- The fee set forth in 37 CFR 1.17(k). **($900)**
- An information disclosure statement in compliance with 37 CFR 1.98. **(IDS with foreign references)**



Signature

December 20, 2006
Date

Charles Berman, Esq.
Typed or printed name

Reg. No. 29,249
Registration Number, if applicable

(310) 586-7770
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.

SCANI **Please forward case and paper to address shown below.**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 8/22/07

TO SPE OF : ART UNIT 2916 (Spe) IAN Simmons

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/275324 Patent No.: D545755

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

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

HENRY RANDALL
Certificates of Correction Branch
703-308-9390 ext. _____

Thank You For Your Assistance

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

Note your decision on the appropriate box.

☒ Approved — All changes apply.

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

☐ Denied — State the reasons for denial below.

Comments: _____

IAN SIMMONS
SUPERVISORY PATENT EXAMINER

SPE

2916
Art Unit

PTO/SB/27 (07-06)
Approved for use through 09/30/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE
Under the Paperwork Reduction ACT of 1995, no persons are required to respond to 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	Unassigned 29/275,372
Filing Date	Unassigned
First Named Inventor	Larry Clark
Title	Shoe Upper
Atty Docket Number	210859.17873

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

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

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

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

Class D2; Subclasses: 896, 902, 903, 907, 908, 911, 916, 919, 938, 943, 944, 945, 946, 969, 971, 972, 973, 974

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 1-8-07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

Signature

12-31-2006
Date

Marshall A. Lerner
Typed or printed name

24,108
Registration Number, if applicable

(310) 557-1511
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

BOZICEVIC, FIELD & FRANCIS LLP
1900 UNIVERSITY AVENUE
SUITE 200
EAST PALO ALTO CA 94303

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JUL 3 1 2008

OFFICE OF PETITIONS

In re Application of :
Yi Wang :
Application No. 29/275,392 : DECISION DISMISSING PETITION
Filed: December 22, 2006 : UNDER 37 CFR 1.313(c)(3)
Attorney Docket No. ADCI-056DES :

This is a decision on the petition under 37 CFR 1.313(c)(3), filed July 24, 2008, requesting withdrawal of the above-identified application from issue.

A review of the file record discloses that a Notice of Allowance and Fee(s) Due was mailed on March 25, 2008, with the issue fee being due on or before June 25, 2008. **There is no indication that the issue fee has been paid.**

The petition to withdraw from issue is accompanied by the filing of a request under 37 CFR 1.53(d) for a continued prosecution application (CPA) and filing fees therefor, along with an information disclosure statement.

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.

Therefore, since the issue fee has **not** been paid and the CPA was filed after the due date for payment of the issue fee (June 25, 2008), the application appears to be **abandoned**.

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

Inquiries concerning this decision may be directed to the undersigned at (571) 272-3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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OFFICE OF PETITIONS

BOZICEVIC, FIELD & FRANCIS LLP
1900 UNIVERSITY AVENUE
SUITE 200
EAST PALO ALTO CA 94303

In re Application of	:
Yi Wang	: DECISION GRANTING PETITION
Application No. 29/275,392	: UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: December 22, 2006	:
Attorney Docket No. ADCI-056DES	:

This is a decision on the renewed petition under 37 CFR 1.313(c)(3), filed August 6, 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 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 July 24, 2008.

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

This matter is being referred to the Technology Center Art Unit 2915 for processing of the CPA and consideration of the IDS filed July 24, 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

JOE D. CALHOUN
P.O. BOX 251504
LITTLE ROCK, AR 72225

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FEB 10 2009

OFFICE OF PETITIONS

In re Application of :
Bryce E. Huie :
Application No. 29/275,447 : ON PETITION
Filed: December 27, 2006 :
Attorney Docket No. 197-01D2 :

This is a decision on the petition, filed January 15, 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 Issue fee in a timely manner in reply to the Notice of Allowance mailed July 24, 2008, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on October 25, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). 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) and (4).

The $430 Issue Fee has not been received. There is no indication that petitioner has submitted an Issue Fee Transmittal Form (PTOL-85b). Accordingly, if petitioner desires to have the information normally found thereon printed on the patent, the attached blank Issue Fee Transmittal Form should be completed and returned with the renewed petition.

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 PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

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

By 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

Attachment: blank Issue Fee Transmittal Form

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.

TITLE OF INVENTION:

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE

EXAMINER	ART UNIT	CLASS-SUBCLASS

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ 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 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 _____.

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.

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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JOE D. CALHOUN
P.O. BOX 251504
LITTLE ROCK, AR 72225

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MAR 3 0 2009

OFFICE OF PETITIONS

In re Application of :
Bryce E. Huie :
Application No. 29/275,447 : ON PETITION
Filed: December 27, 2006 :
Attorney Docket No. 197-01D2 :

This is a decision on the renewed petition, filed March 3, 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.

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 $70 Terminal Disclaimer fee was received with the renewed petition on March 3, 2009. However, the (4) Terminal Disclaimer was not received. A courtesy copy of the Terminal Disclaimer form (PTO/SB/63) accompanies this decision. 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 PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

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

By 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

Attachment: Terminal Disclaimer form (PTO/SB/63)

PTO/SB/63 (02-09)
Approved for use through 03/31/2009. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to a collection of information unless it displays a valid OMB control number.

TERMINAL DISCLAIMER TO ACCOMPANY PETITION	Docket Number (Optional)

In re Application of:

Name:

Application Number:

Filed:

For:

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

Check either box 1 or 2 below, if appropriate.

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

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

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

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

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

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

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

Privacy Act Statement

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

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

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

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OFFICE OF PETITIONS

JOE D. CALHOUN
P.O. BOX 251504
LITTLE ROCK, AR 72225

In re Application of
Bryce E. Huie
Application No. 29/275,447
Filed: December 27, 2006
Attorney Docket No. 197-01D2

ON PETITION

This is a decision on the renewed petition filed April 13, 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 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
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555 EAST WELLS STREET
SUITE 1900
MILWAUKEE WI 53202

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MAY 27 2008

OFFICE OF PETITIONS

In re Application of	:	
Christopher S. Jones	:	DECISION GRANTING PETITION
Application No. 29/275,453	:	UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: December 27, 2006	:	
Attorney Docket No. HBR-34322	:	

This is a decision on the petition filed May 23, 2008, which is being treated under 37 CFR 1.313(c)(3), to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on April 23, 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 23, 2008.

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

This matter is being referred to Technology Center AU 2911 for processing of the CPA 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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MILWAUKEE WI 53202

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MAY 23 2008

In re Application of	:	
Christopher S. Jones	:	DECISION GRANTING PETITION
Application No. 29/275,456	:	UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: December 27, 2006	:	
Attorney Docket No. HBR-34323	:	

This is a decision on the petition filed May 23, 2008, which is being treated under 37 CFR 1.313(c)(3), to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on April 23, 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 23, 2008.

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

This matter is being referred to Technology Center AU 2911 for processing of the CPA 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
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Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

In re Application of
Christopher S. Jones
Application No. 29/275,463
Filed: December 27, 2006
Attorney Docket No. HBR-3427

: DECISION GRANTING PETITION
: UNDER 37 CFR 1.313(c)(3) (CPA)

This is a decision on the petition filed May 28, 2008 which is being treated under 37 CFR 1.313(c)(3), to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on April 23, 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 28, 2008.

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

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

Karen Creasy
Petitions Examiner
Office of Petitions

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In re Application of
Christopher S. Jones
Application No. 29/275,463
Filed: December 27, 2006
Attorney Docket No. HBR-3427

: DECISION GRANTING PETITION
: UNDER 37 CFR 1.313(c)(3) (CPA)

This is a decision on the petition filed May 28, 2008 which is being treated under 37 CFR 1.313(c)(3), to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on April 23, 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 28, 2008.

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

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

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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MAY 29 2008
OFFICE OF PETITIONS

In re Application of	:
Christopher S. Jones	: DECISION GRANTING PETITION
Application No. 29/275,464	: UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: December 27, 2006	:
Attorney Docket No. HBR-34328	:

This is a decision on the petition filed May 28, 2008 which is being treated under 37 CFR 1.313(c)(3), to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on April 23, 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 28, 2008.

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

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

/Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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SUITE 1900
MILWAUKEE WI 53202

In re Application of
Christopher S. Jones
Application No. 29/275,464
Filed: December 27, 2006
Attorney Docket No. HBR-34328

: DECISION GRANTING PETITION
: UNDER 37 CFR 1.313(c)(3) (CPA)

This is a decision on the petition filed May 28, 2008 which is being treated under 37 CFR 1.313(c)(3), to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on April 23, 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 28, 2008.

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

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

/Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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BEYER WEAVER LLP/APPLE INC.
P.O. BOX 70250
OAKLAND CA 94612-0250

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AUG 10 2007

OFFICE OF PETITIONS

In re Application of :

ANDRE, Bartley K. et al. :
Application No. 29/275,487 : DECISION ON PETITION
Filed: December 27, 2006 : TO WITHDRAW
Attorney Docket No. **APL1D409DC2/P3997USC2** : 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 and re-submitted July 31, 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 reasons set forth in the request, transfer to new counsel, does not meet any of the conditions set forth in 37 CFR 10.40.

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **STERNE KESSLER GOLDSTEIN & FOX P.L.L.C.**
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 5/20/08 **Paper No.:** —

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/225487 Patent No: D562847S

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: _____

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

WOOD HERRON & EVANS LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI OH 45202

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SEP 28 2007

OFFICE OF PETITIONS

In re Application of	:	
David W. Thompson	:	
Application No. 29/275,513	:	DECISION ON PETITION
Filed: December 28, 2006	:	
Attorney Docket No. VALC-509/122	:	

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 **DISMISSED.**

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

The above-identified application became abandoned for failure to timely pay the issue fee in response to the Notice of Allowance, and for failure to timely file corrected drawings in response to the Notice of Allowability, both mailed April 20, 2007. These Notices set a statutory period for reply of three (3) months for issue fee and drawing transmittal. No issue fee and drawings having been received, the application became abandoned on July 21, 2007. A 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).

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).

In addition, the instant petition lacks item (1). Applicant has not submitted corrected drawings in response to the Notice of Allowability.

Further correspondence concerning this application should be addressed as follows:

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

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

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WOOD HERRON & EVANS LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI OH 45202

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DEC 2 6 2007

OFFICE OF PETITIONS

In re Application of :
David W. Thompson :
Application No. 29/275,513 : DECISION ON PETITION
Filed: December 28, 2006 :
Attorney Docket No. VALC-509/122 :

This is a decision on the renewed petition to revive the above-identified application under 37 CFR 1.137(b), filed November 29, 2007.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to timely pay the issue fee in response to the Notice of Allowance, and for failure to timely file corrected drawings in response to the Notice of Allowability, both mailed April 20, 2007. These Notices set a statutory period for reply of three (3) months for issue fee and drawing transmittal. No issue fee and drawings having been received, the application became abandoned on July 21, 2007. A Notice of Abandonment was mailed August 14, 2007. Applicant filed a petition to revive under 37 CFR 1.137(b) on September 7, 2007. However, the petition was dismissed in a decision mailed on September 28, 2007. Petitioner did not submit the corrected drawings. In addition, petitioner did not submit a terminal disclaimer (required as the instant application is a design application).

With the instant petition, petitioner has overcome the deficiencies set forth in the decision mailed on September 28, 2007. The other requirements for a grantable petition under 37 CFR 1.137(b) were previously met in the petition filed September 7, 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

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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WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI OH 45202

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OFFICE OF PETITIONS

In re Application of :
David W. Thompson :
Application No. 29/275,547 : ON PETITION
Filed: December 29, 2006 :
For: DRESSER MIRROR :

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

The petition is **DISMISSED**.

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

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

A terminal disclaimer and fee is required for design applications in accordance with 37 CFR 1.137(d).

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

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

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

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

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

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI OH 45202

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AUG 19 2008

In re Application of	:	
David W. Thompson	:	
Application No. 29/275,547	:	DECISION GRANTING PETITION
Filed: December 29, 2006	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. VALC-515/122	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed June 4, 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 April 5, 2007, is accepted as having been unintentionally delayed.

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

This application is being referred to the Office of Data Management to be processed into a patent.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

PTO/SB/27 (09-06)
Approved for use through 03/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE
Under the Paperwork Reduction ACT of 1995, no persons are required to respond to 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 29/275,597
Filing Date	December 29, 2006
First Named Inventor	Eric Steven Schindler, et al.
Title	BLADDER FOR A SHOE SOLE
Atty Docket Number	015127.00855

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

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

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

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

Class D2, Subclasses 946, 947, 961, 964, 968 and 977

Class 36, Subclasses 25R, 28, 29, 35B, 35R, 37, 43, 71, 88, 91, 92, 114, 145 and 149

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 1-8-07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

/Robert S. Katz/ — Signature

December 29, 2006 — Date

Robert S. Katz — Typed or printed name

36,402 — Registration Number, if applicable

202-824-3000 — 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.

PTO/SB/27 (09-06)
Approved for use through 03/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE
Under the Paperwork Reduction ACT of 1995, no persons are required to respond to 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 29/275,598
Filing Date	December 29, 2006
First Named Inventor	Eric Steven Schindler, et al.
Title	BLADDER FOR A SHOE SOLE
Atty Docket Number	015127.00856

ADDRESS TO:

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

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

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

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

Class D2, Subclasses 946, 947, 961, 964, 968 and 977

Class 36, Subclasses 25R, 28, 29, 35B, 35R, 37, 43, 71, 88, 91, 92, 114, 145 and 149

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.

1-8-07
Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

/Robert S. Katz/ — Signature

December 29, 2006 — Date

Robert S. Katz — Typed or printed name

36,402 — 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: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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

PTO/SB/27 (09-06)
Approved for use through 03/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE
Under the Paperwork Reduction ACT of 1995, no persons are required to respond to 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 29/275,600
Filing Date	December 29, 2006
First Named Inventor	Michael Hui
Title	PORTION OF A SHOE UPPER
Atty Docket Number	015127.00853

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

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

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

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

Class D2, Subclasses 896, 902, 907, 908, 910, 943, 944, 945, 946, 969, 972, 973 and 974

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.

1-8-07
Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

/Robert S. Katz/ — Signature

December 29, 2006 — Date

Robert S. Katz — Typed or printed name

36,402 — Registration Number, if applicable

202-824-3000 — 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.

PTO/SB/27 (09-06)
Approved for use through 03/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE
Under the Paperwork Reduction ACT of 1995, no persons are required to respond to 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 29/275,601
Filing Date	December 29, 2006
First Named Inventor	Eric Steven Schindler, et al.
Title	PORTION OF A SHOE MIDSOLE
Atty Docket Number	015127.00854

ADDRESS TO:

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

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

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

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

Class D2, Subclasses 896, 902, 907, 908, 910, 943, 944, 945, 946, 947, 964, 967, 972, 976 and 977

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 1-8-07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

/Robert S. Katz/ — Signature

December 29, 2006 — Date

Robert S. Katz — Typed or printed name

36,402 — Registration Number, if applicable

202-824-3000 — 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

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United States Patent and Trademark Office
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LEGAL STAFF
MAIL CODE 482-C23-B21
P.O. BOX 300
DETROIT, MI 48265-3000

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JUN 17 2008

OFFICE OF PETITIONS

In re Application of :
Young Sun Kim et al. :
Application No. 29/275,665 :
Filed: January 3, 2007 :
Attorney Docket No. P000535-DES-TGG :

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 27, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

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

This application became abandoned for failure to timely reply to the Notice to File Missing Parts of Nonprovisional application, mailed January 17, 2007, which set a period for reply of two (2) months. Accordingly, the date of abandonment of this application is March 18, 2007.

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

The terminal disclaimer filed on September 27, 2007 is not acceptable. The terminal disclaimer does not set forth the name of the owner and the percentage of interest in this application. For petitioner's convenience Form No. PTO/SB/63 is attached to this decision.

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 petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the petition is being construed as the statement required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the petition.

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

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

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

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

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

Carl Friedman
Petitions Examiner
Office of Petitions

Attachments: Terminal Disclaimer to Accompany Petition
Privacy Act Statement

PTO/SB/63 (01-08)
Approved for use through 06/30/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to a collection of information unless it displays a valid OMB control number.

TERMINAL DISCLAIMER TO ACCOMPANY PETITION	Docket Number (Optional)

In re Application of:

Name:

Application Number:

Filed:

For:

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

Check either box 1 or 2 below, if appropriate.

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

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

_____ _____
Signature Date

_____ _____
Typed or Printed Name Telephone Number

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

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

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

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

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

Privacy Act Statement

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

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

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

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Alexandria, VA 22313-1450
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LEGAL STAFF
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P.O. BOX 300
DETROIT, MI 48265-3000

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SEP 02 2008

In re Application of :
Young Sun Kim et al. :
Application No. 29/275,665 : DECISION ON PETITION
Filed: January 3, 2007 :
Attorney Docket No. P000535-DES-TGG :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed June 26, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the Notice to File Missing Parts of Nonprovisional application, mailed January 17, 2007, which set a period for reply of two (2) months. Accordingly, the date of abandonment of this application is March 18, 2007.

The petition decision mailed June 17, 2008 dismissed the petition filed September 27, 2007 for failure to provide a proper terminal disclaimer. The renewed petition includes a proper terminal disclaimer.

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 or declaration, with the required $130 surcharge fee, a basic filing fee of $200, a search fee of $100, and examination fee of $130, (2) the petition fee of $1500, and (3) a proper statement of unintentional delay. Accordingly, the oath and declaration and all necessary fees are 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 for appropriate action in the normal course of business on the reply received September 27, 2007.

Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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General Motors Corporation
c/o REISING, ETHINGTON, BARNES, KISSELLE, P.C.
P.O. BOX 4390
TROY MI 48099-4390

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DEC 18 2009

OFFICE OF PETITIONS

In re Application of :
Young Sun Kim, et al. :
Application No. 29/275,665 : DECISION ON PETITION
Filed: January 3, 2007 :
Attorney Docket No. P000535-DES-TGG :

This is a decision on the petition under 37 CFR 1.137(b), filed October 28, 2009, to revive the above-identified design application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file corrected drawings on or before April 21, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed January 21, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on April 22, 2009. A Notice of Abandonment was mailed on May 18, 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 corrected drawings, (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). Accordingly, the failure to timely filed 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.

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

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

Terri Johnson
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 1 1 2007

OFFICE OF PETITIONS

In re Application of :
Thomas V. Peters :
Application No. 29/275,667 : ON PETITION
Filed: January 3, 2007 :
:

This is a decision on the petition under 37 CFR 1.137(b), filed September 27, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

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

The above-identified application became abandoned for failure to file missing parts of an application in a timely manner in reply to the Notice To File Missing Parts of Nonprovisional Application mailed January 17, 2007 which set a statutory period for reply of two (2) months. Accordingly, by operation of law, the above-identified application became abandoned on March 18, 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). A proper terminal disclaimer is required.

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.

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

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FEB 15 2008

OFFICE OF PETITIONS

In re Application of :
Thomas V. Peters :
Application No.29/275,667 :
Filed: January 3, 2007 :
Attorney Docket No. P000536-DES-TGG :

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 **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 missing parts of an application in a timely manner to the Notice to File Missing Parts of Nonprovisional Application mailed January 17, 2007, which set a statutory period for reply of two (2) months. Accordingly, by operation of law, the above-identified application became abandoned on March 18, 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 Petition Decision mailed November 30, 2007 notes that item (4), a proper terminal disclaimer was missing. The instant renewed petition includes a terminal disclaimer, however, it is not acceptable. The disclaimer does not include the required language "This disclaimer is binding upon the grantee, and its successors or assigns." see 37 CFR 1.321(a). Also, the disclaimer is signed by Timothy G. Gorbatoff who is not an attorney of record, see 37 CFR 1.321 (b)(1)(iv). A copy of PTO/SB/63 TERMINAL DISCLAIMER TO ACCOMPANY PETITION is included with this decision for petitioner's convenience.

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

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

By 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

Attachment: PTO/SB/63

PTO/SB/63 (01-08)
Approved for use through 02/29/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to a collection of information unless it displays a valid OMB control number.

TERMINAL DISCLAIMER TO ACCOMPANY PETITION	Docket Number (Optional)

In re Application of:

Name:

Application Number:

Filed:

For:

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

Check either box 1 or 2 below, if appropriate.

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

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

_____ _____
Signature Date

_____ _____
Typed or Printed Name Telephone Number

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

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

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

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

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

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AUG 0 1 2008

In re Application of :
Thomas V. PETERS :
Application No. 29/275,667 : ON PETITION
Filed: January 3, 2007 :
Attorney Docket No. P000536-DES-TGG :

This is a decision on the renewed petition under the provisions of 37 CFR 1.137(b), filed March 20, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to file missing parts of an application in a timely manner in reply to the Notice To File Missing Parts of Nonprovisional Application mailed January 17, 2007, which set a shortened statutory period for reply of two (2) months. Accordingly, the application became abandoned on March 18, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that the petitioner has supplied (1) the reply in the form of a signed declaration and additional fees totaling $560, (2) the petition fee of $1500, and (3) a proper statement of unintentional delay.

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

The terminal disclaimer is accepted and has been made of record.

Telephone inquiries concerning this decision should be directed to Lori Baker Amerson at (571) 272-6052 or in her absence the undersigned at (571) 272-7099.

The application file is being referred to the Office of Patent Application Processing for further action.

for David Bucci
Petitions Examiner
Office of Petitions

Application Number	Application/Control No.	Applicant(s)/Patent Under Reexamination
	29275667	PETERS, THOMAS V.

Document Code - disq	Internal Document – DO NOT MAIL

TERMINAL DISCLAIMER	☒ APPROVED	☐ DISAPPROVED
Date Filed: 12/19/2007	**This patent is subject to a Terminal Disclaimer**	

Approved/Disapproved by:
Carl Friedman

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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400 SOUTH THIRD STREET
MONTROSE CO 81401

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JAN 18 2008

OFFICE OF PETITIONS

In re Application of	:	DECISION ON PETITION TO
Petra Galvan	:	WITHDRAW HOLDING OF
Application Number: 29/275678	:	ABANDONMENT
Filing Date: 01/03/2007	:	
Attorney Docket Number: 07-01-03CIPDA	:	

This is a decision on the "PETITION UNDER 37 CFR § 1.181 REQUESTING REVIVAL AND WITHDRAWAL OF THE HOLDING OF ABANDONMENT" filed on December 12, 2007.

The petition is **GRANTED**.

A Notice of Abandonment was mailed on November 28, 2007, stating that the application was abandoned for failure to timely file a proper reply to the non-final Office action mailed on May 3, 2007.

Petitioners assert that a timely reply was filed via EFS-Web.

A review of the record reveals that petitioners are correct, in that an amendment, including a one (1) month extension of time, were timely filed on August 23, 2007.

It is noted that the reply filed on August 23, 2007, was a timely and proper response to the Office action mailed on May 3, 2007. As such, there is no abandonment in fact. The Office regrets the error.

The holding of abandonment is withdrawn. The Notice of Abandonment is vacated.

The application is referred to Technology Center Art Unit 2916 for further processing.

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

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

PTO/SB/27 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE
Under the Paperwork Reduction ACT of 1995, no persons are required to respond to collection of information unless it displays a valid OMB control number.

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

Application Number	To be assigned 29/275,681
Filing Date	To be assigned
First Named Inventor	Andrew Caine
Title	PORTION OF A SHOE UPPER
Attorney Docket Number	2465-8071US

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

Approved 1-8-07
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.

_____ 3 January 2007
Signature Date

Laurence B. Bond — 30,549
Typed or printed name — 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 by37 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

EGBERT LAW OFFICES
412 MAIN STREET, 7TH FLOOR
HOUSTON, TX 77002

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OCT 21 2008

OFFICE OF PETITIONS

In re Application of :
Kuei-Chih Hsu :
Application No. 29/275,684 : ON PETITION
Filed: January 3, 2007 :
Attorney Docket No. 1980-50 :

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

The application became abandoned for failure to timely respond to the Notice of Allowance and Fee(s) Due/Notice of Allowability mailed October 5, 2007. A Notice of Abandonment was mailed on January 28, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of $410 for payment of the issue fee, a terminal disclaimer along with $65 fee and seven sheets of replacement drawings containing Figures 1-8; (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 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.

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
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VERIZON
PATENT MANAGEMENT GROUP
1515 N. COURTHOUSE ROAD
SUITE 500
ARLINGTON VA 22201-2909

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MAY 09 2007

OFFICE OF PETITIONS

In re Application of	:	
McCain et al.	:	
Application No. 29/275790	:	DECISION GRANTING
Filing or 371(c) Date: 01/05/2007	:	STATUS UNDER
Title of Invention:	:	37 CFR 1.47(a)
COMPUTER GENERATED IMAGE FOR	:	
A DISPLAY PANEL OR SCREEN	:	

This is in response to a "Petition Under 37 C.F.R. § 1.47(a) and 'Response to Notice of Missing Parts'", filed March 23, 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, Kara McCain, 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

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MS. KARA McCAIN
4830 CEDAR SPRINGS ROAD #35
DALLAS, TX 75219

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MAY 09 2007

OFFICE OF PETITIONS

In re Application of :
McCain et al. :
Application No. 29/275790 : LETTER
Filing or 371(c) Date: 01/05/2007 :
Title of Invention: :
COMPUTER GENERATED IMAGE FOR :
A DISPLAY PANEL OR SCREEN :

Dear Ms. McCain:

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: VERIZON
PATENT MANAGEMENT GROUP
1515 N. COURTHOUSE ROAD
SUITE 500
ARLINGTON VA 22201-2909

29/275,923

PTO/SB/27 (09-06)
Approved for use through 09/31/2007. 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	Not Yet Assigned
Filing Date	Herewith
First Named Inventor	Dayan
Title	DISPLAY DEVICE
Atty Docket Number	INT245-012-CON

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

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

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

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

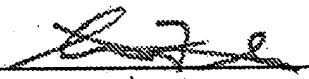
Class D14 subclasses 305, 341, 371, 375, 376, 380, 381; Class D16 subclasses 202 (monitor or display or LCD) and 203; Class D14 and camera and support

Related applications: 29/258,861 filed April 28, 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.

Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900
1-18-07



Signature

January 10, 2007
Date

Amy Fernandez
Typed or printed name

59726
Registration Number, if applicable

215-977-2255
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.

29/275,961

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	January 10, 2007
	First Named Inventor	Jason P. Martin
	Title	PORTION OF A WATCH
	Atty Docket Number	015127.00846

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:

D10/30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131 and 132

63/ 21

368/ 276, 277, 280, 281, 282, 284, 285, 293, 294 and 295

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.

1-18-07
Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

/Richard S. Stockton/ — Signature

January 10, 2007 — Date

Richard S. Stockton — Typed or printed name

50,330 — Registration Number, if applicable

(202) 824-3000 — 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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OFFICE OF PETITIONS

SoCAL IP LAW GROUP LLP
310 N. WESTLAKE BLVD. STE 120
WESTLAKE VILLAGE CA 91362

In re Application of :
Carl Muller :
Application No. 29/275,972 : DECISION ON PETITION
Filed: January 10, 2007 : TO WITHDRAW
Attorney Docket No. M009-P07004US : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 10, 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 reasons set forth in the request, ***termination of attorney-client relationship***, do not meet any the conditions set forth in 37 CFR 10.40.

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

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Elite Mtg. Corp**
12143 Altamar Place
Santa Fe Springs, CA 90670

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United States Patent and Trademark Office
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SoCAL IP Law Group LLP
310 N. Westlake Blvd., Suite 120
Westlake Village, CA 91362

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OFFICE OF PETITIONS

In re Application of	:	
Carl Muller	:	
Application No. 29/275,972	:	DECISION ON PETITION
Filed: January 10, 2007	:	TO WITHDRAW
Attorney Docket No. 278-20-006	:	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 August 30, 2007.

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

A review of the file record indicates that the power of attorney to SoCAL IP Law Group LLP has been revoked by the assignee of the patent application on August 24, 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 Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Marvin E. Jacobs, Esq.**
1767 Marisol Drive
Ventura, CA 93001

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OFFICE OF PETITIONS

SoCal IP Law Group LLP
310 N. Westlake Blvd. Suite 120
Westlake Village, CA 91362

In re Application of :

Carl Muller :
Application No. 29/275,973 : DECISION ON PETITION
Filed: January 10, 2007 : TO WITHDRAW
Attorney Docket No. M009-P07005US : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37.C.F.R. § 1.36(b), filed April 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 Steven C. Sereboff on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

There is no outstanding Office action at this time.

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

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Carl Muller**
310 N. Westlake Blvd.
Suite 120
Huntington Beach, CA 91362

cc: **Elite Mfg. Corp.**
12143 Altamar Place
Santa Fe Springs, CA 90670

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
29/275,973	01/10/2007	Carl Muller	M009-P07005US

CONFIRMATION NO. 2025

33356
SoCAL IP LAW GROUP LLP
310 N. WESTLAKE BLVD. STE 120
WESTLAKE VILLAGE, CA 91362

OC000000025457857

Date Mailed: 08/20/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/10/2007.

- 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.

Yesi Williams

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

FORMER ATTORNEY/AGENT COPY

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SOCAL IP LAW GROUP LLP
310 N. WESTLAKE BLVD. STE 120
WESTLAKE VILLAGE, CA 91362

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AUG 15 2007

OFFICE OF PETITIONS

In re Application of :

MULLER, Carl :
Application No. 29/275,975 : DECISION ON PETITION
Filed: January 10, 2007 : TO WITHDRAW
Attorney Docket No. **M009-P07007US** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 10, 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 reasons set forth in the request "termination of attorney-client relationship" does not meet any of the conditions set forth in 37 CFR 10.40.

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

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **ELITE MFG. CORP.**
12143 ALTAMAR PLACE
SANTA FE SPRINGS, CA 90670

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310 N. WESTLAKE BLVD. STE 120
WESTLAKE VILLAGE, CA 91362

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AUG 15 2007

OFFICE OF PETITIONS

In re Application of :
MULLER, Carl :
Application No. 29/275,975 : DECISION ON PETITION
Filed: January 10, 2007 : TO WITHDRAW
Attorney Docket No. M009-P07007US : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 10, 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 reasons set forth in the request "termination of attorney-client relationship" does not meet any of the conditions set forth in 37 CFR 10.40.

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

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: ELITE MFG. CORP.
12143 ALTAMAR PLACE
SANTA FE SPRINGS, CA 90670

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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www.uspto.gov

SOCAL IP LAW GROUP, LLP
310 N. WESTLAKE BOULEVARD, SUITE 120
WESTLAKE VILLAGE, CA 91362

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MAR 03 2008

In re Application of :
MULLER, Carl :
Application No. 29/275,975 : DECISION ON PETITION
Filed: January 10, 2007 : TO WITHDRAW
Attorney Docket No. **278-20-009** : FROM RECORD
:

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 20, 2007.

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

A review of the file record indicates that the power of attorney to **SOCAL IP LAW GROUP, LLP** has been revoked by the assignee of the patent application on August 24, 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: **MARVIN E. JACOBS, ESQ.**
1767 MARISOL DRIVE
VENTURA, CA 93001

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MARVIN E. JACOBS, ESQ.
1767 MARISOL DRIVE
VENTURA CA 93001

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MAR 0 4 2008

OFFICE OF PETITIONS

In re Application of :
MULLER, Carl :
Application No. 29/275,975 : DECISION ON REQUEST FOR
Filed: January 10, 2007 : REVOCATION OF POWER
Attorney Docket No. 278-20-009 : OF ATTORNEY
:

This is a decision on the Request to Revoke the attorney or agent of record under 37 C.F.R. § 1.36(a), filed January 17, 2007.

The request is **APPROVED.**

A power of attorney, pursuant to § 1.32(b), may be revoked at any stage in the proceeding of a case by an applicant for patent (§ 1.41(b)) or an assignee of the entire interest of the applicant under § 3.71(b). Fewer than all of the applicants (or by fewer than the assignee of the entire interest of the applicant) may only revoke the power of attorney upon a showing of sufficient cause, and payment of the petition fee set forth § 1.17(h). For the assignee to take action a proper statement under § 3.73(b) is required.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: SOCAL IP LAW GROUP LLP
310 N. WESTLAKE BLVD. STE 120
WESTLAKE VILLAGE, CA 91362

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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EDWARD M. LIVINGSTON, PA
963 TRAIL TERRACE DRIVE
NAPLES FL 34103

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APR 0 2 2007

OFFICE OF PETITIONS

In re Application of :
Lois S. Fetherston :
Application No. 29/276,011 : DECISION ON PETITION
Filed: January 11, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. 06-6136 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 11, 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 copy of applicant's drivers license. 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

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ANNANDALE, VA 22003

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OFFICE OF PETITIONS

In re Application of :
Chen-Shun, SU, et al :
Application No. 29/276,057 : ON PETITION
Filed: January 12, 2007 :
Attorney Docket No. 18906-035DES :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 30, 2008.

The petition is **DISMISSED**.

The application became abandoned for failure to timely pay the issue fee on or before August 18, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed May 16, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on August 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(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).

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.

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 Diane Goodwyn at (571) 272-6735.

/Thurman K. Page/
Thurman Page
Petitions Examiner
Office of Petitions

cc: JUSTIN KING
1940 DUKE ST., SUITE 200
ALEXANDRIA, VA 22314

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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ANNANDALE, VA 22003

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DEC 29 2008

OFFICE OF PETITIONS

In re Application of :
Chen-Shun SU, et al :
Application No. 29/276,057 : DECISION ON PETITION
Filed: January 12, 2007 :
Attorney Docket No. 18906-035DES :

This is a decision on the request for reconsideration of the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 13, 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 August 18, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed May 16, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on August 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 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.

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

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

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

Thurman Page
Petitions Examiner
Office of Petitions

cc: JUSTIN I. KING
1940 DUKE STREET
SUITE 200
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PTO/SB/27 (05-03)
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	29/276,090
Filing Date	January 15, 2007
First Named Inventor	David Routo
Title	Portion Of A Shoe Upper
Atty Docket Number	015127.00865

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

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/2 896, 902, 907, 908, 910, 911, 943, 944, 945, 946, 969, 970, 972, 973, 974 and 977.

Related applications: 015127.00866

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 1-18-07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

1/16/07	/Anthony W. Kandare/
Date	Signature
202-824-3000	Anthony W. Kandare, Reg. No. 48,830
Telephone Number	Typed or printed name

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

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

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

PTO/SB/27 (05-03)
Approved for use through 04/30/2003. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

Application Number	29/276,091
Filing Date	January 15, 2007
First Named Inventor	David Roulo
Title	Portion Of A Shoe Upper
Atty Docket Number	015127.00866

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

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/2 896, 902, 907, 908, 910, 911, 943, 944, 945, 946, 969, 970, 972, 973, 974 and 977.

Related applications: 015127.00865

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.

1-18-07
Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

1/16/07	/Anthony W. Kandare/
Date	Signature
202-824-3000	Anthony W. Kandare, Reg. No. 48,830
Telephone Number	Typed or printed name

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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 1.14. 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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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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www.uspto.gov

CONLEY ROSE, P.C.
David A. Rose
P. O. BOX 3267
HOUSTON TX 77253-3267

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In re Application of	:	
Guy Ozery, et al.	:	
Application No. 29/276,095	:	ON PETITION
Filed: January 15, 2007	:	
Attorney Docket No. 2224-02700	:	

This is a decision on the petition under 37 CFR 1.137(b), filed February 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** 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 October 2, 2007, which set a period for reply of three (3) months. Accordingly, the application became abandoned on January 3, 2008. The Notice of Abandonment was mailed January 25, 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 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. 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.

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

cc: **David A. Rose**
600 Travis Street, Suite 7100
Houston, TX 77002

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

CONLEY ROSE, P.C.
DAVID A. ROSE
P.O. BOX 3267
HOUSTON TX 77253-3267

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OFFICE OF PETITIONS

In re Application of :
Ozery et al. :
Application No. 29/276,095 : DECISION ON PETITION
Filed: January 15, 2007 :
Attorney Docket No. 2224-02700 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 31, 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 January 2, 2008, as required by the Notice of Allowability For a Design Application mailed October 2, 2007. Accordingly, the date of abandonment of this application is January 3, 2008. A Notice of Abandonment was mailed January 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 Corrected Drawings; (2) the petition fee of $770.00 (previously paid on February 6, 2008); (3) a proper statement of unintentional delay and (4) a Terminal Disclaimer with the accompanying $65.00 fee (previously paid on February 6, 2008).

The request for a terminal disclaimer is accepted and has been made of record.

Further, petitioner has submitted unnecessary duplicate payments of the petition and terminal disclaimer fees. Therefore, the October 31, 2008 $810.00 petition fee and $70.00 terminal disclaimer fee will be refunded to petitioner's deposit account in due course.

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.

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 31, 2008.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: Collin A. Rose
600 Travis St., Suite 7100
Houston, Texas 77002

29/276,124

PTO/SB/27 (07-06)
Approved for use through 09/30/2006. 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	unassigned
Filing Date	unassigned
First Named Inventor	Todd M. Walden
Title	shoe bottom (citywalk)
Atty Docket Number	210859.17923

ADDRESS TO:

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

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

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

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

Class: 36 - Subclass: 3B, 22R, 25R, 73, 103, 104

Class: D2 - Subclass: 896, 902, 907, 908, 914, 916, 917, 927, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 964, 967, 972, 977.

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
1-18-07

Signature

Jan 16, 2007
Date

Marshall A. Lerner
Typed or printed name

34,108
Registration Number, if applicable

(310) 557-1511
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

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United States Patent and Trademark Office
P.O. Box 1450
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MOTOROLA INC
600 NORTH US HIGHWAY 45
W4 - 39Q
LIBERTYVILLE, IL 60048-5343

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FEB 11 2009

OFFICE OF PETITIONS

In re Application of :
Ignacio **GERMADE, et al.** :
Application No. 29/276,261 : DECISION ON PETITION
Filed: January 19, 2007 : UNDER 37 CFR 1.137(b)
Attorney Docket No. **CS32566RS** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 24, 2008 to revive the above-identified application.

The petition is **DISMISSED**.

This application became abandoned for failure to timely pay the issue fee and to submitted corrected drawings on or before September 2, 2008 as required by the Notice of Allowance/Allowability mailed May 30, 2008. Accordingly, the date of abandonment of this application is September 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 (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.

Chris Bottorff
Petitions Examiner
Office of Petitions

Attachment: PTO/SB/63 Terminal Disclaimer Form

PTO/SB/63 (01-09)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to 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
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600 NORTH US HIGHWAY 45
W4 - 39Q
LIBERTYVILLE IL 60048-5343

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APR 27 2009

OFFICE OF PETITIONS

In re Application of
Ignacio **GERMADE, et al.**
Application No. 29/276,261
Filed: January 19, 2007
Attorney Docket No. **CS32566RS**

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 March 30, 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 September 2, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed May 30, 2008. Accordingly, the date of abandonment of this application is September 3, 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 $860, corrected drawings, a terminal disclaimer and fee of $140, (2) the petition fee of $1620; and (3) an adequate statement of unintentional delay.

The terminal disclaimer filed March 30, 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

CONNOLLY BOVE LODGE & HUTZ LLP
1875 EYE STREET, N.W.
SUITE 1100
WASHINGTON DC 20006

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MAR 0 4 2009

OFFICE OF PETITIONS

In re Application of :
Marco Mentasti :
Application No. 29/276,389 : DECISION ON PETITION
Filed: January 24, 2007 :
Attorney Docket No. 20679-00227-US1 :

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

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. 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

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1875 EYE STREET, N.W.
SUITE 1100
WASHINGTON DC 20006

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APR 06 2009

OFFICE OF PETITIONS

In re Application of	:	
Marco Mentasti	:	
Application No. 29/276,389	:	DECISION ON PETITION
Filed: January 24, 2007	:	
Attorney Docket No. 20679-00227-US1	:	

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 **DISMISSED**.

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

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

With respect to item (4), since the instant application is a design application, a terminal disclaimer and fee are required by 37 CFR 1.137(b) for revival. Petitioner has paid the terminal disclaimer fee of $140.00; however no terminal disclaimer has been filed. 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

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United States Patent and Trademark Office
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1875 EYE STREET, N.W.
SUITE 1100
WASHINGTON DC 20006

MAILED

MAY 12 2009

OFFICE OF PETITIONS

In re Application of	:	
Marco Mentasti	:	
Application No. 29/276,389	:	DECISION ON PETITION
Filed: January 24, 2007	:	
Attorney Docket No. 20679-00227-US1	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed April 14, 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 September 3, 2008, as required by the Notice of Allowability For a Design Application mailed June 3, 2008. Accordingly, the date of abandonment of this application is September 4, 2008. A Notice of Abandonment was mailed September 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 Corrected Drawings; (2) the petition fee of $1,620.00 (previously paid on October 3, 2008); (3) a proper statement of unintentional delay and (4) a Terminal Disclaimer with the accompanying $140.00 fee (previously paid on March 13, 2009).

The request for a terminal disclaimer is accepted and has been made of record.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

This application is being referred to the Office of Data Management for processing into a patent and review of the Corrected Drawings submitted with the instant petition.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

PTO/SB/27 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	29/276,390
Filing Date	January 24, 2007
First Named Inventor	Nicole Mueller
Title	PORTION OF A SHOE UPPER
Atty Docket Number	015127.00862

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.

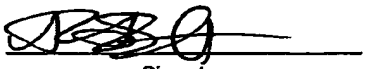
A preexamination search was conducted. The field of search was:

D2/896, 902, 907, 908, 943, 944, 945, 946, 969, 972, 973, 974, and 977

Related applications: 015127.00863 and 015127.00864, both being filed on even date herewith.

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.

1-29-07
Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900



Signature

1/24/07
Date

Robert S. Katz
Typed or printed name

36402
Registration Number, if applicable

(202) 824-3000
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.

PTO/SB/27 (09-04)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to 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	29/276,391
Filing Date	January 24, 2007
First Named Inventor	Nicole Mueller
Title	PORTION OF A SHOE UPPER
Atty Docket Number	015127.00863

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:

D2/896, 902, 907, 908, 943, 944, 945, 946, 969, 972, 973, 974, and 977

Related applications: 015127.00862 and 015127.00864 being filed on even date herewith.

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.

1-29-07
Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/29

Signature

1/24/07
Date

Robert S. Katz
Typed or printed name

36402
Registration Number, if applicable

(202) 824-3000
Telephone Number

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

PTO/SB/27 (08-04)
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	29/276,392
Filing Date	January 24, 2007
First Named Inventor	Nicole Mueller
Title	PORTION OF A SHOE UPPER
Atty Docket Number	015127.00864

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:

D2/896, 902, 907, 908, 943, 944, 945, 946, 969, 972, 973, 974, and 977

Related applications: 015127.00862 and 015127.00863 filed on even date herewith.

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.

1-29-07
Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

Signature

1/24/07
Date

Robert S. Katz
Typed or printed name

36402
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.
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	29/276,393
Filing Date	January 24, 2007
First Named Inventor	John Hlavacs
Title	PORTION OF A SHOE UPPER
Atty Docket Number	015127.00874

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:

D2/896, 902, 907, 908, 911, 943, 944, 945, 946, 969, 972, 973 and 974

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.

1-29-07
Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

/Robert S. Katz/ — Signature
January 24, 2007 — Date

Robert S. Katz — Typed or printed name
36402 — Registration Number, if applicable

(202) 824-3000 — Telephone Number

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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)		
	Application Number	29/276,394
	Filing Date	January 24, 2007
	First Named Inventor	John Hlavacs
	Title	PORTION OF A SHOE UPPER
	Atty Docket Number	015127.00875

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:

D2/896, 902, 907, 908, 911, 943, 944, 945, 946, 969, 972, 973 and 974

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.

1-29-07
Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

/Robert S. Katz/ — Signature
January 24, 2007 — Date

Robert S. Katz — Typed or printed name
36402 — Registration Number, if applicable

(202) 824-3000 — Telephone Number

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

Application Number	29/276,395
Filing Date	January 24, 2007
First Named Inventor	Nicole Mueller
Title	PORTION OF A SHOE MIDSOLE
Atty Docket Number	015127.00879

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:

D2/896, 902, 907, 908, 943, 944, 945, 946, 947, 964, 967, 972, 976 and 977

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.

1-29-07
Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

Signature

1/24/07
Date

Robert S. Katz
Typed or printed name

36402
Registration Number, if applicable

(202) 824-3000
Telephone Number

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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)		
	Application Number	29/276,396
	Filing Date	January 24, 2007
	First Named Inventor	Andrew Caine
	Title	PORTION OF A SHOE
	Atty Docket Number	015127.00876

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:

D2/896, 902, 907, 908, 911, 943, 944, 945, 946, 969, 972, 973 and 974

Related applications: Attorney Docket No. 015127.00880 filed January 24, 2007

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.

1-29-07
Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

/Robert S. Katz/ — Signature
January 24, 2007 — Date
Robert S. Katz — Typed or printed name
36402 — Registration Number, if applicable
(202) 824-3000 — Telephone Number

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

Application Number	29/276,397
Filing Date	January 24, 2007
First Named Inventor	Andrew Caine
Title	PORTION OF A SHOE UPPER
Atty Docket Number	015127.00880

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:

D2/896, 902, 907, 908, 911, 943, 944, 945, 946, 969, 972, 973 and 974

Related applications: Attorney Docket No. 015127.00876 filed January 24, 2007

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.

1-29-07
Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

/Robert S. Katz/ — Signature
January 24, 2007 — Date

Robert S. Katz — Typed or printed name
36402 — Registration Number, if applicable

(202) 824-3000 — Telephone Number

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RAYMOND Y. CHAN
108 NORTH YNEZ AVENUE
SUITE 128
MONTEREY PARK CA 91754

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JUN 27 2008

OFFICE OF PETITIONS

In re Application of	:	
Kao, Peter	:	
Application No. 29/276,435	:	ON PETITION
Filed: January 25, 2007	:	
Attorney Docket No. USD40000A-GI2	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed June 6, 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,[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). 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

PTO/SB/63 (01-08)
Approved for use through 06/30/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to a collection of information unless it displays a valid OMB control number.

TERMINAL DISCLAIMER TO ACCOMPANY PETITION	Docket Number (Optional)

In re Application of:

Name:

Application Number:

Filed:

For:

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

Check either box 1 or 2 below, if appropriate.

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

_____ _____
Signature Date

_____ _____
Typed or Printed Name Telephone Number

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

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

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

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

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

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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DAVID AND RAYMOND PATENT FIRM
108 N. YNEZ AVE., SUITE 128
MONTEREY PARK CA 91754

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AUG 21 2008

In re Application of	:	
Kao, Peter	:	
Application No. 29/276,435	:	ON PETITION
Filed: January 25, 2007	:	
Attorney Docket No. USD4000A-GI2	:	

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed July 3, 2008, to revive the above-identified application.

The petition is **GRANTED**.

Petitioner has submitted the terminal disclaimer and fee. Accordingly, all requirements under 37 CFR 1.137(b) have been fulfilled.

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

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42 PIN OAKS DRIVE
PHOENIXVILLE PA 19460

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DEC 31 2007

OFFICE OF PETITIONS

In re Application of :
Wei wu :
Application No. 29/276,451 : DECISION ON PETITION
Filed: January 26, 2007 :
Attorney Docket No. 15667 :

This is a decision on the petition, filed December 3, 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 March 21, 2007, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before June 21, 2007.

Petitioner states that a timely reply was mailed via certificate of transmission on June 10, 2007, which included the following papers: amendment and drawings. Petitioner has submitted a copy of the previously mailed correspondence, which bears a certificate of transmission, dated June 10, 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 March 21, 2007 is hereby withdrawn and the application restored to pending status.

In the future, petitioner should include the facsimile number in the certificate of transmission. Petitioner is also reminded that with few exceptions correspondence should be transmitted to the central facsimile number (571) 273-8300. The Office was also persuaded by the evidence of receipt of responses in applications 29/276,463 and 29/276,452, which were submitted on the same day.

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 June 10, 2007.

This application is being referred to Technology Center AU 2916 for appropriate action in the normal course of business on the reply received with petition.

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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42 PIN OAKS DRIVE
PHOENIXVILLE PA 19460

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MAR 1 7 2008

OFFICE OF PETITIONS

In re Application of :
Wu Wei :
Application No. 29/276,452 : DECISION ON PETITION
Filed: January 26, 2007 :
Attorney Docket No. 15668 :

This is a decision on the petition, filed February 12, 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**.

This application was held abandoned for failure to timely respond to the Notice of Non Compliant Amendment (37 CFR 1.121) of June 21, 2007, which set a one (1) month shortened statutory period for reply. Accordingly, a reply was due on or before July 21, 2007.

Petitioner states that a timely reply was mailed via certificate of transmission on July 3, 2007, which included the following papers: amendment and drawings. Petitioner has submitted a copy of the previously mailed correspondence, which bears a certificate of transmission, dated July 3, 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 Notice of Non Compliant Amendment (37 CFR 1.121) of June 21, 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 July 3, 2007.

This application is being referred to Technology Center AU 2916 for appropriate action in the normal course of business on the reply received with petition.

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

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No.

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JAN 0 2 2008

OFFICE OF PETITIONS

In re Application of :
Wei Wu : DECISION ON PETITION
Application No. 29/276,457 :
Filed: January 26, 2007 :
Attorney Docket No. 15673 :

This is a decision on the paper styled "Petition to revive the applications" filed December 3, 2007. This paper is properly treated as a (no fee) petition to withdraw the holding of abandonment.

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

The above-identified application became abandoned for failure to file a response to the non-final Office action mailed March 21, 2007. This Office action set a three-month shortened statutory period for reply, with extensions of time obtainable under §1.136(a). No reply having been received and no extension of time obtained, the above-identified application became abandoned on June 22, 2007. A courtesy Notice of Abandonment was mailed on October 1, 2007.

The instant petition was timely filed within two months on Monday, December 3, 2007. (Accordingly, no terminal disclaimer is required for consideration of the petition. See MPEP 711.03(c)). Applicant asserts that the response had been timely filed by facsimile transmission on June 10, 2007. In support thereof, applicant submits a copy of the response as maintained to have been timely faxed. Applicant does not include a copy of the facsimile transmission confirmation. However, applicant

points to the fact that the facsimile transmission included responses in 2 other applications, which were received and made of record with a date of receipt of June 10, 2007.

37 CFR 1.8(b) provides that:

> 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.

Applicant's arguments and evidence have been considered and it has been determined that the response should be considered timely filed. The petition was promptly filed and included a copy of the facsimile transmission. There was no facsimile transmission confirmation. However, a review of the other application's petitioner states were also faxed on June 10, 2007 supports a conclusion that the facsimile transmission received in the Office was 31 pages. This corroborates applicant's contention that the responses for 5 applications were faxed to the Office on June 10, 2007, as 31 pages would be sufficient to include all 5 responses.

It is recommended that applicant's Certificate of Transmissions include the facsimile number, if appropriate, to which the correspondence is being faxed.

In view thereof, the notice of abandonment mailed October 1, 2007 is hereby **WITHDRAWN**, and the holding of abandonment is hereby **WITHDRAWN**.

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

No fee is required on petition under § 1.181.

Technology Center AU 2916 has been advised of this decision. The application is, thereby, being forwarded to the Technology Center support staff to withdraw the holding of abandonment and to the examiner for consideration of the response resubmitted December 3, 2007.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

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PHOENIXVILLE PA 19460

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OFFICE OF PETITIONS

In re Application of	:	
Wei Wu	:	DECISION ON PETITION
Application No. 29/276,461	:	
Filed: January 26, 2007	:	
Attorney Docket No. 15677	:	

This is a decision on the paper styled "Petition to revive the applications" filed December 3, 2007. This paper is properly treated as a (no fee) petition to withdraw the holding of abandonment.

The above-identified application became abandoned for failure to file a response to the non-final Office action mailed April 3, 2007. This Office action set a three-month shortened statutory period for reply, with extensions of time obtainable under §1.136(a). No reply having been received and no extension of time obtained, the above-identified application became abandoned on July 4, 2007. A courtesy Notice of Abandonment was mailed on October 18, 2007.

The instant petition was timely filed within two months on December 3, 2007. (Accordingly, no terminal disclaimer is required for consideration of the petition. See MPEP 711.03(c)). Applicant asserts that the response had been timely filed by facsimile transmission on June 10, 2007. In support thereof, applicant submits a copy of the response as maintained to have been timely faxed. Applicant does not include a copy of the facsimile transmission confirmation. However, applicant points to the fact that the facsimile transmission included

responses in 2 other applications, which were received and made of record with a date of receipt of June 10, 2007.

37 CFR 1.8(b) provides that:

> 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.

Applicant's arguments and evidence have been considered and it has been determined that the response should be considered timely filed. The petition was promptly filed and included a copy of the facsimile transmission. There was no facsimile transmission confirmation. However, a review of the other application's petitioner states were also faxed on June 10, 2007 supports a conclusion that the facsimile transmission received in the Office was 31 pages. This corroborates applicant's contention that the responses for 5 applications were faxed to the Office on June 10, 2007, as 31 pages would be sufficient to include all 5 responses.

It is recommended that applicant's Certificate of Transmission include the facsimile number, if appropriate, to which the correspondence is being faxed.

In view thereof, the notice of abandonment mailed October 18, 2007 is hereby **WITHDRAWN**, and the holding of abandonment is hereby **WITHDRAWN**.

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

No fee is required on petition under § 1.181.

Technology Center AU 2916 has been advised of this decision. The application is, thereby, being forwarded to the Technology Center support staff to withdraw the holding of abandonment and to the examiner for consideration of the response resubmitted December 3, 2007.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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MILLER, MATTHIAS & HULL
ONE NORTH FRANKLIN STREET
SUITE 2350
CHICAGO IL 60606

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AUG 26 2008

OFFICE OF PETITIONS

In re Application of :
David KRONENBERG :
Application No. 29/276,476 : DECISION ON PETITION
Filed: January 26, 2007 :
Attorney Docket No. **50033/50000** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 22, 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 correct drawings request in a timely manner in reply to the Notice of Allowability, mailed December 10, 2007, which set a period for reply of three (3) months. Accordingly, this application became abandoned on March 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) above in that both a Terminal Disclaimer and the fee as set forth in 37 CFR 1.20(d) have not been filed. A copy of the form PTO/SB/63 is included for petitioners use.

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

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

By 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

Encl: PTO/SB/63

PTO/SB/63 (08-08)
Approved for use through 08/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to a collection of information unless it displays a valid OMB control number.

TERMINAL DISCLAIMER TO ACCOMPANY PETITION	Docket Number (Optional)

In re Application of:

Name:

Application Number:

Filed:

For:

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

Check either box 1 or 2 below, if appropriate.

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

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

_____ _____
Signature Date

_____ _____
Typed or Printed Name Telephone Number

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

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

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

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

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

Privacy Act Statement

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

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

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

PTO/SB/64 (01-08)
Approved for use through 04/30/2008 OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	Docket Number (Optional) 50033/50000

First named inventor: David Kronenberg

Application No : 29/276,476 Art Unit: 2912

Filed: January 26 2007 Examiner: Sandra L Morris

Title: Chess Game Pieces

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 $ 770 (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 Reply to Notice of Abandonment Dated 4/3/08 w/new drawings (identify type of reply):

☐ has been filed previously on _____.
☑ is enclosed herewith

B The issue fee and publication fee (if applicable) of $ 410.
☑ has been paid previously on January 30, 2008
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450**

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

3. Terminal disclaimer with disclaimer fee

☑ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4 STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1 137(b) was unintentional (MPEP 711 03(c), subsections (III)(C) and (D))]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1 213(a) is made in the application) or issuance of a patent Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14) Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available

Signature	April 22, 2008 Date
Thomas M. Miller Typed or printed name	40,091 Registration Number, if applicable
Miller, Matthias + Hull Address	(312) 977-9903 Telephone Number
One North Franklin, Suite 2350 Chicago, IL 60606 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

RAM Fee History Query

Revenue Accounting and Management

Name/Number: 29276476 Total Records Found: 6

Start Date: Any Date End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
04/23/2008	00004447	4	2453	$770.00	04/22/2008	CC
01/31/2008	00003630	4	2502	$410.00	01/30/2008	CC
08/17/2007	00019497	3	8007	$20.00	08/16/2007	DA 503629
01/26/2007	00003959	4	2012	$100.00	01/26/2007	CC
01/26/2007	00003960	4	2112	$50.00	01/26/2007	CC
01/26/2007	00003961	4	2312	$65.00	01/26/2007	CC

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MILLER, MATTHIAS & HULL
ONE NORTH FRANKLIN STREET
SUITE 2350
CHICAGO IL 60606

COPY MAILED

SEP 30 2008

OFFICE OF PETITIONS

In re Application of :
David KRONENBERG :
Application No. 29/276,476 : DECISION ON PETITION
Filed: January 26, 2007 :
Attorney Docket No. 50033/50000 :

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 corrected drawings in a timely manner in reply to the Notice of Allowability, mailed December 10, 2007, which set a period for reply of three (3) months. Accordingly, this application became abandoned on March 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 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 correct 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.

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 Managment for further processing in accordance with this decision on petition.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

PTO/SB/27 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to 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 29/276,492
Filing Date	January 26, 2007
First Named Inventor	Maximillian Philip Burton
Title	WATCH
Atty Docket Number	015127.00847

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:

D10/30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131and 132
63/21
368/276, 277, 280, 281, 282, 284, 285, 293, 294 and 295

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.

1/29/07
Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

/Richard S. Stockton/ — Signature
January 26, 2007 — Date

Richard S. Stockton — Typed or printed name
50,330 — Registration Number, if applicable

(202) 824-3000
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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MARK D. MARIN
NORRIS MCLAUGHLIN & MARCUS, PA
18TH FLOOR
875 THIRD AVENUE
NEW YORK NY 10022

COPY MAILED

FEB 19 2008

In re Application of
Lablaine :
Application No. 29/276,546 : DECISION ON PETITION
Filed/Deposited: 29 January, 2007 :
Attorney Docket No. 102792-684 :

This is a decision on the petition filed on 5 April, 2007, and considered under 37 C.F.R. §1.53.

The Office regrets the delay in addressing the matter—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 29 January, 2007.

On 5 February, 2007, the Office of Initial Patent Examination (OIPE) mailed a Notice of Missing Parts which included therein a Notice of Omitted Items (to wit: "Figures 15 & 16 described in the specification" and thus, the application had been accorded a filing date without those drawings/figures.

OIPE indicated that Petitioner might:

- contend via petition that Figures 15 & 16 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 Figures 15 & 16 described in the specification as averred to have been deposited; or

- submit the omitted Figures 15 & 16 described in the specification and accept the date of submission as the filing date.

OIPE set a two- (2-) month period for reply.

It appears that Petitioner did neither.

On 5 April, 2007, Petitioner submitted the instant petition, averred that Figures 15 & 16 described in the specification had been submitted but were improperly numbered on submission, and attempted to so demonstrate with a copy of a date-stamped receipt card..

Thus, clearly Figures 15 & 16 described in the specification were not present on filing, and Petitioner's properly may file a preliminary amendment averring his effort to correct the numbering error and seek entry of that amendment. However, entry of the amendment is the province of the Examiner and is not a proper matter for petition.

ANALYSIS

A search of the official file reveals that:

- on 29 January, 2007, Petitioner deposited the instant application;
- the Office record reflects that on deposit the application does not include Figures 15 & 16 described in the specification;
- on 5 April, 2007, Petitioner submitted the instant petition and included therewith was is averred to be true copies of Figures 15 & 16 described in the specification, misnumbered as Figures 9 and 10 and ne-numbered by hand.

CONCLUSION

The petition is **dismissed**; however, the petition was not prompted by error of the Office, and the fee is not waived.

The instant application is released to OIPE for such processing as is necessary before being released to the Technology Center for substantive examination in due course.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[1]) 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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

A PATENT LAWYER CORP, PC
R WILLIAM GRAHAM
22 S ST CLAIR ST
DAYTON, OH 45402

COPY MAILED

JUN 15 2007

OFFICE OF PETITIONS

In re Application of

Jean E. DAWSON
Application No. 29/276,549
Filed: January 29, 2007
Attorney Docket No. D-00023-001

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

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 4, 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 copy of applicant's birth certificate. 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 2915 for action on the merits commensurate with this decision.

April Wise
Petitions Examiner
Office of Petitions

PTO/SB/27 (05-03)
Approved for use through 04/30/2003. 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	TBD 29/276,578
Filing Date	January 30, 2007
First Named Inventor	Tate E. Kuerbis
Title	Portion Of A Shoe Upper
Atty Docket Number	015127.00870

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

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/2 896, 902, 907, 908, 911, 943, 944, 945, 946, 969, 972, 973 and 974.

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.

2.7.07
Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

1/30/07	/Anthony W. Kandare/
Date	Signature
202-824-3000	Anthony W. Kandare, Reg. No. 48,830
Telephone Number	Typed or printed name

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

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

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

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 29/276,586
Filing Date	January 30, 2007
First Named Inventor	Maximillian Philip Burton
Title	Portion Of A Watch
Atty Docket Number	015127.00851

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
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

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:

D10/30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132;
63/21;
368/276, 277, 280, 281, 282, 284, 285, 293, 294 and 295.

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.

/David R. Gerk/ — Signature
January 30, 2007 — Date

David R. Gerk — Typed or printed name
56901 — Registration Number, if applicable

202-824-3000 — 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.

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 29/276,588
Filing Date	January 30, 2007
First Named Inventor	Maximillian Philip Burton
Title	Portion Of A Watch
Atty Docket Number	015127.00848

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
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

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:

D10/30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132;
63/21; and
368/276, 277, 280, 281, 282, 284, 285, 293, 294 and 295.

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.

/David R. Gerk/ — Signature
January 30, 2007 — Date

David R. Gerk — Typed or printed name
56901 — Registration Number, if applicable

202-824-3000 — 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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 10/18/07 Paper No.: ____

TO SPE OF : ART UNIT 2913 29/276591

SUBJECT : Request for Certificate of Correction on Patent No.: D549626

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

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

Valerie Jackson

Thank You For Your Assistance

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

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

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

Comments:

titled change is approved.

Stacia Cadmus
STACIA CADMUS
PRIMARY EXAMINER

Carol D. Vaughan
SPE

2913
Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 8/8/07

Paper No.: —

TO SPE OF : ART UNIT 2913

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/276595 Patent No: D544821S

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: _____

Stacia Cadmus
STACIA CADMUS
PRIMARY EXAMINER

SPE

2913
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MOTOROLA INC
600 NORTH US HIGHWAY 45
W4 - 39Q
LIBERTYVILLE, IL 60048-5343

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MAR 2 4 2009

OFFICE OF PETITIONS

In re Application of Jung et al. :
Application No. 29/276,602 : Decision on Petition
Filing Date: January 30, 2007 :
Attorney Docket No. CS31614RS :

This is a decision on the petition under 37 CFR 1.137(b), filed November 19, 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)."

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance issued April 4, 2008, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on July 8, 2008. A Notice of Abandonment was mailed on July 31, 2008.

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.

Requirement (4) above has not been met in so far as a terminal disclaimer has not been filed.

37 CFR 1.137(d)(1) states in part, "Any petition to revive pursuant to this section in a design application must be accompanied by a terminal disclaimer and fee as set forth in § 1.321." Therefore, a terminal disclaimer is required for the instant design application.

Since a terminal disclaimer has not been filed, the petition must be dismissed.

Any request for reconsideration should include a terminal disclaimer and the required fee. A copy of a terminal disclaimer form is attached.

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

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

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

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

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

Attached: PTO/SB/63 Terminal Disclaimer Form

UNITED STATES PATENT AND TRADEMARK OFFICE

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MOTOROLA INC
600 NORTH US HIGHWAY 45
W4 - 39Q
LIBERTYVILLE, IL 60048-5343

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JUN 17 2009

OFFICE OF PETITIONS

In re Application of Jung et al. :
Application No. 29/276,602 : Decision on Petition
Filing Date: January 30, 2007 :
Attorney Docket No. CS31614RS :

This is a decision on the petition under 37 CFR 1.137(b), filed May 26, 2009, 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 issued April 4, 2008, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on July 8, 2008. A Notice of Abandonment was mailed on July 31, 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.

As to item (1), petitioner has submitted a reply to the Notice of Allowance in the form of payment of the issue fee on November 19, 2008.

As to item (2), petitioner has submitted the required petition fee of $1,620.

As to item (3), petitioner previously 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.

As to item (4), petitioner has filed a terminal disclaimer and the required terminal disclaimer fee.

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

The Office of Data Management, Patent Publication Branch, 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

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 29/276,651
Filing Date	January 31, 2007
First Named Inventor	Bo Lupo
Title	PORTION OF A SHOE UPPER
Atty Docket Number	015127.00872

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

Approved 2-7-07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2800

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:

D2/896, 902, 907, 908, 911, 943, 944, 945, 946, 969, 972, 973 and 974

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.

/Richard S. Stockton/ — Signature
January 31, 2007 — Date

Richard S. Stockton — Typed or printed name
50,330 — Registration Number, if applicable

(202) 824-3000 — 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.

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 29/276,651
Filing Date	January 31, 2007
First Named Inventor	Bo Lupo
Title	PORTION OF A SHOE UPPER
Atty Docket Number	015127.00872

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
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

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:

D2/896, 902, 907, 908, 911, 943, 944, 945, 946, 969, 972, 973 and 974

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.

/Richard S. Stockton/ — Signature
January 31, 2007 — Date

Richard S. Stockton — Typed or printed name
50,330 — Registration Number, if applicable

(202) 824-3000 — Telephone Number

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

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 29/276,652
Filing Date	January 31, 2007
First Named Inventor	Sean M. McDowell
Title	PORTION OF A SHOE UPPER
Atty Docket Number	015127.00873

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
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

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:

D2/896, 902, 907, 908, 911, 943, 944, 945, 946, 969, 972, 973 and 974

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.

/Richard S. Stockton/ — Signature
January 31, 2007 — Date

Richard S. Stockton — Typed or printed name
50,330 — Registration Number, if applicable

(202) 824-3000 — 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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Paper No.

PITTS AND BRITTIAN P C
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KNOXVILLE TN 37950-1295

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MAY 25 2007

OFFICE OF PETITIONS

In re Application of :
Greg Gillis and Bradley Wahl :
Application No. 29/276,660 : ON PETIITON
Filed: January 31, 2007 :
Attorney Docket No. 29289.01 :

This is in response to the "PETITION UNDER 37 C.F.R. §1.47(a) ON BEHALF OF INVENTOR(S) WHO CANNOT BE REACHED," filed January 31, 2007.

The petition is **DISMISSED**.

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

The above-identified application was filed on January 31, 2007, with a declaration[1] executed by joint inventor Gillis on behalf of himself and on behalf of non-signing inventor Wahl. The application included the instant petition, requesting acceptance of the declaration.

However, the petition did not include payment of the petition fee. It was stated that a check for $200 was enclosed but no

[1] The application included an application data sheet with the residence and mailing address of the inventors.

such check was among the papers presented[2]. Furthermore, the application as filed did not include an authorization to charge any required fees to a Deposit Account.

On request for reconsideration, submission of the late surcharge and the petition fee are required.

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

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

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

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

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

[2] Payment of only the filing fee, search and examination fees for a design application were presented.

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Paper No.

PITTS AND BRITTIAN P C
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KNOXVILLE TN 37950-1295

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NOV 09 2007

OFFICE OF PETITIONS

In re Application of :
Greg Gillis and Bradley Wahl : DECISION ACCORDING STATUS
Application No. 29/276,660 : UNDER 37 CFR 1.47(a)
Filed: January 31, 2007 :
Attorney Docket No. 29289.01 :

This is in response to the RENEWED PETITION UNDER 37 C.F.R. §1.47(A) filed July 25, 2007.

The petition is **GRANTED**.

The above-identified application was filed on January 31, 2007, with a declaration[1] executed by joint inventor Gillis on behalf of himself and on behalf of non-signing inventor Wahl. The application included the instant petition, requesting acceptance of the declaration. By decision mailed May 25, 2007, the petition was dismissed without consideration because the petition fee was not submitted.

On instant response, applicants clarified that the declaration submitted on filing of this application was a copy of the declaration in a prior application and that a decision on the petition under 37 C.F.R. 1.47(a) was pending.

It has been determined that on August 20, 2007, a decision granting status under 37 CFR 1.47(a) in the prior application was granted. In view thereof, this petition is granted as follows:

[1] The application included an application data sheet with the residence and mailing address of the inventors.

The instant application is a division of prior application no. 29/238,761, filed September 21, 2005. In accordance with 37 CFR 1.63(d), petitioner has submitted a copy of the executed oath or declaration filed in the prior application. Furthermore, a copy of the decision mailed on August 20, 2007, granting a petition to accord § 1.47 status to the prior application has been made of record in this application as an enclosure to this decision. (In the future, petitioner should submit a copy of such decision when submitting a 1.47 declaration from a prior application pursuant to 1.63(d)).

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 not be published in the Official Gazette as notice regarding the filing of the prior application was given to the non-signing inventor.

The application is being forwarded to Technology Center AU 2914 for consideration by the examiner of the amendment filed September 5, 2007.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of Decision Granting 1.47 in prior application

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BRADLEY WAHL
14882 SUNNYCREST LANE
HUNTINGTON BEACH, CA 92647

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NOV 09 2007

OFFICE OF PETITIONS

In re Application of :
Greg Gillis and Bradley Wahl :
Application No. 29/276,660 : LETTER
Filed: January 31, 2007 :
Attorney Docket No. 29289.01 :

Dear Mr. Wahl:

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. However, no action on your part is required for this patent to issue with you as a named inventor.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (571) 272-3219. 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 D.C. area).

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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Paper No. None

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AUG 20 2007

OFFICE OF PETITIONS

In re Application of	:	DECISION ON SECOND RENEWED
Greg Gillis and Bradley J. Wahl	:	PETITION PURSUANT TO 37
Application No. 29/238,761	:	C.F.R. §1.137(B) AND
Filed: September 21, 2005	:	THIRD RENEWED PETITION
Attorney Docket No. 29289.00	:	PURSUANT TO 37 C.F.R.
Title: SEMICIRCULAR LITTER BOX	:	§1.47(A)

This is in response to the second renewed petition pursuant to 37 C.F.R. §1.137(b)[1], to revive the above-identified application. This is also a decision on the third renewed petition pursuant to 37 C.F.R. §1.47(a)[2]. Both petitions were concurrently submitted on July 26, 2007.

---

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 A grantable petition under 37 C.F.R. §1.47(a) requires:

1. the petition fee of $200;
2. 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(e);
3. a statement of the last known address of the non-signing inventors;
4. either
   a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or

On September 21, 2005, the application was filed, identifying Greg Gillis and Bradley J. Wahl as joint inventors. An original petition pursuant to Rule §1.47(a) was submitted on filing along with the petition fee, a statement of facts, and a declaration that had been executed by Mr. Gillis.

The original petition pursuant to Rule §1.47(a) was dismissed via the mailing of a decision on March 9, 2006. The decision set a two-month period for response, and no response was received. Consequently, the present application became abandoned on May 10, 2006.

On April 12, 2006, a Final Office action was mailed. Petitioner failed to reply within the meaning of 37 C.F.R §1.113 in a timely manner to the final Office action mailed April 12, 2006, which set a shortened statutory period for reply of three months. An after-final amendment was received on August 14, 2006 along with a one-month extension of time, and an advisory action was mailed on November 15, 2006. No extensions of time under the provisions of 37 C.F.R §1.136(a) were obtained, and no further responses were received.

A petition to revive this application, pursuant to Rule §1.137(b), was filed on November 30, 2006. A supplement to this petition, along with a renewed petition pursuant to Rule §1.47(a), was filed on April 19, 2007. The petition to revive was dismissed via the mailing of a decision on May 8, 2007. The decision indicated that the renewed petition pursuant to Rule §1.47(a) was to be held in abeyance, pending the revival of this application.

The renewed petition pursuant to Rule §1.137(b) was filed on June 6, 2007, and was dismissed via the mailing of a decision on June 25, 2007, for failure to include a terminal disclaimer. The concurrently filed second renewed petition pursuant to Rule §1.47(a) was not considered.

The second renewed petition pursuant to Rule §1.137(b):

With the present petition, the petition is **GRANTED**. Petitioner has previously supplied requirements (1) - (3) of Rule §1.137(b). With the present petition, Petitioner has met the fourth requirement via the submission of a terminal disclaimer.

---

b) proof that the non-signing inventor cannot be found or reached after diligent effort, and;

(5) a declaration which complies with 37 CFR §1.63.

The third renewed petition pursuant to Rule §1.47(a):

The third renewed petition is **GRANTED**. Petitioner has previously met requirements (1), (3) and (5) of Rule §1.47(a) with the petition that was presented on filing. The second requirement of this Rule was not applicable. With the submission of April 19, 2007, which has only recently been reviewed, Petitioner established efforts of a diligent search for the non-signing inventor, and that a complete copy of the application was sent to this address.

This application is hereby accorded Rule §1.47(a) status.

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 Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the terminal disclaimer that was received with the present petition can be processed.

The general phone number for OIPE is 571-272-4000. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Dickinson Wright PLLC
38525 Woodward Avenue
Suite 2000
Bloomfield Hills MI 48304

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SEP 13 2007

OFFICE OF PETITIONS

In re Application of :
John Kaloustian :
Application No. 29/276,664 : DECISION ON PETITION
Filed: February 1, 2007 :
Atty Docket No. KALO0110 DUS :

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

This application became abandoned for failure to timely pay the issue fee and to submit corrected drawings on or before July 5, 2007, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed April 5, 2007. Accordingly, the date of abandonment of this application is July 6, 2007.

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

Since the above-identified application is a design application, 37 CFR 1.137(d) requires a terminal disclaimer dedicating to the public a terminal part of the term of any patent granted on the application or any patent granted on any continuing application that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the application. The period to be disclaimed will be a terminal part of the patent to be granted equivalent to the period of abandonment. The period of abandonment will be computed to be the number of months from the date of abandonment to the date of filing a grantable petition. A terminal disclaimer fee of $65 is required. **If the terminal disclaimer is signed by an assignee, the assignee must comply with the requirements of 37 CFR 3.73(b).**

A review of the file record fails to disclose that applicant has appointed an attorney in this application. Therefore, if the terminal disclaimer is signed by an attorney, then the proper power of attorney documents from the applicant must be submitted. *Note* 37 CFR 1.321(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.**

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Dickinson Wright PLLC
38525 Woodward Avenue
Suite 2000
Bloomfield Hills MI 48304

COPY MAILED

NOV 29 2007

OFFICE OF PETITIONS

In re Application of :
John Kaloustian :
Application No. 29/276,664 : DECISION ON PETITION
Filed: February 1, 2007 :
Atty Docket No. KALO0110 DUS :

This is a decision on the renewed petition under 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.

This application became abandoned for failure to timely pay the issue fee and to submit corrected drawings on or before July 5, 2007, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed April 5, 2007. Accordingly, the date of abandonment of this application is July 6, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and **(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(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, while the Declaration submitted on February 1, 2007 requested that all correspondence regarding this file be directed to the address of petitioner herein, Mr. John Artz, this did not confer upon him 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.

In view of the above, petitioner must submit a renewed petition under 37 CFR 1.137(b), along with a terminal disclaimer signed by a proper party in accordance with 37 CFR 1.321(b).

Further, as petitioner herein is not an attorney of record, the request to change the correspondence address cannot be entered. A courtesy copy of this decision is being mailed to the address noted on the request. However, all future correspondence will be mailed to the above address of record until such time as a proper power of attorney is received.

A renewed petition under 37 CFR 1.137(b) does not require a fee if the fee therefor was previously submitted. As petitioner's credit card was charged a fee of $750 for the renewed petition, and since the $750 petition fee was previously submitted on July 11, 2007, this fee is unnecessary and will be refunded to petitioner's credit card.

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:

AME 503 Group 3
501 N Venice Boulevard
#17
Venice, CA 90291

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DICKINSON WRIGHT PLLC
38525 WOODWARD AVENUE
SUITE 2000
BLOOMFIELD HILLS, MI 48304-2970

COPY MAILED

JAN 17 2008

OFFICE OF PETITIONS

In re Application of :
John Kaloustian :
Application No. 29/276,664 : ON PETITION
Filed: February 1, 2007 :
Attorney Docket No. KALO 0110 DUS :

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

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely pay the issue fee and submit corrected drawings in response to the Notice of Allowance mailed April 5, 2007, which set a statutory period for reply of three (3) months. Accordingly, by operation of law, the above-identified application became abandoned on July 6, 2007.

The petition decision mailed August 28, 2007 indicates the petition under 37 CFR 1.137(b) filed October 4, 2007 was dismissed as failing to provide the required terminal disclaimer and fee. The terminal disclaimer was signed by John Artz on October 4, 2007 but he was not an attorney of record. The instant renewed petition includes a power of attorney which includes John Artz and the terminal disclaimer of October 4, 2007 is now considered to have been signed by an attorney of record as required by 37 CFR 1.321(b).

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 $750; (3) the required statement of unintentional delay: and (4) the terminal disclaimer and fee have been received. Accordingly, the issue fee and corrected drawings are accepted as having been unintentionally delayed.

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

The application file is being referred to the Office of 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
www.uspto.gov

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

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MAY 0 1 2008

OFFICE OF PETITIONS

In re Application of :
Martina M. DELANEY :
Application No. 29/276,680 : DECISION ON PETITION
Filed: February 01, 2007 :
Attorney Docket No. **106161-6** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 05, 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 failures to timely pay the issue on or before January 14, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed October 12, 2007, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on January 13, 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).

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

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JUL 25 2008

In re Application of :
Martina M. DELANEY :
Application No. 29/276,680 : DECISION ON PETITION
Filed: February 01, 2007 :
Attorney Docket No. **106161-6** :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed May 14, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fees on or before January 14, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed October 12, 2007. Accordingly, the date of abandonment of this application is January 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 payment of the issue fee of $410, (2) the petition fee of $770; and (3) a proper statement of unintentional delay. Accordingly, the Issue Fee payment 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 further processing in accordance with this decision on petition.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

CERTIFICATE of ELECTRONIC MAILING
I hereby certify that this paper and every paper referred to therein as being enclosed is being electronically submitted to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below

Date: May 14, 2008

By: Estela Noyola
Estela Noyola

Attorney Docket No. 106161-6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	Martina Delaney
USSN.:	29/276,680
FILING DATE:	February 1, 2007
FOR:.	Protection Element
ART UNIT:	2914
EXAMINER:	Mark Cavanna
CUSTOMER NO.:	27,388

Commissioner for Patents
P.O. Box 1450
Arlington VA 22313-1450

RENEWED PETITION UNDER 37 CFR § 1.137(B)

SIR:

This is in response to the decision dated May 1, 2008, dismissing Applicants' petition to revive this unintentionally abandoned application.

According to the decision, Applicants' petition lacked a terminal disclaimer (and fee as set forth in § 1.20d(d) required by 37 CFR 1.137 (d)).

In response, Applicants submit the following item:

1) A Terminal Disclaimer

The Terminal Disclaimer Fee

The Commissioner is authorized to charge the fee set forth in § 1.20(d), and any other fees deemed necessary for consideration and/or grant of this petition, to Deposit Account No. 14-1263.

In view of the foregoing, Petitioners submit that all the requirements of a grantable petition have been met. Accordingly, Petitioners respectfully request that the Honorable Commissioner exercise his power and restore this application to pending status.

Early and favorable action is earnestly solicited.

Respectfully submitted
NORRIS McLAUGHLIN & MARCUS, P.A.

By _____

Christa Hildebrand
Attorney for Applicant(s)
Reg. No. 33,531
875 Third Avenue - 18th Floor
New York, New York 10022
Phone: (212) 808-0700
Fax: (212) 808-0844

PTO/SB/63 (01-08)
Approved for use through 05/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to a collection of information unless it displays a valid OMB control number.

TERMINAL DISCLAIMER TO ACCOMPANY PETITION

Docket Number (Optional)
106161-6

In re Application of:

Name: Martina Maria Delaney

Application Number: 29/276,680

Filed: February 1, 2008

For: Protection Element

The owner*, Handy Baby Products 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 34,953.

Christa Hildebrand
Signature

May 14, 2008
Date

Christa Hildebrand
Typed or Printed Name

212-808-0700
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.

RAM Fee History Query

Revenue Accounting and Management

Name/Number: 29276680 Total Records Found: 9

Start Date: Any Date End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
05/15/2008	00001997	4	2814	$65.00	05/14/2008	DA 141263
04/21/2008	00011806	4	8021	$40.00	04/17/2008	DA 141263
03/06/2008	00000023	1	2502	$410.00	03/05/2008	DA 141263
03/06/2008	00000024	1	8001	$6.00	03/05/2008	DA 141263
03/05/2008	00011068	4	2453	$770.00	03/05/2008	DA 141263
02/28/2007	00003592	4	2012	$100.00	02/28/2007	DA 141263
02/28/2007	00003593	4	2112	$50.00	02/28/2007	DA 141263
02/28/2007	00003594	4	2312	$65.00	02/28/2007	DA 141263
02/28/2007	00003595	4	2051	$65.00	02/28/2007	DA 141263

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : February 5, 2009

TO SPE OF : ART UNIT 2913 Caron D. Veynar

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/276,696 Patent No.: D571,044 S

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

SHOULD REPLACEMENT DRAWINGS FILED APRIL 30, 2008 BE APPROVED?

Antonia Johnson
Certificates of Correction Branch
703-308-9390 ext. 111

Thank You For Your Assistance

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

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

Comments: _____

CARON D. VEYNAR
SUPERVISORY PATENT EXAMINER

Caron D. Veynar
SPE

2913
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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

2-17-2010

Patent No. : D570,978 S
Ser. No. : 29/276,717
Inventor(s) : McColgin, e.t al.
Issued : June 10, 2008

Re: Request for Certificate of Correction

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

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

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

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

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

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

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

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

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

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

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

Eva James
For Mary Diggs
Decisions & Certificates
of Correction Branch
(703) 756-1583 or 1580

John F. Salazar
2500 Brown & Williamson Tower
401 S. 4th Street, Suite 2500
Louisville, Kentucky 40202

ej

[redacted] **Please forward case and paper to address shown below.**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 5/20/09

TO SPE OF : ART UNIT 2911

SUBJECT : Request for Certificate of Correction for Appl. No.: 29276803 Patent No.: D576513

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

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

CERTIFICATE OF CORRECTIONS BRANCH (C of C)
RANDOLPH SQUARE
PALM LOCATION - 7580

Valerie Jackson
Certificates of Correction Branch

703-756-1573

Thank You For Your Assistance

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

Note your decision on the appropriate box.

- ☑ **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

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

COPY MAILED

AUG 14 2007

OFFICE OF PETITIONS

In re Application of :
GOLDEN, Richard :
Application No. 29/276,847 :
Filed: February 7, 2007 :
Attorney Docket No. **GOL-10682/16** :

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.313(a), filed August 8, 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 an IDS filed on August 8, 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 an IDS with the petition does not make withdrawal of the application from issue necessary. There are other avenues open to applicant to have an IDS 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 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 continuing application under 37 CFR 1.53(d).

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 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 noted that the address given on the petition differs from the address of record. A correspondence address change was set as a result of a customer number update on May 9. 2007. If appropriate, a new change of address should be filed in accordance with MPEP 601.03. All future correspondence will be directed solely to the address of record.

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

This matter is being referred to Technology Center AU 2916 for appropriate action on the IDS filed August 8, 2007.

Frances Hicks
Petitions Examiner
Office of Petitions

Cc: **DOUGHLAS J. MCEVOY**
GIFFORD KRASS GROH SPRINKLE ANDERSON & CITKOWSKI PC
2701 TROY CENTER DRIVE, SUITE 330
TROY, MI 48007

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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GIFFORD KRASS SPRINKLE ANDERSON & CITKOWSKI, P.C
PO BOX 7021
TROY MI 48007-7021

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AUG 14 2007

OFFICE OF PETITIONS

In re Application of :
GOLDEN, Richard :
Application No. 29/276,848 :
Filed: February 7, 2007 :
Attorney Docket No. **GOL-10683/16** :

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.313(a), filed August 8, 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 an IDS filed on August 8, 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 an IDS with the petition does not make withdrawal of the application from issue necessary. There are other avenues open to applicant to have an IDS 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 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 continuing application under 37 CFR 1.53(d).

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 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 noted that the address given on the petition differs from the address of record. A correspondence address change was set as a result of a customer number update on May 9. 2007. If appropriate, a new change of address should be filed in accordance with MPEP 601.03. All future correspondence will be directed solely to the address of record.

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

This matter is being referred to Technology Center AU 2916 for appropriate action on the IDS filed August 8, 2007.

Frances Hicks
Petitions Examiner
Office of Petitions

Cc: **DOUGHLAS J. MCEVOY**
GIFFORD KRASS GROH SPRINKLE ANDERSON & CITKOWSKI PC
2701 TROY CENTER DRIVE, SUITE 330
TROY, MI 48007

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

Application Number	29/276,871
Filing Date	February 8, 2007
First Named Inventor	Benjamin A. Shaffer
Title	PORTION OF A SHOE UPPER
Atty Docket Number	015127.00906

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

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:

D2/896, 900, 902, 903, 907, 908, 911, 916, 919, 923, 924, 925, 926, 929, 939, 943, 944, 945, 946, 969, 972, 971, 973, 974

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.

/H. Wayne Porter/ — Signature

February 8, 2007 — Date

H. Wayne Porter — Typed or printed name

42,084 — Registration Number, if applicable

(202) 824-3000 — 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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OFFICE OF PETITIONS

SoCAL IP Law Group LLP
310 N. Westlake Blvd., Suite 120
Westlake Village, CA 91362

In re Application of :
Rick Chang Lee :
Application No. 29/276,882 : DECISION ON PETITION
Filed: February 8, 2007 : TO WITHDRAW
Attorney Docket No. E006-P06686US : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 19, 2007.

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

A review of the file record indicates that the power of attorney to SoCAL IP Law Group LLP has been revoked by the assignee of the patent application on June 14, 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 Terri Williams at 571-272-2991.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Marvin E. Jacobs**
1767 Marisol Drive
Ventura, CA 93001

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MR. PETER LUONG
ELITE MFG CORPORATION
12143 ALTAMAR PLACE
SANTE FE SPRINGS, CA 90670

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SEP 12 2007

OFFICE OF PETITIONS

In re Application of :
LEE, Rick Chang :
Application No. 29/276,885 : DECISION ON PETITION
Filed: February 8, 2007 : TO WITHDRAW
Attorney Docket No. E006-P06690US : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 19, 2007.

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

A review of the file record indicates that the power of attorney to **ELITE MFG CORPORATION** has been revoked by the assignee of the patent application on July 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: **MARVIN E. JACOBS, ESQ.**
1767 MARISOL DRIVE
VENTURA, CA 93001

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

Application Number	TBA 29/276,938
Filing Date	February 9, 2007
First Named Inventor	Andrew Caine
Title	Portion Of A Shoe Upper
Atty Docket Number	015127.00878

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 2-16-07

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:

D2/896, 902, 907, 908, 911, 943, 944, 945, 946, 969, 972, 973 and 974

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.

/David R. Gerk/ — Signature
2007-02-09 — Date

David R. Gerk — Typed or printed name
56901 — Registration Number, if applicable

202-824-3000 — 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.

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	29/276,978
Filing Date	February 9, 2007
First Named Inventor	William J. Cass
Title	PORTION OF A SHOE UPPER
Atty Docket Number	015127.00902

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:

D2/896, 902, 907, 908, 943, 944, 945, 946, 969, 972, 973, 974

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.

2-16-07
Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

/H. Wayne Porter/
Signature

February 9, 2007
Date

H. Wayne Porter
Typed or printed name

42,084
Registration Number, if applicable

(202) 824-3000
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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WALNUT CREEK CA 94598

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OFFICE OF PETITIONS

In re Patent No. D567,221 :
Application No. 29/277,036 :
Filed: February 12, 2007 : ON PETITION
Issued: April 22, 2008 :
Title: IPOD SPEAKER :

This is a decision on the petition filed June 3, 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.

The request is **DISMISSED**.

Petitioner states that the correct assignee's name is "CONCEPTMAX CORP." and that an incorrect assignee's name was included on the Part B - Fee(s) Transmittal form at the time of payment of the issue fee.

Petitioner states that a supplemental amendment correcting the assignee was submitted on March 10, 2008. Further, petitioner states that a representative of the USPTO assured petitioner that the correction was duly noted and no further action was required. Petitioner is reminded that official communication with the Office must be carried out in writing. 37 CFR 1.2. Oral advice or statements by Office employees are not binding. See In re Sivertz, 227 USPQ 255,256 (Comm'r Pat. 1985).

Further, as stated in 37 CFR 3.81(b), effective June 25, 2004:

> *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.

Neither the instant request nor the amendment submitted on March 10, 2008 were accompanied by a request for a certificate of correction (and fee) as required by 3.81(b). *See also* MPEP 1481.01. As petitioner has failed to comply with the provisions of 37 CFR 3.81(b), the request cannot be granted at this time.

---

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

A review of Office database assignment records reflects that an assignment to "CONCEPTMAX CORP." has been recorded. Therefore, upon submission of the required certificate of correction and fee, it would be appropriate for the Office to issue a certificate of correction to correct the front page of the Letters Patent to reflect that "CONCEPTMAX CORP." was the assignee of record at the time of issuance of the application into a patent. *Note also* 35 U.S.C. § 152.

Petitioner is reminded that 37 CFR 3.81(b) also requires payment of a $130.00 processing fee.

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

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

Liana Walsh
Petitions Examiner
Office of Petitions

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WALNUT CREEK CA 94598

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OFFICE OF PETITIONS

In re Patent No. D567,221 :
Application No. 29/277,036 :
Filed: February 12, 2007 : ON PETITION
Issued: April 22, 2008 :
Title: IPOD SPEAKER :

This is a decision on the renewed petition filed October 17, 2008, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **DISMISSED**.

Petitioner stated in the instant petition that the $130.00 processing fee required by 37 CFR 3.81 was included. However, accordingly to USPTO records, only $100.00 was collected towards payment of the Certificate of Correction fee. Accordingly, an additional $130.00 is necessary for payment of the requisite processing fee.

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

[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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WALNUT CREEK CA 94598

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OFFICE OF PETITIONS

In re Patent No. D567,221 :
Application No. 29/277,036 :
Filed: February 12, 2007 : ON PETITION
Issued: April 22, 2008 :
Title: IPOD SPEAKER :

This is a decision on the renewed petition filed July 30, 2009, 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**.

Payment of the requisite $130.00 processing fee has now been received.

The matter is being referred to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3206. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

Liana Walsh
Petitions Examiner
Office of Petitions

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

PTO/SB/27 (05-03)
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	TBD 29/277,041
Filing Date	February 12, 2007
First Named Inventor	David Roulo et al.
Title	Portion Of A Shoe Upper
Atty Docket Number	015127.00869

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

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/2 896, 902, 907, 908, 911, 943, 944, 945, 946, 969, 972, 973 and 974.

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.

2-16-07
Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

2/12/07	/Anthony W. Kandare/
Date	Signature
202-824-3000	Anthony W. Kandare, reg. no. 48,830
Telephone Number	Typed or printed name

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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 1.14. 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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OFFICE OF PETITIONS

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

In re Patent No. D,583,479	:	
Issue Date: December 23, 2008	:	
Application No. 29/277,046	:	NOTICE
Filed: February 12, 2007	:	
Attorney Docket No. 10887-1170	:	

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

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

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

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-6059.

Alicia Kelley
Petitions Examiner
Office of Petitions

PTO/SB/27 (07-06)
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	unassigned 29/277,067
Filing Date	unassigned
First Named Inventor	Larry Clark
Title	unassigned
Atty Docket Number	17985

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

Approved 2-23-07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

This is a request for expedited examination of a design application under 37 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 / SUBCLASS: 896, 902, 903, 907, 908, 911, 916, 919, 925, 929, 938, 943, 944, 945, 946, 969, 971, 972, 973, 974

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

Feb. 12, 2007
Date

Marshall Lerner
Typed or printed name

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.

PTO/SB/27 (09-04)
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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 29/277,074
Filing Date	February 13, 2007
First Named Inventor	Andrew Caine
Title	Portion Of A Shoe Upper
Atty Docket Number	015127.00888

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

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:

D2/896, 902, 907, 908, 943, 944, 945, 946, 969, 972, 973 and 974.

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.

/David R. Gerk/ — Signature
2007-02-13 — Date

David R. Gerk — Typed or printed name
56901 — 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.**
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	TBD 29/277,091
Filing Date	February 13, 2007
First Named Inventor	Kimberly L. Glover
Title	Portion Of A Shoe Upper
Atty Docket Number	015127.00894

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

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/2 896, 900, 902, 903, 907, 908, 911, 916, 919, 923, 924, 925, 926, 929; 939, 943, 944, 945, 946, 969, 971, 972, 973 and 974.

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.

2-16-07
Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

2/13/07	/Anthony W. Kandare/
Date	Signature
202-824-3000	Anthony W. Kandare, Reg. No. 48,830
Telephone Number	Typed or printed name

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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 1.14. 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 27 2009

OFFICE OF PETITIONS

SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER, CO 80202

In re Application of
Thomas W. Fry, et al.
Application No. 29/277,143
Filed: February 15, 2007
Attorney Docket No. 1604-525

ON PETITION

This is a decision on the petition, filed October 24, 2008, to revive the above-identified application under the provisions of 37 CFR 1.137(b). The delay in responding is regretted; however, the petition was recently referred to the Office of Petitions for consideration.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to respond in a timely manner to the Notice of Allowability mailed August 22, 2008. A Notice of Abandonment was mailed on October 21, 2008. On October 24, 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 $1,620; (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 October 24, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

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JUN 23 2008

OFFICE OF PETITIONS

In re Application of :
Michael D. Liuzzi et al :
Application No. 29/277,146 : DECISION GRANTING PETITION
Filed: February 15, 2007 : UNDER 37 CFR 1.137(b)
Attorney Docket No. IH0168.2.1 DP :

This is a decision on the petition under 37 CFR 1.137(b), filed September 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 corrected drawings and terminal disclaimer; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowability mailed May 3, 2007, is accepted as having been unintentionally delayed.

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

This application is being referred to the Office of Data Management to be processed into a patent.

Karen Creasy
Petitions Examiner
Office of Petitions

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

Application Number	Unknown 29/277,173
Filing Date	Herewith
First Named Inventor	Stuart Weitzman
Title	WOMAN'S SHOE
Atty Docket Number	95100/141

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

Approved 2-23-07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

This is a request for expedited examination of a design application under 37 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, 919, 922, 923, 925, 926, 929-932, 939-941, 946, 950, 965

Class 36 Subclasses 83, 102, 104, 106, 136, 11, 11.5

Online search of eighteen Internet domains of retailers of women's shoes

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.

/Michael P. Kenney/	February 16, 2007
Signature	Date
Michael P. Kenney, Esq.	42,718
Typed or printed name	Registration Number, if applicable
212-336-8129	
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: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

Application Number	To be assigned 29/277,197
Filing Date	To be assigned
First Named Inventor	Jason G. Petrie
Title	PORTION OF A SHOE UPPER
Attorney Docket Number	2465-8175US

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

Approved 2-23-07
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	16 Feb. 2007 Date
Laurence B. Bond Typed or printed name	30,549 Registration Number, if applicable
(801) 532-1922 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: 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.*

PATENT TECHNOLOGIES, LLC

Robert D. Gunderman, P.E.
REGISTERED PATENT AGENT

February 17, 2007

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

A.U. 2913

29/277204

PETITION TO MAKE SPECIAL
DECORATIVE ANATOMICAL IMAGE JEWELRY ITEM
Filing date: FEBRUARY 17, 2007
Docket No. TPL044

Applicant hereby petitions to make the above referenced application special in accordance with 37 C.F.R. 1.102 (c), MPEP 708.02 IV.

In accordance with MPEP 708.02 IV, Malcolm Warren, one of the two named inventors of the above referenced patent application, is more than 65 years of age. Attached herewith is a copy of applicant's birth certificate indicating that his date of birth is January 1, 1939.

No fee is required with this petition, as defined by 37 C.F.R. 1.102 (c).

Respectfully submitted,

RD Gunderman, Jr.

Robert D. Gunderman, Jr.
Registration No. 55,231

PETITION GRANTED

encl: copy of birth certificate

William Krynski
Special Program Examiner
Technology Center 1700

MAR 26 2007

PTO/SB/27 (09-06)
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	29/277,230
Filing Date	February 19, 2007
First Named Inventor	Jeff Rasmussen
Title	Portion of a Shoe Upper
Atty Docket Number	015127.00905

Approved:
2-23-07
Jacqueline M. Stone, Director
Technology Center 1700/2900

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:

D2/896, 902, 907, 908, 943, 944, 945, 946, 969, 972, 973 and 974

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.

/H. Wayne Porter/ — Signature

February 19, 2007 — Date

H. Wayne Porter — Typed or printed name

42,084 — 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: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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

PTO/SB/27 (05-03)
Approved for use through 04/30/2003. OMB 0651-0031
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	TBD 29/277,245
Filing Date	February 20, 2007
First Named Inventor	Scot N. Hull
Title	Portion Of A Shoe Upper
Atty Docket Number	015127.00912

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

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/2 896, 900, 902, 903, 907, 908, 911, 916, 919, 923, 924, 925, 926, 929, 939, 943, 944, 945, 946, 969, 971, 972, 973 and 974.

Related applications: _____

If not previously filed for the above-identified application, the following items required by 2-23-07 37 CFR 1.155 are enclosed:

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

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.

2/20/07	/Anthony W. Kandare/
Date	Signature
202-824-3000	Anthony W. Kandare, reg. no. 48,830
Telephone Number	Typed or printed name

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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 1.14. 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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United States Patent and Trademark Office
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600 North US Highway 45
W4 – 39Q
Libertyville, IL 60048-5343

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FEB 18 2009

OFFICE OF PETITIONS

In re Application of :
Eric J. Price et al. :
Application No. 29/277,263 : DECISION ON PETITION
Filed: February 20, 2007 :
Attorney Docket No. CS32798RS :

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

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fees and to submit corrected drawings on or before October 21, 2008, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed July 21, 2008. Accordingly, the date of abandonment of this application is October 22, 2008. A Notice of Abandonment was mailed on November 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 payment of the issue fee of $860, (2) the petition fee of $1620 and corrected drawings, (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 and corrected drawings are accepted as being unintentionally delayed.

The issue fee charged reflects the change of fees that were effective as of October 2, 2008.

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

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

Application Number	TBA 29/277,271
Filing Date	February 20, 2007
First Named Inventor	Kathleen Huthmaker
Title	PORTION OF A SHOE UPPER
Atty Docket Number	015127.00895

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

Approved 2-23-07
Jacqueline M. Stone
Jacqueline M. Stone, Director
~~Technology Center 1700/2900~~

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

D2/896, 902, 907, 908, 943, 944, 945, 946, 969, 972, 973 and 974

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.

/Richard S. Stockton/ — Signature
February 20, 2007 — Date

Richard S. Stockton — Typed or printed name
50,330 — Registration Number, if applicable

(202) 824-3000 — 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.
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	TBA 29/277,273
Filing Date	February 20, 2007
First Named Inventor	Kathleen Huthmaker
Title	PORTION OF A SHOE UPPER
Atty Docket Number	015127.00897

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

Approved 2-23-07
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:

D2/896, 902, 907, 908, 943, 944, 945, 946, 969, 972, 973 and 974

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.

/Richard S. Stockton/ — Signature
February 20, 2007 — Date

Richard S. Stockton — Typed or printed name
50,330 — Registration Number, if applicable

(202) 824-3000 — 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.
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	TBA 29/277,275
Filing Date	February 20, 2007
First Named Inventor	David Joseph Dirsa
Title	PORTION OF A SHOE UPPER
Atty Docket Number	015127.00898

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

Approved 2-23-07

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:

D2/896, 902, 907, 908, 943, 944, 945, 946, 969, 972, 973 and 974

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.

/Richard S. Stockton/ — Signature

February 20, 2007 — Date

Richard S. Stockton — Typed or printed name

50,330 — Registration Number, if applicable

(202) 824-3000 — 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.

PTO/SB/27 (09-04)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	TBA 29/277,276
Filing Date	February 20, 2007
First Named Inventor	Benjamin Andrew Shaffer
Title	PORTION OF A SHOE UPPER
Atty Docket Number	015127.00899

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

Approved 2-23-07
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:

D2/896, 902, 907, 908, 943, 944, 945, 946, 969, 972, 973 and 974

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.

/Richard S. Stockton/ — Signature
February 20, 2007 — Date

Richard S. Stockton — Typed or printed name
50,330 — Registration Number, if applicable

(202) 824-3000 — Telephone Number

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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 : 5-2908

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/277293 Patent No.: D565140

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

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

Please check Drawings

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

Emma Young
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: _____

Stella M. Reid
STELLA M. REID
SUPERVISORY PATENT EXAMINER
SPE

2912
Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20081008

DATE : October 9, 2008

TO SPE OF : ART UNIT 2915

SUBJECT : Request for Certificate of Correction on Patent No.: D567685

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

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

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

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

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

☒ **Approved** **All** changes apply.

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

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

Comments:

SPE: /Robert M. Spear/ **Art Unit** 2915

PTOL-306 (Rev. 7/03) U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

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

Application Number	TBA 29/277,309
Filing Date	February 21, 2007
First Named Inventor	Bo Lupo
Title	Portion Of A Shoe Upper
Atty Docket Number	015127.00908

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

Approved 2-23-07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

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

D2/896, 902, 907, 908, 943, 944, 945, 946, 969, 972, 973, 974

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.

/David R. Gerk/ — Signature
February 21, 2007 — Date

David R. Gerk — Typed or printed name
56901 — 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.**
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

Application Number	TO BE ASSIGNED 29/277,310
Filing Date	February 21, 2007
First Named Inventor	Leo S. Chang
Title	Portion Of A Shoe Upper
Atty Docket Number	015127.00877

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

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 D2/896, 902, 907, 908, 911, 943, 944, 945, 946, 969, 970, 972, 973, and 974.

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 2-23-07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

February 21, 2007
Date

/David R. Gerk/
Signature

202-824-3000
Telephone Number

David R. Gerk, Reg. No. 56,901
Typed or printed name

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PTO/SB/27 (05-03)
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	TO BE ASSIGNED 29/277,311
Filing Date	February 21, 2007
First Named Inventor	Jason Carter Mayden
Title	Portion Of A Shoe Upper
Atty Docket Number	015127.00890

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

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 D2/896, 902, 907, 908, 911, 943, 944, 945, 946, 969, 970, 972, 973, and 974.

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 2-23-07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

February 21, 2007
Date

/David R. Gerk/
Signature

202-824-3000
Telephone Number

David R. Gerk, Reg. No. 56,901
Typed or printed name

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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 29/277,313
Filing Date	February 21, 2007
First Named Inventor	Bo Lupo
Title	Portion Of A Shoe Outsole
Atty Docket Number	015127.00909

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

2-23-07

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:

D2/896, 902, 908, 946, 947, 948, 949, 951, 952, 953, 954, 955, 956, 957, 958, 959, and 960.

Related applications: _____

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

/David R. Gerk/ — Signature
February 21, 2007 — Date

David R. Gerk — Typed or printed name
56901 — Registration Number, if applicable

202-824-3000 — Telephone Number

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29/277, 316

PTO/SB/27 (05-03)
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)		
	Application Number	TO BE ASSIGNED
	Filing Date	February 21, 2007
	First Named Inventor	Leo S. Chang
	Title	Portion Of A Shoe Upper 29277 316
	Atty Docket Number	015127.00911

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

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 D2/896, 902, 907, 908, 911, 943, 944, 945, 946, 969, 970, 972, 973, and 974.

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 2-23-07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

February 21, 2007	/David R. Gerk/
Date	Signature
202-824-3000	David R. Gerk, Reg. No. 56,901
Telephone Number	Typed or printed name

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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 29/277,358
Filing Date	February 22, 2007
First Named Inventor	Octavio Lubrano
Title	Portion Of A Shoe Upper
Atty Docket Number	015127.00889

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:

D2/896, 902, 907, 908, 911, 943, 944, 945, 946, 969, 970, 972, 973 and 974.

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.

3-6-07
Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

/David R. Gerk/ — Signature
February 22, 2007 — Date

David R. Gerk — Typed or printed name
56901 — Registration Number, if applicable

202-824-3000 — 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.

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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
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www.uspto.gov

WILSON & HAM
2530 BERRYESSA ROAD
PMB: 348
SAN JOSE, CA 95132

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AUG 2 8 2009

OFFICE OF PETITIONS

In re Application of :
Sun-Ju Hwang :
Application No. 29/277,375 : ON PETITION
Filed: February 22, 2007 :
Attorney Docket No. UL-001D :

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 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 January 28, 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 March 29, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). 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

WILSON & HAM
2530 BERRYESSA ROAD
PMB: 348
SAN JOSE, CA 95132

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DEC 22 2009

OFFICE OF PETITIONS

In re Application of :
Sun-Ju Hwang :
Application No. 29/277,375 : ON PETITION
Filed: February 22, 2007 :
Attorney Docket No. UL-001D :

This is a decision on the renewed petition under 37 CFR 1.137(b) filed October 28, 2009, to revive the above-identified application.

The petition is **GRANTED.**

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

This matter is being referred to Technology Center AU 2912 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

WILSON & HAM
2530 BERRYESSA ROAD
PMB: 348
SAN JOSE, CA 95132

MAILED

SEP 28 2009

OFFICE OF PETITIONS

In re Application of :
Sun-Ju Hwang :
Application No. 29/277,376 : ON PETITION
Filed: February 22, 2007 :
Attorney Docket No. UL-002D :

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 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 January 28, 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 March 29, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). 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) a terminal disclaimer is required for all design applications. 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

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DEC 23 2009

OFFICE OF PETITIONS

WILSON & HAM
2530 BERRYESSA ROAD
PMB: 348
SAN JOSE, CA 95132

In re Application of :
Sun-Ju Hwang :
Application No. 29/277,376 : ON PETITION
Filed: February 22, 2007 :
Attorney Docket No. UL-002D :

This is a decision on the renewed petition under 37 CFR 1.137(b) filed November 30, 2009, to revive the above-identified application.

The petition is **GRANTED.**

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

This matter is being referred to Technology Center AU 2912 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

ERIC CHAN
42 PIN OAKS DRIVE
PHOENIXVILLE, PA 19460

COPY MAILED

MAR 21 2008

OFFICE OF PETITIONS

In re Application of :
Chun Fai Leung :
Application No. 29/277,453 : NOTICE
Filed: February 27, 2007 :
Attorney Docket No. 15521 :

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

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

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

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3210.

Irvin Dingle
Petition Examiner
Office of Petitions

PTO/SB/27 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to 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 29/277,457
Filing Date	February 27, 2007
First Named Inventor	David Roulo
Title	Portion Of A Shoe Outsole
Atty Docket Number	015127.00926

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:

D2/896, 902, 907, 908, 946, 947, 948, 949, 951, 952, 953, 954, 955, 956, 957, 958, 959 and 960.

Related applications: Attorney Docket 015127.00927 entitled "Portion Of A Shoe Outsole" filed concurrently herewith on February 27, 2007.

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.

3-6-07
Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

/David R. Gerk/ — Signature
February 27, 2007 — Date

David R. Gerk — Typed or printed name
56901 — Registration Number, if applicable

202-824-3000 — 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.

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 29/277,458
Filing Date	February 27, 2007
First Named Inventor	David Roulo
Title	Portion Of A Shoe Outsole
Atty Docket Number	015127.00927

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:

D2/896, 902, 907, 908, 946, 947, 948, 949, 951, 952, 953, 954, 955, 956, 957, 958, 959 and 960.

Related applications: Attorney Docket No. 015127.00926 entitled "Portion Of A Shoe Outsole" filed concurrently herewith on February 27, 2007.

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.

3-6-07
Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

/David R. Gerk/ — Signature

February 27, 2007 — Date

David R. Gerk — Typed or printed name

56901 — Registration Number, if applicable

202-824-3000 — 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.

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 29/277,461
	Filing Date	February 27, 2007
	First Named Inventor	Benjamin Andrew Shaffer
	Title	Portion Of A Shoe Outsole
	Atty Docket Number	015127.00907

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:

D2/896, 902, 908, 946, 947, 948, 949, 951, 952, 953, 954, 955, 956, 957, 958, 959 and 960.

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.

3-6-07
Approved
Jacqueline M. Stone, Director
Technology Center 1700/2900

/David R. Gerk/ — Signature
February 27, 2007 — Date

David R. Gerk — Typed or printed name
56901 — Registration Number, if applicable

202-824-3000
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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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Crompton, Seager & Tufte, LLC
1221 Nicollet Avenue
Suite 800
Minneapolis, MN 55403-2420

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MAR 12 2009

OFFICE OF PETITIONS

In re Application of :
David A. Hanson et al. :
Application No. 29/277,464 : DECISION ON PETITION
Filed: February 27, 2007 :
Attorney Docket No. 1292.1193101 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 26, 2009, 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 November 28, 2007, which set a period for reply of three (3) months. Accordingly, the application became abandoned on March 1, 2008. A Notice of Abandonment was mailed on March 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 a miscellaneous letter regarding discussion of drawings, (2) the petition fee of $1620, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the reply 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 2916 for mailing of a new Notice of Allowability indicating the proper status of the drawings.

Carl Friedman
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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CROMPTON, SEAGER & TUFTE, LLC
1221 NICOLLET AVENUE
SUITE 800
MINNEAPOLIS MN 55403-2420

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DEC 16 2009

OFFICE OF PETITIONS

In re Application of :
David A. HANSON et al. :
Application No. 29/277,466 : DECISION ON PETITION
Filed: February 27, 2007 :
Attorney Docket No. **1292.1193101** :

This is a decision on the petitions, filed February 26, 2009; (a) requesting withdrawal of the holding of abandonment in the above-identified application under 37 CFR 1.181 (no fee) and (b) requesting revival of the instant application under the unintentional provisions of 37 CFR 1.137(b).

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

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

This application was held abandoned for failure to timely respond to the Notice of Allowance November 28, 2007, that required a reply on or before February 28, 2008. The office records indicate receipt of Issue fees on January 31, 2008. However, a Notice of Abandonment was mailed on March 26, 2008, indicating that the applicants had failed to timely file corrected drawings as required by the Notice of Allowability.

Petitioner contends that the Notice of Abandonment was sent in error and that the response filed January 31, 2008, was a timely and complete response to the Notice of Allowance.

A review of the file record shows: (a) the Notice of Allowability was mailed November 28, 2007, requiring corrected drawings through checking of Box 5 thereon, (b) Applicants timely paid the Issue Fee on January 31, 2008, (c) A Notice of Abandonment was mailed March 26, 2008, indicating that the applicants had failed to timely file corrected drawings as required by the Notice of Allowability, (d) Attorney Jason Burgmaier participated in an interview with examiner Radermaker on May 13, 2008, that was memorialized in the Interview Summary filed May 16, 2008, wherein the examiner noted that applicants failed to note the discrepancy between the Notice of Allowability and the Examiner's detailed amendment in regard to the requirement for

corrected drawings and the examiner also suggested that attorney Burgmaier file a paper reflecting the discrepancy, (e) Attorney Burgmaier filed such a paper on May 21, 2008, requesting a withdrawal of holding of abandonment, (f) The instant petition was filed February 26, 2009, renewing the previously filed request of withdrawal of holding of abandonment along with a petition for revival under 37 CFR 1.137(b).

The request for a withdrawal of holding of abandonment is considered under 37 CFR 1.181 that requires the request to be filed within two (2) months of the action complained of. See 37 CFR 1.181(f). In view of the facts above, the initial request for withdrawal of the holding of abandonment that was filed May 21, 2008, failed to meet the timeliness requirement of 37 CFR 1.181(f). Thus, the petition under 37 CFR 1.181 is **DISMISSED AS UNTIMELY**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of remarks, (2) the petition fee of $1620, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to timely respond to the Notice of Allowance and Fees Due mailed November 28, 2007, is accepted as being unintentionally delayed and the petition under 37 CFR 1.137(b) is **GRANTED.**

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 forwarded to Office of Data Management for processing it into a patent.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

PTO/SB/27 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	29/277,483
Filing Date	February 27, 2007
First Named Inventor	Michael J. DiTullo, Jr.
Title	HEEL PORTION OF A SHOE
Atty Docket Number	015127.00891

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:

D2/896, 902, 907, 908, 915, 918, 922, 943, 944, 945, 946, 964, 968, 969, 972, 973 and 974

36/34R and 72B

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.

3-6-07
Approved
Jacqueline M. Stone, Director
Technology Center 1700/2900

/Robert S. Katz/ — Signature

/February 27, 2007/ — Date

Robert S. Katz — Typed or printed name

36402 — Registration Number, if applicable

(202) 824-3000 — 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.

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	29/277,488
Filing Date	February 27, 2007
First Named Inventor	Michael J. DiTullo, Jr.
Title	PORTION OF A SHOE UPPER
Atty Docket Number	015127.00892

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
3.6.07

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:

D2/896, 902, 907, 908, 943, 944, 945, 946, 969, 972, 973 and 974

Related applications: 015127.00893 being filed on even date herewith.

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.

/Robert S. Katz/ — Signature
/February 27, 2007/ — Date

Robert S. Katz — Typed or printed name
36402 — Registration Number, if applicable

(202) 824-3000 — 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.

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	29/277,489
Filing Date	February 27, 2007
First Named Inventor	Michael J. DiTullo, Jr., et al.
Title	PORTION OF A SHOE UPPER
Atty Docket Number	015127.00893

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

Approved
Jacqueline M. Stone, Director
Technology Center 1700/2900 3-6-07

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:

D2/896, 902, 907, 908, 943, 944, 945, 946, 969, 972, 973 and 974

Related applications: 015127.00892 being filed on even date herewith.

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.

/Robert S. Katz/	/February 27, 2007/
Signature	Date
Robert S. Katz	36402
Typed or printed name	Registration Number, if applicable
(202) 824-3000	
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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BLAKELY SOKOLOFF TAYLOR & ZAFMAN, LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

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JUL 16 2008

OFFICE OF PETITIONS

In re Application of :
Rita M. Haft, et. al. :
Application No. 29/277,491 : ON PETITION
Filed: February 27, 2007 :
Attorney Docket No. 5740P008 :

This is a decision on the petition under 37 CFR 1.137(b), filed on February 15, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

The above-identified application became abandoned for failure to respond to the Notice of Allowance and Fee(s) Due/Notice of Allowability mailed October 26, 2007. A Notice of Abandonment was mailed on February 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 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 $770 for the petition to revive fee, $410 for payment of the issue fee, $30 for ten advanced soft copies and three sheets of replacement drawings containing Figures 1-6 filed on February 15, 2008. However, a Terminal Disclaimer and $65 fee is required under 37 CFR 1.137(d) if the application is: (1) a design application, (2) a utility application filed before June 8, 1995, or (3) a plant application filed before June 8, 1995. The Terminal Disclaimer must dedicate to the public a terminal part of the term of any patent granted the application equivalent to the period of abandonment of the application, and must also apply to any patent granted on any application containing a specific reference under 35 U.S.C. 120, 121 or 365(c) to the application for which revival is sought.

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) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b), and be accompanied by the required Terminal Disclaimer and $65 fee." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

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

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

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

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

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

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BLAKELY SOKOLOFF TAYLOR & ZAFMAN, LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

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MAR 1 1 2009

OFFICE OF PETITIONS

In re Application of :
Rita M. Haft, et. al. :
Application No. 29/277,491 : ON PETITION
Filed: February 27, 2007 :
Attorney Docket No. 5740P008 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed on January 15, 2009, to revive the above-identified application.

In response to the decision mailed July 16, 2008, petitioner submits the present renewed petition, a terminal disclaimer with the $70 fee and a four month extension of time filed on January 15, 2009.

Since the requirements of 37 CFR 1.137(b) have been met, the petition is **GRANTED**.

The terminal disclaimer under 37 CFR 1.137(d), filed January 15, 2009, has been accepted and made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

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

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

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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 0 7 2007

OFFICE OF PETITIONS

SoCal IP Law Group LLP
310 N. Westlake Blvd., Suite 120
Westlake Village, CA 91362

In re Application of	:	
Dario Cesar Antonioni	:	
Application No. 29/277,532.	:	DECISION ON PETITION
Filed: February 28, 2007	:	TO WITHDRAW
Attorney Docket No. E006-P06687US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 19, 2007.

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

A review of the file record indicates that the power of attorney to SoCal IP Law Group LLP has been revoked by the assignee of the patent application on July 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 Terri Williams at 571-272-2991.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Marvin E. Jacobs, Esq.**
1767 Marisol Drive
Ventura, CA 93001

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MARVIN E. JACOBS, ESQ.
1767 MARISOL DRIVE
VENTURA CA 93001

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MAR 0 7 2008

OFFICE OF PETITIONS

In re Application of :
Antonioni, Dario Cesar :
Application No. 29/277,532 : ON PETITION
Filed: February 28, 2007 :
Attorney Docket No. 279-20-111 :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed February 4, 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.

The above-identified application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowability mailed September 10, 2007, which set a non-extendable period for reply of three (3) months. Accordingly, the above-identified application became abandoned on December 11, 2007. A Notice of Abandonment was mailed on January 8, 2008.

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

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

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

[2] See MPEP 711.03(c)(III)(C) and (D).

The instant petition lacks item(s) (4). Since the instant application is a design application, a terminal disclaimer (with requisite fee) is required by 37 CFR 1.137(b) for revival.

A blank terminal disclaimer form is enclosed for petitioner's convenience.

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

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

By hand: Customer Window located at:

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

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

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

Liana Walsh
Petitions Examiner
Office of Petitions

Enclosure: PTO/SB/63

PTO/SB/63 (01-08)
Approved for use through 03/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to a collection of information unless it displays a valid OMB control number.

TERMINAL DISCLAIMER TO ACCOMPANY PETITION	Docket Number (Optional)

In re Application of:

Name:

Application Number:

Filed:

For:

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

Check either box 1 or 2 below, if appropriate.

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

_____ _____
Signature Date

_____ _____
Typed or Printed Name Telephone Number

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

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

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

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

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

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MARVIN E. JACOBS, ESQ.
1767 MARISOL DRIVE
VENTURA CA 93001

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JUN 0 4 2008

OFFICE OF PETITIONS

In re Application of	:	
Antonioni, Dario Cesar	:	
Application No. 29/277,532	:	DECISION ON PETITION
Filed: February 28, 2007	:	
Attorney Docket No. 27-20-111	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed April 21, 2008, to revive the above-identified application.

The petition is **GRANTED**.

Petitioner has now satisfied the terminal disclaimer requirement.

Petitioner submitted $250.00 towards payment of the $65.00 terminal disclaimer fee. Accordingly, the remaining $185.00 will be refunded via treasury check in due course.

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

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	29/277,564
Filing Date	March 1, 2007
First Named Inventor	Roy J. Askeland et al.
Title	Portion of a Connector Plug
Atty Docket Number	013797.03144

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

3/14/07

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:

D13/133, 146, 147, 149, 154, 184 and 199; 439/79, 83, 108, 353, 358, 541.5, 580, 594, 597, 600, 606, 607, 608, 609, 610, 639 and 677

Related applications: 013797.03145 being filed on even date herewith.

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.

/Robert S. Katz/	/1 March 2007/
Signature	Date
Robert S. Katz	36402
Typed or printed name	Registration Number, if applicable
(202) 824-3000	
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.

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	29/277,565
Filing Date	March 1, 2007
First Named Inventor	Roy J. Askeland et al.
Title	**Mating Connector Plug and Receptacle Pair**
Atty Docket Number	013797.03145

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

Approved 3/14/07
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:

D13/133, 146, 147, 149, 154, 184 and 199; 439/79, 83, 108, 353, 358, 541.5, 580, 594, 597, 600, 606, 607, 608, 609, 610, 639 and 677

Related applications: 013797.03144 being filed on even date herewith.

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.

/Robert S. Katz/ — Signature
/1 March 2007/ — Date

Robert S. Katz — Typed or printed name
36402 — Registration Number, if applicable

(202) 824-3000 — 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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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NAMAN, HOWELL, SMITH & LEE
P.O. BOX 1470
WACO TX 76703

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JAN 3 0 2009

OFFICE OF PETITIONS

In re Application of	:	
Sumner Adams	:	
Application No. 29/277,567	:	DECISION ON PETITION
Filed: March 1, 2007	:	
Attorney Docket No. 27869-02	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 14, 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 Provisional Application (Notice) mailed March 12, 2007. 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 May 13, 2007. A Notice of Abandonment was mailed November 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 an Oath or Declaration and the surcharge fee of $65.00, (2) the petition fee of $810.00, (3) an adequate statement of unintentional delay, and (4) a Terminal Disclaimer with the accompanying $70.00 fee.

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.

The Power of Attorney by Assignee submitted with the instant petition on October 14, 2008 is hereby not accepted. Although petitioner submitted a Certificate under 37 C.F.R. § 3.73(b), it does not fully comply with 37 CFR 3.73(b). In this regard, the certificate or statement must include the reel and frame number showing the chain of title from the inventor(s), of the patent application above, to the current assignee. Petitioner may additionally submit any documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment). The documents submitted to establish ownership may be required to be recorded pursuant to § 3.11 in the assignment records of the Office as a condition to permitting the assignee to take action in a matter pending before the Office. A 37 CFR 3.73(b) statement is enclosed.

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 Patent Application Processing for further processing in accordance with this decision on petition.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: George Tompkins
2200 Ross Ave., Ste. 2200
Dallas, Texas 75201

Enclosure: PTO/SB/96 – Statement under 3.73(b)

PTO/SB/96 (01-08)
Approved for use through 07/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: _____

Application No./Patent No.: _____ Filed/Issue Date: _____

Entitled:

_____, a _____
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☐ the assignee of the entire right, title, and interest; or

2. ☐ an assignee of less than the entire right, title and interest.
(The extent (by percentage) of its ownership interest is _____%)

in the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (*i.e.*, a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

_____ _____
Signature Date

_____ _____
Printed or Typed Name Telephone Number

_____
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

Privacy Act Statement

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.

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

NAMAN, HOWELL, SMITH & LEE
P.O. BOX 1470
WACO TX 76703

COPY MAILED

JAN 3 0 2009

OFFICE OF PETITIONS

In re Application of	:	
Sumner Adams	:	
Application No. 29/277,569	:	DECISION ON PETITION
Filed: March 1, 2007	:	
Attorney Docket No. 27869-0002	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 14, 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 Provisional Application (Notice) mailed March 12, 2007. 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 May 13, 2007. A Notice of Abandonment was mailed November 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 an Oath or Declaration and the surcharge fee of $65.00, (2) the petition fee of $810.00, (3) an adequate statement of unintentional delay, and (4) a Terminal Disclaimer with the accompanying $70.00 fee.

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.

The Power of Attorney by Assignee submitted with the instant petition on October 14, 2008 is hereby not accepted. Although petitioner submitted a Certificate under 37 C.F.R. § 3.73(b), it does not fully comply with 37 CFR 3.73(b). In this regard, the certificate or statement must include the reel and frame number showing the chain of title from the inventor(s), of the patent application above, to the current assignee. Petitioner may additionally submit any documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment). The documents submitted to establish ownership may be required to be recorded pursuant to § 3.11 in the assignment records of the Office as a condition to permitting the assignee to take action in a matter pending before the Office. A 37 CFR 3.73(b) statement is enclosed.

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 Patent Application Processing for further processing in accordance with this decision on petition.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: George Tompkins
2200 Ross Ave., Ste. 2200
Dallas, Texas 75201

Enclosure: PTO/SB/96 – Statement under 3.73(b)

PTO/SB/96 (01-08)
Approved for use through 07/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: _____

Application No./Patent No.: _____ Filed/Issue Date: _____

Entitled:

_____, a _____
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☐ the assignee of the entire right, title, and interest; or

2. ☐ an assignee of less than the entire right, title and interest
(The extent (by percentage) of its ownership interest is _____%)

in the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (*i.e.*, a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

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

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

Privacy Act Statement

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
Alexandria, VA 22313-1450
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LOCKE LORD BISSELL & LIDDELL LLP
ATTN: MICHAEL RITCHIE, DOCKETING
2200 ROSS AVENUE
SUITE # 2200
DALLAS, TX 75201-6776

MAILED

MAR 06 2009

OFFICE OF PETITIONS

In re Application of
Sumner Adams, et. al.
Application No. 29/277,571
Filed: March 1, 2007
Attorney Docket No. 0102051.00004

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed October 14, 2008, to revive the above-identified application.

This application became abandoned for failure to file a response to the Notice to File Missing Parts of Non-provisional Application mailed March 12, 2007. A Notice of Abandonment was mailed on November 21, 2007.

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 an executed oath/declaration and the $65 surcharge; (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). Therefore, the petition is **GRANTED**.

The terminal disclaimer under 37 CFR 1.137(d), filed October 14, 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.

The Power of Attorney filed on October 14, 2008 has been accepted and made of record. A Notice of Acceptance accompanies this decision.

Andrea Smith
Petitions Examiner
Office of Petitions

Enclosure: Notice of Acceptance of Power of Attorney

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
29/277,571	03/01/2007	Sumner Adams	0102051.00004

CONFIRMATION NO. 6454

POA ACCEPTANCE LETTER

20873
Locke Lord Bissell & Liddell LLP
Attn: Michael Ritchie, Docketing
2200 Ross Avenue
Suite # 2200
DALLAS, TX 75201-6776

OC000000034430610

Date Mailed: 03/05/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/14/2008.

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.

/amsmith/

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

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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Building M, Suite 250
Allen TX 75013

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APR 3 0 2010

OFFICE OF PETITIONS

In re Application of	:	
Adams et al.	:	
Application No. 29/277,571	:	DECISION ON PETITION
Filed: March 1, 2007	:	PURSUANT TO
Attorney Docket No.:	:	37 C.F.R. § 1.137(B)
0102051.00004	:	
Title: OPEN FRONT DESK WITH	:	
TRANSLUCENT RECEPTACLE	:	

This is a decision on the petition filed January 26, 2010, 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 September 29, 2009, which set a shortened statutory period for reply of three months.[1] No extensions of time are permitted for transmitting formal drawings.[2] Accordingly, the above-identified application became abandoned on December 30, 2009. A Notice of Abandonment was mailed on January 12, 2010.

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

1 The issue fee was received on December 27, 2009.
2 See MPEP § 710.02(e)(III).

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 corrected drawings, the petition fee, 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, 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.[3] All other inquiries concerning the status of the application should be directed to the Office of Patent Publication at 571-272-4200.

/Paul Shanoski/
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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LOCKE LORD BISSELL & LIDDELL LLP
ATTN: MICHAEL RITCHIE, DOCKETING
2200 ROSS AVENUE
SUITE # 2200
DALLAS, TX 75201-6776

MAILED

MAR 06 2009

OFFICE OF PETITIONS

In re Application of
Sumner Adams, et. al.
Application No. 29/277,572
Filed: March 1, 2007
Attorney Docket No. 0102051.00005

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed October 14, 2008, to revive the above-identified application.

This application became abandoned for failure to file a response to the Notice to File Missing Parts of Non-provisional Application mailed March 12, 2007. A Notice of Abandonment was mailed on November 21, 2007.

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 an executed oath/declaration and the $65 surcharge; (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). Therefore, the petition is **GRANTED**.

The terminal disclaimer under 37 CFR 1.137(d), filed October 14, 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.

The Power of Attorney filed on October 14, 2008 has been accepted and made of record. A Notice of Acceptance accompanies this decision.

Andrea Smith
Petitions Examiner
Office of Petitions

Enclosure: Notice of Acceptance of Power of Attorney

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
29/277,572	03/01/2007	Sumner Adams	0102051.00005

CONFIRMATION NO. 6461

POA ACCEPTANCE LETTER

20873
Locke Lord Bissell & Liddell LLP
Attn: Michael Ritchie, Docketing
2200 Ross Avenue
Suite # 2200
DALLAS, TX 75201-6776

OC000000034430617

Date Mailed: 03/05/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/14/2008.

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.

/amsmith/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MICHAEL J. STRIKER
103 EAST NECK ROAD
HUNTINGTON, NY 11743

COPY MAILED

AUG 18 2008

In re Application of :
Bernhard Schwanitz, et. al. :
Application No. 29/277,585 : ON PETITION
Filed: March 2, 2007 :
Attorney Docket No. 4065 :

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

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 Michael J. Striker 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.

The petition is **DISMISSED**.

The above-identified application became abandoned for failure to respond to the Notice of Allowance and Fee(s) Due mailed 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(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks item(s) (4).

The Office acknowledges receipt of $1,540 for the petition to revive fee and $820 for payment of the issue fee filed on November 30, 2007. However, a Terminal Disclaimer and $130 fee is required under 37 CFR 1.137(d) if the application is: (1) a

design application, (2) a utility application filed before June 8, 1995, or (3) a plant application filed before June 8, 1995. The Terminal Disclaimer must dedicate to the public a terminal part of the term of any patent granted the application equivalent to the period of abandonment of the application, and must also apply to any patent granted on any application containing a specific reference under 35 U.S.C. 120, 121 or 365(c) to the application for which revival is sought.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b), and be accompanied by the required Terminal Disclaimer and $130 fee." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

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

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

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

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

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

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MICHAEL J. STRIKER
103 EAST NECK ROAD
HUNTINGTON, NY 11743

COPY MAILED

SEP 30 2008

OFFICE OF PETITIONS

In re Application of :
Bernhard Schwanitz, et. al. :
Application No. 29/277,585 : ON PETITION
Filed: March 2, 2007 :
Attorney Docket No. 4065 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed on August 26, 2008, to revive the above-identified application.

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 Michael J. Striker 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.

The petition is **dismissed.**

On the other hand, a review of the record reveals that the terminal disclaimer under 37 CFR 1.137(d), filed August 26, 2008 is not signed by an attorney or agent of record.

37 CFR 1.321(b) states:

> An applicant or assignee may disclaim or dedicate to the public the entire term, or any terminal part of the term, of a patent to be granted. Such terminal disclaimer is binding upon the grantee and its successors or assigns. The terminal disclaimer, to be recorded in the Patent and Trademark Office, must:
>
> (1) Be signed:
>
> > (i) By the applicant, or
> > (ii) If there is an assignee of record of an undivided part interest, by the applicant and such assignee, or
> > (iii) If there is an assignee of record of the entire interest, by such assignee, or
> > (iv) By an attorney or agent of record;

(2) Specify the portion of the term of the patent being disclaimed;
(3) State the present extent of applicant's or assignee's ownership interest in the patent to be granted; and
(4) Be accompanied by the fee set forth in §1.20(d).

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) is 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

MICHAEL J. STRIKER
103 EAST NECK ROAD
HUNTINGTON, NY 11743

MAILED

JAN 29 2009

OFFICE OF PETITIONS

In re Application of :
Bernhard Schwanitz, et. al. :
Application No. 29/277,585 : ON PETITION
Filed: March 2, 2007 :
Attorney Docket No. 4065 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed on November 26, 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 $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 November 26, 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.

The Power of Attorney filed on November 26, 2008 has been accepted and made of record. A Notice of Acceptance accompanies this decision.

It is noted that the decision mailed on September 30, 2008, permitted petitioner a time limit of two months from the mail date of the decision to provide a response. As a response was timely filed on November 26, 2008, the $490 extension of time fee filed November 26, 2008 is unnecessary and may be credited back to the credit card.

Since petitioner submitted a fee of $130 for a terminal disclaimer filed on August 26, 2008, the terminal disclaimer fee of $140 submitted on November 26, 2008 is unnecessary and petitioner may request this fee be credited to the credit card, as well.

Petitioner may request that the above fees totaling $630 be credited to the credit card by writing to the following address: Mail Stop 16, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

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

Enclosure: Notice of Acceptance of Power of Attorney

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
29/277,585	03/02/2007	Bernhard Schwanitz	4065

CONFIRMATION NO. 6770

278
MICHAEL J. STRIKER
103 EAST NECK ROAD
HUNTINGTON, NY 11743

POA ACCEPTANCE LETTER

OC000000034055503

Date Mailed: 01/14/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/26/2008.

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.

/amsmith/

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

PTO/SB/27 (09-06)
Approved for use through 03/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office: U.S DEPARTMENT OF COMMERCE
Under the Paperwork Reduction ACT of 1995, no persons are required to respond to 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 29/277,605
Filing Date	Herewith
First Named Inventor	DAYAN
Title	MODULATOR
Atty Docket Number	INT245-223966-C2

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 3/14/07

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:

Class D13, Subclass 144; Class D13, Subclass 168 and "transmitter"; Class D13, Subclass 144 and Subclass 168; Class D14, Subclass 155 and Class D13, Subclass 144; Class D14, Subclass 155.

Related applications: 29/233,604 and 29/258,310

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:

- Formal drawings (see 37 CFR 1.84).
- The fee set forth in 37 CFR 1.17(k).
- An information disclosure statement in compliance with 37 CFR 1.98.

Signature — Date: 3/2/07

Tod A. Kupstas — Typed or printed name

54,917 — Registration Number, if applicable

215-977-2335 — 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.

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 29/277,641
Filing Date	March 5, 2007
First Named Inventor	David Roulo
Title	Portion Of A Shoe Upper
Atty Docket Number	015127.00922

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

Approved 3/14/07
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:

D/896, 902, 907, 908, 911, 943, 944, 945, 946, 969, 970, 972, 973, 974

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.

/David R. Gerk/	March 5, 2007
Signature	Date
David R. Gerk	56901
Typed or printed name	Registration Number, if applicable
202-824-3000	
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.

29/277,652

PTO/SB/27 (09-06)
Approved for use through 03/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE
Under the Paperwork Reduction ACT of 1995, no persons are required to respond to 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 concurrently herewith
Filing Date	March 5, 2007
First Named Inventor	Alexander Jozef Magdalena Van de Rostyne
Title	HELICOPTER PROPELLER
Atty Docket Number	058084-014201

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

Approved 3/14/07
Cornelius 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:
A search was conducted by a professional searcher of the U.S.P.T.O. EAST database at the Public Search Room, in which the following classes/subclasses were searched:

Class 244, Subclasses 7A, 7B, 17.11, 17.23, 35R
Class 416, Subclasses 223R, 243, Dig. 2
Class D12, Subclasses 319, 326, 327, 328, 329

Examiners Tien Dinh (Class 244) and Christopher Verdier (Class 416) were consulted and suggested the field of search.

Related applications: US Des Pat Appl 29/275,322 filed 12/20/2006; US Util Pat Appl 11/462,177 filed 08/03/2006; US Util Pat Appl 11/465,781 filed 08/18/2006; BE Pat Appl 2006/0043 filed 01/19/2006

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). **(4 Sheets consisting of 4 Figures)**
- The fee set forth in 37 CFR 1.17(k). **($900)**
- An information disclosure statement in compliance with 37 CFR 1.98. **(IDS with foreign references)**

Signature — March 5, 2007 (Date)

Charles Berman, Esq. (Typed or printed name) — Reg. No. 29,249 (Registration Number, if applicable)

(310) 586-7770
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

DAVID HONG,
LAW OFFICE OF DAVID HONG
P.O. BOX 2111
SANTA CLARITA CA 91386

MAILED

MAR 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Richard M. POLA	:	
Application No. 29/277,660	:	DECISION ON PETITION
Filed: March 5, 2007	:	
Attorney Docket No. 2006-9-0174	:	

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 **GRANTED**.

The application became abandoned for failure to timely pay the issue fee on or before December 1, 2008. As required by the Notice of Allowance and Fee(s) Due, mailed August 29, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on December 2, 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; (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.

Thurman 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

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DEC 19 2008

OFFICE OF PETITIONS

MARC E. HANKIN, ESQ.
11414 THURSTON CIRCLE
LOS ANGELES CA 90049

In re Application of :
Blom : DECISION ON PETITION
Application No. 29/277,721 :
Filed: March 7, 2007 :
Atty. Dkt. No: AQUASTAR - SCRUB CORNER :

This decision is in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181 filed December 1, 2008.

The petition is DISMISSED WITHOUT PREJUDICE.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." This is not a final agency decision.

The instant petition fails to comply with 37 CFR 1.4(d)(2)(ii) in that practitioner has failed to set forth his registration number. Accordingly, the petition has not been reviewed on the merits.

Any renewed petition and accompanying documents must be properly executed in accordance with 37 CFR 1.4 and 1.33(b) prior to treatment on the 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

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

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

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MAR 0 2 2010

OFFICE OF PETITIONS

MARC E. HANKIN, ESQ.
11414 THURSTON CIRCLE
LOS ANGELES CA 90049

In re Application of :
Blom : DECISION ON PETITION
Application No. 29/277,721 :
Filed: March 7, 2007 :
Atty. Dkt. No: AQUASTAR - SCRUB CORNER :

This decision is in response to the renewed petition to withdraw the holding of abandonment under 37 CFR 1.181 filed January 6, 2009.

The application was held abandoned for failure to timely submit a proper reply to the Notice of Allowance and Issue Fee Due and the Notice of Allowability (Notices) mailed July 14, 2008. Notice of Abandonment was mailed November 7, 2008. A petition under 37 CFR 1.181 was filed December 1, 2008 and dismissed December 19, 2008.

Petitioner asserts non-receipt of the Notices. Petitioner indicates that a search of the file jacket and the docket records indicate that the Notices were not received. Petitioner has included, *inter alia*, copies of docket records for the instant application which purport to establish non-receipt of the Notice.

The showing required to establish non-receipt 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 non-received Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the non-received Office action must be submitted as documentary proof of non-receipt of the Office action. 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 instant petition and accompanying documents have been carefully reviewed and found in compliance with the procedures to establish non-receipt of an Office communication set forth at MPEP 711.03(c).
Accordingly, the petition under 37 CFR 1.181 to withdraw the holding of abandonment is hereby **GRANTED**. The holding of abandonment is WITHDRAWN and the Notice of Abandonment is hereby VACATED.

This application is being forwarded to Group Art Unit 2911 for re-mailing of the Notices. The time period for reply will be set in the newly mailed Notices.

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

/ALESIA M. BROWN/

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

MOTOROLA INC
600 NORTH US HIGHWAY 45
W4 - 39Q
LIBERTYVILLE IL 60048-5343

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JAN 0 8 2009

OFFICE OF PETITIONS

In re Application of :
VAN DEN NIEUWENHUIZEN et al. :
Application No. 29/277,738 : DECISION ON PETITION
Filed: 03/08/2007 :
Attorney Docket No. CS32837RS :

This is a decision on the petition under 37 CFR 1.137(b), filed October 10, 2008, to revive the above-identified application. This is also in response to the petition under 37 CFR 1.183, filed October 10, 2008, seeking waiver of the requirement that a supplemental declaration be executed by the named inventor pursuant to 37 CFR 1.67(a).

The petitions are **dismissed**. Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petitions under 37 CFR 1.137(b) and 37 CFR 1.183." No additional petition fees are necessary.

This application became abandoned for failure to submit a timely reply to the nonfinal Office action, mailed October 15, 2007, which set a three (3) month shortened statutory period for reply. Accordingly, the application became abandoned on January 16, 2008. A Notice of Abandonment was mailed on May 28, 2008.

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 § 1.137(d).

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

Although petitioner submitted a Terminal Disclaimer to Obviate a Provisional Double Patenting Rejection Over a Pending "Reference" Application, petitioner failed to submit a Terminal Disclaimer to Accompany Petition. The Office reminds petitioner that a terminal disclaimer and fee are required under 37 CFR 1.137(d) if the application is a design application. The terminal disclaimer must dedicate to the public a terminal part of the term of any patent granted the above-identified application equivalent to the period of abandonment of the above- identified application. The appropriate form accompanies the decision.

As the application is currently abandoned, a decision on the petition under 37 CFR 1.183 will be held in abeyance until petitioner files a grantable petition to revive the application accompanied by a terminal disclaimer and fee in compliance with 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

Communication may also be submitted electronically via the USPTO electronic filing system.

The Office finance records show that petitioner paid a $200.00 fee for the filing of the petition under 37 CFR 1.183. The correct fee is $400.00. The Office will charge the $200.00 balance to the Deposit Account as authorized.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: 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
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MOTOROLA INC
600 NORTH US HIGHWAY 45
W4 - 39Q
LIBERTYVILLE IL 60048-5343

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MAR 1 2 2009

OFFICE OF PETITIONS

In re Application of :
VAN DEN NIEUWENHUIZEN et al. :
Application No. 29/277,738 : DECISION ON PETITION
Filed: 03/08/2007 :
Attorney Docket No. CS32837RS :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed January 15, 2009, to revive the above-identified application. This is also in response to the petition under 37 CFR 1.183, filed January 15, 2009.

This application became abandoned for failure to submit a timely reply to the nonfinal Office action, mailed October 15, 2007, which set a three (3) month shortened statutory period for reply. Accordingly, the application became abandoned on January 16, 2008. A Notice of Abandonment was mailed on May 28, 2008.

On October 10, 2008, petitioners filed the initial petition under 37 CFR 1.137(b) to revive the application and the initial petition under 37 CFR 1.183 seeking waiver of the requirement that a supplemental declaration be executed by the named inventor pursuant to 37 CFR 1.67(a). On January 8, 2009, the Office dismissed the petition under 37 CFR 1.137(b) for failure to submit a terminal disclaimer under 37 CFR 1.137(d). As the application remained abandoned, a decision on the petition under 37 CFR 1.183 was held in abeyance until petitioners filed a grantable petition to revive the application accompanied by a terminal disclaimer and fee in compliance with 37 CFR 1.137(d)(1).

As to the petition under 37 CFR 1.137(b), the petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply, (2) the petition fee, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). The terminal disclaimer is accepted and has been made of record. Accordingly, the petition under 37 CFR 1.137(b) is **granted**.

As to the petition under 37 CFR 1.183, petitioner has provided an updated ADS and a declaration signed by the former non-signing inventor. Therefore, all of the named inventors have now executed the supplemental declaration. Accordingly, the petition under 37 CFR 1.183 seeking waiver of the requirement that the supplemental declaration be executed by the named inventor pursuant to 37 CFR 1.67(a) is **dismissed as moot**.

As the Office held the initial petition under 37 CFR 1.183 in abeyance and did not render a decision on the merits, and in consideration of the fact that the issue is now moot, the $400.00 petition fee is unnecessary. The Office will refund the $400.00 petition fee to the Deposit Account.

The application is being referred to Technology Center Art Unit 2916 for consideration of the reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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

Application Number	TBD 29/277,740
Filing Date	March 8, 2007
First Named Inventor	James Frances Clancy
Title	Portion Of A Shoe Upper
Atty Docket Number	015127.00913

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

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/2 896, 900, 902, 903, 907, 908, 911, 916, 919, 923, 924, 925, 926, 929, 939, 943, 944, 945, 946, 969, 971, 972, 973 and 974.

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.

3-20-07
Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

3/8/07	/Anthony W. Kandare/
Date	Signature
202-824-3000	Anthony W. Kandare, reg. no. 48,830
Telephone Number	Typed or printed name

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

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

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

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412 MAIN STREET, 7TH FLOOR
HOUSTON TX 77002

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MAY 2 8 2008

OFFICE OF PETITIONS

In re Application of	:	
Kuei-chih HSU	:	
Application No. 29/ 277762	:	DECISION ON PETITION
Filed: March 8, 2007	:	
Attorney Docket No. 1980-52	:	

This is a decision on the petition under 37 CFR 1.137(b), filed April 6, 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 Office action under Ex parte Quayle, 1935 Dec. Comm'r Pat. 11 (1935), mailed June 27, 2007 (the office action), which set a shortened statutory period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 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 replacement drawings and amended specification , (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 respond to the office action mailed June 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 Ramesh Krishnamurthy at (571) 272 - 4914.

This application is being referred to Technology Center AU 2914 for further processing in accordance with this decision on petition.

David Bucci
Petitions Examiner
Office of Petitions

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MCGUIREWOODS, LLP
1750 TYSONS BLVD
SUITE 1800
MCLEAN VA 22102

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NOV 13 2007

OFFICE OF PETITIONS

In re Application of
Wright, et al.
Application No. 29/277,815
Filed: March 9, 2007
Attorney Docket No. 2005025-5223DES

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed October 22, 2007.

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

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

As to item (1), 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). The showing currently fails to demonstrate, with a documented showing, that a diligent effort was made to find or locate non-signing inventor Zwonitzer, such that the declaration can be accepted under 37 CFR 1.47(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.

It appears that a copy of the application and a declaration was sent a number of times to an address where Mr. Zwonitzer no longer lives. The statement of Mr. Bill Carter explains that to date the package mailed on October 1, 2007 has not been accepted at that address. In addition,

Mr. Zwonitzer's telephone number is now disconnected. It appears that Mr. Zwonitzer's stated last known address is no longer a "good" address for him.

Petitioner has not demonstrated that all efforts were expended in trying to locate non-signing inventor Zwonitzer. 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 inventor Zwonitizer's's 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?

The copy of the letter requesting his signature on the declaration and a copy of documentation showing status of the mailing referenced in the petition cannot be located. Please send another copy of these documents with any reconsideration petition.

If 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. **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.

If the inventor is contacted and 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. Whenever an omitted inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration. Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded by the rule 47 applicant that an omitted inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

As to item (4), a more diligent search for the non-signing inventor may yield a valid address.

The petition fee of $200.00 will be charged to petitioner's deposit account.

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

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

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

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

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

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APR 23 2008

OFFICE OF PETITIONS

In re Application of	:	
Jung Hwa Jung et al	:	DECISION GRANTING PETITION
Application No. 29/277,821	:	UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: March 9, 2007	:	
Attorney Docket No. 080441-000711US	:	

This is a decision on the petition under 37 CFR 1.313(c)(3), filed April 22, 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 21, 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 22, 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 CPA.

Karen Creasy
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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TARGET BRANDS, INC.
1000 NICOLLET MALL
TPS-3165
MINNEAPOLIS, MN 55403

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NOV 16 2007

OFFICE OF PETITIONS

In re Application of
Deborah B. Adler, et al.
Application No. 29/277,825
Filed: March 9, 2007
Attorney Docket No. T634.142.102

: DECISION GRANTING PETITION
: UNDER 37 CFR 1.313(c)(3) (CPA)

This is a decision on the petition under 37 CFR 1.313(c)(3), filed November 9, 2007, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on September 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 November 9, 2007.

The petition is not signed by an attorney of record. Nevertheless, in accordance with 37 CFR 1.34, the signature of Mr. Victor Jonas appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. If Mr. Victor Jonas desires to receive future correspondence regarding this file, the appropriate power of attorney documents must be submitted. A courtesy copy of this decision is being mailed to petitioner herein. However, until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

Telephone inquiries regarding this decision should be directed to April Wise at (571) 272-1642.

This matter is being referred to Technology Center AU 2916 for processing of the CPA and consideration of the concurrently filed information disclosure statement.

Karen Creasy
Petitions Examiner
Office of Petitions

cc: VICTOR P. JONAS
FAEGRE & BENSON LLP
2200 WELLS FARGO CENTER
90 SOUTH SEVENTH STREET
MINNEAPOLIS, MN 54402-3901

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BAKER & DANIELS LLP
300 NORTH MERIDIAN STREET
SUITE 2700
INDIANAPOLIS, IN 46204

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FEB 15 2008

OFFICE OF PETITIONS

In re Application of :
Vincenzo Guercio :
Application No. 29/277,905 : ON PETITION
Filed: March 13, 2007 :
Attorney Docket No. RABL-P0005 :

This is a decision on the petition filed February 11, 2008, which is being treated as a petition under 37 CFR 1.313(a), to withdraw the above-identified application from issue.

The petition is **DISMISSED AS MOOT**.

"Applicant requests withdrawal in order to submit a reference, a group of photographs, for consideration by the Examiner. Applicant includes the Supplemental IDS with this petition. Applicant also includes an Amendment to correct Drawing Objections among other things."

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, in order to submit a reference, a group of photographs, for consideration by the Examiner, does not make withdrawal of the application from issue necessary.

The issue fee is due on or before April 24, 2008. If the Issue fee is not received, the above-identified application will become abandoned for failure to submit the Issue fee in a timely manner in reply to the Notice of Allowance mailed January 24, 2008.

The Supplemental Information Disclosure Statement received with the petition is being forwarded to Technology Center AU 2900.

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

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2100 Pennsylvania Avenue, N.W.
Washington, DC 20037

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JUN 27 2008

OFFICE OF PETITIONS

In re Application of Kojima et al. :
Application No. 29/277,911 : Decision on Petition
Filing Date: March 13, 2007 :
Attorney Docket No. CQ10305 :

This is a decision on the petition filed March 21, 2008, under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application.

The petition is **dismissed.**

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

Facts:

A Notice of Allowability was mailed September 28, 2007.

The Notice of Allowability set a shortened statutory period for reply of three (3) months.

The Notice required the submission of corrected drawings in order to avoid abandonment of the application.

Petitioner states the requirement for corrected drawings was erroneous. A paper titled, "Supplemental Notice of Allowability" issued by the examiner on April 9, 2008, confirms the requirement for corrected drawings made in the September 28, 2007 Notice was made in error.

Petitioner did not file any reply to the Notice of Allowability.

A Notice of Abandonment issued January 25, 2008.

The instant petition requests withdrawal of the holding of abandonment.

Decision:

35 U.S.C. 133 requires that if an action is mailed, and if an applicant fails to respond to such action within 6 months or within any shorter time period set by the Office, the application goes abandoned as a matter of law. An Office action in the form of a Notice of Allowability was mailed September 28, 2007. The Notice provided applicants with three months to file a response. Applicant did not file a response to the Notice of Allowability within 3 months. Therefore, as a matter of law, the application is abandoned.

The statute does not distinguish "correct" Office actions from "incorrect" Office actions. Even if a Notice or Office action is incorrect, a reply must be filed. For example, if an applicant fails to respond to a restriction requirement later determined to be untenable as drafted, the application is abandoned. If an Office action is mailed rejecting claims based on anticipation over a reference that was facially not available as prior art against the application, an applicant must still respond to the Office action in order to avoid abandonment.

Petitioner failed to respond to the Notice of Allowability. Such response could have taken the form of a written traversal stating the facts in the instant petition regarding the original drawings. Petitioner could have directly contacted the examiner and taken steps to have the examiner withdraw the requirement in writing prior to the expiration of the time period for response.

For the reasons above, the holding of abandonment will not be withdrawn.

Petitioner may wish to consider filing a petition to revive under 37 CFR 1.137(a). A grantable petition under 37 CFR 1.137(a) must be accompanied by:

(1) The required reply (already submitted),
(2) A showing that the entire delay in the submission of a reply to the Notice of Allowability was unavoidable (already submitted),
(3) The petition fee of $500 for a large entity, and
(4) A terminal disclaimer and terminal disclaimer fee.

A copy of a petition under 37 CFR 1.137(a) form and a copy of a terminal disclaimer form are attached. A copy of a PDF fillable form for a terminal disclaimer form can also be found at: "http://www.uspto.gov/web/forms/sb0063_fill.pdf".

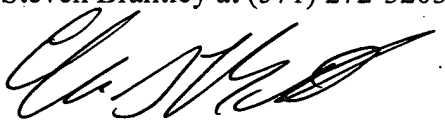
Unless filed by EFS Web, further correspondence with respect to this matter should be addressed as follows:

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

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

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

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



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

Attached: PTO/SB/61 form
PTO/SB/63 form
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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)	Docket Number (Optional)

First Named Inventor: Art Unit:

Application Number: Examiner:

Filed:

Title:

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

NOTE: A grantable petition requires the following items:

(1) Petition fee.
(2) Reply and/or issue fee.
(3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
(4) Adequate showing of the cause of unavoidable delay.

1. Petition fee

☐ Small entity – fee $_____ (37 CFR 1.17(l)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $_____ (37 CFR 1.17(l)).

2. Reply and/or fee

A The reply and/or fee to the above-noted Office action in the form of _____ (identify the type of reply):

☐ has been filed previously on _____.

☐ is enclosed herewith.

B The issue fee of $ _____

☐ has been filed previously on _____.

☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

_____ _____
Signature Date

_____ _____
Typed or printed name Registration Number, if applicable

_____ _____
Address Telephone Number

_____
Address

Enclosure
☐ Fee Payment
☐ Reply
☐ Terminal Disclaimer Form
☐ Additional sheets containing statements establishing unavoidable delay
☐ _____

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

_____ _____
Date Signature

_____
Typed or printed name of person signing certificate

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

Signature	Date
Typed or printed name	Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

(Please attach additional sheets if additional space is needed.)

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TERMINAL DISCLAIMER TO ACCOMPANY PETITION	Docket Number (Optional)

In re Application of:

Name:

Application Number:

Filed:

For:

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

Check either box 1 or 2 below, if appropriate.

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

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

_____ _____
Signature Date

_____ _____
Typed or Printed Name Telephone Number

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

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

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

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

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

Privacy Act Statement

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

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

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

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United States Patent and Trademark Office
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SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037

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JUL 24 2008

In re Application of Kojima et al. :
Application No. 29/277,911 : Decision on Petition
Filing Date: March 13, 2007 :
Attorney Docket No. CQ10305 :

This is a corrected decision on the petition filed March 21, 2008, under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application.

The petition is **granted.**

Facts:

A Notice of Allowability was mailed September 28, 2007.

The Notice of Allowability set a shortened statutory period for reply of three (3) months.

The box on the Notice indicating corrected drawings must be filed in order to avoid abandonment of the application was not checked.

The Notice included the following language below the corrected drawing language: "including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ___." The box corresponding with the preceding language was checked. Petitioner asserts the box was checked in error.

The Examiner's Amendment did not reference any requirement for corrected drawings.

Petitioner did not file any reply to the Notice of Allowability.

A paper titled, "Supplemental Notice of Allowability" issued by the examiner on April 9, 2008, confirms petitioner's assertion that the box referencing drawing changes was checked in error.

A Notice of Abandonment issued January 25, 2008.

The instant petition requests withdrawal of the holding of abandonment.

Decision:

The Notice of Allowability did not require submission of corrected drawings since the box corresponding with such a requirement was not checked. Therefore, the application is not abandoned for failure to submit corrected drawings.

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

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

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 29/277,949
Filing Date	To be assigned
First Named Inventor	Robert W. Dolan
Title	PORTION OF A SHOE UPPER
Attorney Docket Number	2465-8123US

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
3-20-07

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 — 14 March 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 by37 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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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 29/277,964
Filing Date	March 15, 2007
First Named Inventor	Kenneth Link
Title	PORTION OF A SHOE UPPER
Atty Docket Number	015127.00918

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:

D2/896, 902, 907, 908, 911, 943, 944, 945, 946, 969, 970, 972, 973 and 974

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.

3-20-07
Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

/Richard S. Stockton/ — Signature
March 15, 2007 — Date

Richard S. Stockton — Typed or printed name
50,330 — Registration Number, if applicable

(202) 824-3000 — 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.

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

Application Number	TBA 29/277,965
Filing Date	March 15, 2007
First Named Inventor	Kenneth Link
Title	PORTION OF A SHOE UPPER
Atty Docket Number	015127.00921

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:

D2/896, 902, 907, 908, 911, 943, 944, 945, 946, 969, 970, 972, 973 and 974

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.

3-20-07
Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

/Richard S. Stockton/ — Signature

March 15, 2007 — Date

Richard S. Stockton — Typed or printed name

50,330 — Registration Number, if applicable

(202) 824-3000 — 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.

29/278,003

PTO/SB/27 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)		
	Application Number	To be assigned
	Filing Date	To be assigned
	First Named Inventor	Kenneth Link
	Title	MIDSOLE FOR A SHOE
	Attorney Docket Number	2465-8174US

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

Approved
Jacqueline M. Stone 3-23-07
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.

_____ 15 March 2007
Signature Date

Laurence B. Bond 30,549
Typed or printed name 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 by37 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.*

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BANNER & WITCOFF, LTD.
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON DC 20005-4051

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OFFICE OF PETITIONS

In re Patent No. D566,246 :
Issue Date: April 8, 2008 :
Application No. 29/278,026 : DECISION ON PETITION
Filed: March 16, 2007 :
Attorney Docket No. 000777.00027 :

This is a decision on the Request for Certificate of Correction under 37 CFR Petition under 37 1.323, filed July 9, 2008, requesting correction on the Title Page of the subject patent, via issuance of a Certificate of Correction under 37 CFR 1.323, to identify the correct name of assignee. The Request has been treated as a Petition under 37 CFR 3.81. A completed Certificate of Correction Form (PTO/1050) accompanied the petition.

The petition under 37 CFR 3.81 is **GRANTED**.

Petitioner requests, in effect, that the Title Page of the above-identified patent be corrected, via issuance of a Certificate of Correction, to correct the name of the assignee identified thereon from "Nokia Corporation" to:

--Jason International, Inc.--

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

The requisite $100.00 fee (Fee Code 1811) as set forth under 37 CFR 1.20(a), and the requisite $130.00 processing fee (Fee Code 1464) as set forth under 37 CFR 1.17(i) have previously been submitted. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR 3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the Form PTO-1050 that accompanied the present Petition.

Inquiries related this communication should be directed to Cheryl Gibson-Baylor at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. D566,246.

Brian W. Brown
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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BANNER & WITCOFF, LTD.
1100 13TH STREET, N.W.
SUITE 1200
WASHINGTON DC 20005-4051

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OFFICE OF PETITIONS

In re Patent No. D566,247
Application No. 29/278,034
Filed: March 16, 2007
Issued: April 8, 2008
Attorney Docket No. 000777.00031

ON PETITION

This is a decision on the petition filed July 9, 2008, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

This matter is being referred to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to Joan Olszewski at (571) 272-7751. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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www.uspto.gov

Law Office of Philip A. Steiner
1212 Marsh Street
Suite 3
San Luis Obispo, CA 93401

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FEB 14 2008

OFFICE OF PETITIONS

In re Application of	:	
Jim Zandt	:	
Application No. 29/278,042	:	DECISION ON PETITION
Filed: March 15, 2007	:	TO WITHDRAW
Attorney Docket No. DN03152007	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 5, 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 Philip A. Steiner, Esq. on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Jim Zandt at the address indicated below.

There is no outstanding Office action at this time.

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

/

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Jimmy Zandt**
1769 San Luis Drive
San Luis Obispo, CA 93401

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 NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
29/278,042	03/16/2007	Jim Zandt	DN03152007

CONFIRMATION NO. 8505

POWER OF ATTORNEY NOTICE

31105
LAW OFFICE OF PHILIP A STEINER
1212 MARSH STREET
SUITE 3
SAN LUIS OBISPO, CA 93401

OC00000028295608

Date Mailed: 02/13/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/05/2007.

- 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.

/tswilliams/

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

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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THE BLACK & DECKER CORPORATION
701 EAST JOPPA ROAD, TW199
TOWNSON, MC 21286

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SEP 29 2008

In re Application of	:	
Daniel N. LOPANO	:	
Application No. 29/278,058	:	DECISION ON PETITION
Filed: March 19, 2007	:	
Attorney Docket No. D-US-TN-11420	:	

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 application became abandoned for failure to timely pay the issue fee on or before April 14, 2008. As required by the Notice of Allowance and Fee(s) Due, mailed January 14, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on April 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 payment of the Issue Fee of $820; (2) the petition fee of $1540; (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.

Thurman Page
Petitions Examiner
Office of Petitions

RAM Fee History Query

Revenue Accounting and Management

Name/Number: 29278058 Total Records Found: 9

Start Date: Any Date End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
08/08/2008	00000003	1	1502	$820.00	08/05/2008	DA 022548
08/08/2008	00000004	1	8001	$9.00	08/05/2008	DA 022548
08/06/2008	00000313	4	1453	$1,540.00	08/05/2008	DA 022548
08/06/2008	00000314	4	1814	$130.00	08/05/2008	DA 022548
09/07/2007	00001481	3	8007	$80.00	09/06/2007	DA 022548
06/07/2007	00008111	4	8021	$40.00	06/07/2007	DA 022548
03/19/2007	00003983	4	1012	$200.00	03/19/2007	DA 022548
03/19/2007	00003984	4	1112	$100.00	03/19/2007	DA 022548
03/19/2007	00003985	4	1312	$130.00	03/19/2007	DA 022548

OIPE IAP7
AUG 05 2008
PATENT & TRADEMARK OFFICE

PTO/SB/63 (08-08)
Approved for use through 09/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to a collection of information unless it displays a valid OMB control number.

TERMINAL DISCLAIMER TO ACCOMPANY PETITION	Docket Number (Optional) TN11420

In re Application of:

Name: Daniel N. Lopano

Application Number: 29/278,058

Filed: 03/19/2007

For: IMPACT DRIVER

The owner*, Black & Decker 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 41,144

Michael P. Leary — Signature

August 5, 2008 — Date

Michael P. LEARY — Typed or Printed Name

410 716 2773 — 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.

08/06/2008 INTEFSW 00000227 29278058
01 FC:1453 ~~1540.00 DA~~
02 FC:1814 130.00 DA

PTO/SB/64 (08-08)
Approved for use through 08/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to 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): TN11420

First named inventor: Daniel N. Lopano

Application No.: 29/278,058 Art Unit: 2915

Filed: 03/19/2007 Examiner: NELSON, T. Chase

Title: IMPACT DRIVER

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 $ 520.

☐ has been paid previously on _____.
☑ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☑ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ 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.

Michael P. Leary — Signature

August 5, 2008 — Date

Michael P. Leary — Typed or printed name

41,144 — Registration Number, if applicable

701 E. Joppa Rd. - TW 199 — Address

410 716 2773 — Telephone Number

Towson, MD 21286 — Address

Enclosures:
☑ Fee Payment
☐ Reply
☑ Terminal Disclaimer Form
☐ Additional sheets containing statements establishing unintentional delay
☑ Other: Issue Fee

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.

August 5, 2008 — Date

Rebecca S. Casciero — Signature

Rebecca S. Casciero — Typed or printed name of person signing certificate

Filed via EFS Web

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	TBD 29/278,071
Filing Date	3/19/2007
First Named Inventor	Adrienne E. O'Donnell
Title	Icon for a Portion of a Display Screen
Atty Docket Number	013797.02939

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

Approved 3-29-07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

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

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

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

D14 (374, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, and 495); D18 (24, 25, 26, 27, 28, 29, 30, 31, 32, and 33); D19 (6 and 7); D20 (11 and 18); D21 (324, 325, 326, 327, 328, 329, 330, 331; 332, and 333); 345 (683 and 902); and 715 (764, 771, 773, 775, 776, 835, 836, 837, 838, 839, 846, and 976)

Related applications: 29/248,521, filed 8/18/2006

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.

/John M. Fleming/ — Signature
03/19/2007 — Date

John M. Fleming — Typed or printed name
56,536 — Registration Number, if applicable

202-824-3000 — 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.

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	29/278,075
Filing Date	March 19, 2007
First Named Inventor	Andreas Harlow
Title	PORTION OF A SHOE UPPER
Atty Docket Number	015127.00928

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

Approved 4-12-07
Jacqueline M. Stone
Jacqueline M. Stone, Director
~~Technology Center 1700/2000~~

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:

D2/896, 902, 907, 908, 911, 943, 944, 945, 946, 969, 970, 972, 973 and 974

Related applications: 015127.00929 being filed on even date herewith.

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.

/Robert S. Katz/ — Signature
/March 19, 2007/ — Date

Robert S. Katz — Typed or printed name
36402 — Registration Number, if applicable

(202) 824-3000 — 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.

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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BOND, SCHOENECK & KING, PLLC
ONE LINCOLN CENTER
SYRACUSE NY 13202-1355

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AUG 2 8 2008

OFFICE OF PETITIONS

In re Application of :
Pine, Jeffrey A. :
Application No. 29/278,077 : ON PETITION
Filed: March 19, 2007 :
Attorney Docket No. 169D016 :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed August 1, 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,[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 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

PTO/SB/63 (08-08)
Approved for use through 08/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to a collection of information unless it displays a valid OMB control number.

TERMINAL DISCLAIMER TO ACCOMPANY PETITION	Docket Number (Optional)

In re Application of:

Name:

Application Number:

Filed:

For:

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

Check either box 1 or 2 below, if appropriate.

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

_____ _____
Signature Date

_____ _____
Typed or Printed Name Telephone Number

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

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

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

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

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

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

BOND, SCHOENECK & KING, PLLC
ONE LINCOLN CENTER
SYRACUSE NY 13202-1355

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OCT 27 2008

OFFICE OF PETITIONS

In re Application of	:	
Pine, Jeffrey A.	:	
Application No. 29/278,077	:	ON PETITION
Filed: March 19, 2007	:	
Attorney Docket No. 169D016	:	

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed October 2, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition now satisfies the requirements of 37 CFR 1.137(b) with the submission of the terminal disclaimer and fee.

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

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

Liana Walsh
Petitions Examiner
Office of Petitions

PTO/SB/27 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to 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	29/278,079
Filing Date	March 19, 2007
First Named Inventor	Andreas Harlow
Title	PORTION OF A SHOE UPPER
Atty Docket Number	015127.00929

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

Approved 4-18-07
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:

D2/896, 902, 907, 908, 911, 943, 944, 945, 946, 969, 970, 972, 973 and 974

Related applications: 015127.00928 being filed on even date herewith.

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.

/Robert S. Katz/ — Signature
/March 19, 2007/ — Date

Robert S. Katz — Typed or printed name
36402 — Registration Number, if applicable

(202) 824-3000 — 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.

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	29/278,079
Filing Date	March 19, 2007
First Named Inventor	Andreas Harlow
Title	PORTION OF A SHOE UPPER
Atty Docket Number	015127.00929

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

Approved
6/14/07
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:

D2/896, 902, 907, 908, 911, 943, 944, 945, 946, 969, 970, 972, 973 and 974

Related applications: 015127.00928 being filed on even date herewith.

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.

/Robert S. Katz/ — Signature

/March 19, 2007/ — Date

Robert S. Katz — Typed or printed name

36402 — Registration Number, if applicable

(202) 824-3000 — 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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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	TBD 29/278,082
Filing Date	3/19/2007
First Named Inventor	Adrienne E. O'Donnell
Title	Icon for a Portion of a Display Screen
Atty Docket Number	013797.02940

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

Approved 3-29-07
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:

D14 (374, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, and 495); D18 (24, 25, 26, 27, 28, 29, 30, 31, 32, and 33); D19 (6 and 7); D20 (11 and 18); D21 (324, 325, 326, 327, 328, 329, 330, 331, 332, and 333); 345 (683 and 902); and 715 (764, 771, 773, 775, 776, 835, 836, 837, 838, 839, 846, and 976)

Related applications: 29/248,521, filed 8/18/2006

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.

/John M. Fleming/ — Signature
03/19/2007 — Date

John M. Fleming — Typed or printed name
56,536 — Registration Number, if applicable

202-824-3000 — 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	TBD 29/278,085
Filing Date	3/19/2007
First Named Inventor	Adrienne E. O'Donnell
Title	Icon for a Portion of a Display Screen
Atty Docket Number	013797.02941

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 3-29-07

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:

D14 (374, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, and 495); D18 (24, 25, 26, 27, 28, 29, 30, 31, 32, and 33); D19 (6 and 7); D20 (11 and 18); D21 (324, 325, 326, 327, 328, 329, 330, 331, 332, and 333); 345 (683 and 902); and 715 (764, 771, 773, 775, 776, 835, 836, 837, 838, 839, 846, and 976)

Related applications: 29/248,521, filed 8/18/2006

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.

/John M. Fleming/ — Signature
03/19/2007 — Date

John M. Fleming — Typed or printed name
56,536 — Registration Number, if applicable

202-824-3000 — 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	TBD 29/278,088
Filing Date	3/19/2007
First Named Inventor	Adrienne E. O'Donnell
Title	Icon for a Portion of a Display Screen
Atty Docket Number	013797.02942

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

Approved 3.29.07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

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

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

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

D14 (374, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, and 495); D18 (24, 25, 26, 27, 28, 29, 30, 31, 32, and 33); D19 (6 and 7); D20 (11 and 18); D21 (324, 325, 326, 327, 328, 329, 330, 331, 332, and 333); 345 (683 and 902); and 715 (764, 771, 773, 775, 776, 835, 836, 837, 838, 839, 846, and 976)

Related applications: 29/248,521, filed 8/18/2006

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.

/John M. Fleming/ — Signature
03/19/2007 — Date

John M. Fleming — Typed or printed name
56,536 — Registration Number, if applicable

202-824-3000 — 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.

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

Application Number	TBD 29/278,099
Filing Date	3/19/2007
First Named Inventor	Adrienne E. O'Donnell
Title	Icon for a Portion of a Display Screen
Atty Docket Number	013797.02947

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

Approved 3-29-07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

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

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

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

D14 (374, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, and 495); D18 (24, 25, 26, 27, 28, 29, 30, 31, 32, and 33); D19 (6 and 7); D20 (11 and 18); D21 (324, 325, 326, 327, 328, 329, 330, 331, 332, and 333); 345 (683 and 902); and 715 (764, 771, 773, 775, 776, 835, 836, 837, 838, 839, 846, and 976)

Related applications: 29/248,521, filed 8/18/2006

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.

/John M. Fleming/ — Signature
03/19/2007 — Date

John M. Fleming — Typed or printed name
56,536 — Registration Number, if applicable

202-824-3000 — Telephone Number

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UNITED STATES PATENT AND TRADEMARK OFFICE

9-24-08

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United States Patent and Trademark Office
P.O. Box 1450
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www.uspto.gov

Patent No. :D 569, 199 S
Ser. No. : 29/278,130
Inventor(s) : Cecillio Antonio Gomez Zaragoza, et. al.
Issued : May 20, 2008
Title : SNACK FOOD MOLD
Docket No. : CFLAY.20361

Re: Request for Certificate of Correction

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

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

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

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

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

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

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

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

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

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

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

Eva James
For Mary Diggs
Decisions & Certificates
of Correction Branch
(703) **308-9390 ext. 111** or (703) 308-8309

Colin P. Cahoon
Carstens & Cahoon, LLP
P.O. Box 802334
Dallas, TX 75380

ej

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CARSTENS & CAHOON, LLP
P O BOX 802334
DALLAS, TX 75380

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JAN 07 2009

OFFICE OF PETITIONS

In re Patent No. D569,199	:	
Issue Date: May 20, 2008	:	
Application No. 29/278,130	:	ON PETITION
Filed: March 20, 2007	:	
Attorney Docket No. CFLAY.20361	:	

This is a decision on the petition filed October 10, 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.

Petitioner has provided a request for a certificate of correction under § 1.323 and the $130 processing fee set forth in § 1.17(i); however, petitioner did not submit the $100 fee set forth in § 1.20(a). Accordingly, the $100 fee for the certificate of correction is being charged to counsel's deposit account as authorized.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

---

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 6/18/08

Paper No.: —

TO SPE OF : ART UNIT 2915

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/278176 Patent No: D563825S

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

With respect to the change(s) requested to correct Office and/or Applicant's errors, should the patent read as shown in the certificate of correction attached herewith or the COCIN document(s), in IFW images for the above-identified patented application? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

If the response is for an IFW, within 7 days, please complete and forward the response, to the employee (named below) via scanning into application images, using document code **COCX**.

If the response is for a paper file wrapper, please complete the response and forward the response with the paper file wrapper, to the employee (named below), within 7 days, to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

VIRGINIA TOLBERT
Certificates of Correction Branch
703-308-9390 ext. 113

Thank You For Your Assistance

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

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

Comments: _____

Gary D. Watson — SPE
2915 — Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO : D563,852S
DATE : March 11, 2008
INVENTOR(s) : Rosen et al
Serial NO : 29/278,176

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

On the title page: Item [75] Inventors: insert – Scott M. Conway, Flower Mound, Texas --.

PTO/SB/27 (05-03)
Approved for use through 04/30/2003. 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	TBD 29/278,211
Filing Date	March 22, 2007
First Named Inventor	Leonard Wozniak
Title	Portion Of A Shoe Upper
Atty Docket Number	015127.00871

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

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/2 896, 902, 907, 908, 911,943, 944, 945, 946, 969, 972, 973 and 974.

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.

3-29-07
Approved
Jacqueline M. Stone, Director
Technology Center 1700/2900

3/22/07	/Anthony W. Kandare/
Date	Signature
202-824-3000	Anthony W. Kandare, reg. no. 48,830
Telephone Number	Typed or printed name

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

PTO/SB/27 (09-04)

REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)		
	Application Number	29/278,226
	Filing Date	
	First Named Inventor	Janet K. Lau
	Title	Integrated Tabbed Note and Clip
	Atty Docket Number	CLIPD061

ADDRESS TO:

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

Approved 3-29-07
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:

D19/86, D19/65, D19/1, D19/99, D19/34

40/641, 40/659, 40/666, 40/309, 40/360

24/67R, 24/67.3, 24/67.5, 24/67.9, 24/67.11, 24/365, 24/561, 24/710.8, 24/3.12

116/237

281/42

Related applications: U.S. design applications 29/247,938, filed July 20, 2006; 29/275,238, filed December 18, 2006; 29/275,270, filed December 19, 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.

/Melvin D. Chan/	March 22, 2007
Signature	Date
Melvin D. Chan	39,626
Typed or printed name	Registration Number, if applicable
408-701-0035	
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 29/278,227
Filing Date	March 22, 2007
First Named Inventor	David Roulo
Title	Portion of a Shoe Midsole
Atty Docket Number	015127.00923

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

Approved 3-29-07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

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

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

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

Class D2; Subclass 896, 902, 907, 908, 943, 944, 946, 947, 964, 967, 972, 976 and 977

Related applications: Attorney Docket Nos. 015127.00924 and 015127.00925 both filed 3/22/2007.

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

/David R. Gerk/ — Signature

March 22, 2007 — Date

David R. Gerk — Typed or printed name

56901 — 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.

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

Application Number	TBA 29/278,231
Filing Date	March 22, 2007
First Named Inventor	David Roulo
Title	Portion of a Shoe Midsole
Atty Docket Number	015127.00924

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

Approved 3-29-07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

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

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

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

Class D2; Subclass 896, 902, 907, 908, 943, 944, 946, 947, 964, 967, 972, 976 and 977

Related applications: Attorney Docket Nos. 015127.00923 and 015127.00925 both filed 3/22/2007.

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

/David R. Gerk/ — Signature
March 22, 2007 — Date

David R. Gerk — Typed or printed name
56901 — Registration Number, if applicable

202-824-3000 — 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.**
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	TBA 29/278,236
Filing Date	March 22, 2007
First Named Inventor	David Roulo
Title	Portion of a Shoe Midsole
Atty Docket Number	015127.00925

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

Approved 3-29-07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

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

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

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

Class D2; Subclass 896, 902, 907, 908, 943, 944, 946, 947, 964, 967, 972, 976 and 977

Related applications: Attorney Docket Nos. 015127.00923 and 015127.00924 both filed 3/22/2007.

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

/David R. Gerk/ — Signature

March 22, 2007 — Date

David R. Gerk — Typed or printed name

56901 — Registration Number, if applicable

202-824-3000 — 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.

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

Beyer Law Group LLP/Apple Inc.
P.O. Box 1687
Cupertino, CA 95015-1687

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APR 15 2008

OFFICE OF PETITIONS

In re Application of :
Bartley K. Andre et al. :
Application No. 29/278,243 : DECISION ON PETITION
Filed: March 22, 2007 : TO WITHDRAW
Attorney Docket No. 2607.0290002(P388USC2) : 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 **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Beyer Law Group 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 Terri Williams at 571-272-2991.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Sterne, Kessler, Goldstein & Fox P.L.L.C.**
1100 New York Avenue, N.W.
Washington, DC 20005

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Amy Elizabeth Tinsley
10002 Deer Track Court
Houston TX 77064

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DEC 0 8 2008

In re Application of :
Amy Elizabeth Tinsley :
Application No. 29/278,294 : DECISION ON PETITION
Filed: March 23, 2007 :
Attorney Docket No. :

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

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 application became abandoned for failure to timely submit corrected formal drawing on or before July 2, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed April 2, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on July 3, 2008. A Notice of Abandonment was mailed on July 29, 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 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 file the corrected formal drawings as required by the Notice of Allowance is accepted as being unintentionally delayed.

The petition is **GRANTED**.

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 Office of Data Management for further 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
www.uspto.gov

CROSSLEY PATENT LAW
236 South Third Street
#287
MONTROSE, CO 81401

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NOV 19 2008

In re Application of :
James M. Middlebrooks :
Application No. 29/278,370 : ON PETITION
Filed: March 27, 2007 :
Attorney Docket No. 07-01-15.1DA :

This is a decision on the petition under 37 CFR 1.137(b), filed on September 26, 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 August 31, 2007. A Notice of Abandonment was mailed on January 8, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of $410 for payment of the issue fee, a terminal disclaimer along with $65 fee and five 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 under 37 CFR 1.137(d), filed September 26, 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

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 ECLIPSE GROUP LLP
10605 BALBOA BLVD., SUITE 300
GRANADA HILLS, CA 91344

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JUN 05 2009

OFFICE OF PETITIONS

In re Application of :
Tony J. Carlini :
Application No. 29/278,376 : DECISION ON PETITION
Filed: March 27, 2007 :
Attorney Docket No. CD05001USDPC1 :

This is a decision on the petition, filed May 8, 2009, 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 July 29, 2008, which set a three (3) month period for reply. Three month (3) extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, a reply was due on or before January 29, 2009.

Office record show a timely reply was mailed via certificate of mailing on January 29, 2009, which included the following papers: amendment; drawings and three month (3) extension of time. Petitioner has submitted a copy of the previously mailed correspondence.

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 July 29, 2008 is hereby withdrawn and the application restored to pending status.

This application is being referred to Technology Center AU 2911 for appropriate action in the normal course of business on the reply received on February 2, 2009 (certificate of mailing, January 29, 2009).

Irvin Dingle
Petitions Examiner
Office of Petitions

PTO/SB/27 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE
Under the Paperwork Reduction ACT of 1995, no persons are required to respond to collection of information unless it displays a valid OMB control number.

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

Application Number	To be assigned 29/278,377
Filing Date	To be assigned
First Named Inventor	Jason G. Petrie
Title	PORTION OF A SHOE UPPER
Attorney Docket Number	2465-8124US

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

Approved 4-27-07
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.

_____ 27 March 2007
Signature Date

Laurence B. Bond 30,549
Typed or printed name 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 by37 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.

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 29/278 411
Filing Date	March 28, 2007
First Named Inventor	Andreas Harlow
Title	PORTION OF A SHOE UPPER
Atty Docket Number	015127.00931

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

Approved 4-18-07
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:

D2/896, 902, 907, 908, 911, 943, 944, 945, 946, 969, 972, 973 and 974

Related applications: _____

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

Signature — March 28, 2007 (Date)

Richard S. Stockton (Typed or printed name) — 50,330 (Registration Number, if applicable)

(202) 824-3000
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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SANCHELIMA & ASSOCIATES, P.A.
JESUS SANCHELIMA, ESQ.
235 S.W. LE JEUNE ROAD
MIAMI, FL 33134

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OCT 2 8 2008

OFFICE OF PETITIONS

In re Application of	:	
Arieh Rosales	:	
Application No. 29/278,435	:	ON PETITION
Filed: March 29, 2007	:	
Attorney Docket No. 260568	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 30, 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 December 7, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed September 7, 2007, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on December 8, 2007. A Notice of Abandonment was mailed on January 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 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 $140 for 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 JoAnne Burke at (571) 272-4584.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

PTO/SB/64 (01-08)
Approved for use through 01/31/2008. 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 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) 260568

First named inventor: Rosales, Ariel

Application No.: 29/278,435 Art Unit: 2914

Filed: March 29, 2007 Examiner: Susan E. Krakower

Title: BABY BOTTLE

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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 $ 770.00 (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 $ 420.00.

☐ 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.

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to 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	7/29/08 Date
Jesus Sanchelima, Esq. Typed or printed name	28,755 Registration Number, if applicable
235 S.W. Le Jeune Road, Miami, Florida 33134-1762 Address	305-447-1617 Telephone Number
Address	

Enclosures: ☑ Fee Payment
☐ Reply
☐ Terminal Disclaimer Form
☑ Additional sheets containing statements establishing unintentional delay
☑ Other: Corrected drawing sheets (3)

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.

7-30-08
Date

Signature
Yvette Ruiz
Typed or printed name of person signing certificate

Serial No. 29/278,435

Attention: Office of Petitions
Mail Stop: PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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JUL 30 2008

I. STATEMENT ESTABLISHING UNINTENTIONAL DELAY

Dear Sir/Madam:

After reviewing this file, the undersigned found that:

1. The above-referenced application's Notice of Allowance was received by our office.

2. In November and December, 2007, my assistant Adrian Rojas had some health and personal issues that affected work performance.

3. Additionally, and coincidentally, the undersigned had health issues during that period of time, including admission to the intensive care unit for several days (December 10-13) and one week after that.

4. The undersigned does not have another patent attorney or agent in the firm and the above-mentioned events were not anticipated.

WHEREFORE, Applicant requests that the above-referenced application be revived.

PAGE 3/11 * RCVD AT 7/30/2008 10:04:33 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-4/3 * DNIS:2738300 * CSID:3054458484 * DURATION (mm-ss):10-36

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JUL 30 2008

II. DRAWINGS

Applicant submits corrected drawing sheets for figures 1 through 6.

Applicant believes his application is now allowable and ready to be passed to publication and requests an early favorable action.

Respectfully submitted,

SANCHELIMA AND ASSOCIATES P.A.
Attorneys for Applicant
235 S.W. Le Jeune Road
Miami, Florida 33134-1762
Tel. 305-447-1617
Fax: 305-445-8484

By: _____
Jesus Sanchelima, Esq.
Reg. No. 28,755

PAGE 4/11 * RCVD AT 7/30/2008 10:04:33 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-4/3 * DNIS:2738300 * CSID:3054458484 * DURATION (mm-ss):10-36

29/278435 Examiner: KRAKOWER, SUSAN GAU: 2914
Inventor: ROSALES , ARIEH Classification: D24/197.000
Status: 164 - ABANDONED -- FAILURE TO PAY ISSUE FEE
Title: BABY BOTTLE
Start Date: End Date:

bib_fee report (5 items, not sorted)

Acct Date	Seq. Num.	Tran Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
07/30/2008	1	1	2453	$770.00	07/30/2008	CC
07/30/2008	2	1	2502	$410.00	07/30/2008	CC
03/30/2007	2096	4	2012	$100.00	03/29/2007	CC
03/30/2007	2097	4	2112	$50.00	03/29/2007	CC
03/30/2007	2098	4	2312	$65.00	03/29/2007	CC

Serial No. 29/278,435

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re: Application of:
Rosales, Arieh
Serial No: 29/278,435
Atty. Dkt. No. 26068
Title: "BABY BOTTLE"

Date: July 30, 2008

Filed: March 29, 2007

RECEIVED
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JUL 30 2008

ISSUE FEE

CERTIFICATION OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY that this paper is being facsimile transmitted to the U.S. Patent & Trademark Office on July 30, 2008. I have been warned that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001), and may jeopardize the validity of this application, document, registration or patent resulting therefrom.

Yvette Ruiz, Patent Department
(Printed name of the person signing the certificate)

(Signature of the person signing the certificate)

FROM: SANCHELIMA & ASSOCIATES, P.A.
235 SW Le Jeune Road, Miami, Florida 33134
Ph:(305)447-1617 Fax:(305)445-8484

TO: Commissioner for Patents
Attn. Mail Stop: ISSUE FEE
Fax No. (571)273-2885

Hon. Commissioner:

Enclosed please find the duly executed **PART B-ISSUE FEE TRANSMITTAL** for the above referenced matter. **A credit card authorization form** (PTO-2038) to cover the issue and publication fees is enclosed. A duplicate copy of this sheet is enclosed for your accounting purposes.

Also, please note that we have sent the drawings corrections required in the Notice of Allowability. We enclose a copy of the corrected formal drawings filed. Please notify us of any other outstanding matter.

Sincerely,

Yvette Ruiz for
Jesus Sanchelima, Esq.

file: XIssue Fee-PTO
JS/yr/patent
Encl: PTOL-85

Serial No. 29/278,435

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re: Application of:
Rosales, Arieh
Serial No: 29/278,435
Atty. Dkt. No. 260568
Title: "BABY BOTTLE"

Date: July 30, 2008

Filed: March 29, 2007

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ISSUE FEE

CERTIFICATION OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY that this paper is being facsimile transmitted to the U.S. Patent & Trademark Office on July 30, 2008. I have been warned that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001), and may jeopardize the validity of this application, document, registration or patent resulting therefrom.

Yvette Ruiz, Patent Department
(Printed name of the person signing the certificate)

(Signature of the person signing the certificate)

FROM: SANCHELIMA & ASSOCIATES, P.A.
235 SW Le Jeune Road, Miami, Florida 33134
Ph:(305)447-1617 Fax:(305)445-8484

TO: Commissioner for Patents
Attn. Mail Stop: ISSUE FEE
Fax No. (571)273-2885

Hon. Commissioner:

Enclosed please find the duly executed PART B-ISSUE FEE TRANSMITTAL for the above referenced matter. A credit card authorization form (PTO-2038) to cover the issue and publication fees is enclosed. A duplicate copy of this sheet is enclosed for your accounting purposes.

Also, please note that we have sent the drawings corrections required in the Notice of Allowability. We enclose a copy of the corrected formal drawings filed. Please notify us of any other outstanding matter.

Sincerely,

Yvette Ruiz for
Jesus Sanchelima, Esq.

file: XIssue Fee-PTO
JS/yr/patent
Encl: PTOL-85

PART B - FEE(S) TRANSMITTAL

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

7590 09/07/2007

Sanchelima and Associates, P. A.
Jesus Sanchelima, Esq.
235 S.W. Le Jeune Rd.
Miami, FL 33134

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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.

Yesse Ruiz (Depositor's name)
(Signature)
July 30, 2008 (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/278,435	03/29/2007	Arieh Rosales	26056B	9319

TITLE OF INVENTION: BABY BOTTLE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$400	$0	$0	$400	12/07/2007

EXAMINER	ART UNIT	CLASS-SUBCLASS
KRAKOWER, SUSAN B	2914	D24-197000

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

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

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

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

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date 7-29-08
Typed or printed name Jesus Sanchelima, Esq. Registration No. 28,755

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

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PAGE 7/11 * RCVD AT 7/30/2008 10:04:33 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-4/3 * DNIS:2738300 * CSID:3054458484 * DURATION (mm-ss):10-36 COMMERCE

PART B - FEE(S) TRANSMITTAL

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

7590 09/07/2007

Sanchelima and Associates, P. A.
Jesus Sanchelima, Esq.
235 S.W. Le Jeune Rd.
Miami, FL 33134

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Certificate of Mailing or Transmission

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Wette Ruiz	(Depositor's name)
	(Signature)
July 30, 2008	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/278,435	03/29/2007	Arieh Rosales	260568	9319

TITLE OF INVENTION: BABY BOTTLE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$400	$0	$0	$400	12/07/2007

EXAMINER	ART UNIT	CLASS-SUBCLASS
KRAKOWER, SUSAN E	2914	D24-197000

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

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

1 Sanchelima & Assoc., P.A.
2
3

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

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

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

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

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

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)
- ☐ A check is enclosed.
- ☑ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

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

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date 7-29-08

Typed or printed name Jesus Sanchelima, Esq. Registration No. 28,755

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

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JESUS SANCHELIMA, ESQ.
235 S.W. LE JEUNE ROAD
MIAMI, FL 33134

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DEC 0 5 2008

OFFICE OF PETITIONS

In re Application of :
Arieh Rosales :
Application No. 29/278,435 : ON PETITION
Filed: March 29, 2007 :
Attorney Docket No. 260568 :

This is a decision on 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 December 7, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed September 7, 2007, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on December 8, 2007. A Notice of Abandonment was mailed on January 11, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of 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 JoAnne Burke at (571) 272-4584.

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

Ramesh Krishnamurthy
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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WHITE & CASE LLP
PATENT DEPARTMENT
1155 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

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OFFICE OF PETITIONS

In re Application of :
Lars Arvidsson et al :
Application No. 29/278,449 : ON PETITION
Filed: March 30, 2007 :
Attorney Docket No. 1103326-0932 :

This is a decision on the petition filed March 26, 2008 under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the Issue fee in a timely manner in reply to the Notice of Allowance mailed October 3, 2007, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on January 4, 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 Issue fee; (2) the petition fee; (3) the required statement of unintentional delay have been received; and (4) terminal disclaimer. Accordingly, the issue fee is accepted as having been unintentionally delayed.

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

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

Irvin Dingle
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
Lars Arvidsson et al :
Application No. 29/278,449 : ON PETITION
Filed: March 30, 2007 :
Attorney Docket No. 1103326-0932 :

CORRECTED DECISION

This is a decision on the petition under 37 CFR 1.137(b), filed March 26, 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 $1540.00; (3) a proper statement of unintentional delay; and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d).

The terminal disclaimer is accepted and has been made of record.

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the application is again abandoned in favor of the CPA.

The decision mailed July 7, 2008 is hereby vacated as of the mail date of this decision.

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

This application is being referred to Technology Center AU 2914 for processing of the CPA.

Irvin Dingle
Petitions Examiner
Office of Petitions

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COLGATE-PALMOLIVE COMPANY
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PISCATAWAY NJ 08855

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OFFICE OF PETITIONS

In re Application of	:	
John C. Crawford	:	DECISION GRANTING PETITION
Application No. 29/278,471	:	UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: March 30, 2007	:	
Attorney Docket No. 8221-00-PCP	:	

This is a decision on the petition under 37 CFR 1.313(c)(3), filed October 22, 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 17, 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 October 22, 2008.

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 drawings.

Terri Williams
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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BANNER & WITCOFF, LTD.
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON DC 20005-40

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JUN 0 4 2009

OFFICE OF PETITIONS

In re Application of :
Burns, Duncan :
Application No. 29/278,485 : ON PETITION
Filed: March 30, 2007 :
Attorney Docket No. 006089.00426 :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed April 6, 2009, 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 must be submitted for revival, as stated in 37 CFR 1.137(d). A blank form 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

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SUITE 1200
WASHINGTON DC 20005-4051

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AUG 2 8 2009

OFFICE OF PETITIONS

In re Application of	:	
Burns, Duncan	:	
Application No. 29/278,485	:	ON PETITION
Filed: March 30, 2007	:	
Attorney Docket No. 006089.00426	:	

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed August 4, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition now satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied 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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BLOOMFIELD HILLS MI 48302

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MAR 2 3 2009

OFFICE OF PETITIONS

In re Application of :
McCarthy :
Application No. 29/278,512 : DECISION
Filed : 31 March, 2007 :
Attorney Docket No. 72,000-812DH :
(FLA1147)

This is a decision on the petition, filed on 22 December, 2008, under 37 C.F.R. §1.137(b) for revival of an application abandoned due to unintentional delay.

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

As to Allegations of
Unintentional Delay

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

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice of Allowance/Allowability and Fees Due (re: drawings, fees due) mailed on 18 July, 2008, with reply due under a non-extendable deadline on or before 18 October, 2008.

The instant application went abandoned by operation of law after midnight 18 October, 2008.

The Office mailed the Notice of Abandonment on 10 November, 2006.

On 22 December, 2008, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(b), averring unintentional delay, with fee, a reply in the form of drawings and fees due, and made the statement of unintentional delay.

The terminal disclaimer filed on 22 December, 2008, under 37 C.F.R. §1.137(d) is acknowledged/accepted.[1]

(Petitioner is reminded always to obtain from the Office website the most current version of the Terminal Disclaimer form at the time of execution.)

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

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

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.[4]))

---

[1] The regulations at 37 C.F.R. §1.137(d)(1) state that a terminal disclaimer filed pursuant to this rule must dedicate to the public a terminal part of the term of any patent granted thereon equivalent to the lesser of: 1) the period of abandonment of the application; or 2) the period extending beyond twenty years from the date on which the application for the patent was filed in the United States, or, if the application contains a specific reference to an earlier filed application(s) under 35 U.S.C. 120, 121 or 365(c), from the date on which the earliest such application was filed. Effective 20 September, 2000 (65 Fed. Reg. 54674, 8 September, 2000).

[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).

[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.

As to Allegations of
Unintentional Delay

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

CONCLUSION

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

The instant application is released to Office of Data Management (ODM) to be processed into a patent in due course.

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

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[5]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

---

[4] 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.

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

Application Number	Unknown 29/278,572
Filing Date	Herewith
First Named Inventor	Stuart Weitzman
Title	WOMAN'S SHOE
Atty Docket Number	95100/142

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
4-18-07

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:

Class D2 Subclasses 896, 919, 922, 923, 925, 926, 929-932, 939-941, 946, 950, 965

Class 36 Subclasses 83, 102, 104, 106, 136, 11, 11.5

Online search of eighteen Internet domains of retailers of women's shoes

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	April 2, 2007 Date
Michael P. Kenney, Esq. Typed or printed name	42,718 Registration Number, if applicable
212-336-8129 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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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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EDELL, SHAPIRO & FINNAN, LLC
1901 RESEARCH BOULEVARD
SUITE 400
ROCKVILLE MD 20850

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OCT 0 1 2007

OFFICE OF PETITIONS

In re Application of :

MARTINEZ DE SAN VICENTE, Luis Oliveras :
Application No. 29/278,587 : DECISION ON PETITION
Filed: April 03, 2007 : TO WITHDRAW
Attorney Docket No. **4504.0001D** : 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 August 27, 2007.

The request is **NOT APPROVED**.

A review of the file record indicates that SOCAL IP LAW GROUP LLP does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **MR. PETER LUONG**
ELITE MFG. CORP.
12143 ALTAMAR PLACE
SANTA FE SPRINGS, CA 90670

Doc Code:

PTO/SB/27 (09-04)
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)		
	Application Number	29/278,589
	Filing Date	04/03/2007
	First Named Inventor	MANSFIELD
	Title	DRINKING VESSEL
	Atty Docket Number	2SCUPDESNO2

ADDRESS TO:

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

Approved 4-18-07
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:

D7/509 (partial), D7/524 (partial), D7/528, and D7/532

Related applications: 29/277,631

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.

Mark Douma
Signature

04/03/2007
Date

Mark Douma
Typed or printed name

34,581
Registration Number, if applicable

(703) 759-1002
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.

PTO/SB/27 (09-04)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to 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	29/278,631
Filing Date	April 4, 2007
First Named Inventor	Alexander Gajowskyj
Title	PORTION OF A SHOE UPPER
Atty Docket Number	015127.00914

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

Approved 4-27-07
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:

D2/896, 902, 907, 908, 911, 943, 944, 945, 946, 969, 972, 973 and 974

Related applications: _____

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

[signature] — Signature

4/4/07 — Date

Robert S. Katz — Typed or printed name

36402 — Registration Number, if applicable

(202) 824-3000 — 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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MICHAEL J. STRIKER
103 EAST NECK ROAD
HUNTINGTON NY 11743

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MAY 09 2008

In re Application of :
Eric MILLER :
Application No. 29/278,658 : ON PETITION
Filed: April 5, 2007 :
Attorney Docket No. 4088 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 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** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to submit acceptable formal drawings in a timely manner in reply to the Notice of Allowability, mailed December 10, 2007, which set a period for reply of three (3) months. Accordingly, this application became abandoned on March 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 number (4) in that no terminal disclaimer has been filed.

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

By Mail: Mail Stop PETITION

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

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

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

Telephone inquiries concerning this decision should be directed to Ramesh Krishnamurthy at (571) 272-4914.

for

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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MICHAEL J. STRIKER
103 EAST NECK ROAD
HUNTINGTON NY 11743

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AUG 0 8 2008

In re Application of :
Eric **Miller** :
Application No. 29/278,658 : ON PETITION
Filed: April 5, 2007 :
Attorney Docket No. 4088 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed May 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 submit acceptable formal drawings in a timely manner in reply to the Notice of Allowance, mailed December 10, 2007, which set a period for reply of three (3) months. Accordingly, this application became abandoned on March 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 (4) a terminal disclaimer signed by the attorney of record and the required fee under 37 CFR 1.137(d). No Power of Attorney is provided.

The terminal disclaimer is not signed by the attorney of record, and the required fee under 37 CFR 1.137(d) has not been paid. See 37 CFR 1.321. Note that there is no indication in the record that the person signing the terminal disclaimer 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 Phyllis Spivack at 571-272-6051 or in her absence, the undersigned at (571) 272-7099.

for David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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103 EAST NECK ROAD
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OFFICE OF PETITIONS

In re Application of :
Eric **Miller** :
Application No. 29/278,658 : DECISION ON PETITION
Filed: April 5, 2007 :
Attorney Docket No. 4088 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed September 12, 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 acceptable drawings in a timely manner in reply to the Notice of allowance, mailed December 10, 2007, which set a period for reply of three (3) months. Accordingly, this application became abandoned on March 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 4, the required fee under 37 CFR 1.137(d).

A Power of Attorney and Terminal Disclaimer are 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 Bucci
Petitions Examiner
Office of Petitions

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MICHAEL J. STRIKER
103 EAST NECK ROAD
HUNTINGTON NY 11743

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OFFICE OF PETITIONS

In re Application of :
Eric MILLER :
Application No. 29/278,658 : ON PETITION
Filed: April 5, 2007 :
Attorney Docket No. 4088 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 9, 2008, 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 Allowability, mailed December 10, 2007, which set a period for reply of three (3) months. Accordingly, this application became abandoned on March 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 $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 reply in the form of formal drawings is accepted as having been unintentionally delayed.

The Power of Attorney filed September 12, 2008 has been accepted. The terminal disclaimer filed September 12, 2008, is accepted and has been made of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272 - 4914.

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

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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CROSSLEY PATENT LAW
236 SOUTH THIRD STREET
#287
MONTROSE CO 81401

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APR 2 8 2010

OFFICE OF PETITIONS

In re Application of	:	
Kevin R. Smith	:	
Application No. 29/278,726	:	DECISION ON PETITION
Filed: April 6, 2007	:	
Attorney Docket No. 06-03-07.5DA	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 11, 2010, 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 21, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed February 21, 2008, which set a statutory period of reply of three (3) months. Accordingly, the application became abandoned on May 22, 2008. A Notice of Abandonment was mailed June 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 payment of the issue fee of $430.00; (2) the petition fee of $810.00; (3) a proper statement of unintentional delay; and (4) a Terminal Disclaimer and fee of $70.00.

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.

Joan Olszewski
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

STOEL RIVES LLP - SLC
201 SOUTH MAIN STREET
ONE UTAH CENTER
SALT LAKE CITY, UT 84111

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OFFICE OF PETITIONS

In re Application of	:
Daniel B. Blanchard	: DECISION GRANTING PETITION
Application No. 29/278,769	: UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: April 9, 2007	:
Attorney Docket No. 60168/87	:

This is a decision on the petition under 37 CFR 1.313(c)(3), filed January 30, 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 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 January 30, 2008.

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

This matter is being referred to Technology Center AU 2914 for processing of the CPA and consideration of the concurrently filed Information Disclosure Statement (IDS).

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

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MAY 2 8 2008

OFFICE OF PETITIONS

In re Application of :
Hyun PARK :
Application No. 29/278,776 : ON PETITION
Filed: April 9, 2007 :
Attorney Docket No. 9098-000003/US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 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(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 acceptable formal drawings in a timely manner in reply to the Notice of Allowability, mailed July 31, 2007, which set a period for reply of three (3) months. Accordingly, this application became abandoned on November 1, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) number (4) in that no terminal disclaimer has been filed.

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

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

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

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

Telephone inquiries concerning this decision should be directed to Ramesh Krishnamurthy at (571) 272-4914.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

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JUN 27 2008

OFFICE OF PETITIONS

In re Application of :
Hyun PARK :
Application No. 29/278,776 : ON PETITION
Filed: April 9, 2007 :
Attorney Docket No. 9098-000003/US :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed June 11, 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 October 31, 2007, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed July 31, 2007. Accordingly, the date of abandonment of this application is November 1, 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 reply to Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed July 31, 2007, is accepted as having been unintentionally delayed.

The terminal disclaimer is accepted and has been made of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272 - 4914.

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

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

Mike Cheng
10513 Brimfield CT
Austin TX 78726

In re Application of	:	
Mike Cheng et al.	:	
Application No. 29/278,787	:	DECISION ON PETITION
Filed: April 10, 2007	:	
Attorney Docket No.	:	

This is a decision on the petition under the unavoidable provisions of 37 CFR 1.137(a), filed March 28, 2008, 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 submit formal drawings in a timely manner in reply to the Notice of Allowability, mailed October 3, 2007, which set a period for reply of three (3) months. Accordingly, this application became abandoned on January 4, 2008.

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).

As to item (3), the showing of record is not sufficient to establish to the satisfaction of the Director that the delay was unavoidable within the meaning of 35 U.S.C. § 151 and 37 CFR 1.137(a). See MPEP 711(c)(III)(C)(2) for a discussion of the requirements for a showing of unavoidable delay. Petitioner states that he never received the requirement for drawing corrections, although he apparently did receive the Notice of Allowance and Fee(s) Due since the issue fees were timely paid. The examiner's Notice of Allowance/Allowability mailed October

3, 2007 included the Notice of Allowance and Fee(s) Due, the Notice of Allowability for a Design Application and Examiner's Comments/Examiner's Amendment. It is not clear from the petition exactly what pages petitioner received.

A review of the record indicates no irregularity in the mailing of the Notice of Allowance/Allowability (Notice) and in the absence of any irregularity in the mailing, there is a strong presumption that the Notice was properly mailed to the address of record. That is, that the entire Notice was received by petitioner, not just the issue fee notice. Petitioner must provide copies of all the papers received in the Notice. Further, petitioner should explain the manner in which he receives mail from the USPTO, maintains files for patent matters, and treats mail received for such matter.

Further in regard to item 3, the statement of unavoidable delay is not considered at this time to be a properly submitted statement. In this regard, the petition containing the statement of unavoidable delay is signed by Mike Cheng, who is one of the applicants in the above-identified application. Petitioner's attention is directed to 37 CFR 1.33(b), which states.

> *Amendments and other papers.* Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:
> (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
> (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
> (3) An assignee as provided for under § 3.71(b) of this chapter; or
> (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

An unsigned amendment (or other paper) or one not properly signed by a person having authority to prosecute the application is not entered. This applies, for instance, where the amendment (or other paper) is signed by only one of two applicants and the one signing has not been given a power of attorney by the other applicant.

Therefore, as the petition containing the statement of unavoidable delay is not signed by all the inventors and the record herein fails to disclose that petitioner herein (Cheng) was ever given a power of attorney to act on behalf of the other inventor, or that he is an assignee of the entire interest and has complied with the provisions of 37 CFR 3.73(b), the petition is considered to not contain a proper statement of unavoidable delay. As it appears that Mr. Cheng is signing on behalf of an assignee, compliance with 37 CFR 3.73(b) must be satisfied. In this regard, 37 CFR 3.73(b) provides:

(1) In order to request or take action in a patent or trademark matter, the assignee must establish its ownership of the patent or trademark property of paragraph (a) of this section to the satisfaction of the Director. The establishment of ownership by the assignee may be combined with the paper that requests or takes the action. Ownership is established by submitting to the Office a signed statement identifying the assignee, accompanied by either:

(i) Documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment. For patent matters only, the submission of the documentary evidence must be accompanied by a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or
(ii) A statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

(2) The submission establishing ownership must show that the person signing the submission is a person authorized to act on behalf of the assignee by:

(i) Including a statement that the person signing the submission is authorized to act on behalf of the assignee; or
(ii) Being signed by a person having apparent authority to sign on behalf of the assignee, e.g., an officer of the assignee.

(c) For patent matters only:

(1) Establishment of ownership by the assignee must be submitted prior to, or at the same time as, the paper requesting or taking action is submitted.
(2) If the submission under this section is by an assignee of less than the entire right, title and interest, such assignee must indicate the extent (by percentage) of its ownership interest, or the Office may refuse to accept the submission as an establishment of ownership.

As to item (4), the terminal disclaimer is signed only by Mike Cheng which indicates he has 100% interest in the above identified application. Office records do not show assignment of 100% interest to Mr. Cheng. As a co-inventor he has only 50% interest with Eileen He, the other co-inventor, having the other 50% interest. Therefore the terminal disclaimer is not acceptable as it is not signed by both co-inventors.

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 $810 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).

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 Carl Friedman at (571) 272-6842.

David Buyer
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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OCT 14 2009

OFFICE OF PETITIONS

MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

In re Application of :
Mike Cheng et al. :
Application No. 29/278,787 : DECISION ON PETITION
Filed: April 10, 2007 :
Attorney Docket No. 21314US01 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 24, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to submit corrected formal drawings on or before January 3, 2008, as required by the Notice of Allowability, mailed October 3, 2007. Accordingly, the date of abandonment of this application is January 4, 2008. A Notice of Abandonment was mailed January 28, 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 $810; and (3) a proper statement of unintentional delay.

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

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

Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

GROSSMAN TUCKER PERREAULT & PFLEGER PLLC
55 SOUTH COMMERICAL STREET
MANCHESTER NH 03101

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DEC 26 2007

OFFICE OF PETITIONS

In re Application of	:	
Paolo Corcagnani	:	
Application No. 29/278,830	:	DECISION ACCORDING STATUS
Filed: April 11, 2007	:	UNDER 37 CFR 1.47(b)
Attorney Docket No. HHS122	:	

This is in response to the petition under 37 CFR 1.47(b), filed December 3, 2007.

The petition under 37 C.F.R. § 1.47(b) is **GRANTED**.

The petition and declaration have been reviewed and determined to be in compliance with 37 CFR 1.47(b). Specifically, petitioner has shown that inventor Paolo Corcagnani refused to sign the declaration after having been presented with the application papers.

The application is hereby accorded Rule 47 status.

As provided in 37 CFR 1.47(c), the Office will provide notice of this application's filing to the non-signing inventor at the last known address provided in the petition. Notice will also be provided in the Official Gazette.

The matter is being forwarded to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries related to this decision may be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PAOLO CORCAGNANI
METZERSTR 23
BERLINE 10405
GERMANY

COPY MAILED

DEC 26 2007

OFFICE OF PETITIONS

In re Application of :
Paolo Corcagnani :
Application No. 29/278,830 :
Filed: April 11, 2007 : LETTER
Title: Spectacles :

Dear Mr. Corcagnani:

You are named as the sole inventor in the above-identified United States patent application filed under the provisions of 35 USC 116 (United States Code) and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as the sole inventor.

As the named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, agent of record would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Cliff Congo at (571)272-3207. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DIW May-09

MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

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MAY 26 2009

OFFICE OF PETITIONS

In re Application of :
Stumvoll et al. :
Application Number: 29/278877 : ON PETITION
Filing Date: 04/12/2007 :
Attorney Docket Number: :
12963.0002US01 :

This is a decision in reference to the "PETITION TO WITHDRAW HOLDING OF ABANDONMENT - OFFICE ACTION NOT RECEIVED," filed on April 13, 2009.

The petition is **dismissed**.

This application became abandoned on September 27, 2008, for failure to timely reply to the Office communication mailed on August 26, 2008, which seta one (1) month shortened period for reply. Notice of Abandonment was mailed on April 6, 2009.

Petitioner asserts that the Office communication mailed on August 26, 2008, was never received. In support, petitioner's registered patent practitioner, Robert A. Kalinsky, states in the petition that search of the file jacket and docket records in my office indicates that this Office Action was not received. A copy the docket record for this individual application, where the Office Action mailed on August 26, 2008 would have been entered had it been received and docketed, is referenced in the petition and is provided as an attachment therewith.

A review of the record indicates no irregularity in the mailing of the Office communication mailed on August 26, 2008, and in the absence of any irregularity in the mailing, there is a strong presumption that the Office communication mailed on August 26, 2008 was properly mailed to the address of record. This presumption may be overcome by a showing that the Office communication mailed on August 26, 2008 was not in fact received.

MPEP 711.03(c) states, in pertinent part:

> 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.**
>
> (emphasis added)

Petitioner has not provided a copy of the master docket for the firm, nor stated whether the docket record provided is a master docket.

A copy of the practitioner's record(s) required to show non-receipt of the Office communication should include the master docket for the firm. That is, if a one month period for reply was set in the nonreceived Office communication, a copy of the master docket report showing all replies docketed for a date one months from the mail date of the nonreceived Office communication must be submitted as documentary proof of nonreceipt of the Office communication. 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.

Accordingly, the petition is dismissed without prejudice to reconsideration pending submission of the information requested above.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. **This time period is not extendable.**[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

[1] 37 CFR 1.181(f).

Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DIW Jul-09

MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

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JUL 14 2009

OFFICE OF PETITIONS

In re Application of :
Stumvoll et al. :
Application Number: 29/278877 : ON PETITION
Filing Date: 04/12/2007 :
Attorney Docket Number: :
12963.0002US01 :

This is a decision in reference to the "REQUEST FOR RECONSIDERATION OF PETITION TO WITHDRAW HOLDING OF ABANDONMENT - OFFICE ACTION NOT RECEIVED," filed on June 5, 2009.

The petition is **GRANTED**.

This application was held abandoned on September 27, 2008, for failure to timely reply to the Office communication mailed on August 26, 2008, which set a one (1) month shortened period for reply. Notice of Abandonment was mailed on April 6, 2009. The petition to withdraw the holding of abandonment filed on April 13, 2009 was dismissed on May 26, 2009.

Petitioner again asserts that the Office communication mailed on August 26, 2008, was never received. In support, petitioner's registered patent practitioner, Robert A. Kalinsky, states in the petition that search of the file jacket and docket records in my office indicates that this Office Action was not received. A copy of the master docket record showing where the Office Action mailed on August 26, 2008 would have been entered had it been received and docketed, is referenced in the subject renewed petition and is provided as an attachment therewith.

A review of the record indicates no irregularity in the mailing of the Office communication mailed on August 26, 2008, and in the absence of any irregularity in the mailing, there is a strong presumption that the Office communication mailed on August 26, 2008 was properly mailed to the address of record. This presumption may be overcome by a showing that the Office

communication mailed on August 26, 2008 was not in fact received.

MPEP 711.03(c) states, in pertinent part:

> 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.
>
> (emphasis added)

As noted above, petitioner has included a copy of the master docket for September 26, 2008, showing where the Office communication mailed on August 26, 2008, which set a one (1) month period for reply, would have been docketed had it been received.

Accordingly, there was no abandonment in fact. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The petition is **GRANTED.**

Receipt of the amendment in response to the Office communication mailed on August 26, 2008 is acknowledged.

As a reply to the Office communication mailed on August 26, 2008 has been filed, it is unnecessary to remail the aforementioned Office communication.

The application is being referred to Technology Center Art Unit 2912 for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DIW Jun-08

MATTHEW K. RYAN, ESQ.
FROMMER LAWRENCE & HAUG LLP
745 FIFTH AVENUE
NEW YORK NY 10151

COPY MAILED

JUN 20 2008

OFFICE OF PETITIONS

In re Application of :
Ishiyama et al. : DECISION DISMISSING PETITION
Application Number: 29/278878 :
Filed: May 13, 2008 :
Attorney Docket Number: PH-2865 :

This is a decision in reference to the "PETITION and RESPONSE TO NOTICE OF INCOMPLETE APPLICATION," filed on May 13, 2008, which is treated as a petition under 37 CFR 1.53 requesting that the above-identified design application be accorded a filing date of April 12, 2007.

The petition is **DISMISSED**.

The application was deposited on April 12, 2007. The application papers filed included six (6) sheets of drawings.

Accordingly, on March 21, 2008, the Office of Patent Application Processing mailed a Notice of Incomplete Nonprovisional Application stating that a filing date had not been accorded to the application because the specification was missing and did not include at least one claim. Additionally, the oath or declaration was missing.

On May 13, 2008, the subject petition was filed, accompanied by a specification, including one (1) claim, and an executed declaration.

Petitioners assert the application is entitled to a filing date of April 12, 2007, and request refund of the petition fee.

Petitioner's argument has been considered, but is not persuasive.

35 U.S.C. § 112 (first paragraph) states that the specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

35 U.S.C. § 112 (second paragraph) states that the specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

37 CFR 1.53(b) states, in pertinent part:

> The filing date of an application for patent filed under this section, except for a provisional application under paragraph (c) of this section or a continued prosecution application under paragraph (d) of this section, is the date on which a specification as prescribed by 35 U.S.C. 112 containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75, and any drawing required by § 1.81(a) are filed in the Patent and Trademark Office.

A review of the papers deposited on April 12, 2007, reveals that neither a specification containing a written description nor a claim was present among those papers. While petitioners may have intended to file a complete application on April 12, 2007, the showing of record is that nothing that can be construed as a specification or claim was filed on that date. As such, the application is not entitled to a filing date of April 12, 2007.

Rather, the showing of record is that the earliest date that a specification, including a claim, was received is May 13, 2008. That is the date that a complete application was present for filing date purposes. As such, the application is entitled to a filing date of May 13, 2008.

The petition is dismissed. As the petition was necessitated by an error on the part of petitioners, the petition fee will not be refunded.

The application will be processed with a filing date of May 13, 2008, using the specification and claim provided on that date, and the drawings deposited on April 12, 2007.

The application is referred to the Office of Patent Application Processing for processing with a filing date of May 13, 2008, using the originally deposited drawings, and the specification, including a claim, filed on May 13, 2008.

Telephone inquiries specific to this matter should be directed to the undersigned at 571 272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

PTO/SB/27 (07-06)
Approved for use through 09/30/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE
Under the Paperwork Reduction ACT of 1995, no persons are required to respond to 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	Unassigned 29/278,887
Filing Date	Unassigned
First Named Inventor	Savva Teteriatnikov
Title	SHOE UPPER
Atty Docket Number	210859.18121

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 4-27-07
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: D2 / SUBCLASS: 896, 902, 903, 907, 908, 911, 916, 917, 918, 919, 920, 923, 925, 926, 927, 929, 938, 939, 943, 944, 945, 946, 969, 971, 972, 973, 974

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.

/Marshall A. Lerner/	April 13, 2007
Signature	Date
Marshall A. Lerner	24,108
Typed or printed name	Registration Number, if applicable
(310) 557-1511	
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

Michael Olson
1400 Bristol Street N.
Suite 270
Newport Beach, CA 92660

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MAR 12 2008

OFFICE OF PETITIONS

In re Application of :
Lidong Ni, et. al. :
Application No. 29/278,889 : ON PETITION
Filed: April 12, 2007 :
Attorney Docket No. 248.003 :

This is a decision on the petition under 37 CFR 1.137(b), filed on February 25, 2008, to revive the above-identified application.

The application became abandoned for failure to timely respond to the Notice of Allowability mailed October 23, 2007. A Notice of Abandonment was mailed on February 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 two (2) sheets of replacement drawings containing Figures 1-2 and terminal disclaimer along with $130 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 February 25, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

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NOV 2 1 2008

In re Application of	:	
Puneet Nanda	:	
Application No. 29/278,893	:	ON PETITION
Filed: April 12, 2007	:	
Attorney Docket No. DRFRSH.024DA2	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 28, 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 30, 2007, which set a period for reply of three (3) months. Accordingly, this application became abandoned on March 1, 2008. The Notice of Abandonment was mailed March 27, 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 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

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MAR 1 1 2009

OFFICE OF PETITIONS

In re Application of :
Puneet Nanda :
Application No. 29/278,893 : DECISION ON PETITION
Filed: April 12, 2007 :
Attorney Docket No. DRFRSH.024DA2 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 15, 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 February 29, 2008, as required by the Notice of Allowability For a Design Application mailed November 30, 2007. Accordingly, the date of abandonment of this application is March 1, 2008. A Notice of Abandonment was mailed March 27, 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 $770.00 (previously paid on March 28, 2008); (3) a proper statement of unintentional delay and (4) a Terminal Disclaimer with the accompanying $65.00 fee (previously paid on March 28, 2008).

The request for a terminal disclaimer is accepted and has been made of record.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

This application is being referred to the Office of Data Management for processing into a patent and review of the Corrected Drawings submitted on December 15, 2008.

/Liana Walsh/
Liana Walsh
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.
29/278,896	04/12/2007	Jeff Ilang	MR2549-130	1577

4586 7590 09/29/2009

ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE-SUITE 101
ELLICOTT CITY, MD 21043

EXAMINER	
LANE, SHERYL L	

ART UNIT	PAPER NUMBER
2915	

NOTIFICATION DATE	DELIVERY MODE
09/29/2009	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):

ptoactions@rklpatlaw.com
ptoactions@yahoo.com

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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9/28/09

September 22, 2009

ROSENBERG, KLEIN & LEE
3458 Ellicott Center Drive-Suite 101
Ellicott City, Maryland 21043

In re Application of: JEFF WANG
Serial No.: 29/278,896 (U.S. PATENT D571,644)
Filed: April 12, 2007
Docket: MR2549-130
Title: CONNECTOR OF A CABINET

DECISION ON PETITION TO CORRECT INVENTORSHIP IN PATENT UNDER 35 U.S.C. § 256 and 37 C.F.R. §§ 1.48 & 324

This is a decision on the Petition to Correct Inventor's Name Spelling filed October 20, 2008 in U.S. Patent D571,644, issued June 24, 2008. The application serial number is 29/278,896, filed April 12, 2007. The petition is filed under 37 CFR 1.48, Correction of Inventorship in a Patent Application, but is being treated as a petition under 35 USC 256, Correction of Named Inventor in an Issued Patent.

The petition is GRANTED.

REGULATION AND PRACTICE

A grantable petition to correct inventorship in a patent under 35 U.S.C. 256 must meet the requirements of 37 CFR § 1.324, which are:

(a) Whenever through error a person is named in an issued patent as the inventor, or through error an inventor is not named in an issued patent and such error arose without any deceptive intention on his or her part, the Director, pursuant to 35 U.S.C. 256, may, on application of all the parties and assignees, or on order of a court before which such matter is called in question, issue a certificate naming only the actual inventor or inventors. A petition to correct inventorship of a patent involved in an interference must comply with the requirements of this section and must be accompanied by a motion under § 41.121(a)(2) or § 41.121(a)(3) of this title.

(b) Any request to correct inventorship of a patent pursuant to paragraph (a) of this section must be accompanied by:

(1) Where one or more persons are being added, a statement from each person who is being added as an inventor that the inventorship error occurred without any deceptive intention on his or her part;

(2) A statement from the current named inventors who have not submitted a statement under paragraph (b)(1) of this section either agreeing to the change of inventorship or stating that they have no disagreement in regard to the requested change;

(3) A statement from all assignees of the parties submitting a statement under paragraphs (b)(1) and (b)(2) of this section agreeing to the change of inventorship in the patent, which statement must comply with the requirements of § 3.73(b) of this chapter; and

(4) The fee set forth in § 1.20(b).

37 CFR 1.181(f) provides that any petition under that rule which is not filed "within two months of the mailing date of the action or notice from which relief is requested may be dismissed as untimely." The 2-month period for filing timely petitions set forth in 37 CFR 1.181(f) applies to any petition under 37 CFR Part 1, except as otherwise provided....The 2-month period is not extendible under 37 CFR 1.136(a) since the time is within the discretion of the Director of the USPTO.

REVIEW OF FACTS

In this case, petitioner has met the requirements under 37 CFR § 1.324 set forth above. The petition was not timely filed within a two month period from issue of the US Patent; however, this requirement is waived because no action is pending in the application.

DECISION

For the above-stated reasons, the petition is GRANTED.

The patented file has been forwarded to Certificate of Corrections Branch for issuance of a certificate naming Jeff Wang as the sole inventor.

Any inquiry regarding this decision should be directed to Rob Spear, Supervisory Patent Examiner, at (571) 272-2645.

Jasemine C. Chambers
Director, Technology Center 2900

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600 GRANT STREET
44TH FLOOR
PITTSBURGH, PA 15219

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In re Application of :
Joseph Hofer, et al. :
Application No. 29/278,926 : ON PETITION
Filed: April 13, 2007 :
Attorney Docket No. 291010-00917 :

This is a decision on the petition, filed September 25, 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 pay the issue fee on or before September 2, 2008, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability mailed May 30, 2008 . A Notice of Abandonment was mailed on September 23, 2008. On September 25, 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 and the terminal disclaimer must also apply to any patent granted on a continuing design application that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the application for which revival is sought. The period of abandonment will be computed to be the number of months from the date of abandonment to the date of filing a grantable petition. To be effective, the terminal disclaimer must include the fee of $140 ($70 if small entity) pursuant to 37 CFR 1.20(d) and be signed in accordance with 37 CFR 1.33(b). If the terminal disclaimer is signed by an assignee, the assignee must comply with the requirements of 37 CFR 3.73(b).

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By Internet:	EFS-Web[3]

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[3] www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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PITTSBURGH, PA 15219

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OFFICE OF PETITIONS

In re Application of
Joseph Hofer
Application No. 29/278,926
Filed: April 13, 2007
Attorney Docket No. 291010-00917

ON PETITION

This is a decision in response to the renewed petition, filed January 8, 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 September 2, 2008, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed May 30, 2008. A Notice of Abandonment was mailed September 23, 2008. A petition under 37 CFR 1.137(b) was filed on September 25, 2008; however, the petition was dismissed in a decision mailed December 23, 2008. On January 8, 2009, the present petition was filed.

The present petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the requisite 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).

The terminal disclaimer filed January 8, 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

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P.O. Box 1450
Alexandria, VA 22313-1450
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ST. ONGE STEWARD JOHNSTON & REENS, LLC
986 BEDFORD STREET
STAMFORD CT 06905-5619

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DEC 22 2008

OFFICE OF PETITIONS

In re Application of :
Nashan et al. :
Application No. 29/278,935 : DECISION ON PETITION
Filed: 04/13/2007 :
Attorney Docket No. 04717-D0001A :

This is a decision on the petition under 37 CFR 1.181 (no fee), filed August 22, 2008, requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely pay the issue fee on or before July 8, 2008, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed April 8, 2008. On August 5, 2008, the Office mailed a Notice of Abandonment.

Petitioner asserts that petitioner did not receive the Notice of Allowance and Fee(s) Due.

A review of the written record indicates no irregularity in the mailing of the Notice of Allowance and Fee(s) Due and in the absence of any irregularity, there is a strong presumption that the Notice was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received.

As stated in Section 711.03(c)(I)(A) of the Manual for Patent Examining Procedure:

> 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).

After reviewing the documents submitted on petition, the Office concludes that the showing of record is sufficient to warrant withdrawal of the holding of abandonment. The practitioner submitted a copy of the docket records where the Notice of Allowance and Fee(s) Due would have been entered had it been received and docketed. Additionally, the practitioner attested to the fact that a search of the records indicated that the Notice was not received at the correspondence address of record. Lastly, the practitioner outlined the firm's procedures for handling incoming correspondence from the USPTO.

In view of the above, the holding of abandonment is withdrawn and the application is restored to pending status. No petition fee is required.

This application is being referred to the Technology Center AU 2913 technical support staff for re-mailing the Notice of Allowance and Fee(s) Due of April 8, 2008. The period for paying the issue fee will be reset to expire three (3) months from the date the Notice is re-mailed. This period is not extendable under the provisions of 37 CFR 1.136.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

PTO/SB/27 (07-06)
Approved for use through 09/30/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE
Under the Paperwork Reduction ACT of 1995, no persons are required to respond to 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	unassigned 29/278,939
Filing Date	unassigned
First Named Inventor	Penny Masullo
Title	Fisherman's Sandal II
Atty Docket Number	210859.18048

ADDRESS TO:

MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved
Jacqueline M. Stone 4-27-07
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: D2 - Subclass: 896, 902, 903, 907, 908, 911, 916, 917, 918, 919, 920, 938, 943, 944, 945, 946, 969, 971, 972, 973, 974

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.

/Marshall A. Lerner/	April 13, 2007
Signature	Date
Marshall A. Lerner	
Typed or printed name	Registration Number, if applicable
(310) 557-1511	
Telephone Number	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.155. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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United States Patent and Trademark Office
P.O. Box 1450
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33856
TETRA PAK US INTELLECTUAL PROPERTY DEPARTMENT
TETRA PAK INC.
101 COPORATE WOODS PARKWAY
VERNON HILLS, IL 60061

8-24-07

In re Application of:
PETER KORTSMIT, ET AL.
Serial No.: 29/278,941
Filed: April 13, 2007
Docket: TRX0798/35387-69537
Title: SYMMETRICAL CARTON WITH SMILE EDGE CREASE

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on 4/13/2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions I.1 through II.6.1 above are considered to have been met. However, the petition fails to comply with conditions II.6.2 through II.6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement of MPEP § 708.02.I.(3), the accelerated examination support document must include a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);. There is no detailed explanation of how the claim of the design is patentable over the references cited. The Office is not permitted to infer or guess what petitioner believes the differences between the claims and the teachings of the prior art are. For these reasons, the petition does not meet the requirement of MPEP § 708.02.I.(3).

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Robert M. Spear, Special Program Examiner, at (571) 272-2645.

Robert M. Spear, Special Program Examiner
Technology Center 2900

PTO/SB/27 (04-07)
Approved for use through 09/30/2007. OMB 0651-0031
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	29/278,941
Filing Date	April 13, 2007
First Named Inventor	Kortsmit et al.
Title	Symmetrical Carton with Smile Edge Crease
Atty Docket Number	TRX0798 (35387-69537)

ADDRESS TO:

MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 9-18-07
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:

Please see preexamination search document filed in the USPTO on April 13, 2007.

Related applications: US Patent Application Serial Nos. 11/754,819 and 29/278,942.

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.

/mjw/	09/11/2007
Signature	Date
Mitchell J. Weinstein	37,963
Typed or printed name	Registration Number, if applicable
(312) 476-7593	
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.

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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33856
TETRA PAK US INTELLECTUAL PROPERTY DEPARTMENT
TETRA PAK INC.
101 COPORATE WOODS PARKWAY
VERNON HILLS, IL 60061

8-24-07

In re Application of:
PETER KORTSMIT, ET AL.
Serial No.: 29/278,942
Filed: April 13, 2007
Docket: TRX0799/35387-69538
Title: ASYMMETRICAL CARTON WITH SMILE EDGE CREASE

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on 4/13/2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions I.1 through II.6.1 above are considered to have been met. However, the petition fails to comply with conditions II.6.2 through II.6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement of MPEP § 708.02.I.(3), the accelerated examination support document must include a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);. There is no detailed explanation of how the claim of the design is patentable over the references cited. The Office is not permitted to infer or guess what petitioner believes the differences between the claims and the teachings of the prior art are. For these reasons, the petition does not meet the requirement of MPEP § 708.02.I.(3).

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Robert M. Spear, Special Program Examiner, at (571) 272-2645.

Robert M. Spear, Special Program Examiner
Technology Center 2900

PTO/SB/27 (04-07)
Approved for use through 09/30/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE
Under the Paperwork Reduction ACT of 1995, no persons are required to respond to collection of information unless it displays a valid OMB control number.

REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	29/278,942
Filing Date	April 13, 2007
First Named Inventor	Kortsmit et al.
Title	Asymmetrical Carton with Smile Edge Crease
Atty Docket Number	TRX0799 (35387-69538)

ADDRESS TO:

MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved
Jacqueline M. Stone, Director
Technology Center 1700/2900
9-18-07

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:

Please see preexamination search document filed in the USPTO on April 13, 2007.

Related applications: US Patent Application Serial Nos. 11/754,819 and 29/278,941.

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.

/mjw/ — Signature

09/11/2007 — Date

Mitchell J. Weinstein — Typed or printed name

37,963 — Registration Number, if applicable

(312) 476-7593 — 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.

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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OFFICE OF PETITIONS

MORGAN, LEWIS & BOCKIUS, LLP. (PA)
2 PALO ALTO SQUARE
3000 EL CAMINO REAL
PALO ALTO CA 94306

In re Application of	:	
Wayne Arthur Schwisow et al.	:	
Application No. 29/279,020	:	DECISION ON PETITION
Filed: April 17, 2007	:	PURSUANT TO
Attorney Docket No.: 068277-5001US	:	37 C.F.R. § 1.137(B)
Title: BLOCK PUZZLE	:	

This is a decision on the petition filed November 14, 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 corrected drawings in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed April 30, 2008, which set a shortened statutory period for reply of three months.[1] Corrected drawings were not received, and no extensions of time are permitted for transmitting the same.[2] Accordingly, this application became abandoned on July 31, 2008. A Notice of Abandonment was mailed on November 4, 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);

1 It is noted that the issue fee was received on July 30, 2008.
2 See MPEP §710.02(e)(III).

(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 petition fee, corrected drawings, 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) 272-3225[3]. All other inquiries concerning the status of the application should be directed to the Office of Patent Publication at 571-272-4200.

/Paul Shanoski/
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.

Application Number	Application/Control No.	Applicant(s)/Patent under Reexamination	
		29279020	

Document Code - DISQ	Internal Document – DO NOT MAIL

TERMINAL DISCLAIMER	☒ APPROVED	☐ DISAPPROVED
Date Filed : 11/14/2008	This patent is subject to a Terminal Disclaimer	

Approved/Disapproved by:
Paul Shanoski

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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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

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JAN 14 2009

OFFICE OF PETITIONS

In re Application of
Chih Tsung Chen
Application No. 29/279,026
Filed: April 18, 2007
Attorney Docket No. D5154

ON PETITION

This is a decision on the petition, filed October 17, 2008, under the provisions of 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** 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 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. A Notice of Abandonment was subsequently mailed on July 29, 2008. In response, on October 17, 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. It is noted that petitioner submitted the $140 fee required for a terminal disclaimer; however a terminal disclaimer was not filed. 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 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. If the terminal disclaimer is signed by an assignee, the assignee must comply with the requirements of 37 CFR 3.73(b). For petitioner's convenience, a Terminal Disclaimer To Accompany Petition, Form PTO/SB63, is attached.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By Internet:	EFS-Web[3]

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Attachment: Form PTO/SB63

[3] www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

PTO/SB/63 (12-08)
Approved for use through 01/31/2009. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to 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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BRIARCLIFF MANOR, NY 10510

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APR 2 2 2009

OFFICE OF PETITIONS

In re Application of :
Chih Tsung Chen :
Application No. 29/279,026 : ON PETITION
Filed: April 18, 2007 :
Attorney Docket No. D5154 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed February 24, 2009, 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 7, 2008. A Notice of Abandonment was mailed on July 29, 2008. On May 27, 2008, a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed October 17, 2008. On February 24, 2008, the present petition was filed. As a 3-month extension of time is required to render the petition timely, the fee of $555 is being charged to counsel's deposit account.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $860 issue fee, (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 pay the issue fee as required by the Notice of April 4, 2008 is accepted as being unintentionally delayed.

The terminal disclaimer filed February 24, 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

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WADDEY & PATTERSON, P.C.
1600 DIVISION STREET, SUITE 500
NASHVILLE TN 37203

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MAY 30 2008

OFFICE OF PETITIONS

In re Application of :
David A. Miceli et al. :
Application No. 29/279,070 : DECISION ON PETITION
Filed: April 19, 2007 :
Attorney Docket No. V0057 :

This is a decision on the Petition to Revive Application for Patent Unavoidably Abandoned, filed January 29, 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 is filed alternatively as Abandoned Unintentionally and is treated as filed under 37 CFR 1.137(b).

The petition filed under 37 CFR 1.181 is **DISMISSED**.
The petition filed under 37 CFR 1.137 is **DISMISSED.**

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment" or " Renewed Petition under 37 CFR 1.137(b) to Revive Application Abandoned Unintentionally."

This application was held abandoned for failure to reply to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed April 27, 2007, which set a Two (2) month period for reply. The application was abandoned on June 28, 2007. A Notice of Abandonment was mailed on January 7, 2008.

As to the petition under 37 CFR 1.181:

Petitioner asserts that the Office action dated April 27, 2007 was not received.

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action 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 Office action was not received; and

3. a copy of the docket record where the non-received Office action would have been entered had it been received must be attached to and referenced in the practitioner's statement.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition fails to satisfy all of the above-stated requirements. In particular, petitioner has not met requirement 3.

Accordingly, absent the required evidence to establish non-receipt of the Office action of April 27, 2007, the petition requesting withdrawal of the holding of abandonment cannot be granted at this time.

As to the petition under 37 CFR 1.137(b):

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(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). A proper terminal disclaimer is required.

The instant petition included a Power of Attorney by Assignee. However, this power of attorney does not meet the requirements of 37 CFR 3.73(b)(1). Therefore the Terminal Disclaimer is not signed by an attorney of record and does not meet the requirements of 37 CFR 1.321(a)(1).

The Petition to revive application for patent unavoidable abandoned is treated as filed under 37 CFR 1.181 (no fee) rather than 37 CFR 1.137(a), therefore the petition fee of $250 has not been charged. The petition fee for a petition filed under 37 CFR 1.137(b) of $770 has been charged to petitioner's deposit account.

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 Carl Friedman at (571) 272-6842.

Carl Friedman
Petitions Examiner
Office of Petitions

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1600 DIVISION STREET, SUITE 500
NASHVILLE TN 37203

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AUG 0 5 2008

In re Application of :
David A. Miceli et al. :
Application No. 29/279,070 : ON PETITION
Filed: April 19, 2007 :
Attorney Docket No. V0057 :

This is a decision on the renewed petition filed July 21, 2008 under 37 CFR 1.181 to withdraw the holding of abandonment and in the alternative under 37 CFR 1.137(b), to revive the above-identified application.

The petition filed under 37 CFR 1.181 is **DISMISSED**.
The petition filed under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely reply to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed April 27, 2007 which set a Two (2) month period for response. No response was filed and the application was abandoned on June 28, 2007.

The petition decision mailed May 30, 2008 dismissed the petitions under 37 CFR 1.181 and 37 CFR 1.137(b) filed January 29, 2008. The petition under 37 CFR 1.181 was dismissed for failure to provide a mail docket record. The petition under 37 CFR 1.137(b) was dismissed for failure to provide a proper terminal disclaimer.

As to the renewed petition under 37 CFR 1.181:

The renewed petition includes copies of petitioner's docket records which indicate when a response is due for applications. Unfortunately this is not the required docket record of when papers are received by petitioner. Different types of Office actions have different response periods and thus a log of when responses are due is not a true indicator of when PTO papers are received. For this reason the petition under 37 CFR 1.181 is **Dismissed.**

As to the renewed petition under 37 CFR 1.137(b):

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 an oath or declaration and fee; (2) the petition fee of $770; (3) the required statement of unintentional delay; and (4) the terminal disclaimer and fee required under 37 CFR 1.137(d) have been received. Accordingly, the declaration 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 Application Processing for further processing of the application.

Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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DEARBORN, MI 48126

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OFFICE OF PETITIONS

In re Application of
Saridakis et al.
Application No. 29/279,098
Filed: April 19, 2007
Attorney Docket No. 81159500

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed August 1, 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 2, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed January 2, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on April 3, 2008. A Notice of Abandonment was mailed on June 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 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 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 Alicia Kelley at (571) 272-6059.

This application is being referred to the Office of Data Management for further processing in accordance with this decision on petition.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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AUG 2 9 2008

In re Application of
Saridakis et al.
Application No. 29/279,099
Filed: April 19, 2007
Attorney Docket No. 81159947

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed August 1, 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 2, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed January 2, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on April 3, 2008. A Notice of Abandonment was mailed on June 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 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 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 Alicia Kelley at (571) 272-6059.

This application is being referred to the Office of Data Management for further processing in accordance with this decision on petition.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
George Saridakis et al :
Application No. 29/279,103 :
Filed: April 19, 2007 :
Attorney Docket No. 81159945 :

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.314, filed May 22, 2008, to defer issuance of the patent.

The petition is **GRANTED** in part.

Issuance will be deferred for a period of **one month** from the date of this decision. At the end of this period, the application will be referred to the Office of Data Management to be processed into a patent.

If an additional deferral period is required, another petition and fee should be promptly submitted. The petition must include a showing of extraordinary circumstances. See MPEP 1306.01.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By Fax: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries 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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THE BLACK & DECKER CORPORATION
701 EAST JOPPA ROAD, TW199
TOWSON MD 21286

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OFFICE OF PETITIONS

In re Application of :
Wright :
Application No. 29/279,107 : DECISION ON PETITION
Filed: April 19, 2007 :
Attorney Docket No. D-US-TN-11467A :

This is a decision on the petition under 37 CFR 1.137(b), filed August 5, 2008, to revive the above-identified design application.

The petition is **GRANTED**.

The application became abandoned April 15, 2008 for failure to timely pay the issue fee on or before April 14, 2008, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed January 14, 2008, which set a statutory period for reply of three (3) months. A Notice of Abandonment was mailed on May 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 the issue fee, (2) the required 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.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

This application is being referred to Publishing Division for further processing in accordance with this decision on petition.

Alesia M. Brown
Petitions Attorney
Office of Petitions

PTOISB/27 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE
Under the Paperwork Reduction ACT of 1995, no persons are required to respond to collection of information unless it displays a valid OMB control number.

REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	To be assigned 29/279,167
Filing Date	To be assigned
First Named Inventor	E. Scott Morris
Title	PORTION OF A SHOE UPPER
Attorney Docket Number	2465-8243US

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSION FOR PATENTS
P.O. BOX 1450
Alexandria, VA 22313-1450

Approved 4-27-07
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

19 April 2007
Date

Laurence B. Bond
Typed or printed name

30,549
Registration Number, if applicable

(801) 532-1922
Telephone Number

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This collection of information is required by37 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/SB/27 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE
Under the Paperwork Reduction ACT of 1995, no persons are required to respond to collection of information unless it displays a valid OMB control number.

REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	To be assigned 29/279,168
Filing Date	To be assigned
First Named Inventor	E. Scott Morris
Title	PORTION OF A SHOE UPPER
Attorney Docket Number	2465-8251US

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSION FOR PATENTS
P.O. BOX 1450
Alexandria, VA 22313-1450

Approved 4-27-07
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.

_____ 20 April 2007
Signature Date

Laurence B. Bond 30,549
Typed or printed name 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 by37 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/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	29/279,198
Filing Date	April 23, 2007
First Named Inventor	Kenneth Link
Title	PORTION OF A SHOE MIDSOLE
Atty Docket Number	015127.00934

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 4-27-07
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:

D2/896, 902, 907, 908, 943, 944, 945, 946, 947, 949, 951, 953, 954, 960, 964, 967, 972, 976 and 977

Related applications: ____

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:
Formal drawings (see 37 CFR 1.84).
The fee set forth in 37 CFR 1.17(k).
An information disclosure statement in compliance with 37 CFR 1.98.

[signature] — Signature

4/23/07 — Date

Robert S. Katz — Typed or printed name

36402 — Registration Number, if applicable

(202) 824-3000 — 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.

PTO/SB/27 (09-04)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)		
	Application Number	TBD 29/279 252
	Filing Date	TBD
	First Named Inventor	Adrienne O'Donnell
	Title	Icon for a Portion of a Display Screen
	Atty Docket Number	013797.02475

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 4-27-07
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:

D14 (374, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, and 495); D18 (24, 25, 26, 27, 28, 29, 30, 31, 32, and 33); D19 (6 and 7); D20 (11 and 18); D21 (324, 325, 326, 327, 328, 329, 330, 331, 332, and 333); 345 (683 and 902); and 715 (764, 771, 773, 775, 776, 835, 836, 837, 838, 839, 846, and 976)

Related applications: 29/276,120, filed 01/16//2007 and 29/246,900, filed May 19, 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.

/John M. Fleming/ — Signature
April 24, 2007 — Date

John M. Fleming — Typed or printed name
56,536 — Registration Number, if applicable

202-824-3000 — 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	TBD 29/279,253
Filing Date	TBD
First Named Inventor	Adrienne O'Donnell
Title	Icon for a Portion of a Display Screen
Atty Docket Number	013797.02476

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
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P.O. Box 1450
Alexandria, VA 22313-1450

Approved 4.27.07
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:

D14 (374, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, and 495); D18 (24, 25, 26, 27, 28, 29, 30, 31, 32, and 33); D19 (6 and 7); D20 (11 and 18); D21 (324, 325, 326, 327, 328, 329, 330, 331, 332, and 333); 345 (683 and 902); and 715 (764, 771, 773, 775, 776, 835, 836, 837, 838, 839, 846, and 976)

Related applications: 29/276,120, filed 01/16/2007 and 29/246,900, filed May 19 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.

/John M. Fleming/ — Signature
April 24, 2007 — Date

John M. Fleming — Typed or printed name
56,536 — Registration Number, if applicable

202-824-3000 — 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	TBD 29/279,254
Filing Date	TBD
First Named Inventor	Adrienne O'Donnell
Title	Icon for a Portion of a Display Screen
Atty Docket Number	013797.02477

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
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P.O. Box 1450
Alexandria, VA 22313-1450

Approved 4-27-07
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:

D14 (374, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, and 495); D18 (24, 25, 26, 27, 28, 29, 30, 31, 32, and 33); D19 (6 and 7); D20 (11 and 18); D21 (324, 325, 326, 327, 328, 329, 330, 331, 332, and 333); 345 (683 and 902); and 715 (764, 771, 773, 775, 776, 835, 836, 837, 838, 839, 846, and 976)

Related applications: 29/276,120, filed 01/16/2007 and 29/246,900, filed May 19 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.

/John M. Fleming/ — Signature
April 24, 2007 — Date

John M. Fleming — Typed or printed name
56,536 — Registration Number, if applicable

202-824-3000 — 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	TBD 29/279,255
Filing Date	TBD
First Named Inventor	Adrienne O'Donnell
Title	Icon for a Portion of a Display Screen
Atty Docket Number	013797.02478

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 4-27-07
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:

D14 (374, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, and 495); D18 (24, 25, 26, 27, 28, 29, 30, 31, 32, and 33); D19 (6 and 7); D20 (11 and 18); D21 (324, 325, 326, 327, 328, 329, 330, 331, 332, and 333); 345 (683 and 902); and 715 (764, 771, 773, 775, 776, 835, 836, 837, 838, 839, 846, and 976)

Related applications: 29/276,120, filed 01/16/2007 and 29/246,900, filed May 19 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.

/John M. Fleming/ — Signature
April 24, 2007 — Date

John M. Fleming — Typed or printed name
56,536 — Registration Number, if applicable

202-824-3000 — Telephone Number

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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	TBD 29/279,256
Filing Date	TBD
First Named Inventor	Adrienne O'Donnell
Title	Icon for a Portion of a Display Screen
Atty Docket Number	013797.02479

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
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P.O. Box 1450
Alexandria. VA 22313-1450

Approved 4-27-07
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:

D14 (374, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, and 495); D18 (24, 25, 26, 27, 28, 29, 30, 31, 32, and 33); D19 (6 and 7); D20 (11 and 18); D21 (324, 325, 326, 327, 328, 329, 330, 331, 332, and 333); 345 (683 and 902); and 715 (764, 771, 773, 775, 776, 835, 836, 837, 838, 839, 846, and 976)

Related applications: 29/276,120, filed 01/16/2007 and 29/246,900, filed May 19 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.

/John M. Fleming/ — Signature

April 24, 2007 — Date

John M. Fleming — Typed or printed name

56,536 — Registration Number, if applicable

202-824-3000 — 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	TBD 29/279,257
Filing Date	TBD
First Named Inventor	Michael Curato
Title	Icon for a Portion of a Display Screen
Atty Docket Number	013797.02480

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 4-27-07
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:

D14 (374, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, and 495); D18 (24, 25, 26, 27, 28, 29, 30, 31, 32, and 33); D19 (6 and 7); D20 (11 and 18); D21 (324, 325, 326, 327, 328, 329, 330, 331, 332, and 333); 345 (683 and 902); and 715 (764, 771, 773, 775, 776, 835, 836, 837, 838, 839, 846, and 976)

Related applications: 29/276,120, filed 01/16/2007 and 29/246,900, filed May 19 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.

/John M. Fleming/	April 24, 2007
Signature	Date
John M. Fleming	56,536
Typed or printed name	Registration Number, if applicable
202-824-3000	
Telephone Number	

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PTO/SB/27 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	TBD 29/279,258
Filing Date	TBD
First Named Inventor	Adrienne O'Donnell
Title	Icon for a Portion of a Display Screen
Atty Docket Number	013797.02481

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 4-27-07
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:

D14 (374, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, and 495); D18 (24, 25, 26, 27, 28, 29, 30, 31, 32, and 33); D19 (6 and 7); D20 (11 and 18); D21 (324, 325, 326, 327, 328, 329, 330, 331, 332, and 333); 345 (683 and 902); and 715 (764, 771, 773, 775, 776, 835, 836, 837, 838, 839, 846, and 976)

Related applications: 29/276,120, filed 01/16/2007 and 29/246,900, filed May 19 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.

/John M. Fleming/ — Signature
4/24/07 — Date

John M. Fleming — Typed or printed name
56,536 — Registration Number, if applicable

202-824-3000 — 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.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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GILBRETH & ASSOCIATES, P.C.
PO BOX 2428
BELLAIRE TX 77402-2428

COPY MAILED

AUG 11 2008

In re Application of :
Dennis F. COMEAU :
Application No. 29/279,259 : DECISON ON PETITION
Filed: April 24, 2007 :
Attorney Docket No. **27960/05** :

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 **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 and to submit corrected formal drawings and oath or declaration on or before January 09, 2008, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed October 09, 2007. Accordingly, the date of abandonment of this application is January 10, 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) (1) and (4).

In regard to item (1) a new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date was not submitted, as required by the Notice of Allowance dated October 09, 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 should be directed to Tredelle Jackson at (571) 272-2783.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

PTO/SB/64 (01-08)
Approved for use through 05/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to 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) 27960/05

First named inventor: Dennis F. Comeau

Application No.: 29/279,259 Art Unit: 2912

Filed: 04/24/2007 Examiner: Rashida C. McCoy

Title: Sandal

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 $ 770 (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))

Please charge deposit acct no. 07-1745.

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Submission of Corrected Drawings (identify type of reply):

☐ has been filed previously on _____.
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ _____.

☑ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature	5/13/08 Date
J.M. (Mark) Gilbreth Typed or printed name	33,388 Registration Number, if applicable
P.O Box 2428 Address	713/ 667-1200 Telephone Number
Bellaire, TX 77402-2428 Address	

Enclosures:
- ☐ Fee Payment
- ☐ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unintentional delay
- ☑ Other: Submission of Corrected Drawings

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
	J.M. (Mark) Gilbreth Typed or printed name of person signing certificate

RAM Fee History Query

Revenue Accounting and Management

Name/Number: 29279259 Total Records Found: 6

Start Date: Any Date End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
05/14/2008	00000811	4	2453	$770.00	05/13/2008	DA 071245
10/30/2007	00028561	4	2502	$410.00	10/30/2007	DA 071245 early
04/25/2007	00003126	4	2012	$100.00	04/24/2007	DA 071245
04/25/2007	00003127	4	2112	$50.00	04/24/2007	DA 071245
04/25/2007	00003128	4	2312	$65.00	04/24/2007	DA 071245
04/25/2007	00000591	4	8021	$40.00	04/25/2007	DA 071245

Electronic Acknowledgement Receipt

EFS ID:	2391907
Application Number:	29279259
International Application Number:	
Confirmation Number:	9757
Title of Invention:	SANDAL
First Named Inventor/Applicant Name:	DENNIS F. COMEAU
Customer Number:	50947
Filer:	Jimmy Mark Gilbreth
Filer Authorized By:	
Attorney Docket Number:	27960/05
Receipt Date:	30-OCT-2007
Filing Date:	24-APR-2007
Time Stamp:	13:11:58
Application Type:	Design

Payment information:

Submitted with Payment	yes
Payment was successfully received in RAM	$410
RAM confirmation Number	16545
Deposit Account	071245

File Listing:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)

Notice of Allowability For A Design Application	Application No. 29/279,259	Applicant(s) COMEAU, DENNIS F.
	Examiner Rashida C. McCoy	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 _____ 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. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Receipt Date _____
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☒ Other *Annotated Drawings*.

NOTE:

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GILBRETH & ASSOCIATES, P.C.
PO BOX 2428
BELLAIRE TX 77402-2428

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NOV 2 1 2008

OFFICE OF PETITIONS

In re Application of :
Dennis F. COMEAU :
Application No. 29/279,259 : DECISON ON PETITION
Filed: April 24, 2007 :
Attorney Docket No. **27960/05** :

This is a decision on the renewed petition under the unintentional provisions of 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.

This application became abandoned for failure to timely pay the issue and publication fees and to submit corrected formal drawings and oath or declaration on or before January 09, 2008, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed October 09, 2007. Accordingly, the date of abandonment of this application is January 10, 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, 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 Tredelle Jackson at (571) 272-2783.

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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PO BOX 2428
BELLAIRE TX 77402-2428

MAILED

MAR 16 2009

OFFICE OF PETITIONS

In re Application of :
Dennis F. COMEAU :
Application No. 29/279,259 : DECISION ON PETITION
Filed: April 24, 2007 :
Attorney Docket No. **27960/05** :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed December 03, 2008, and supplemented on March 09, 2009 to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit corrected formal drawings and oath on or before January 09, 2008, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed October 09, 2007. Accordingly, the date of abandonment of this application is January 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 corrected formal drawings and oath, (2) the petition fee of $770; and (3) a proper statement of unintentional delay. Accordingly, the submission of corrected drawings 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

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

RAM Fee History Query

Revenue Accounting and Management

Name/Number: 29279259 Total Records Found: 7

Start Date: Any Date End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
12/03/2008	00011967	4	2814	$70.00	12/03/2008	DA 071245
05/14/2008	00000811	4	2453	$770.00	05/13/2008	DA 071245
10/30/2007	00028561	4	2502	$410.00	10/30/2007	DA 071245
04/25/2007	00003126	4	2012	$100.00	04/24/2007	DA 071245
04/25/2007	00003127	4	2112	$50.00	04/24/2007	DA 071245
04/25/2007	00003128	4	2312	$65.00	04/24/2007	DA 071245
04/25/2007	00000591	4	8021	$40.00	04/25/2007	DA 071245

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PO BOX 2428
BELLAIRE TX 77402-2428

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AUG 0 8 2008

In re Application of :
Dennis F. COMEAU :
Application No. 29/279,260 : DECISON ON PETITION
Filed: April 24, 2007 :
Attorney Docket No. **27960/06** :

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 **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 and to submit corrected formal drawings and oath or declaration on or before January 09, 2008, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed October 09, 2007. Accordingly, the date of abandonment of this application is January 10, 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) (1) and (4).

In regard to item (1), a new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date was not included as required by the Notice of Allowance dated October 09, 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 should be directed to Tredelle Jackson at (571) 272-2783.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

PTO/SB/64 (01-08)
Approved for use through 05/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to 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): 27960/06

First named inventor: Dennis F. Comeau

Application No.: 29/279,260 Art Unit: 2913

Filed: 04/24/2007 Examiner: Rashida C. McCoy

Title: Shoe

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 $ 770 (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))

Please charge deposit acct No. 07-1245

2. Reply and/or fee
A. The reply and/or fee to the above-noted Office action in the form of Submission of Corrected Drawings (identify type of reply):
☐ has been filed previously on _____.
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ _____.
☑ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature	5/13/08 Date
J.M. (Mark) Gilbreth Typed or printed name	33,388 Registration Number, if applicable
P.O Box 2428 Address	713/ 667-1200 Telephone Number
Bellaire, TX 77402-2428 Address	

Enclosures:
- ☐ Fee Payment
- ☐ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unintentional delay
- ☑ Other: Submission of Corrected Drawings

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 J.M. (Mark) Gilbreth Typed or printed name of person signing certificate

RAM Fee History Query

Revenue Accounting and Management

Name/Number: 29279260 Total Records Found: 6

Start Date: Any Date End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
05/14/2008	00001023	4	2453	$770.00	05/13/2008	DA 071245
10/30/2007	00028641	4	2502	$410.00	10/30/2007	DA 071245
04/25/2007	00003137	4	2012	$100.00	04/24/2007	DA 071245
04/25/2007	00003138	4	2112	$50.00	04/24/2007	DA 071245
04/25/2007	00003139	4	2312	$65.00	04/24/2007	DA 071245
04/25/2007	00000620	4	8021	$40.00	04/25/2007	DA 071245

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PO BOX 2428
BELLAIRE TX 77402-2428

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NOV 2 1 2008

OFFICE OF PETITIONS

In re Application of :
Dennis F. COMEAU :
Application No. 29/279,260 : DECISON ON PETITION
Filed: April 24, 2007 :
Attorney Docket No. **27960/06** :

This is a decision on the renewed petition under the unintentional provisions of 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.

This application became abandoned for failure to timely pay the issue and publication fees and to submit corrected formal drawings and oath or declaration on or before January 09, 2008, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed October 09, 2007. Accordingly, the date of abandonment of this application is January 10, 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, 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 Tredelle Jackson at (571) 272-2783.

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

GILBRETH & ASSOCIATES, P.C.
PO BOX 2428
BELLAIRE TX 77402-2428

MAILED

MAR 16 2009

OFFICE OF PETITIONS

In re Application of :
Dennis F. COMEAU :
Application No. 29/279,260 : DECISION ON PETITION
Filed: April 24, 2007 :
Attorney Docket No. **27960/06** :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed December 03, 2008, and supplemented on March 09, 2009 to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit corrected formal drawings and oath on or before January 09, 2008, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed October 09, 2007. Accordingly, the date of abandonment of this application is January 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 corrected formal drawings and declaration, (2) the petition fee of $770; and (3) a proper statement of unintentional delay. Accordingly, the Drawings are 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

TARGET BRANDS, INC.
1000 NICOLLET MALL, TPS-3165
MINNEAPOLIS MN 55403

COPY MAILED

DEC 17 2007

OFFICE OF PETITIONS

In re Application of :
Reyes and Scholen :
Application No. 29/279,335 :
Filed: 04/27/2007 :
Attorney Docket No. T634.228.101 :

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a) filed on August 21, 2007.

The petition is **dismissed**.

Applicants are given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor(s). Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a). No additional petition fee is necessary for filing a request for reconsideration.

In the present petition, applicants established that they provided a complete copy of the application papers, a declaration and assignment to the non-signing inventor for his signature on several occasions. Although the non-signing inventor indicated to applicants a willingness to sign the declaration and assignment, his repeated conduct demonstrates a refusal to join in the application. However, if the non-signing inventor should provide applicants with an executed declaration, applicants must submit the declaration to the USPTO on renewed petition.

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. Applicants lack item (2).

Applicants failed to submit a declaration for the patent application in compliance with 37 CFR 1.63. The declaration does not identify the country of citizenship of the non-signing inventor. Applicants are required by statute to identify the country of citizenship of each inventor in the oath or declaration. See 35 U.S.C. 115; 37 CFR 1.63(a)(3). This requirement cannot be waived. Furthermore, applicants identified the non-signing inventor's mailing address in the declaration as c/o Target Brands, Inc., 1000 Nicollet Mall, Minneapolis, MN 55403. The Office reminds applicants that the declaration must

set forth the mailing address, and the residence if an inventor lives at a location that is different from where the inventor customarily receives mail, of each inventor. 37 CFR 1.63(c)(1). In the Statement of Facts, Angela J. Montgomery stated that Target Corporation no longer employed the non-signing inventor. Accordingly, the mailing address listed in the declaration is not a location where the non-signing inventor customarily receives his mail.

To correct the deficiencies, applicants must submit a **newly** executed declaration in compliance with 37 CFR 1.63 and 1.67, which identifies the entire inventive entity, the correct mailing addresses (and residences, if applicable) and **the citizenships of each inventor**, and is signed by the Reginaldo C. Reyes on behalf himself and the non-signing inventor.

Further correspondence with respect to this matter should be addressed as follows and **to the attention of Christina Tartera Donnell, Senior Petitions Attorney**:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

TARGET BRANDS, INC.
1000 NICOLLET MALL, TPS-3165
MINNEAPOLIS MN 55403

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JAN 28 2008

OFFICE OF PETITIONS

In re Application of	:	
Reyes and Scholen	:	DECISION ACCORDING STATUS
Application No. 29/279,335	:	UNDER 37 CFR 1.47(a)
Filed: 04/27/2007	:	
Attorney Docket No. T634.228.101	:	

This is in response to the renewed petition under 37 CFR 1.47(a) filed on January 17, 2008.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor has constructively refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Jonah M. Scholen
4934 39th Avenue South
Minneapolis, MN 55417

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JAN 28 2008

OFFICE OF PETITIONS

In re Application of :
Reyes and Scholen :
Application No. 29/279,335 : LETTER
Filed: 04/27/2007 :
Attorney Docket No. T634.228.101 :
Title: DESK

Dear Mr. Scholen:

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.

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 (800) 972-6382 (outside the Washington, DC area).

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

TARGET BRANDS, INC.
1000 NICOLLET MALL, TPS-3165
MINNEAPOLIS MN 55403

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United States Patent and Trademark Office
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BALLARD SPAHR ANDREWS & INGERSOLL, LLP
SUITE 1000
999 PEACHTREE STREET
ATLANTA, GA 30309-3915

COPY MAILED

SEP 30 2008

OFFICE OF PETITIONS

In re Application of
Steven D. Acenbrak
Application No. 29/279,423
Filed: April 30, 2007
Attorney Docket No. 01278.0002U1

ON PETITION

This is a decision on the petition under 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 submit formal drawings and an oath or declaration in compliance with 37 CFR 1.67(a) 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, 2007. A Notice of Abandonment was mailed on March 13, 2008. In response, on May 12, 2008, the present petition was filed. A terminal disclaimer was subsequently filed on September 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 the drawings and declaration, (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 September 4, 2008 has been accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

The application is being referred to the Office of Data Management to be processed into a patent.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8403

COPY MAILED

JUL 17 2008

OFFICE OF PETITIONS

In re Patent No. D566,878 :
Issue Date: April 15, 2008 :
Application No. 29/279,436 : NOTICE
Filed: May 1, 2007 :
Attorney Docket No. D/3687-98 (V3701) :

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
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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1180 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8403

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JUL 14 2008

OFFICE OF PETITIONS

In re
Jamelle, et al.
Application No. 29/279,454
Filed: May 1, 2007
Patent No. D566,879
Issued: April 15, 2008
Attorney Docket No. D/3687-97

DECISION

This is a decision on the fee deficiency submission under 37 CFR 1.28(c), filed May 13, 2008.

The fee deficiency submission under 37 CFR 1.28 of $410, representing the difference between the small entity and large entity issue fee is hereby **accepted.**

The change of status to a large entity has been entered and made of record.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

PTO/SB/27 (09-04)
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	To be assigned 29/279,475
Filing Date	To be assigned
First Named Inventor	Andreas Harlow
Title	PORTION OF A SHOE UPPER
Attorney Docket Number	2465-8244US

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSION FOR PATENTS
P.O. BOX 1450
Alexandria, VA 22313-1450

Approved 5-3-07
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.

_____ 1 May 2007
Signature Date

Laurence B. Bond 30,549
Typed or printed name 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 by37 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.*

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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	To be assigned 29/279,496
Filing Date	To be assigned
First Named Inventor	Jason G. Petrie
Title	PORTION OF A SHOE UPPER
Attorney Docket Number	2465-8242US

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
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P.O. BOX 1450
Alexandria, VA 22313-1450

Approved 5-3-07
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.

_____ 1 May 2007
Signature Date

Laurence B. Bond 30,549
Typed or printed name 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 by37 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

DATE : 1/22/09 Paper No.: —

TO SPE OF : ART UNIT 2911

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/279531 Patent No.: D583493

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

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: _____

/CATHRON BROOKS/
Supervisory Patent Examiner
SPE

2911
Art Unit

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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	29/279,597
Filing Date	May 3, 2007
First Named Inventor	Michael Hui
Title	Portion of a Shoe Upper
Atty Docket Number	015127.00948

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved
Jacqueline M. Stone
5-15-07
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:

D2/896, 902, 907, 908, 943, 944, 945, 946, 969, 972, 973, 974

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.

/H. Wayne Porter/
Signature

May 3, 2007
Date

H. Wayne Porter
Typed or printed name

42,084
Registration Number, if applicable

202-824-3000
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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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	29/279,620
Filing Date	May 3, 2007
First Named Inventor	Michael Hui
Title	Portion of a Shoe Upper
Atty Docket Number	015127.00964

ADDRESS TO:
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P.O. Box 1450
Alexandria, VA 22313-1450

Approved 5-15-07
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:

D2/896, 902, 907, 908, 943, 944, 945, 946, 969, 972, 973, 974

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.

/H. Wayne Porter/	May 4, 2007
Signature	Date
H. Wayne Porter	42,084
Typed or printed name	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: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)		
	Application Number	To be assigned 29/279,629
	Filing Date	To be assigned
	First Named Inventor	Doug D. Wilken
	Title	PORTION OF A SHOE UPPER
	Attorney Docket Number	2465-8252US

ADDRESS TO:
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P.O. BOX 1450
Alexandria, VA 22313-1450

Approved 5-15-07
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	2 May 2007 Date
Laurence B. Bond Typed or printed name	30,549 Registration Number, if applicable
(801) 532-1922 Telephone Number	

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If you need **assistance** *in completing the form, call 1-800-PTO-9199* **and select** *option 2.*

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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	To be assigned 29/279,637
Filing Date	To be assigned
First Named Inventor	Jean-Francois Fullum
Title	PORTION OF A SHOE UPPER
Attorney Docket Number	2465-8249US

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSION FOR PATENTS
P.O. BOX 1450
Alexandria, VA 22313-1450

Approved 5-15-07
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 — Date: 2 May 2007

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 by37 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.*

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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	To be assigned 29/279,639
Filing Date	To be assigned
First Named Inventor	D'Wayne Edwards
Title	PORTION OF A SHOE UPPER
Attorney Docket Number	2465-8240US

ADDRESS TO:
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P.O. BOX 1450
Alexandria, VA 22313-1450

Approved 5-15-07
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 — Date: 1 May 2007

Laurence B. Bond — Typed or printed name

30,549 — Registration Number, if applicable

(801) 532-1922 — Telephone Number

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This collection of information is required by37 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 29/279,645
	Filing Date	To be assigned
	First Named Inventor	John Hlavacs
	Title	PORTION OF A SHOE UPPER
	Attorney Docket Number	2465-8246US

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSION FOR PATENTS
P.O. BOX 1450
Alexandria, VA 22313-1450

Approved 5-15-07
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	2 May 2007 Date
Laurence B. Bond Typed or printed name	30,549 Registration Number, if applicable
(801) 532-1922 Telephone Number	

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If you need **assistance** *in completing the form, call 1-800-PTO-9199* **and select** *option 2.*

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245 MAIN STREET
RACINE WI 53403

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APR 24 2008

In re Application of	:	
Ruud et al.	:	
Application Number: 29/279658	:	ON PETITION
Filing Date: 05/04/2007	:	
Attorney Docket Number: RU-183US	:	

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 March 13, 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 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 JSM 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 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(l);
>
> (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and
>
> (4) any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (c) of this section.

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

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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:

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

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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Commissioner for Patents
United States Patent and Trademark Office
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JUL 2 8 2008

OFFICE OF PETITIONS

In re Application of :
Ruud et al. : DECISION ON PETITION
Application Number: 29/279658 :
Filing Date: 05/04/2007 :
Attorney Docket Number: RU-183US :

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(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(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

Douglas I. Wood
Senior Petitions Examiner
Office of Petitions

PTOISB/27 (09-04)
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	To be assigned 29/279,696
Filing Date	To be assigned
First Named Inventor	Kathleen E.R. Huthmaker
Title	PORTION OF A SHOE UPPER
Attorney Docket Number	2465-8247US

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
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P.O. BOX 1450
Alexandria, VA 22313-1450

Approved 5-15-07
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 — 4 May 2007 (Date)

Laurence B. Bond (Typed or printed name) — 30,549 (Registration Number, if applicable)

(801) 532-1922 (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	To be assigned 29/279,697
Filing Date	To be assigned
First Named Inventor	Nicole Mueller
Title	PORTION OF A SHOE UPPER
Attorney Docket Number	2465-8245US

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSION FOR PATENTS
P.O. BOX 1450
Alexandria, VA 22313-1450

Approved 5-15-07
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	4 May 2007 Date
Laurence B. Bond Typed or printed name	30,549 Registration Number, if applicable
(801) 532-1922 Telephone Number	

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838 W. LONG LAKE ROAD
BLOOMFIELD HILLS MI 48302

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In re Application of	:	
Oneto et al.	:	
Application Number: 29/279,778	:	ON PETITION
Filing Date: 05/08/2007	:	
Attorney Docket Number: 72,000-893DH(SAM3083)	:	

This is a decision in on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed on July 21, 2008.

The petition is **DISMISSED**.

This application became abandoned on April 26, 2008, for failure to timely submit corrected drawings in response to the Notice of Allowability for a Design Application mailed on January 25, 2008, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on May 20, 2008.

Petitioner asserts that the Notice of Allowability in a Design Application was not received with the Notice of Allowance and Fee(s) Due. Petitioner further states that the document was not available in PAIR.

A review of the record indicates no irregularity in the mailing of the Notice of Allowability for a Design Application mailed on January 25, 2008, and in the absence of any irregularity in the mailing, there is a strong presumption that the Notice was properly mailed to the address of record. This presumption may be overcome by a showing that the Notice was not in fact received.

MPEP 711.03(c) states:

> 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).
>
> (emphasis added)

The showing of record is insufficient to warrant withdrawal of the holding of abandonment at this time. The Notice set a three (3)-month shortened statutory period for reply. Therefore, the practitioner must submit a copy of the docket report showing all replies docketed for three (3) months from the mail date of the Notice as documentary proof of non-receipt of the Office communication.

Further, the PAIR printout included with the petition appears to have been made using the Public PAIR system. Only published patent applications are available on the Public PAIR system. Design patent applications are not published, however. See MPEP 507. IFW applications are available through the Private Patent Application Information Retrieval (PAIR) system, and pro se applicants and attorneys of record have direct access to the IFW through Private PAIR (when a Customer Number is associated with the correspondence address for the application, and the applicant or attorney has access to Private PAIR for the customer number.

The petition is **DISMISSED.**

Petitioner may wish to consider filing a petition to revive under 37 C.F.R. 1.137(b).

Any request for reconsideration must be filed within **TWO (2) MONTHS** of the date of this decision. **This time period may not be extended.**[1]

Further correspondence with respect to this matter should be addressed as follows:

---

[1] 37 CFR 1.181(f).

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GLOBAL PATENTS
SUITE 120
838 W. LONG LAKE ROAD
BLOOMFIELD HILLS MI 48302

COPY MAILED
MAR 18 2010

In re Application of
Frank J. Oneto Jr.
Application No. 29/279,778
Filed: May 8, 2007
Attorney Docket No. 72,000-893DH
(SAM3083)

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 14, 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 corrected drawings and terminal disclaimer/fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance/Notice of Allowability mailed January 25, 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 and for review of the drawings submitted on December 14, 2009.

/KOC/
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

MADSON & AUSTIN
15 WEST SOUTH TEMPLE
SUITE 900
SALT LAKE CITY UT 84101

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DEC 0 7 2007

OFFICE OF PETITIONS

In re Application of	:	
Bahadir, Yakup	:	
Application No. 29/279,836	:	DECISION ON PETITION
Filed: May 8, 2007	:	
Attorney Docket No. 3539.2.2.1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 1, 2007, 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 and Amendment 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 the Publishing Division 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
DIW Nov-07

JAMES P. HANRATH
191 NORTH WACKER DRIVE
SUITE 1800
CHICAGO IL 60606

COPY MAILED

DEC 0 4 2007

OFFICE OF PETITIONS

In re Application of	:	
Lohrman and Soehnlen	:	DECISION REFUSING STATUS
Application Number: 29/279879	:	UNDER 37 CFR 1.47(a)
Filing Date: 05/09/2007	:	
Attorney Docket Number:	:	
0005178.2124	:	

This is in response to the petition under 37 CFR 1.47(a) filed on October 25, 2007.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified application was filed on May 9, 2007, without an executed oath or declaration. Accordingly, on May 25, 2007, the Office of Patent Application Processing mailed a Notice to File Missing Parts of Nonprovisional Application, requiring an executed oath or declaration and a surcharge for its late filing.

In response, on October 25, 2007, a petition under 37 CFR 1.47(a), and a petition for a three (3) month extension of time and fee were filed. Petitioners further filed two declarations under 37 CFR 1.63, one naming Greg Soehnlen as an inventor and

signed on behalf of Soehnlen by Kim Wehrenberg, Vice President and General Counsel of assignee Portola Packaging, Inc., and a declaration naming Richard Lohrman as an inventor, signed by inventor Lohrman.

Petitioners assert, via the statement of Kim Wehrenberg, that Greg Soehnlen was sent a copy of the application but has refused to execute and return the declaration.

A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee;

(4) a surcharge of $130 or $65 (small entity) if the petition and/or declaration is not filed at the time of filing the application, and

(5) a statement of the last known address of the non-signing inventor.

The petition lacks items (1) and (2).

In respect to item (1), petitioners must provide proof that a copy of the application (specification, including claims, drawings, if any, and the declaration) was sent or given to each non-signing inventor at his or her last known address for review.[1] Petitioners may provide proof by providing a copy of the cover letter transmitting the application papers to the non-signing inventors or details given in an affidavit or declaration of facts by a person having *first-hand* knowledge of the details.

Likewise, before a *bona fide* refusal to sign can be alleged petitioners must show that a copy of the application papers (specification, including claims, drawings, if any, and the declaration) were sent or given to each non-signing inventor. If there is a written refusal, petitioners must provide a copy of that written refusal with any renewed petition. If the refusal was made orally to a person, then that person must provide details of the refusal in an affidavit or declaration of facts.

---

[1] MPEP 409.03(d).

It is unclear whether the affidavit made by Ms. Wehrenberg was made with first-hand knowledge of the facts. Petitioners should provide a copy of the cover letter transmitting the application papers to the non-signing inventor or an affidavit or declaration of facts by a person with first-hand knowledge.

With regards to item (2), a proper declaration in compliance with 37 CFR 1.63 has not been submitted. Specifically, petitioners have submitted two declarations, each of which names a different inventor as the sole inventor, as such, the inventorship is not clear from the declarations submitted. Furthermore, where one inventor will sign the declaration, the signing inventor, rather than an assignee, must sign on behalf of himself and the non-signing inventor.

Petitioners should submit a new declaration, identifying the application by its application number and filing date, identifying all of the inventors by name, in the desired order of inventors names, and including their citizenship, residence city and state or city and foreign country, and their mailing addresses. All of the signing inventors must sign the declaration on behalf of themselves and the non-signing inventor.

The declaration is acceptable if all of the signing inventors have signed in their respective signature blocks and the signature block of the non-signing inventor is left blank **or** all of the signing inventors sign a statement saying that they are signing on behalf of the non-signing inventor.

The petition fee of $200.00 will be charged to counsel's deposit account, as authorized in the petition.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW May-08

JAMES P. HANRATH
191 NORTH WACKER DRIVE
SUITE 1800
CHICAGO IL 60606

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JUN 03 2008

OFFICE OF PETITIONS

In re Application of	:
Lohrman et al.	: DECISION NOTING JOINDER
Application Number: 29/279879	: OF INVENTOR AND PETITION
Filing Date: 05/09/2007	: UNDER 37 CFR 1.47(a) MOOT
Attorney Docket Number:	:
0005178.2124	:

Papers filed on April 24, 2008, in response to the decision dismissing petition mailed on December 4, 2007, included a three (3) month extension of time and a Declaration signed by the previously non-signing inventor, in compliance with 37 CFR 1.63.

The petition is **dismissed as moot**.

In view of the joinder of the inventors, further consideration under 37 CFR 1.47(a) is moot; this application does not have any rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this office for any further consideration under 37 CFR 1.47(a).

This application will be referred to the Office of Patent Application Processing for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MARSHALL, GERSTEIN & BORUN LLP
233 S. WACKER DRIVE, SUITE 6300
SEARS TOWER
CHICAGO, IL 60606

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AUG 18 2008

OFFICE OF PETITIONS

In re Application of :
John **GRIFFIN**, et al :
Application No. 29/279,948 : ON PETITION
Filed: May 11, 2007 :
Attorney Docket No. 28076/SV1376 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 4, 2008.

The petition is **DISMISSED**.

The application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowability, mailed December 18, 2007, which set a period for reply of three (3) months. Accordingly, this application became abandoned on March 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(s) 4.

A terminal disclaimer and the $130 [$65 if small entity] terminal disclaimer fee is required under 37 CFR 1.137(d) if the application is: (1) a design application, (2) a utility application filed before June 8, 1995, or (3) a plant application filed before June 8, 1995. The terminal disclaimer must dedicate to the public a terminal part of the term of any patent granted on 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.

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.

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.

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 Diane Goodwyn at (571) 272-6735.

Thurman K. Page

Thurman Page
Petitions Examiner
Office of Petitions

cc: RICHARD M. LABARGE
MARSHALL, GERSTEIN & BORUN LLP
SUITE 6300, SEARS TOWER
CHICAGO, IL 60606-6402

RAM Fee History Query

Revenue Accounting and Management

Name/Number: 29279948 Total Records Found: 10

Start Date: Any Date End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
06/05/2008	00000017	1	1502	$820.00	06/04/2008	DA 132855
06/05/2008	00000018	1	8001	$30.00	06/04/2008	DA 132855
06/04/2008	00010609	4	1453	$1,540.00	06/04/2008	CC
03/28/2008	00000132	1	1502	$820.00	03/28/2008	CK
03/28/2008	00000133	1	8001	$30.00	03/28/2008	CK
12/10/2007	00004561	3	8007	$100.00	12/07/2007	DA 132855
07/13/2007	00000038	1	1051	$130.00	07/12/2007	CK
05/14/2007	00000663	4	1012	$200.00	05/11/2007	DA 132855
05/14/2007	00000664	4	1112	$100.00	05/11/2007	DA 132855
05/14/2007	00000665	4	1312	$130.00	05/11/2007	DA 132855

OIPE IAP7
JUN 0 4 2008
PATENT & TRADEMARK OFFICE

Atty. Docket No. 28076/SV1376

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Griffin *et al.*	)	Title: Vacuum cleaner
	)	
Serial No.: 29/279,948	)	Group Art Unit: 2915
	)	
Filed: May 11, 2007	)	Examiner: Ruth McInroy

PETITION FOR REVIVAL OF UNINTENTIONALLY ABANDONED APPLICATION 37 CFR §1.137

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

The applicant petitions for revival of this application, which was held to be abandoned because of failure to timely pay the issue fee.

In accordance with 37 1.137(b)(1), the required reply is being filed along with this petition. A check for the required issue fee was already transmitted, but in the event that check was returned or the fee was reimbursed, then deposit account no. 13-2855 may be charged.

In accordance with 37 1.137(b)(2), the required petition fee is being paid.

The entire delay in filing the required reply from the due date for the reply until the filing of this petition was unintentional. The issue fee (which was received in the USPTO on March 28) was in fact mailed within the statutory period for response (it was mailed on March 25), but the certificate of mailing bore the incorrect date. The fact that the stated date was wrong is apparent from the fact that the date stated in the certificate is the same date that the USPTO actually received the document, and the U.S. postal service does not make same-day deliveries of first-class mail from Chicago to Washington.

06/04/2008 INTEFSW 00006617 29279948
01 FC:1453 1540.00 OP

Respectfully submitted,
MARSHALL, GERSTEIN & BORUN LLP
Suite 6300 Sears Tower
Chicago, Illinois 60606-6402
(312) 474-6300

By: Richard M. LaBarge
Richard M. LaBarge
Reg. No. 32,254

June 4, 2008

ok
not of record,
Hans Kronberg

no TD

UNITED STATES 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

SEP 3 0 2008

OFFICE OF PETITIONS

In re Application of :
John GRIFFIN, et al :
Application No. 29/279,948 : ON PETITION
Filed: May 11, 2007 :
Attorney Docket No. 28076/SV1376 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed August 27, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Fee(s) Due mailed, December 26, 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 March 27, 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 terminal disclaimer under 37 CFR 1.137(d), filed August 27, 2008, cannot be accepted since it is not signed by an attorney or agent of record.

37 CFR 1.321(b) states :

> An applicant or assignee may disclaim or dedicate to the public the entire term, or any terminal part of the term, of a patent to be granted. Such terminal disclaimer is binding

upon the grantee and its successors or assigns. The terminal disclaimer, to be recorded in the Patent and Trademark Office, must:

(1) Be signed:
(i) By the applicant, or
(ii) If there is an assignee of record of an undivided part interest, by the applicant and such assignee, or

(iii) If there is an assignee of record of the entire interest, by such assignee, or
(iv) By an attorney or agent of record;
(2) Specify the portion of the term of the patent being disclaimed;
(3) State the present extent of applicant's or assignee's ownership interest in the patent to be granted; and
(4) Be accompanied by the fee set forth in §1.20(d).
(c) A terminal disclaimer, when filed to obviate judicially

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.

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 Diane Goodwyn at (571) 272-6735.

Thurman Page
Petitions Examiner
Office of Petitions

Atty. Docket No. 28076/SV1376

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Griffin *et al.*	)	Title: Vacuum cleaner
	)	
Serial No.: 29/279,948	)	Group Art Unit: 2915
	)	
Filed: May 11, 2007	)	Examiner: Ruth McInroy

RENEWED PETITION FOR REVIVAL OF UNINTENTIONALLY ABANDONED APPLICATION 37 CFR §1.137

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

The applicant requests reconsideration of the August 18 denial of the petition for revival of this application. The petition was denied because a terminal disclaimer and the required fee were not included. Those papers are now included.

In accordance with 37 1.137(b)(1), the required reply is being filed along with this renewed petition. A check for the required issue fee was already transmitted, but in the event that check was returned or the fee was reimbursed, then deposit account no. 13-2855 may be charged.

In accordance with 37 1.137(b)(2), the required petition fee has already been paid.

The entire delay in filing the required 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 issue fee (which was received in the USPTO on March 28) was in fact mailed within the statutory period for response (it was mailed on March 25), but the certificate of mailing bore the incorrect date. The fact that the stated date was wrong is apparent from the fact that the date stated in the certificate is the same date that the USPTO actually received the document, and the U.S. postal service does not make same-day deliveries of first-class mail from Chicago to Washington.

Respectfully submitted,
MARSHALL, GERSTEIN & BORUN LLP
Suite 6300 Sears Tower
Chicago, Illinois 60606-6402
(312) 474-6300

By: Richard M. LaBarge
Richard M. LaBarge
Reg. No. 32,254

August 27, 2008

Atty. Docket No. 28076/SV1376

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Griffin *et al.*	)	Title: Vacuum cleaner
	)	
Serial No.: 29/279,948	)	Group Art Unit: 2915
	)	
Filed: May 11, 2007	)	Examiner: Ruth McInroy

TERMINAL DISCLAIMER (37 CFR 1.321(d))

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The assignee of record, Shop Vac Corporation, disclaims a terminal part of the term of the patent to be granted on the above-identified application ("the current application"). The portion of the term being disclaimed is equivalent to the period of abandonment of the application.

There are no continuing design applications that contain a reference to the current application.

This disclaimer is accompanied by the fee set forth in 37 CFR §1.20(d).

Respectfully submitted,

SHOP VAC CORPORATION

By: MARSHALL, GERSTEIN & BORUN LLP
Suite 6300 Sears Tower
Chicago, Illinois 60606-6402
(312) 474-6300

Richard M. LaBarge
Reg. No. 32,254

August 27, 2008

RAM Fee History Query

Revenue Accounting and Management

Name/Number: 29279948 Total Records Found: 11

Start Date: Any Date End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
08/28/2008	00001694	4	1814	$130.00	08/27/2008	CC
06/05/2008	00000017	1	1502	$820.00	06/04/2008	DA 132855
06/05/2008	00000018	1	8001	$30.00	06/04/2008	DA 132855
06/04/2008	00010609	4	1453	$1,540.00	06/04/2008	CC
03/28/2008	00000132	1	1502	$820.00	03/28/2008	CK
03/28/2008	00000133	1	8001	$30.00	03/28/2008	CK
12/10/2007	00004561	3	8007	$100.00	12/07/2007	DA 132855
07/13/2007	00000038	1	1051	$130.00	07/12/2007	CK
05/14/2007	00000663	4	1012	$200.00	05/11/2007	DA 132855
05/14/2007	00000664	4	1112	$100.00	05/11/2007	DA 132855
05/14/2007	00000665	4	1312	$130.00	05/11/2007	DA 132855

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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MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 SEARS TOWER
CHICAGO, IL 60606-6357

COPY MAILED

SEP 14 2009

OFFICE OF PETITIONS

In re Application of :
John GRIFFIN, et al :
Application No. 29/279,948 : DECISION ON PETITION
Filed: May 11, 2007 :
Attorney Docket No. 28076/SV1376 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed June 29, 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 Notice of Allowance and Fee(s) Due mailed, December 26, 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 March 27, 2008.

The renewed 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) 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.

/Thurman K. Page/

Thurman K. Page
Petitions Examiner
Office of Petitions

A

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.
29/279,955	05/11/2007	Todd Smith	015127.00981	4782

22907 7590 04/10/2008
BANNER & WITCOFF, LTD.
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON, DC 20005-4051

EXAMINER	
ART UNIT	PAPER NUMBER
2913	

MAIL DATE	DELIVERY MODE
04/10/2008	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.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

4-10-08

wk

In re Application of
Todd Smith et al.
Serial Number: 29/279,955
Filed: May 11, 2007
For: Ball

DECISION
ON
PETITION

This is in response to the request filed July 23, 2007, 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.

29/279,955
In this case, applicant has not paid the fee as required under 37 CFR 1.155(F).

The Request is **Denied**.

Jacqueline M. Stone

Jacqueline Stone, Director
Technology Center 2900
Designs

Richard S. Stockton
BANNER & WITCOFF, LTD.
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON DC 20005-4051

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	29/279,956
Filing Date	May 11, 2007
First Named Inventor	Todd Smith, et al.
Title	BALL
Atty Docket Number	015127.00982

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
9-18-07

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:

D21/698, 707, 708, 709, 710, 711, 712, 713 and 714

473/52, 125, 351, 413, 569, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602,

603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, FOR 134, FOR 135, FOR 138, FOR 143

Related applications: 29/279,954 and 29/279,955 both filed May 11, 2007

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.

/Richard S. Stockton/ — Signature

July 23, 2007 — Date

Richard S. Stockton — Typed or printed name

50,330 — Registration Number, if applicable

(202) 824-3000 — 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.

PTO/SB/27 (04-07)
Approved for use through 09/30/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE
Under the Paperwork Reduction ACT of 1995, no persons are required to respond to collection of information unless it displays a valid OMB control number.

REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	29/279,963
Filing Date	May 11, 2007
First Named Inventor	Matthew Jason Holmes
Title	Portion of a Shoe Upper
Atty Docket Number	015127.00946

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
5-17-07

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:

D2/896, 902, 907, 908, 943, 944, 945, 946, 969, 972, 973, 974

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.

/H. Wayne Porter/ — Signature

May 11, 2007 — Date

H. Wayne Porter — Typed or printed name

42,084 — Registration Number, if applicable

202-824-3000 — 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
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www.uspto.gov

BOND, SCHOENECK & KING, PLLC
ONE LINCOLN CENTER
SYRACUSE, NY 13202-1355

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SEP 16 2008

In re Application of :
Conway, Patrick S. :
Application No. 29/279,992 : ON PETITION
Filed: May 14, 2007 :
Attorney Docket No. 201D003 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 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 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(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 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

[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.

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.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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BOND, SCHOENECK & KING, PLLC
ONE LINCOLN CENTER
SYRACUSE, NY 13202-1355

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OCT 21 2008

OFFICE OF PETITIONS

In re Application of :
Patrick S. Conway :
Application No. 29/279,992 : ON PETITION
Filed: May 14, 2007 :
Attorney Docket No. 201D002 :

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed September 26, 2008, to revive the above-identified 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 January 30, 2008, which set a period for reply of three (3) months. Accordingly, this application became abandoned on May 1, 2008. A Notice of Abandonment was mailed May 29, 2008. On June 4, 2008, a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed September 16, 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 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 September 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.

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 further processing in accordance with this decision on petition.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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SYRACUSE, NY 13202-1355

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SEP 24 2008
OFFICE OF PETITIONS

In re Application of :
Conway, Patrick S. :
Application No. 29/279,995 : ON PETITION
Filed: May 14, 2007 :
Attorney Docket No. 201D003 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 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 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 April 30, 2008, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed January 30, 2008. Accordingly, the application became abandoned on May 1, 2008. A Notice of Abandonment was mailed May 29, 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 a question as to whether

[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.

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 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.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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ONE LINCOLN CENTER
SYRACUSE, NY 13202-1355

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OCT 21 2008

OFFICE OF PETITIONS

In re Application of :
Patrick S. Conway :
Application No. 29/279,995 : ON PETITION
Filed: May 14, 2007 :
Attorney Docket No. 201D003 :

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed September 24, 2008 and supplemented on September 30, 2008, to revive the above-identified 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 January 30, 2008, which set a period for reply of three (3) months. Accordingly, this application became abandoned on May 1, 2008. A Notice of Abandonment was mailed May 29, 2008. On June 4, 2008, a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed September 24, 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 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 September 24, 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.

Further, petitioner should note that the terminal disclaimer fee of $65 charged on September 30, 2008 was previously submitted and will be credited to petitioner's deposit account as authorized.

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 further processing in accordance with this decision on petition.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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POSTFACH 30 02 20
STUTTGART 70442 DE GERMANY

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DEC 16 2008

OFFICE OF PETITIONS

In re Application of :
Hans-Peter AGLASSINGER :
Application No. 29/280,030 : DECISION ON PETITION:
Filed: May 15, 2007 :
Attorney Docket No. DP 319154

This is a letter regarding the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed November 14, 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 October 14, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed July 11, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on October 12, 2008. A Notice of Abandonment was mailed on November 03, 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 $860 issue fee, (2) the petition fee of $1620, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to timely pay the issue fee as required by the Notice of Allowance and Fee(s) Due, mailed July 11, 2008 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CROSSLEY PATENT LAW
236 SOUTH THIRD STREET
#287
MONTROSE CO 81401

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APR 08 2009

OFFICE OF PETITIONS

In re Application of	:	
Frank Williams	:	
Application No. 29/280,069	:	DECISION ON PETITION
Filed: May 15, 2007	:	
Attorney Docket No. 07-04-25.5DA	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 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 June 26, 2008, as required by the Notice of Allowability For a Design Application mailed March 26, 2008. Accordingly, the date of abandonment of this application is June 27, 2008. A Notice of Abandonment was mailed July 31, 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) a proper statement of unintentional delay and (4) a Terminal Disclaimer with the accompanying $70.00 fee.

The request for a terminal disclaimer is accepted and has been made of record.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

This application is being referred to the Office of Data Management for processing into a patent and review of the Corrected Drawings submitted on March 17, 2009.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

PTO/SB/27 (04-07)
Approved for use through 09/30/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE
Under the Paperwork Reduction ACT of 1995, no persons are required to respond to collection of information unless it displays a valid OMB control number.

REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	29/280,072
Filing Date	May 15, 2007
First Named Inventor	William H. Punzel
Title	Weapons Cabinet
Atty Docket Number	353.392

ADDRESS TO:

MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

7/18/07
Approved
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:

D6/396, 432, 436, 440, 445, 446, 448 and 552

Related applications: US SN 10/542,129

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:

- The fee set forth in 37 CFR 1.17(k).
- An information disclosure statement in compliance with 37 CFR 1.98.

Andrew S. McConnell — Signature

7/6/07 — Date

Andrew S. McConnell — Typed or printed name

32,272 — Registration Number, if applicable

414-225-9755 — 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.

Attorney Docket No. 353.392

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Serial No. 29/280,072 Filed: May 15, 2007

Inventors: William H. Punzel, Jane E. Glass, Andrew J. Kolman, Steven S. Dingle, and James C. Muth

Title: WEAPONS CABINET

REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION UNDER 37 CFR 1.155

Mail Stop EXPEDITED DESIGN
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant respectfully requests expedited examination of the above-noted design application. With this request, as required by 37 CFR 1.155 applicant includes:

1) A Statement by Andrew McConnell indicating that a preexamination search was conducted and the field of search;
2) The expedited fee of $900 set forth in 37 CFR 1.17(k); and
3) An Information Disclosure Statement listing each of the relevant patents found in the preexamination search.

Therefore, applicant respectfully requests that the Request for Expedited Examination of the above-noted design application be granted.

No additional fees are believed to be payable with this Request. However, the Director is authorized to charge any fees or credit any overpayment to Deposit Account No. 50-1170.

Respectfully submitted,

Andrew S. McConnell
Reg. No. 32,772

Dated: 7/6/07

Customer No. 23,598
Boyle Fredrickson Newholm
Stein & Gratz, S.C.
250 East Wisconsin Avenue, Suite 1030
Milwaukee, WI 53202
Phone: (414) 225-9755
Facsimile: (414) 225-9753

EXPEDITED PROCEDURE – MAIL STOP EXPEDITED DESIGN
U.S. Serial No. 29/280,086
Attorney Docket No. KMC-757

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	:	Jertson et al.
U.S. Serial No.	:	29/280,086
Filed	:	May 16, 2007
Title	:	Sole for Golf Club Head
Art Unit	:	2913
Examiner	:	TBD

Approved 8/23/07
Jacqueline M. Stone, Director
Technology Center 1700/2900

REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION UNDER 37 C.F.R. 1.155

Mail Stop Expedited Design
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Expedited examination is respecfully requested for the above-referenced design patent application. In accordance with 37 C.F.R. 1.155, the following information is submitted:

1. A pre-examination search was conducted. The field of search included:
   a. Subclasses 252, 253, 733, 742, 745, 752, 753, and 759 in Class D21; and
   b. Subclasses 324, 325, 326, 327, 328, 329, 330, 331, 343, 344, 345, 346, 347, 348, and 349 in Class 473.
2. An information disclosure statement is filed concurrently herewith to submit the results of the pre-examination search.

Further, the above-referenced design patent application is related to the following patent applications:

1. U.S. Serial No. 29/277,584, Marty R. Jertson, et al., "Golf Fairway Wood Head," filed March 2, 2007, Docket No. KMC-731

2. U.S. Serial No. 29/277,586, Marty R. Jertson, et al., "Golf Hybrid Head," filed March 2, 2007, Docket No. KMC-744

3. U.S. Serial No. 29/277,587, Marty R. Jertson, et al., "Golf Hybrid Head," filed March 2, 2007, Docket No. KMC-745

4. U.S. Serial No. 29/277,590, Marty R. Jertson, et al., "Golf Fairway Wood Head," filed March 2, 2007, Docket No. KMC-732

5. U.S. Serial No. 29/277,591, Marty R. Jertson, et al., "Golf Fairway Wood Head," filed March 2, 2007, Docket No. KMC-733

6. U.S. Serial No. 29/277,593, Bradley D. Schweigert, et al., "Golf Driver Head," filed March 2, 2007, Docket No. KMC-740

7. U.S. Serial No. 29/277,594, Bradley D. Schweigert, et al., "Golf Driver Head," filed March 2, 2007, Docket No. KMC-742

8. U.S. Serial No. 29/277,595, Bradley D. Schweigert, et al., "Golf Driver Head," filed March 2, 2007, Docket No. KMC-741

9. U.S. Serial No. 29/277,597, Marty R. Jertson, et al., "Golf Hybrid Head," filed March 2, 2007, Docket No. KMC-743

If, for any reason, the examiner is unable to allow the application, the examiner is encouraged to telephone the undersigned attorney at the telephone number listed below to discuss this matter.

The Commissioner is authorized to charge any fee deficiency required by this paper, or credit any overpayment, to Deposit Account No. 11-0222.

Respectfully submitted,

KARSTEN MANUFACTURING CORPORATION
Legal Department
2201 W. Desert Cove Ave.
Phoenix, Arizona 85029
(602) 687-5415

August 17, 2007
Date

/Frankie Ho/
Frankie Ho
Reg. No. 48,479
Attorney for Applicant

PTO/SB/27 (04-07)
Approved for use through 09/30/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	Unknown 29/280,112
Filing Date	Herewith
First Named Inventor	Earl J. Roberts
Title	TREE WELL
Atty Docket Number	BTREE.002DA

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
5.22.07

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:

International Class A01G17/00; A01G13/10

U.S. Classes: 47/25; 47/23, 25, 32; 48.5

Related applications: U.S. Application No. 11/687,562

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 — May 16, 2007 (Date)

Michael H. Trenholm (Typed or printed name) — 37,743 (Registration Number, if applicable)

951-781-9231 (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.

PTO/SB/27 (05-03)
Approved for use through 04/30/2003. 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	TBD 29/280,143
Filing Date	Herewith
First Named Inventor	Scott Portzline
Title	Portion Of A Shoe Upper
Atty Docket Number	015127.00881

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

Approved 5/25/07
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:

D/2 896, 902, 907, 908, 911,943, 944, 945, 946, 969, 972, 973 and 974.

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.

5/17/07	/Anthony W. Kandare/
Date	Signature
202-824-3000	Anthony W. Kandare, reg. no. 48,830
Telephone Number	Typed or printed name

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.155. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Expedited Design, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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www.uspto.gov

COPY MAILED
OCT 28 2008

KELLY S.K. ELSEA
INTELLECTUAL PROPERTY COUNSEL FOR
THE COLEMAN COMPANY, INC.
3600 N. HYDRAULIC
WICHITA KS 67219

In re Application of :
James C. P. Leung :
Application No. 29/280,144 : ON PETITION
Filed: May 17, 2007 :
Attorney Docket No.308067 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 12, 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 of Allowability mailed April 2, 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)(1).

The Notice of Allowability mailed April 2, 2008, required corrected drawings.

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

KELLY S.K. ELSEA
INTELLECTUAL PROPERTY COUNSEL FOR
THE COLEMAN COMPANY, INC.
3600 N. HYDRAULIC
WICHITA KS 67219

MAILED

NOV 18 2009

OFFICE OF PETITIONS

In re Application of
James C.P. Leung
Application No. 29/280,144
Filed: May 17, 2007
Attorney Docket No. 308067

DECISION ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed December 17, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the issue fee, corrected drawings and terminal disclaimer/fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance/Notice of Allowability mailed April 2, 2008, is accepted as having been unintentionally delayed.

The duplicate payment of the fees submitted on December 17, 2008 is being refunded to petitioner's deposit account no. 03-2453 as authorized. Additionally, the petition fee of $130.00 submitted on December 17, 2008, is also being refunded as no other petition has been submitted that requires a petition fee of $130.00 under fee code 1464. If this is an incorrect interpretation, petitioner must notify the USPTO.

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 and for review of the drawings submitted on December 17, 2008.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

PTO/SB/27 (05-03)
Approved for use through 04/30/2003. 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	TBD 29/280,145
Filing Date	Herewith
First Named Inventor	Andrew Caine
Title	Portion Of A Shoe Upper
Atty Docket Number	015127.00955

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

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/2 896, 902, 907, 908, 911,943, 944, 945, 946, 969, 972, 973 and 974.

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.

5/22/07
Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

5/17/07
Date

/Anthony W. Kandare/
Signature

202-824-3000
Telephone Number

Anthony W. Kandare, reg. no. 48,830
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.

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29/280,187

PTO/SB/27 (09-06)
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U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	filed concurrently herewith
Filing Date	May 18, 2007
First Named Inventor	Alexander Jozef Magdalena Van de Rostyne
Title	HELICOPTER PROPELLER
Atty Docket Number	058084-014202

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

5/25/07

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:

A search was conducted by a professional searcher of the U.S.P.T.O. EAST database at the Public Search Room, in which the following classes/subclasses were searched:

Class 244, Subclasses 7A, 7B, 17.11, 17.23, 35R
Class 416, Subclasses 223R, 243, Dig. 2
Class D12, Subclasses 319, 326, 327, 328, 329

Examiners Tien Dinh (Class 244) and Christopher Verdier (Class 416) were consulted and suggested the field of search.

Related applications: US Des Pat Appl 29/275,322 filed 12/20/2006; US Des Pat Appl 29/275,323 filed 12/20/2006; US Des Pat Appl 29/275,324 filed 12/20/2006; US Des Pat Appl 29/277,652 filed 05/03/2007; US Util Pat Appl 11/462,177 filed 08/03/2006; US Util Pat Appl 11/465,781 filed 08/18/2006; BE Pat Appl 2006/0043 filed 01/19/2006

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). **(4 Sheets consisting of 4 Figures)**
- The fee set forth in 37 CFR 1.17(k). **($900)**
- An information disclosure statement in compliance with 37 CFR 1.98. **(IDS with foreign references)**

Signature

May 18, 2007
Date

R. Joseph Foster, Esq.
Typed or printed name

Reg. No. 56,953
Registration Number, if applicable

(310) 586-7700
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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PTO/SB/130 (03-08)
Approved for use through 03/31/2008. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	29280191	Confirmation Number	1222	Filing Date	2007-05-20
Attorney Docket Number (optional)	A042 P01503-US	Art Unit	2912	Examiner	HILL, SHANDA C
First Named Inventor	Richard E. Swan				
Title of Invention	THROW LEVER MOUNT				

Attention: Office of Petitions

An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).

APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.

A grantable petition requires one of the following items:
(1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or
(2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.

Name of Inventor who is 65 years of age, or older

Given Name	Middle Name	Family Name	Suffix
Richard	E.	Swan	

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18.
Please see 37 CFR 1.4(d) for the format of the signature.

Select (1) or (2) :

○ (1) I am an inventor in this application and I am 65 years of age, or more.

◉ (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.

Signature	/Stephen J. Holmes/	Date (YYYY-MM-DD)	2008-04-04
Name	Stephen J. Holmes	Registration Number	34621

PTO/SB/130 (03-08)
Approved for use through 03/31/2008. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Fr eedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about indivi duals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Application of
RICHARD E. SWAN

Application No. 29280191

Filed: May 20,2007

Attorney Docket No. A042 P01503-US

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1) ,filed 04-APR-2008 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded “special” status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquires concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PANITCH SCHWARZE BELISARIO & NADEL LLP
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA, PA 19103

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JUL 29 2008

OFFICE OF PETITIONS

In re Application of De Martiis :
Application No. 29/280,211 : Decision on Petition
Filing Date: May 21, 2007 :
Attorney Docket No. 263-119U1 (R2-8467) :

This is a decision on the petition under 37 CFR 1.183 filed April 25, 2008, seeking waiver of 37 CFR §§ 1.67 and 1.63 where they require that a supplemental declaration be executed by the named inventor(s).

The petition is **granted.**

In view of the efforts recounted in the petition to obtain the signature of the sole inventor, it is agreed that justice would be served by waiving the requirement for his signature on the supplemental declaration filed April 25, 2008.

The aforementioned supplemental declaration is accepted without the signature of inventor De Martiis.

Technology Center Art Unit 2912 will be informed of the instant decision. Specifically, the examiner will be informed the declaration required by the Notice of Allowability has been accepted without the signature of the inventor.

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

CHARLES C.H. WU
98 DISCOVERY
IRVINE CA 92618-3105

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DEC 11 2007

OFFICE OF PETITIONS

In re Application of :
Suny Chung :
Application No. 29/280,221 : ON PETITION
Filed: May 21, 2007 :
Attorney Docket No. 997-0607118 :

This is a decision on the petition under 37 CFR 1.137(b), filed October 18, 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 January 10, 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 April 11, 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 drawings; (2) the petition fee of $770; (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 corrected 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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FANNY CHUNG
ROOM 1, 7F, NO. 186, SEC. 2, DONG-SHING RD.
TAICHUNG CITY (R.O.C.) 408 TW TAIWAN

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NOV 26 2008

OFFICE OF PETITIONS

In re Application of :
Chien-Kuo Chang :
Application No. 29/280,231 : ON PETITION
Filed: May 22, 2007 :
Attorney Docket No. AP3404 :

This is a decision on the petition, filed September 12, 2008, to revive the above-identified application under 37 CFR 1.137(b).

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowability, mailed April 10, 2008, which set a period for reply of three (3) months. Accordingly, this application became abandoned on July 11, 2008. A Notice of Abandonment was mailed on August 6, 2008. On September 12, 2008, the present petition was filed.

A grantable petition under 37 CFR 1.137(b)[1] must be accompanied by: (1) (1) the required reply,[2] unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

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[1] As amended effective December 1, 1997. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53194-95 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 119-20 (October 21, 1997).

[2] In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

The petition lacks items (4) above.

Since the above-identified application is a design application, 37 CFR 1.137(d) requires a terminal disclaimer dedicating to the public a terminal part of the term of any patent granted thereon equivalent to the period of abandonment of the application. 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).

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:
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop PETITION
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: CHIEN-KUO CHANG
10-2 NO. 447, 3 SEC WEN-HSIN RD.
TAICHUNG CITY, TAIWAN, R.O.C.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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MAY 06 2009

OFFICE OF PETITIONS

CHARLES E. BAXLEY, ESQUIRE
90 JOHN STREET
SUITE 309
NEW YORK, NY 10038

In re Application of
Chien-Kuo Chang
Application No. 29/280,231
Filed: May 22, 2007
Attorney Docket No. 18005 B

ON PETITION

This is a decision in response to the petition, filed March 13, 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 submit corrected formal drawings on or before December 17, 2007, as required by the Notice of Allowability, mailed April 10, 2008. Accordingly, the date of abandonment of this application is July 11, 2008. A Notice of Abandonment was mailed August 6, 2008. On September 12, 2008 a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed by a decision mailed November 26, 2008. In response, on March 13, 2009, the present petition was filed, along with an appropriate 2-month petition for extension of time.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the corrected formal drawings, (2) the petition fee of $770, (3) an adequate statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d).

The terminal disclaimer filed March 13, 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, 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

PTO/SB/27 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	TBA 29/280,238
Filing Date	May 22, 2007
First Named Inventor	Leo S. Chang
Title	Portion Of A Shoe Upper
Atty Docket Number	015127.00950

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 5/25/07
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:

D/896, 902, 907, 908, 911, 943, 944, 945, 946, 969, 972, 973, 974

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 — May 22, 2007 (Date)

David R. Gerk (Typed or printed name) — 56901 (Registration Number, if applicable)

202-824-3000
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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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	TBA 29/280,239
Filing Date	May 22, 2007
First Named Inventor	Michael Hui
Title	Portion Of A Shoe Upper
Atty Docket Number	015127.00944

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 5/25/07
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:

D2/896, 902, 907, 908, 911, 943, 944, 945, 946, 969, 972, 973 and 974.

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.

David R. Gerk
Signature

May 22, 2007
Date

David R. Gerk
Typed or printed name

56901
Registration Number, if applicable

202-824-3000
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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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	TBD 29/280,245
Filing Date	Herewith
First Named Inventor	Andrew Caine
Title	Portion of a Shoe Outsole
Atty Docket Number	015127.00969

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

5/25/07
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:

D/2 902, 908, 946, 947, 948, 949, 951, 952, 953, 954, 955, 956, 957, 958, 959 and 960.

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.

5/22/07
Date

/Anthony W. Kandare/
Signature

202-824-3000
Telephone Number

Anthony W. Kandare, reg. no. 48,830
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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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	TBA 29/280,299
Filing Date	May 23, 2007
First Named Inventor	Andrew G. V. Oldknow
Title	Portion Of A Golf Club Head
Atty Docket Number	015127.00933

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 6/14/07
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:

D21/733, 747, 748, 749, 750, 751, 752, 753, 759;
423/287, 290, 291, 324, 325, 326, 327, 328, 329, 330, 331, 343, 344, 345, 346, 349 and 350.

Related pending applications: 29/249,625 filed October 13, 2006; 29/249,626 filed October 13, 2006 and 29/249,627 filed October 13, 2006. This application is a continuation of U.S. Serial No. 29/248,432, filed August 16, 2006, now abandoned, and pending application Serial No. 29/276,551, filed January 29, 2007.

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 — May 23, 2007 (Date)

David R. Gerk (Typed or printed name) — 56,901 (Registration Number, if applicable)

202-824-3000
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

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COMMISSIONER FOR PATENTS
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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

LUCAS & MERCANTI, LLP
475 PARK AVENUE SOUTH
15TH FLOOR
NEW YORK, NY 10016

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FEB 0 2 2009

OFFICE OF PETITIONS

In re Application of
Luis Rodriguez Navarrete
Application No. 29/280,347
Filed: May 24, 2007
Attorney Docket No. CUC-161

ON PETITION

This is a decision on the petition filed January 13, 2009 under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the formal drawings in a timely manner in reply to the Notice of Allowance mailed September 10, 2008, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on December 11, 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 and (4) the 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

PTO/SB/27 (09-04)
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	TBA 29/280,371
Filing Date	May 24, 2007
First Named Inventor	Jason C. Mayden
Title	PORTION OF A SHOE UPPER
Atty Docket Number	015127.00939

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
6-11-07

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:

D2/896, 902, 907, 908, 911, 943, 944, 945, 946, 969, 972, 973 and 974

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 — May 24, 2007 (Date)

Richard S. Stockton — Typed or printed name

50,330 — Registration Number, if applicable

(202) 824-3000
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.**
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	TBA 29/280,373
Filing Date	May 24, 2007
First Named Inventor	Hanmi Hubbard
Title	PORTION OF A SHOE UPPER
Atty Docket Number	015127.00949

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved
Jacqueline M. Stone 6-11-07
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:

D2/896, 902, 907, 908, 911, 943, 944, 945, 946, 969, 972, 973 and 974

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 — May 24, 2007 (Date)

Richard S. Stockton — Typed or printed name

50,330 — Registration Number, if applicable

(202) 824-3000 — 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.

PTO/SB/27 (05-03)
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	TBD 29/280,405
Filing Date	May 25, 2007
First Named Inventor	Scott Portzline
Title	Portion of a Shoe Midsole
Atty Docket Number	015127.00963

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

Approved 6/14/07
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:

D/2 896, 902, 907, 908, 943, 944, 946, 947, 964, 967, 972 and 977.

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.

5/25/07
Date

/Anthony W. Kandare/
Signature

202-824-3000
Telephone Number

Anthony W. Kandare, reg. no. 48,830
Typed or printed name

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.155. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Expedited Design, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	TBD 29/280,407
Filing Date	May 25, 2007
First Named Inventor	Scott Portzline
Title	Portion of a Shoe Midsole
Atty Docket Number	015127.00947

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

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/2 896, 902, 907, 908, 943, 944, 946, 947, 964, 967, 972 and 977.

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.

6-5-07
Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

5/25/07
Date

/Anthony W. Kandare/
Signature

202-824-3000
Telephone Number

Anthony W. Kandare, reg. no. 48,830
Typed or printed name

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.155. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Expedited Design, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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	29/280,413
Filing Date	May 25, 2007
First Named Inventor	Matthew Jason Holmes
Title	PORTION OF A SHOE MIDSOLE
Atty Docket Number	015127.00961

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved
Jacqueline M. Stone, 6/5/07
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:

D2/896, 902, 907, 908, 943, 944, 945, 946, 947, 964, 967, 972, 976 and 977

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.

/H. Wayne Porter/ — Signature
May 25, 2007 — Date

H. Wayne Porter — Typed or printed name
42,084 — Registration Number, if applicable

(202) 824-3000 — 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.

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.
29/280,449	05/29/2007	Thomas Christiansen	006089.00437	7837

22907 7590 03/30/2009

BANNER & WITCOFF, LTD.
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON, DC 20005-4051

EXAMINER	
WRIGHT, CARLA JOBE	

ART UNIT	PAPER NUMBER
2916	

MAIL DATE	DELIVERY MODE
03/30/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

3/30/09

BANNER & WITCOFF, LTD.
1100 13TH STREET, N.W.
SUITE 1200
WASHINGTON, DC 20005-4051

In re Application of
CHRISTIANSEN ET AL.
Serial No.: 29280449
Filed: 5/29/2007

: DECISION ON PETITION

This is a response to the petition filed under 37 CFR §1.182 on January 26, 2009.

The petition is GRANTED.

The application identified above was allowed on April 17, 2008. The Notice of Allowance included the requirement for a number of drawing corrections. Corrected drawings were filed on July 16, 2008. The examiner found the corrected drawings included new matter and did not permit them to be entered. The time period for response having expired, this application would be held abandoned except for the present petition. Since then the Office has changed its practice when a response is filed after allowance, to permit a 1-month time period in which to cure drawing related issues if a bona fide attempt is been made to address the exminer's requirements.

Applicant is requesting withdrawal of the holding of abandoment and permission to retroactively apply the present practice in this application.

Because the events in this application helped lead to this change in practice, and since applicant's July 16, 2008 response meets the requirements of the current practice, it is fitting that this application not be held abandoned and applicant be given a 1-month to correct the drawings.

With this petition applicant has also submitted drawings correcting the deficiencies in the July 16, 2008 amendment. These corrected drawngs will be forwarded to the examiner for consideration as if they were filed in response to the 1-month time period granted by this decision.

/Jasemine C. Chambers/
Jasemine C. Chambers, Ph.D., J.D.
Director, Technology Center 2900
Designs

js

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

QUICKPATENTS, INC.
32861 CALLE PERFECTO
SUITE A
SAN JUAN CAPISTRANO, CA 92675

COPY MAILED

JUL 07 2009

OFFICE OF PETITIONS

In re Application of :
Jon CAPRIOLA :
Application No. 29/280,455 : DECISION ON PETITION
Filed: May 29, 2007 :
Attorney Docket No. JC70521 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 28, 2009, to revive the above-identified design application.

The petition is **GRANTED**.

The application became abandoned for failure to submit replacement drawings in a timely manner in reply to the Notice of Allowance and Fee(s) Due, mailed December 22, 2008, which set a period for reply of three (3) months. Accordingly, this application became abandoned on March 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 replacement drawings; (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).

The drawings have been reviewed by Examiner Karen E. Eldridge Powers. The Examiner indicates that the drawings are acceptable and do not contain new matter.

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 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

QUICKPATENTS, INC.
32861 CALLE PERFECTO
SUITE A
SAN JUAN CAPISTRANO CA 92675

COPY MAILED

NOV 0 9 2009

OFFICE OF PETITIONS

In re Application of	:	
Jon CAPRIOLA	:	
Application No. 29/280,455	:	DECISION ON PETITION
Filed: May 29, 2007	:	TO WITHDRAW
Attorney Docket No. JC70521	:	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 August 11, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Kevin Prince on behalf of the attorneys of record associated with Customer Number 56029.

The attorneys of record associated with Customer Number 56029 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, until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

/Diane Goodwyn/
Petitions Examiner
Office of Petitions

cc: JON CAPRIOLA
PO BOX 22003
SARASOTA, FL 34276

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
29/280,455	05/29/2007	Jon Capriola	JC70521

CONFIRMATION NO. 7928

POWER OF ATTORNEY NOTICE

56029
QUICKPATENTS, INC.
32861 CALLE PERFECTO
SUITE A
SAN JUAN CAPISTRANO, CA 92675

OC000000038665851

Date Mailed: 11/09/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/11/2009.

- 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.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

VOLPE AND KOENIG, P.C.
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

COPY MAILED

NOV 18 2008

OFFICE OF PETITIONS

In re Application of :
HINNANT, Wayne :
Application No. 29/280,517 : DECISION ON PETITION
Filed: May 30, 2007 : UNDER 37 CFR 1.137(b)
Attorney Docket No. **HIN-PT001** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 17, 2008 to revive the above-identified application.

The petition is **DISMISSED**.

This application became abandoned for failure to timely pay the issue on or before March 27, 2008 as required by the Notice of Allowance and Fee(s) Due mailed December 27, 2007. Accordingly, the date of abandonment of this application is March 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 (1) the required reply (payment of the issue fee).

35 U.S.C. 41(a)(7) and 151 each require payment of the issue fee as a condition of reviving an application abandoned or patent lapsed for failure to pay the issue fee. The filing of a continuing application without payment of the issue fee or any outstanding balance thereof is not an acceptable reply in an application abandoned or patent lapsed for failure to pay the issue fee or any portion thereof.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

VOLPE AND KOENING, PC
30 SOUTH 17TH STREET
UNITED PLAZA, SUITE 1600
PHILADELPHIA, PA 19103

COPY MAILED

MAR 0 5 2009

OFFICE OF PETITIONS

In re Application of	:	
Wayne **HINNANANT**	:	
Application No. 29/280,517	:	DECISION GRANTING PETITIONS
Filed: May 30, 2007	:	UNDER 37 CFR 1.137(b) AND
Attorney Docket No. **HIN-PT001**	:	37 CFR 1.313(c)(3)

This is a decision on the renewed petition, filed December 18, 2008 is being treated as a request under 37 CFR 1.137(b), to revive the above-identified unintentionally abandoned application and a petition under 37 CFR 1.313(c)(3) to withdraw the above-identified application from issue.

The petitions are **GRANTED**.

As to the petition under 37 CFR 1.137(b):

This application became abandoned for failure to timely pay the issue and publication fees on or before March 27, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed December 27, 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 $430 issue fee, (2) the petition to revive fee of $1540, (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 August 12, 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.

As to the petition under 37 CFR 1.313(c)(3):

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.53(d) (continued prosecution application). *See* 37 CFR 1.313(c)(3).

The petition satisfies the requirements of 37 CFR 1.313(c)(3). Accordingly, this application is withdrawn from issue for consideration of a submission under 37 CFR 1.53(d)(CPA).

It is noted that petitioner incorrectly paid an issue fee payment of $595. The current issue fee for a small entity design application is $430, resulting in an overpayment of $165. Total amount to be

credited to petitioner's deposit account no. 22-0493 (minus the petition fee of $130 to withdraw this application from issue) is $35.

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Monica A. Graves at (571) 272-7253.

This matter is being referred to Technology Center AU 2911 for processing of the CPA submitted on April 17, 2008.

Brian W. Brown
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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)

3624 7590 12/27/2007

VOLPE AND KOENIG, P.C.
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

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

Filed Electronically on December 18, 2008

Michael F. Snyder	(Depositor's name)
	(Signature)
December 18, 2008	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/280,517	05/30/2007	Wayne Hinnant	03704/2009 CKHLOK	9359

Adjustment date: 03/05/2009 CKHLOK
03704/2009 CKHLOK 00000001 29280517
01 FC:2503 -595.00 OP

TITLE OF INVENTION:

SOAP DISPENSING BRUSH

03/05/2009 CKHLOK 00000027 29280517
01 FC:1464 130.00 OP
02 FC:2502 $430 430.00 OP

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$430	$0	$430	03/18/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
TABOR, LAVONE D	2911	D04-114000

Repln. Ref: 03/05/2009 CKHLOK 0012154000
DAM:220493 Name/Number:29280517
FC: 9204 $35.00 CR

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Volpe and Koenig, P.C.
2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

☑ Issue Fee

☐ Publication Fee (No small entity discount permitted)

☐ Advance Order - # of Copies _____

4b. Payment of Fee(s):

☐ A check in the amount of the fee(s) is enclosed.

☑ Payment by credit card. Form PTO-2038 is attached.

☑ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 22-0493 .

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.

Adjustment date: 03/04/2009 CKHLOK
12/19/2008 INTEFSH 00002437 29280517
01 FC:2503 -595.00 OP

Authorized Signature _____ Date December 18, 2008

Typed or printed name Michael F. Snyder Registration No. 58,347

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 & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request:	02/27/09	2 Serial/Patent #	29/280,517

	3 Please refund the following fee(s):	4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing			$
	Amendment			$
	Extension of Time			$
	Notice of Appeal/Appeal			$
X	Petition 2503	IFEE	12/18/08	$ 35.00
	Issue			$
	Cert of Correction/Terminal Disc.			$
	Maintenance			$
	Assignment			$
	Other			$

7 TOTAL AMOUNT OF REFUND	$ 35.00

8 TO BE REFUNDED BY:		
	Treasury Check	
X	Credit Deposit A/C #:	
	9	22--0493

10 REASON:	
X	Overpayment
	Duplicate Payment
	No Fee Due (Explanation):

Incorrectly paid plant issue fee of $595 in lieu of design issue fee of $430. $35 to be refunded ($165 minus $130 petition fee to withdraw from issue).

11 REFUND REQUESTED BY:

TYPED/PRINTED NAME: Monica A. Graves TITLE: Paralegal Specialist

SIGNATURE: /Monica A. Graves/ PHONE: (571) 272-7253

OFFICE: Office of Petitions

****

THIS SPACE RESERVED FOR FINANCE USE ONLY:

APPROVED: CKhlok DATE: 3/5/09

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

Office of Finance
Refund Branch
Crystal Park One, Room 802B

FORM PTO 1577
(01/90)

29/280,527

PTO/SB/27 (09-06)
Approved for use through 03/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE
Under the Paperwork Reduction ACT of 1995, no persons are required to respond to 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 concurrently herewith
Filing Date	May 30, 2007
First Named Inventor	Chin Kau Au
Title	ELEVATOR OF A PLANE
Atty Docket Number	058084-017000

ADDRESS TO:

MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 6-5-07
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:

A search was conducted by a professional searcher of the U.S.P.T.O. EAST database at the Public Search Room, in which the following classes/subclasses were searched:

Class 244, Subclasses 87, 89, 45R
Class 446, Subclasses 30-68 inclusive
Class D12, Subclasses 319, 337, 344, 345

Examiner Timothy D. Collins (Class 244) was consulted and suggested the field of search.

Related applications: US Des Pat Appl 29/276,906 filed 02/08/2007; HK Reg 0602113.7M002 dated 08/10/2006; US Des Pat Appl 29/276,907 filed 02/08/2007; HK Reg 0602370.1M002 dated 11/27/2006

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). **(6 Sheets consisting of 8 Figures)**
- The fee set forth in 37 CFR 1.17(k). **($900)**
- An information disclosure statement in compliance with 37 CFR 1.98.

Signature — May 30, 2007 (Date)

R. Joseph Foster, Esq. (Typed or printed name) — Reg. No. 56,953 (Registration Number, if applicable)

(310) 586-7700 (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

DOBRUSIN & THENNISCH PC
29 W LAWRENCE ST
SUITE 210
PONTIAC MI 48342

MAILED

MAR 23 2010

OFFICE OF PETITIONS

In re Application of :
David J. Ollila :
Application No. 29/280,579 : DECISION ON PETITION
Filed: May 31, 2007 :
Attorney Docket No. 1269-030 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 19, 2010, 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), the terminal disclaimer filed herewith the petition cannot be accepted because it does not comply with 37 CFR 1.137(d). Petitioner has not submitted all the information required for a terminal disclaimer. Form PTO/SB/63 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 the undersigned at (571) 272-7751.

Joan Olszewski
Petitions Examiner
Office of Petitions

Enclosure: 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

DOBRUSIN & THENNISCH PC
29 W LAWRENCE ST
SUITE 210
PONTIAC MI 48342

MAILED

JUN 0 1 2010

OFFICE OF PETITIONS

In re Application of	:	
David J. Ollila.	:	
Application No. 29/280,579	:	DECISION ON PETITION
Filed: May 31, 2007	:	
Attorney Docket No. 1269-030	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed May 4, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit Corrected Drawings on or before December 22, 2009, as required by the Notice of Allowability For a Design Application mailed September 22, 2009. Accordingly, the date of abandonment of this application is December 23, 2009. A Notice of Abandonment was mailed January 5, 2010.

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 January 19, 2010); (2) the petition fee of $810.00 (previously submitted January 19, 2010); (3) a proper statement of unintentional delay; and (4) a Terminal Disclaimer with the accompanying $70.00 fee (previously paid January 19, 2010).

The request for a terminal disclaimer is accepted and has been made of record.

Additionally, petitioner has submitted an unnecessary duplicate $70.00 terminal disclaimer fee that will be refunded to petitioner's deposit account in due course.

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 January 19, 2010.

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/280,601	06/01/2007	Don Tran	1130-05-DA-TD	1427

22145 7590 01/22/2009
KLEIN, O'NEILL & SINGH, LLP
43 CORPORATE PARK
SUITE 204
IRVINE, CA 92606

EXAMINER	
SIPOS, DANA L	

ART UNIT	PAPER NUMBER
2916	

MAIL DATE	DELIVERY MODE
01/22/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

1-22-09

KLEIN, O'NEILL & SINGH, LLP
43 CORPORATE PARK
SUITE 204
IRVINE, CA 92606

In re Application of
TRAN ET AL.
Serial No.: 29280601
Filed: 6/1/2007

: PETITION DECISION

This is a decision on the petition filed 9/29/2008. Petitioners request to have the drawings submitted on July 15th 2008 entered as replacements for the USPTO's version of the originally filed drawings for the above identified application.

The request is DENIED.

Petitioners assert the original drawings of record in the USPTO do not represent the images that they filed via the USPTO Electronic Filing System. Details of the original PDF drawings, "somehow did not appear when received and processed by the USPTO."

From Originally Filed Drawings

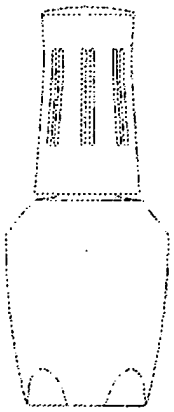

FIG. 1

From Replacement Drawings

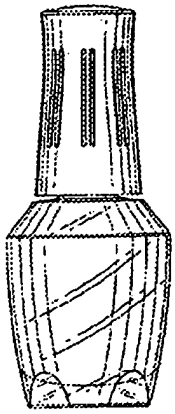

FIG. 1

In support of their request Petitioners offer a Declaration by Tom H. Dao. Mr. Dao declares, "... the same FIGs. 1-9 which I filed via e-filing on June 1, 2007 were the same figures that were re-filed on July 15, 2008 as substitute drawings."

Pursuant to determining whether the details shown in the replacement drawings could have been lost during the electronic filing of the original drawings, an investigation was

conducted. During an interview with personnel responsible for the Electronic Filing System server in the USPTO Search and Information Resources Administration (SIRA), it was confirmed that "There were no systems issues on 6/1/2007 that would have resulted in loss of detail from a pdf file. There is no reason to believe that the drawings we have on file having been sent on 6/1/2007 were modified from what the applicant actually filed." SIRA personnel further reported, "The drawings that the applicant subsequently submitted appear to be totally different drawings from what we have on file having been sent on 6/1/2007."

Since there is no indication that the integrity of the USPTO Electronic Filing System was compromised in any way on 6/1/2007, we conclude the images received on 6/1/2007 reflect exactly what was indeed filed. Therefore, the drawings submitted on 7/15/2008 must be treated as amended replacement drawings and may not be treated as accurate versions of those filed on 6/1/2007.

/Jasemine C. Chambers/
Jasemine C. Chambers, Ph.D., J.D.
Director, Technology Center 2900
Designs

js

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CARSTENS & CAHOON, LLP
P O BOX 802334
DALLAS TX 75380

COPY MAILED

JUN 22 2009

OFFICE OF PETITIONS

In re Application of :
Bierschenk et al. :
Application No. 29/280,608 : DECISION ON PETITION
Filed: June 1, 2007 :
Attorney Docket No. CFLAY.00357 :

This is a decision on the petition under 37 CFR 1.137(b), filed May 28, 2009 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 24, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed February 24, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on May 25, 2009. A Notice of Abandonment was mailed on June 2, 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 $860 issue fee, (2) the petition fee of $1620, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to timely 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 the undersigned at (571) 272-3215.

This application is being referred to the Office of Data Management for further processing in accordance with this decision on petition.

Charlema Grant
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, D.C. 20231

April 20, 2009

Patent No. : D572,754 S
Application No.: 29/280,617
Issued : July 8, 2008
Inventor : Li
Title : **HIGHLIGHTER**

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, on the title page item (30), is an editing change made in accordance with the style of the Invention Patent Manual. 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 in this matter is hereby denied.

A certificate of correction will be issued to correct the remaining error noted in your request.

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
Newman Cecelia
Decisions & Certificates
of Correction Branch
(703) 308-9390 ext. 114

Christensen O'Connor Johnson Kindness
1420 Fifth Avenue, Suite 2800
Seattle, WA 98101

vj/CBN

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 5-26-2010

TO SPE OF : ART UNIT _____

SUBJECT : Request for Certificate of Correction for Appl. No.: 29280693 Patent No.: D564916

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

Eva James
Certificates of Correction Branch
703-756-1583 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒ **Approved**	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: _____

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_____ 2917
SPE **Art Unit**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 5-26-2010

TO SPE OF : ART UNIT _____

SUBJECT : Request for Certificate of Correction for Appl. No.. 29280695 Patent No.: D564917

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

Eva James
Certificates of Correction Branch
703-756-1583 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

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_____ 2917
SPE **Art Unit**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 5-26-2010

TO SPE OF : ART UNIT _____

SUBJECT : Request for Certificate of Correction for Appl. No.. 29280696 Patent No.: D564918

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

Eva James
Certificates of Correction Branch
703-756-1583 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒ **Approved**	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: _____

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_____ 2917
SPE **Art Unit**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 08/05/09

TO SPE OF : ART UNIT 2915

SUBJECT : Request for Certificate of Correction for Appl. No.: 29280698 Patent No.: D564373 S

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
Randolph Square 9C62-D
Palm Location 7580

[redacted]

Lamonte Newsome

Certificates of Correction Branch

703-756-1574

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.
XXApproved in Part	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: The Certificate of Correction should also include the residence of the added inventor, so the CoC should read:

"Title Page: John Jiannyuh Chen, San Chung (TW) should be added as the third inventor."

/Robert M. Spear/ 2915
SPE Art Unit

PTO/SB/27 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	29/280,703
Filing Date	June 5, 2007
First Named Inventor	David Joseph Dirsa
Title	PORTION OF A SHOE OUTSOLE
Atty Docket Number	015127.00904

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 6/14/07
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:

D2/902, 908, 946, 947, 948, 949, 951, 952, 953, 954, 955, 956, 957, 958, 959 and 960

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.

/Robert S. Katz/ — Signature
/5 June 2007/ — Date

Robert S. Katz — Typed or printed name
36402 — Registration Number, if applicable

(202) 824-3000 — 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.

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	29/280,704
Filing Date	June 5, 2007
First Named Inventor	David J. Dirsa
Title	SHOE UPPER
Atty Docket Number	015127.00932

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 6/14/07
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:

D2/896, 902, 907, 908, 911, 943, 944, 945, 946, 969, 972, 973 and 974

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.

/Robert S. Katz/ — Signature
/5 June 2007/ — Date

Robert S. Katz — Typed or printed name
36402 — Registration Number, if applicable

(202) 824-3000 — 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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 5-26-2010

TO SPE OF : ART UNIT _____

SUBJECT : Request for Certificate of Correction for Appl. No.. 29280705 Patent No.: D567682

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

Eva James
Certificates of Correction Branch
703-756-1583 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

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Phillip D. Hyde
SPE

2917
Art Unit

PTO/SB/27 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	29/280,706
Filing Date	June 5, 2007
First Named Inventor	Peter M. Fogg
Title	SHOE UPPER
Atty Docket Number	015127.00957

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 6/14/07
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:

D2/896, 902, 907, 908, 911, 943, 944, 945, 946, 969, 972, 973 and 974

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.

/Robert S. Katz/ — Signature

/5 June 2007/ — Date

Robert S. Katz — Typed or printed name

36402 — Registration Number, if applicable

(202) 824-3000 — 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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 5-26-2010

TO SPE OF : ART UNIT _____

SUBJECT : Request for Certificate of Correction for Appl. No. 29280709 Patent No.: D564919

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

Eva James
Certificates of Correction Branch
703-756-1583 _____

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: _____

_____

_____

_____

_____

_____ 2917
SPE **Art Unit**

PTO/SB/27 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	TBA 29/280,710
Filing Date	June 5, 2007
First Named Inventor	Denis Dekovic
Title	Portion Of A Shoe Upper
Atty Docket Number	015127.00942

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 6/14/07
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:

D2/896, 902, 907, 908, 911, 943, 944, 945, 946, 969, 972, 973 and 974.

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.

/David R. Gerk/ — Signature
2007-06-05 — Date

David R. Gerk — Typed or printed name
56901 — Registration Number, if applicable

202-824-3000 — 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.

PTO/SB/27 (09-04)
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	TBA 29/280,712
Filing Date	2007-06-05
First Named Inventor	Jean-Francois Fullum
Title	Portion Of A Shoe Upper
Atty Docket Number	015127.00952

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 6/14/07
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:

D2/896, 902, 907, 908, 911, 943, 944, 945, 946, 969, 972, 973 and 974

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.

/David R. Gerk/ — Signature
2007-06-05 — Date

David R. Gerk — Typed or printed name
56901 — Registration Number, if applicable

202-824-3000 — Telephone Number

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PTO/SB/27 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	TBA 29/280,715
Filing Date	2007-06-05
First Named Inventor	Jean-Francois Fullum
Title	Portion Of A Shoe Upper
Atty Docket Number	015127.00968

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 6/14/07
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:

D2/896, 902, 907, 908, 911, 943, 944, 945, 946, 969, 972, 973 and 974

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.

/David R. Gerk/ — Signature

2007-06-05 — Date

David R. Gerk — Typed or printed name

56901 — 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.**
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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Kelley Drye & Warren, LLP
400 Atlantic Street, 13th Floor
Stamford, CT 06901

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AUG 18 2008

In re Application of	:	
Carl Elsener	:	
Application No. 29/280,723	:	DECISION ON PETITION
Filed: June 5, 2007	:	TO WITHDRAW
Attorney Docket No. ABP-112(DP)	:	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, 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. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because there was no forwarding correspondence address for the inventor of this application. The oath and declaration filed on August 24, 2007 did not have a street address listed.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Kelley Drye & Warren, LLP
400 Atlantic Street, 13th Floor
Stamford, CT 06901

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SEP 16 2008

OFFICE OF PETITIONS

In re Application of
Carl Elsener
Application No. 29/280,723
Filed: June 5, 2007
Attorney Docket No. ABP-112(DP)

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed September 4, 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. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Hans-Peter G. Hoffman, on behalf of all attorneys/agents associated with customer number 47670. All attorneys/agents associated with customer number 47670 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address has been changed and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Carl Elsener
Rainweg 15
Ibach, Switzerland 6438

cc: Lerner, David, Littenberg, Krumholz
& Mentlik
600 South Avenue
West Westfield, NJ 07090-1497

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
29/280,723	06/05/2007	Carl Elsener	ABP-112(DP)

CONFIRMATION NO. 4416

47670
KELLEY DRYE & WARREN LLP
400 ALTLANTIC STREET , 13TH FLOOR
STAMFORD, CT 06901

POWER OF ATTORNEY NOTICE

Date Mailed: 09/16/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/04/2008.

- 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

PTO/SB/27 (09-04)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	TBA 29/280,725
Filing Date	June 5, 2007
First Named Inventor	Christopher D. McGrath
Title	PORTION OF A SHOE UPPER
Atty Docket Number	015127.00940

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 6/14/07
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:

D2/896, 902, 907, 908, 911, 943, 944, 945, 946, 969, 972, 973 and 974

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

June 5, 2007
Date

Richard S. Stockton
Typed or printed name

50,330
Registration Number, if applicable

(202) 824-3000
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.

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PTO/SB/27 (09-04)
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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 29/280,726
Filing Date	June 5, 2007
First Named Inventor	Jeff Rasmussen
Title	PORTION OF A SHOE UPPER
Atty Docket Number	015127.00941

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 6/14/07
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:

D2/896, 902, 907, 908, 911, 943, 944, 945, 946, 969, 972, 973 and 974

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

June 5, 2007
Date

Richard S. Stockton
Typed or printed name

50,330
Registration Number, if applicable

(202) 824-3000
Telephone Number

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TRELLIS INTELLECTUAL PROPERTY LAW GROUP, PC
1900 EMBARCADERO ROAD
SUITE 109
PALO ALTO CA 94303

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SEP 19 2007

OFFICE OF PETITIONS

In re Application of	:	
Ward et al.	:	
Application No. 29/280,732	:	ON PETITION
Filed: June 5, 2007	:	
Attorney Docket No. 100127-002000US	:	

This is a decision on the petition under 37 C.F.R. § 1.182, filed September 18, 2007, to change the name of an inventor.

The petition is **GRANTED.**

The name will be changed from Mindy Ward to Hoss Ward.

This matter is being directed to Technology Center 2900 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3206. All other inquiries should be directed to Technology Center 2900.

Liana Walsh
Petitions Examiner
Office of Petitions

Enclosure: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
29/280,732	06/05/2007	2913	280	100127-002000US	1	1

CONFIRMATION NO. 4795

CORRECTED FILING RECEIPT

OC000000025900912

37490
Trellis Intellectual Property Law Group, PC
1900 EMBARCADERO ROAD
SUITE 109
PALO ALTO, CA 94303

Date Mailed: 09/19/2007

Receipt is acknowledged of this nonprovisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections. 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)

Hoss Ward, San Francisco, CA;
Nick Merz, San Francisco, CA;
Jonathan Betts-LaCroix, San Mateo, CA;

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 06/26/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US29/280,732

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

OPEN-CONFIGURED COMPUTER DOCKING ASSEMBLY WITH TWO PIVOT ARMS

Preliminary Class

D14

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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).

DATE 6-12-07 APPLICATION NUMBER 29/280,802

DOC CODE PET DEC DOC DATE 6-12-07

DELIVER THE ATTACHED FIFLE/DOCUMENT TO THE TC SCANNING CENTER

CONTRACTOR: THE ATTACHED FILE/DOCUMENT MUST BE INDEXED AND SCANNED INTO IFW WITHIN **8** WORK HOURS; UPLOADING OF THE SCANNED IMAGES SHOULD OCCUR NO LATER THAN **16** WORK HOURS FOLLOWING RECEIPT OF THIS REQUEST

AFTER SCANNING, ORIGINAL DOCUMENTS SHOULD BE BOXED IN ACCORDANCE WITH INSTRUCTIONS

PTO/SB/27 (09-04)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	TBA 29/280,802
Filing Date	June 7, 2007
First Named Inventor	Denis Dekovic
Title	Portion Of A Shoe Upper
Atty Docket Number	015127.00943

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 6-12-07
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:

D2/896, 902, 907, 908, 911, 943, 944, 945, 946, 969, 972, 973 and 974.

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.

/David R. Gerk/ — Signature
2007-06-07 — Date

David R. Gerk — Typed or printed name
56901 — Registration Number, if applicable

202-824-3000 — Telephone Number

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If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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 29/280,805
Filing Date	June 7, 2007
First Named Inventor	Ann-Marie Paz
Title	Portion Of A Shoe Upper
Atty Docket Number	015127.00959

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 6-12-07
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:

D2/896, 902, 907, 908, 911, 943, 944, 945, 946, 969, 972, 973 and 974.

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.

/David R. Gerk/ — Signature
2007-06-07 — Date

David R. Gerk — Typed or printed name
56901 — Registration Number, if applicable

202-824-3000 — 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.

PTO/SB/27 (04-07)
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	29/280,818
Filing Date	June 8, 2007
First Named Inventor	Sebastien Mermet
Title	Portion of a Shoe Upper
Atty Docket Number	015127.00954

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 6-12-07
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:

D2/896, 902, 907, 908, 943, 944, 945, 946, 969, 972, 973, 974

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.

/H. Wayne Porter/ — Signature

June 7, 2007 — Date

H. Wayne Porter — Typed or printed name

42,084 — Registration Number, if applicable

202-824-3000 — 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

LAW OFFICE OF PHILIP A STEINER
1212 MARSH STREET
SUITE 3
SAN LUIS OBISPO, CA 93401

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MAR 17 2008

OFFICE OF PETITIONS

In re Application of :
Ralph Sawdey :
Application No. 29/280,820 : DECISION ON PETITION
Filed: June 7, 2007 : TO WITHDRAW
Attorney Docket No. DN05302007 : 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 14, 2007 and October 5, 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 Philip Steiner on behalf of all attorneys of record who are associated with customer No. 31105.

All attorneys/agents associated with the Customer Number 31105 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: RALPH SAWDEY
PO BOX 31
SHANDON, CA 94361

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
29/280,820	06/07/2007	Ralph Sawdey	DN05302007

CONFIRMATION NO. 6952

POWER OF ATTORNEY NOTICE

31105
LAW OFFICE OF PHILIP A STEINER
1212 MARSH STREET
SUITE 3
SAN LUIS OBISPO, CA 93401

OC000000028745509

Date Mailed: 03/10/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/14/2007.

- 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.

/amwise/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

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

STEVEN VOSEN
1563 SOLANO AVENUE #206
BERKELY, CA 94707

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MAY 05 2009

OFFICE OF PETITIONS

In re Application of
Lawrence Henry Deseguirant Jr.
Application No. 29/280,854
Filed: June 8, 2007
Attorney Docket No. PET.009US0

ON PETITION

This is a decision on the petition filed April 7, 2009 under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the Issue fee in a timely manner in reply to the Notice of Allowance mailed October 21, 2008, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on January 22, 2009.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue fee; (2) the petition fee; (3) the required statement of unintentional delay 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

DARBY & DARBY P.C.
P.O. BOX 770
Church Street Station
New York NY 10008-0770

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DEC 0 7 2007

OFFICE OF PETITIONS

In re Application of :
SAKAGUCHI et al. :
Application No. 29/280,940 : DECISION ON PETITION
Filed: June 11, 2007 :
Atty Docket No. 20554/0207207-US0 :

This is a decision on the "PETITION UNDER 37 C.F.R. § 1.57(a) TO ADD INADVERTENTLY OMITTED MATERIAL IN RESPONSE TO NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION," filed July 10, 2007.

Petitioners deposited the application papers on June 11, 2007. On June 29, 2007, the Office mailed a "NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION" stating that the application had not been accorded a filing date because the application was deposited without drawings.

On July 10, 2007, petitioners submitted the present petition, the $400.00 petition fee, a preliminary amendment to include the inadvertently omitted drawings, a copy of the prior-filed Japanese Design Application No. 2006-034163, an English translation of the prior-filed application, and an identification of where the inadvertently omitted drawings could be found in the prior-filed application. Petitioners assert that they inadvertently omitted the drawings (Figures 1-9) upon filing the present design application and request entry of the preliminary amendment to include the drawings based on the incorporation by reference of the prior-filed foreign application pursuant to 37 CFR 1.57.

37 CFR § 1.57 provides 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).

The present application was filed after September 21, 2004, and thus, the provisions of 37 CFR 1.57(a) are applicable. A review of the application confirms that on filing it contained a claim under 37 CFR 1.55 for priority of prior-filed Japanese Design Application No. 2006-034163, filed December 12, 2006. Petitioners assert that the omitted drawings are identical to the drawings included in Japanese Design Application No. 2006-034163.

The present petition meets all of the requirements of 37 CFR 1.57(a). Pursuant to 37 CFR 1.57(a), the claim under 37 CFR 1.55 is considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the drawings. In view thereof, the petition is **GRANTED**.

The application is being forwarded to the Office of Patent Application Processing to **accord the application a filing date of June 11, 2007**, as an application claiming priority of prior-filed Japanese Design Application No. 2006-034163, including the copy of Figures 1-9 from the prior-filed foreign application supplied on July 10, 2007.

Telephone inquiries related to this decision may be directed to Christina Tartera Donnell, Senior Petitions Attorney at (571) 272-3211.

Charles Pearson
Director
Office of 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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KARSTEN MANUFACTURING CORPORATION
LEGAL DEPARTMENT
2201 WEST DESERT COVE
PHOENIX AZ 85029

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MAR 14 2008

OFFICE OF PETITIONS

In re Application of	:	
Jertson et al.	:	
Application No. 29/280985	:	
Filing or 371(c) Date: 06/12/2007	:	
Attorney Docket Number:	:	
KMC-731A	:	ON PETITION

This is a decision on the "Petition Under 37 C.F.R. 1.181, filed February 6, 2008.

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 September 19, 2007. The Notice set a non-extendable three (3) month period for reply. No response having been received, the application became abandoned on December 20, 2007. The mailing of this Decision precedes the mailing of a Notice of Abandonment.

With the present petition, Applicant has demonstrated non-receipt of the Notice by a preponderance of the evidence. Petitioner states that a copy of the Notice was downloaded from the Patent Application Information and Retrieval ("PAIR) system. The issue fee was submitted on February 6, 2008.

In view of the foregoing, the holding of abandonment is hereby withdrawn.

No petition fee has been charged and none is due.

The application will be referred to Publishing Division for processing for the application into a patent in due course.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FOR: TYCO FIRE & BUILDING PRODUCTS
PROSKAUER ROSE LLP
1001 Pennsylvania Avenue, NW
Suite 400 South
Washington, DC 20004-2533

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OCT 2 1 2008

OFFICE OF PETITIONS

In re Application of :
Su Yang :
Application No. 29/280,987 : ON PETITION
Filed: June 12, 2007 :
Attorney Docket No. S-FB-00098/2 (-040DESIGN) :

This is a decision on the petition under 37 CFR 1.137(b), filed on March 26, 2008 to revive the above-identified application.

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 Montgomery W. Smith appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

Additionally, 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 is **DISMISSED**.

The above-identified application became abandoned for failure to respond to the Notice to File Missing Parts of NonProvisional Application mailed June 18, 2007. A Notice of Abandonment was mailed on March 5, 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)(II)(C) and (D). The instant petition lacks item(s) (4).

The Office acknowledges receipt of $1,540 for the petition to revive fee and an executed Oath/Declaration with the $130 surcharge. However, a Terminal Disclaimer and $130 fee is required under 37 CFR 1.137(d) if the application is: (1) a design application, (2) a utility application filed before June 8, 1995, or (3) a plant application filed before June 8, 1995. The Terminal Disclaimer must dedicate to the public a terminal part of the term of any patent granted the application equivalent to the period of abandonment of the application, and must also apply to any patent granted on any application containing a specific reference under 35 U.S.C. 120, 121 or 365(c) to the application for which revival is sought. For petitioner's convenience, Terminal Disclaimer Form No. PTO/SB/63 IS enclosed with this decision.

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) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b), and be accompanied by the required Terminal Disclaimer and $130 fee." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By mail:
Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand:
U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

Enclosure: Terminal Disclaimer 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.

PTO/SB/63 (09-08)
Approved for use through 10/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to a collection of information unless it displays a valid OMB control number.

TERMINAL DISCLAIMER TO ACCOMPANY PETITION	Docket Number (Optional)

In re Application of:

Name:

Application Number:

Filed:

For:

The owner*, _____ of _____ percent interest in the above-identified application hereby disclaims a terminal part of the term of any patent granted the above-identified application equivalent to: (1) if the above-identified application is a design application, the period of abandonment of the above-identified application, and (2) if the above-identified application is a utility or plant application, the lesser of: (a) the period of abandonment of the application; or (b) the period extending beyond twenty years from the date on which the above-identified application was filed in the United States or, if the application contains a specific reference to an earlier filed application(s) under 35 U.S.C. 120, 121, or 365(c), from the date on which the earliest such application was filed. This disclaimer also applies to any patent granted on a utility or plant application filed before June 8, 1995, or a design application, that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the above-identified application. This disclaimer is binding upon the grantee, and its successors or assigns.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.
2. ☐ The undersigned is an attorney or agent of record. Registration Number_____.

_____ _____
Signature Date

_____ _____
Typed or Printed Name Telephone Number

☐ Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

* Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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FOR: TYCO FIRE & BUILDING PRODUCTS
PROSKAUER ROSE, LLP
1001 Pennsylvania Avenue, NW
Suite 400 South
Washington, DC 20004-2533

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JAN 0 5 2009

OFFICE OF PETITIONS

In re Application of :
Su Yang :
Application No. 29/280,987 : ON PETITION
Filed: June 12, 2007 :
Attorney Docket No. S-FB-00098(-040 DESIGN) :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed on December 10, 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 an executed oath/declaration with the $130 surcharge and a terminal disclaimer with the $140 fee; (2) the petition fee of $1,540; and (3) a proper statement of unintentional delay. Therefore, the renewed petition is **GRANTED**.

The terminal disclaimer under 37 CFR 1.137(d), filed December 10, 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.

The Power of Attorney filed on December 10, 2008 has been accepted and made of record. A Notice of Acceptance accompanies this decision.

This application file is being referred to the Office of Patent Application Processing for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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
29/280,987	06/12/2007	SU YANG	S-FB-00098 (-040DESIGN)

CONFIRMATION NO. 1775

60708
FOR: TYCO FIRE & BUILDING PRODUCTS
PROSKAUER ROSE LLP
1001 Pennsylvania Avenue, NW
Suite 400 South
Washington, DC 20004-2533

POA ACCEPTANCE LETTER

OC000000033787223

Date Mailed: 12/24/2008

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/10/2008.

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.

/amsmith/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

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OCT 0 7 2008

OFFICE OF PETITIONS

In re Application of	:	
David Wai Chung Lee	:	
Application No. 29/280,998	:	DECISION ON PETITION
Filed: June 13, 2007	:	
Attorney Docket No. D5145	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 19, 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 11, 2008, as required by the Notice of Allowance and Fee(s) Due mailed April 11, 2008. Accordingly, the application became abandoned on July 12, 2008. A Notice of Abandonment was mailed August 6, 2008. On September 19, 2008, the present petition was filed, along with a Revocation and New Power of Attorney.

The Revocation and New Power of Attorney, filed September 19, 2008, cannot be accepted since the statement under 3.73(b) is inadequate. The statement under 3.73(b) is not properly signed, as it does not include the title of the person signing on behalf of the assignee[1]. There are no attorneys of record at this time. However, in accordance with 37 CFR 1.34, the signature of Mr. Edward W. Goodman appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

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) an

[1] The statement under 37 CFR 3.73(b) may be signed on behalf of the assignee in the following two manners if the assignee is an organization (e.g., corporation, partnership, university, government agency, etc.). (1) The statement may be signed by a person in the organization having apparent authority to sign on behalf of the organization. An officer (president, vice-president, secretary, or treasurer) is presumed to have authority to sign on behalf of the organization. The signature of the chairman of the board of directors is acceptable, but not the signature of an individual director. A person having a title (manager, director, administrator, general counsel) that does not clearly set forth that person as an officer of the assignee is not presumed to be an officer of the assignee or to have authority to sign the statement on behalf of the assignee. A power of attorney from the inventors in an organization to a practitioner to prosecute a patent application does not make the practitioner an official of an assignee or empower the practitioner to sign the statement on behalf of the assignee. (2) The statement may be signed by any person, if the statement includes an averment that the person is empowered to sign the statement on behalf of the assignee and, if not signed by a registered practitioner, the statement must be in oath or declaration form. Where a statement does not include such an averment, and the person signing does not hold a position in the organization that would give rise to a presumption that the person is empowered to sign the statement on behalf of the assignee, evidence of the person's authority to sign will be required.

adequate statement of unintentional delay[2], 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 Alicia Kelley at (571) 272-6059.

This application is being referred to the Office of Data Management for further processing in accordance with this decision on petition.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petition

[2] 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. While the statement is not made by an attorney of record, 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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 1/30/09

TO SPE OF : ART UNIT 2915 Robert Spear (Spe)

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/281073 Patent No.: D583395

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

Certificates of Correction Branch

703-308-9390 ext. _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: _____

SPE

2915
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : **D583395**

DATED: **Dec. 23, 2008**

INVENTOR(S): **Ueda**

It is certified that an error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the title page, the Terminal Disclaimer information has been omitted. The Notice information and Item (45) should read as follows:

-- (45) **Date of Patent: ** * Dec. 23, 2008**

-- (*) Notice: This patent is subject to a terminal disclaimer.

(**) Term: 14 Years--

Mailing address of sender:

Customer Number
22850

Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 03/06)

Patent No. D583395

No. of add'l copies
@ .30 per page

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, DC 20231

3/10/09

Patent No. :6997150
Inventor(s) :Roger T. Simpson
Issued :2/14/2006
Title :CTA PHASER WITH PROPORTIONAL OIL PRESSURE FOR ACTUATION AT ENGINE CONDITION WITH LOW TORSIONALS
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 corrections entered except the corrections regarding figure 6 since figure 6 of the patent (6,997,150) already cites the requested correction. Therefore being no fault on the Patent and Trademark Office, It has no authority to issue a certificate of correction under the provision of 1.322.

In view of the forgoing, your request in this matter, is hereby denied. However the remaining of the corrections will be corrected.

Future written correspondence concerning this matter should be filed and directed to Decisions & Certificates of Correction Branch.

Henry Randall
Mary Diggs
Decisions & Certificates
of Correction Branch
(703) 308-9390 Ext. 108

BROWN & MICHAELS, PC
400 M&T BANK BUILDING
118 NORTH TIOGA STREET
ITHACA, NEW YORK 14850-4343

HR/MD

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
www.uspto.gov
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SAIDMAN DESIGNLAW GROUP
8601 GEORGIA AVE
SUITE 603
SILVER SPRING MD 20910

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OFFICE OF PETITIONS

In re Application of :
Suzuki et al. :
Application No. 29/281081 : ON PETITION
Filed: 06/14/2007 :
Atty. Docket No. 1720.096 :

This is a decision in reference to the "PETITION TO ACCORD FILING DATE PURSUANT TO 37 C.F.R. SECTION 1.10(d)" filed on July 23, 2007, which is properly treated as (a) a petition under 37 CFR 1.53 to accord the application a filing date of June 14, 2007, and (b) a petition under 37 CFR 1.183 to waive the provision of 37 CFR 1.57(a) inasmuch as it requires a claim under § 1.55 for priority of a prior-filed foreign application to be present on filing of the application.

The petition under 37 CFR 1.53 is **GRANTED** to the extent indicated.

The petition under 37 CFR 1.183 is **DISMISSED**.

On June 14, 2007, two (2) pages of written description, one (1) page containing claims, one (1) page containing an appendix, one sheet (1) of drawings containing Figure A referenced in the appendix to the specification, an Information Disclosure Statement (IDS), and three (3) sheets containing photographs in support of the IDS labeled Ref. 1, Ref. 2, and Ref. 3 were transmitted via the USPTO's Electronic Filing System (EFS).

On June 25, 2007, a Notice of Incomplete Nonprovisional Application was mailed, stating that the application had not been accorded a filing date because the application had been deposited without drawings. The statutory basic filing fee, application search fee, application examination fee, oath or declaration, and surcharge for their late filing were also required. The Notice stated that the filing date would be the date of receipt of the missing drawings.

In response, on June 26, 2007, three (3) sheets of drawings were filed, containing Figures 1-5. On July 16, 2007, petitioners filed a claim for priority to a prior-filed Japanese application, to include a copy of the prior-filed Japanese application.

On 23 July, 2007, the present petition was filed.

PETITION UNDER 37 CFR 1.53

Petitioners assert that counsel's paralegal, Effie Hale, uploaded the application documents via EFS-Web on June 14, 2007. When Ms. Hale clicked the "submit" button, aver petitioners, EFS-Web issued an error message, stating the name of the file contained too many spaces. Petitioners further aver that Ms. Hale then deleted the file from EFS-Web, renamed it, and attempted to upload the file again. However, when attempting to upload the file for the second time, assert petitioners, Ms. Hale inadvertently removed one of the two drawing files.

Upon review, it is noted that the application papers submitted on June 14, 2007, included one (1) drawing sheet containing one drawing Figure marked "Fig. A." As such, the showing of record is that a drawing was present on June 14, 2007, sufficient to accord the application a filing date thereof.

The "Notice of Incomplete Nonprovisional Application" will be withdrawn, and the application will be referred to the Office of Initial Patent Examination for further processing with a filing date of June 14, 2007, using the one (1) sheet of drawings containing "Fig. A," and for an indication in Office records that one (1) sheet of drawings was present on filing.

NOTICE OF OMITTED ITEMS IN A NONPROVISIONAL APPLICATION

The application is entitled to a filing date of June 14, 2007, pursuant to this decision. The following item(s), however, appear to have been omitted from the application:

Figure(s) 1, 2, 3, 4, and 5 described in the specification.

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 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(f))* requesting the later filing date must be filed within TWO MONTHS of the date of this Notice. **THIS TWO MONTH PERIOD IS EXTENDABLE UNDER 37 CFR 1.136(a) or (b).**

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(f)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted item(s) and the petition (and petition fee) requesting the later filing date.

III. **Acceptance of application as deposited:** Applicant may accept the application as deposited in the USPTO by filing an appropriate amendment as set forth below within TWO MONTHS of the date of this Notice. **THIS TWO MONTH PERIOD IS EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** 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.

(A) If applicant wants to accept the application as deposited without adding the subject matter that was in the omitted item (e.g., a missing page or figure), applicant is required to submit one or more of the following items without adding any new matter (see 35 U.S.C. 132(a)):

...

2. For a missing figure of the drawings, replacement drawing sheets in compliance with 37 CFR 1.121(d) to renumber the drawing figures consecutively (if necessary), a substitute specification excluding claims that amends the specification to cancel any references to any omitted drawing(s) and corrects the references in the specification to the drawing figures to correspond with

any relabeled drawing figures, and a statement that the substitute specification includes no new matter, in compliance with 37 CFR 1.121(b)(3) and 1.125;

...

Replies should be mailed to:

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web. https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html.

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at http://www.uspto.gov/ebc.

PETITION UNDER 37 CFR 1.183.

Petitioners assert that justice requires waiver under 37 CFR 1.183 of the "timing and specificity requirements" of 37 CFR 1.57. Specifically, petitioners request waiver of the requirement of 37 CFR 1.57(a) that the claim under 37 CFR 1.55 for priority of a prior-filed foreign application be present on the filing date of the application.

In essence, petitioners request that the USPTO allow petitioners to submit an amendment to include the inadvertently omitted figures pursuant to 37 CFR 1.57(a) even though the claim for priority to the prior-filed Japanese application was made by applicant on July 16, 2007, after the filing of the application papers on June 14, 2007.

Suspension of the rules under 37 CFR 1.183 may be granted in an "extraordinary situation, when justice requires." The facts presented on the record do not adequately establish an extraordinary situation. Petitioners have not sufficiently established any special circumstances of equities that would require suspension of the rules in the interests of justice.

The situation was addressed in a Comment to the Final Rule, in which it was asked what would be the effect of adding a priority claim after initial filing. The Response to that comment was that if a priority claim is added after the application is accorded a filing date, there would be no incorporation of the prior application provided by 37 CFR 1.57. Furthermore, if a benefit claim is submitted after the filing date of the application, the reference to the prior application cannot include an incorporation by reference of the prior application.[1]

Petitioners' request is contrary to the purpose of Rule 1.57, which is to provide an additional safeguard when applicants identify a prior application on filing, but fail to explicitly incorporate that application by reference. Here, petitioners essentially request that they be allowed to incorporate by reference a prior-filed application after the filing date of the application. Furthermore, an incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)).[2]

Furthermore, there is no compelling reason why petitioners' claim for priority was not present on filing. The failure to present the claim for priority on filing constitutes an avoidable mistake. Waiver of the rules is not merited when an avoidable mistake has been made.

Accordingly, the petition under 37 CFR 1.183 is dismissed.

As the present petition under 37 CFR 1.183 was not necessitated by an error on the part of the Office, the petition fee will not be refunded.

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

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[1] See Comment 51, 69 *Fed. Reg.* 5482, 56504 (Sep. 21, 2004).

[2] When a benefit claim is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

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

The application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of June 14, 2007, using only the application papers, including the one (1) sheet of drawings containing Figure A, present on filing.

Telephone inquiries specific to this matter should be directed to the undersigned at 571 272-3231.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
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SAIDMAN DESIGNLAW GROUP
8601 GEORGIA AVE
SUITE 603
SILVER SPRING MD 20910

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OFFICE OF PETITIONS

In re Application of :
Suzuki et al. :
Application No. 29/281081 : ON PETITION
Filed: 06/14/2007 :
Atty. Docket No. 1720.096 :

This is a decision in reference to the "PETITION TO ACCORD FILING DATE PURSUANT TO 37 C.F.R. SECTION 1.10(d)" filed on February 21, 2008, which is treated as a renewed petition under 37 CFR 1.53 requesting that the the application, including two (2) drawing sheets containing Figures 1-5, be accorded a filing date of June 14, 2007.

The petition is again **dismissed**.

On June 14, 2007, two (2) pages of written description, one (1) page containing claims, one (1) page containing an appendix, one sheet (1) of drawings containing Figure A referenced in the appendix to the specification, an Information Disclosure Statement (IDS), and three (3) sheets containing photographs in support of the IDS labeled Ref. 1, Ref. 2, and Ref. 3 were transmitted via the USPTO's Electronic Filing System (EFS).

On June 25, 2007, a Notice of Incomplete Nonprovisional Application was mailed, stating that the application had not been accorded a filing date because the application had been deposited without drawings. The statutory basic filing fee, application search fee, application examination fee, oath or declaration, and surcharge for their late filing were also required. The Notice stated that the filing date would be the date of receipt of the missing drawings.

In response, on June 26, 2007, three (3) sheets of drawings were filed, containing Figures 1-5. On July 16, 2007, petitioners filed a claim for priority to a prior-filed Japanese application, to include a copy of the prior-filed Japanese application.

On 23 July, 2007, a petition was filed, requesting that the Office consider Figures 1-5 to have been filed on June 14, 2007. On November 19, 2007, the petition was dismissed.

Petitioners argue on reconsideration, that the two (2) sheets of drawings containing Figures 1-5 should be considered part of the application papers as filed because petitioners intended to file those drawings with the application, but inadvertently failed to do so.

Petitioners' argument has been considered, but is not persuasive. At the outset, the U.S. Patent and Trademark Office (Office) file is the official record of the papers originally filed in this application. A review of the papers originally filed reveals that, *inter alia*, four (4) pages of specification and one (1) sheet of drawings containing Figure A were filed on June 14, 2007. No two (2) sheets of drawings containing Figures 1-5 of the drawings were filed on June 14, 2007, since no such sheets of drawings are present among the application papers received on that date. An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence. As petitioners concede that the missing drawing sheets were not in fact filed on June 14, 2007, the application cannot be accorded a filing date of June 14, 2007, with two (2) sheets of drawings containing Figures 1-5 as a part of the original disclosure.

Petitioner further argues that EFS-Web is flawed in that it "did not give an error or warning that an essential and statutorily required element apparently was missing from the filing."

Petitioners' argument lacks merit. At the outset, as noted in the EFS-Web Frequently Asked Questions (FAQs), EFS-Web is not a patent application authoring tool, but simply a means allowing applicants to easily and quickly submit patent applicants and related documents electronically. Simply put, EFS-Web is not designed to ensure that applicants prepare a proper application, but is simply a method for transmitting documents to the USPTO. Applicants are still responsible for ensuring that all of the proper application elements are included. It is the applicant, not the Office, that is responsible for ensuring that a proper and complete application is filed.

More to this point, the determination of whether an application is complete for filing date purposes requires a substantive review of the application documents by a USPTO employee. EFS-Web was never intended to perform such a function.

This being said, EFS-Web permits the applicants to view their submission in private PAIR relatively quickly after uploading. As such, an applicant may review the documents filed in private PAIR after uploading, and, if it is discovered that a required document was not uploaded, petitioner may upload that document without waiting for the Office to send a Notice of Incomplete Application, and thereby ensure that the desired filing date is obtained.

Petitioner further states that unlike EFS-Web "the Office's Trademark Electronic Application System ('TEAS'), … rejects electronic filings not containing minimum statutorily required elements and does not issue them serial numbers."

While it may be that TEAS rejects incomplete filings, a comparison between TEAS and EFS-Web is not appropriate because the purpose of EFS-Web is simply to provide a method for applicants to electronically file their application documents. EFS-Web is simply not designed to make any determination that an application is complete for filing date purposes.

Additionally, it is noted that petitioners state that "EFS-Web could easily be set up to preclude submissions that are statutorily insufficient on their face." While it is certain that new functionalities will be added to EFS-Web, and any future patent application filing software, with advances in technology, petitioners are bound by the constraints of the current system at the time of filing.

In summary, petitioners' argument that the current EFS-Web system "unfairly places applicants in a helpless wait-and-see position in which they will not know whether filing requirements are satisfied and a filing date accorded until it is too late to remedy any shortcoming" overlooks the fact that, as stated, applicants may review their submission soon after filing, and verify that all application elements have been filed.

As stated in the EFS-Web FAQ's:

> *EFS-Web* offers you the ability to file patent applications and other patent documents electronically in a fraction of the time and at substantially less cost than paper filings. You forgo printing, postage, courier costs, and you receive immediate notification that your submission has been received. Unlike paper filings, most new applications submitted electronically

can be viewed in *Private PAIR* within an hour after filing.

While it is unfortunate that applicants did not actually upload all of the required files, and that applicants did not review their submission in Private PAIR after filing to ensure it was complete, such is the fault of the applicants, not the USPTO.

Accordingly, the petition is dismissed.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
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Alexandria, VA 22313-1450

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401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

The application is being forwarded to the Office of Patent Application Processing for further processing with a filing date of June 14, 2007, using only the application papers, including the one (1) sheet of drawings containing Figure A, present on filing.

Telephone inquiries specific to this matter should be directed to the undersigned at 571 272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Calfee Halter & Griswold, LLP
800 Superior Avenue
Suite 1400
Cleveland, OH 44114

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OFFICE OF PETITIONS

In re Application of
Trevor Jackson et al.
Application No. 29/281,096
Filed: June 14, 2007
Attorney Docket No. 19427.04444

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 2, 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 request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

A courtesy copy will be mailed to the applicant.

If the attorneys noted on the request to withdraw desire to receive future correspondence regarding this application, the proper power of attorney documents must be submitted, along with a proper statement under 37 CFR 3.73(b).

A Notice of Allowance was mailed on October 11, 2007. Failure to pay issue fee by January 11, 2008 will result in the abandonment of this application.

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: Johnny Cox
3005 Elmhurst Street
Rowlett, TX 75088-5635

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

EDWARD M. LIVINGSTON, PA
963 TRAIL TERRACE DRIVE
NAPLES, FL 34103

In re Application of :
William J. Baker, II :
Application No. 29/281,149 : DECISION ON PETITION
Filed: June 15, 2007 :
Attorney Docket No. 07-6956 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 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 action within the meaning of 5 U.S.C. § 704.

This application became abandoned for failure to timely file replacement drawings on or before March 13, 2008, as required by the Notice of Allowability, mailed March 31, 2008. Accordingly, the date of abandonment of this application is July 1, 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 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.

Brian Brown
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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EDWARD M. LIVINGSTON, PA
963 TRAIL TERRACE DRIVE
NAPLES FL 34103

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FEB 0 9 2009

OFFICE OF PETITIONS

In re Application of
William J. Baker, II
Application No. 29/281,149
Filed: June 15, 2007
Attorney Docket 07-6956

DECISION ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed November 3, 2008, to revive the above-identified application.

The renewed 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 1 sheet of replacement drawing (Figs 3-4); (2) the petition fee of $770; (3) a proper statement of unintentional delay; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) 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 Denise Williams at (571) 272-8930.

This application is being referred to the Office of Data Managment for processing into a patent.

for 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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Alexandria, VA 22313-1450
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LAW OFFICE OF MARK WISNOSKY
3060 6TH AVE., # 8
SAN DIEGO CA 92103

COPY MAILED

JUL 13 2009

OFFICE OF PETITIONS

In re Application of :

Jack Deason :

Application No. 29/281,190 : DECISION ON PETITION

Filed: June 18, 2007 :

Attorney Docket No.048:069

This is a decision on the petition under 37 CFR 1.137(b), filed June 8, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the Notice of Allowability mailed February 13, 2009, which set a statutory period for reply of three (3) months from its mailing date. The Notice of Allowability required corrected drawings to be filed. Accordingly, the application became abandoned on May 14, 2009. A Notice of Abandonment was mailed on June 8, 2009.

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 response to the Notice of Allowability, filed June 8, 2009, is noted.

The terminal disclaimer filed June 8, 2009, is also noted.

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

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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ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK NY 10017

MAILED

MAR 12 2010

OFFICE OF PETITIONS

In re Application of :
Markus ALLMANN :
Application No. 29/281,237 : DECISION ON PETITION
Filed: June 19, 2007 :
Attorney Docket No. **208,932** :

This is a decision on the petition, filed September 28, 2009, 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 **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

The application became abandoned for failure to submit formal drawings in a timely manner in reply to the Notice of Allowability, mailed February 12, 2009, which set a period for reply of three (3) months. Accordingly, this application became abandoned on May 13, 2009.

Petitioner requests that the abandonment be withdrawn as it was improperly issued. Petitioner asserts that the objection to Fig. 7 was withdrawn by the Examiner via telephone communication. However, telephone or email notices are not official notices accepted by the Office.

The petition fails to satisfy all of the above-stated requirements. In this regard,

If petitioner cannot supply the evidence necessary to withdraw the holding of abandonment, or simply does not wish to, petitioner should consider filing a petition under 37 CFR 1.137(b) 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 $1,620 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).

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 Michelle R. Eason at (571) 272-4231.

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

ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK NY 10017

MAILED

APR 26 2010

OFFICE OF PETITIONS

In re Application of :
Markus ALLMANN :
Application No. 29/281,237 : DECISION ON PETITION
Filed: June 19, 2007 :
Attorney Docket No. 208,932 :

This is a decision on the renewed petition, filed April 07, 2010, 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**.

The application became abandoned for failure to submit formal drawings in a timely manner in reply to the Notice of Allowability, mailed February 12, 2009, which set a period for reply of three (3) months. Accordingly, this application became abandoned on May 13, 2009.

Petitioner requests that the abandonment be withdrawn as it was improperly issued. Petitioner asserts that the objection to Fig. 7 was withdrawn by the Examiner via telephone communication.
In regard to the petition and supported evidence the Office acknowledges that the objection to Fig. 7 was withdrawn by the examiner on May 06, 2009.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

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.

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
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ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK NY 10017

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MAY 24 2010

OFFICE OF PETITIONS

In re Application of :
Markus ALLMANN :
Application No. 29/281,237 :
Filed: June 19, 2007 :
Attorney Docket No. 208,932 :

CORRECTED
DECISION ON PETITION

This is a decision on the renewed petition, filed April 07, 2010, 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**.

The application became abandoned for failure to submit formal drawings in a timely manner in reply to the Notice of Allowability, mailed February 12, 2009, which set a period for reply of three (3) months. Accordingly, this application became abandoned on May 13, 2009.

Petitioner requests that the abandonment be withdrawn as it was improperly issued. Petitioner asserts that the objection to Fig. 7 was withdrawn by the Examiner via telephone communication. In regard to the petition and supported evidence the Office acknowledges that the objection to Fig. 7 was withdrawn by the examiner on May 06, 2009.

The terminal disclaimer filed with the petition on September 28, 2009 is accepted and has been made of record.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

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.

Thurman K. Page
Petitions Examiner
Office of Petitions

PTO/SB/27 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to 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 29/281,250
Filing Date	June 19, 2007
First Named Inventor	Hanmi Hubbard
Title	PORTION OF A SHOE MIDSOLE
Atty Docket Number	015127.00966

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 7/17/07
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:

D2/896, 902, 907, 908, 943, 944, 946, 947, 964, 967, 972, and 977

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.

Richard Stockton — Signature

June 19, 2007 — Date

Richard S. Stockton — Typed or printed name

50,330 — Registration Number, if applicable

(202) 824-3000 — 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.

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 29/281,251
Filing Date	June 19, 2007
First Named Inventor	Hanmi Hubbard
Title	PORTION OF A SHOE MIDSOLE
Atty Docket Number	015127.00967

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 7-6-07
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:

D2/896, 902, 907, 908, 943, 944, 946, 947, 964, 967, 972 and 977

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 — June 19, 2007 (Date)

Richard S. Stockton (Typed or printed name) — 50,330 (Registration Number, if applicable)

(202) 824-3000
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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BEYER LAW GROUP LLP/APPLE INC.
P.O. BOX 1687
CUPERTINO, CA 95015-1687

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JUL 10 2008

OFFICE OF PETITIONS

In re Application of :
MCCASLIN, et al. :
Application No. 29/281,264 : DECISION ON PETITION
Filed: June 19, 2007 : TO WITHDRAW
Attorney Docket No. **2607.0400001** : 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 LAW GROUP LLP/APPLE INC.** has been revoked by the assignee of the patent application on September 27, 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: **STERNE KESSLER GOLDSTEIN & FOX, PLLC**
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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LAW OFFICE OF WILLIAM BODNAR
1600 HUMBOLDT RD.
SUITE 4
CHICO, CA 95928-8100

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OCT 2 8 2008

OFFICE OF PETITIONS

In re Application of	:	
Mia Minnelli	:	
Application No. 29/281,335	:	DECISION ON PETITION
Filed: June 20, 2007	:	
Attorney Docket No. TTC-012	:	

This is a decision on the petition under 37 CFR 1.137(b), filed July 31, 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 June 25, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed March 25, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on June 26, 2008. A Notice of Abandonment was mailed on July 22, 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 JoAnne Burke at (571)272-4584.

This application is being referred to Office of Data Management for further processing in accordance with this decision on petition.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

OIPE IAP7
JUL 31 2008
PATENT & TRADEMARK OFFICE

PTO/SB/63 (01-08)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to a collection of information unless it displays a valid OMB control number.

TERMINAL DISCLAIMER TO ACCOMPANY PETITION

Docket Number (Optional)
TTC-012

In re Application of:

Name: Mia Minnelli

Application Number: 29/281335

Filed: 06/20/2007

For: Hair Styling Device

The owner*, Mia Minnelli 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 51,479.

/William Bodnar/	07/28/2008
Signature	Date
William Bodnar	530-899-7092
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.

08/01/2008 SSANDARA 00000011 29281335
01 FC:2814 65.00 OP

OIPE IAP7
JUL 31 2008
PATENT & TRADEMARK OFFICE

PTO/SB/64 (01-08)
Approved for use through 06/30/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to 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): TTC-012

First named inventor: Mia Minnelli

Application No.: 29/281335 Art Unit: 2913

Filed: 06/20/2007 Examiner: Bennett, Zenia Ibanez

Title: Hair Styling Device

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 $ 770.00 (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 $ 410.00.

☐ 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.

08/01/2008 SSANDARA 00000011 29281335
02 FC:2453 770.00 DP

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 $ 65.00 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.

/William Bodnar/	07/28/2008
Signature	Date
William Bodnar	51,479
Typed or printed name	Registration Number, if applicable
1600 Humboldt Rd. Suite 4	530-899-7092
Address	Telephone Number
Chico, CA 95978	
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.

07/28/2008	/William Bodnar/
Date	Signature
	William Bodnar
	Typed or printed name of person signing certificate

29/281335 Examiner: BENNETT, ZENIA GAU: 2913
Inventor: MINNELLI , MIA, et al Classification: D28/042.000
Status: 164 - ABANDONED -- FAILURE TO PAY ISSUE FEE
Title: HAIR STYLING DEVICE
Start Date: End Date:

bib_fee report (8 items, not sorted)

Acct Date	Seq. Num.	Tran Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
08/01/2008	13	1	2814	$65.00	07/31/2008	CK
08/01/2008	14	1	2453	$770.00	07/31/2008	CK
08/01/2008	3	12	9999	($410.00)	08/01/2008	CK
08/01/2008	15	12	9999	$410.00	08/01/2008	CK
08/01/2008	4	1	2502	$410.00	07/31/2008	CK
06/21/2007	5167	4	2012	$100.00	06/20/2007	CC
06/21/2007	5168	4	2112	$50.00	06/20/2007	CC
06/21/2007	5169	4	2312	$65.00	06/20/2007	CC

UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE OF DATA MANAGEMENT

ROETZEL & ANDRESS
1375 EAST 9TH STREET
CLEVELAND OH 44114

MAY 26 2009

In re Application of :
WEIGAND, CHRISTOPHER P. et al. : **DECISION ON PETITION**
Application No. 29/281,343 :
Filed: June 21, 2007 :
Attorney Docket No. 109769.0159 :

This is a decision on the Petition To Withdraw Holding Of Notice Of Abandonment received in the United States Patent and Trademark Office (USPTO) on February 24, 2009.

The petition is **GRANTED**.

The application was held abandoned for failure to timely pay the issue fee as required by the Notice of Allowance and Fee(s) Due, mailed October 24, 2008, which set forth a three (3) month statutory period for reply. Accordingly, the Notice of Abandonment was mailed on February 18, 2009.

Petitioner states that the Applicants responded by timely submitting drawings on October 24, 2008.

In view of the foregoing, the holding of abandonment for failure to timely submit drawings are hereby withdrawn and the application restored to pending status.

Telephone inquires concerning this decision be directed to the undersigned at 703-756-1547.

Kay D. Pinkney
Application Assistance Unit
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DAVIS & BUJOLD, PLLC
112 PLEASANT STREET
CONCORD, NH 03301

MAILED

FEB 11 2009

OFFICE OF PETITIONS

In re Application of :
Robert L. Roesch, Jr. :
Application No. 29/281,356 : DECISION ON PETITION
Filed: December 3, 2007 : TO WITHDRAW
Attorney Docket No. 3283-7941.1US : 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 cannot be approved because the practitioner(s) requesting the withdrawal have not certified that they have (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment; (2) deliver to the client or duly authorized representative of the client papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond. The failure to do so may subject the practitioner to discipline.

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: Blank copy of the PTO/SB/83

cc: SCOTT A DANIELS
DANITELS PATENT LAW, PLLC
43 CENTRE STREET
CONCORD, NH 03301

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.
29/281,374	06/21/2007	Hakan Saracoglu	PORD-MU 927	9542

24131 7590 07/08/2008
LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD, FL 33022-2480

EXAMINER	
BROWN, MELODY NOEL	

ART UNIT	PAPER NUMBER
2915	

MAIL DATE	DELIVERY MODE
07/08/2008	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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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7-8-08

LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD FL 33022-2480

In re Application of HAKAN SARACOGLU
Appl. No.: 29281374
Filed: 06/21/2007
For: AUTO BODY PART

PETITION DECISION

This is a response to the SECOND PETITION FOR SUSPENSION OF ACTION UNDER 37 CFR § 1.103(a) filed on 3/28/2008. 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 August 15, 2005, 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.

Jasemine C. Chambers

Jasemine C. Chambers, Ph.D., J.D.
Director, Technology Center 2900
Designs

js

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 2/3/09

TO SPE OF : ART UNIT 2914 Kathleen Smith

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/281,387 Patent No.: D562,506

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

Certificates of Correction Branch

703-308-9390 ext. _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- ☒ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

_____

_____

_____

_____

SPE

2914
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/281,415	06/22/2007	Anke Wilhelm	PORD-MU 956a	1344

24131 7590 07/07/2008
LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD, FL 33022-2480

EXAMINER
KIRSCHBAUM, GEORGE D

ART UNIT	PAPER NUMBER
2913	

MAIL DATE	DELIVERY MODE
07/07/2008	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.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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7-7-08

LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD FL 33022-2480

In re Application of ANKE WILHELM
Appl. No.: 29281415
Filed: 06/22/2007
For: OPERATING CONSOLE FOR AN AUTOMOBILE

PETITION DECISION

This is a response to the SECOND PETITION FOR SUSPENSION OF ACTION UNDER 37 CFR § 1.103(a) filed on 3/28/2008. 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 August 15, 2005, 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.

Jasemine C. Chambers

Jasemine C. Chambers, Ph.D., J.D.
Director, Technology Center 2900
Designs

js

UNITED STATES PATENT AND TRADEMARK OFFICE

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LERNER GREENBERG STEMER LLP
P.O. BOX 2480
HOLLYWOOD FL 33022-2480

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DEC 15 2009

OFFICE OF PETITIONS

In re Application of :
Anke Wilhelm :
Application No. 29/281,417 : ON PETITION
Filed: June 22, 2007 :
For: A CONTROL CONSOLE FOR AN :
AUTOMOBILE :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 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)." 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 delivered through one of the following mediums:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By internet:	EFS-Web www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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JAN 27 2010

LERNER GREENBERG STEMER LLP
PO BOX 2480
HOLLYWOOD FL 33022-2480

In re Application of
Anke Wilhelm
Application No. 29/281,417
Filed: June 22, 2007
Attorney Docket No. PORD-MU 956C

DECISION ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed December 31, 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 replacement drawings and terminal disclaimer/fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance/Notice of Allowability mailed May 14, 2009, is accepted as having been unintentionally delayed.

The terminal disclaimer submitted with the above petition has been recognized.

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 and for review of the drawings submitted with the instant petition on December 31, 2009.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/281,419	06/22/2007	Anke Wilhelm	PORD-MU 956e	1375

24131 7590 07/08/2008
LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD, FL 33022-2480

EXAMINER	
KIRSCHBAUM, GEORGE D	

ART UNIT	PAPER NUMBER
2913	

MAIL DATE	DELIVERY MODE
07/08/2008	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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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7-8-08

LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD FL 33022-2480

In re Application of ANKE WILHELM
Appl. No.: 29281419
Filed: 06/22/2007
For: CENTER CONSOLE FOR AN AUTOMOBILE

PETITION DECISION

This is a response to the SECOND PETITION FOR SUSPENSION OF ACTION UNDER 37 CFR § 1.103(a) filed on 3/28/2008. 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 August 15, 2005, 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.

Jasemine C. Chambers

Jasemine C. Chambers, Ph.D., J.D.
Director, Technology Center 2900
Designs

js

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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OCT 28 2008

STREETS & STEELE
13831 NORTHWEST FREEWAY
SUITE 355
HOUSTON TX 77040

In re Application of :
Heida L. Thurlow et al :
Application No. 29/281,443 : ON PETITION
Filed: June 22, 2007 :
For: TEAPOT :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 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(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(4).

A terminal disclaimer and fee is required for design applications in accordance with 37 CFR 1.137(d).

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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13831 NORTHWEST FREEWAY
SUITE 355
HOUSTON TX 77040

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DEC 23 2008

OFFICE OF PETITIONS

In re Application of
Heida L. Thurlow et al
Application No. 29/281,443
Filed: June 22, 2007
For: TEAPOT

ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed November 21, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

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 received the terminal disclaimer fee of $70.00 on November 21, 2008. However, the Office is not in receipt of the terminal disclaimer. A blank copy of form PTO/SB/63 is being attached for your convenience.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By internet:	EFS-Web www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

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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SUITE 355
HOUSTON TX 77040

MAILED

FEB 19 2009

OFFICE OF PETITIONS

In re Application of
Heida L. Thurlow et al
Application No. 29/281,443
Filed: June 22, 2007
Attorney Docket No. CHAN/0052

DECISION ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed January 14, 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 and publication fees 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 24, 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

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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STERNE KESSLER GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

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JUL 2 8 2008

In re Application of Anzures et al. :
Application No. 29/281,507 : Decision on Petition
Filing Date: June 25, 2007 :
Attorney Docket No. 2607.0100001 :

This is a decision on the petition under 37 CFR 1.181 filed April 17, 2008, requesting the Office withdraw the holding of abandonment.

The petition is **granted.**

The application was filed without the filing fee, search fee, examination fee, and excess pages fee. The application was also filed without an executed oath or declaration.

The Office's PALM computer system includes the following entry dated July 10, 2007: "Notice Mailed--Application Incomplete--Filing Date Assigned." However, the electronic file wrapper does not include any image of the "Notice."

On February 25, 2007, petitioner submitted the filing fee, search fee, examination fee, excess pages fee, and an executed declaration. Petitioner also submitted $130 for the fee required for the late submission of the fees and executed declaration.

On March 26, 2008, the Office mailed a Notice of Abandonment stating the papers filed February 25, 2007, were an untimely reply to the Notice to File Missing Parts mailed July 11, 2007.

The instant petition requests the Office withdraw the holding of abandonment.

Office records include evidence indicating a Notice to File Missing Parts was mailed and evidence indicating a Notice to File Missing Parts was never mailed.

In view of the inconsistent record and the statement by Tracy-Gene Durkin that the law firm of record never received a Notice to File Missing Parts, the requested relief will be granted.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The Office of Patent Application Processing will be informed of the instant record and will prepare the application for examination in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/281,511	06/26/2007	Ulrich Sauter	PORD-MU931	2647

24131 7590 07/08/2008
LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD, FL 33022-2480

EXAMINER	
CALABRESE, MARY ANN	

ART UNIT	PAPER NUMBER
2913	

MAIL DATE	DELIVERY MODE
07/08/2008	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.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

7-8-08

LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD FL 33022-2480

In re Application of ULRICH SAUTER
Appl. No.: 29281511
Filed: 06/26/2007
For: **DECAL FOR AN AUTOMOBILE**

PETITION DECISION

This is a response to the SECOND PETITION FOR SUSPENSION OF ACTION UNDER 37 CFR § 1.103(a) filed on 3/27/2008. 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 August 15, 2005, 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.

Jasemine C. Chambers

Jasemine C. Chambers, Ph.D., J.D.
Director, Technology Center 2900
Designs

js

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/281,515	06/26/2007	Ulrich Sauter	PORD-MU957	2657

24131 7590 07/07/2008
LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD, FL 33022-2480

EXAMINER	
KIRSCHBAUM, GEORGE D	
ART UNIT	PAPER NUMBER
2913	

MAIL DATE	DELIVERY MODE
07/07/2008	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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7-7-08

LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD FL 33022-2480

In re Application of ULRICH SAUTER
Appl. No.: 29281515
Filed: 06/26/2007
For: INSTRUMENT PANEL FOR AN AUTOMOBILE

PETITION DECISION

This is a response to the SECOND PETITION FOR SUSPENSION OF ACTION UNDER 37 CFR § 1.103(a) filed on 3/27/2008. 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 August 15, 2005, 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.

Jasemine C. Chambers

Jasemine C. Chambers, Ph.D., J.D.
Director, Technology Center 2900
Designs

js

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/281,516	06/26/2007	Peter Varga	PORD-MU948	2658

24131 7590 07/08/2008
LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD, FL 33022-2480

EXAMINER	
KILE, KATRINA A	

ART UNIT	PAPER NUMBER
2913	

MAIL DATE	DELIVERY MODE
07/08/2008	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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7-8-08

LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD FL 33022-2480

In re Application of PETER VARGA
Appl. No.: 29281516
Filed: 06/26/2007
For: AIR VENT FOR AN AUTOMOBILE

: PETITION DECISION

This is a response to the SECOND PETITION FOR SUSPENSION OF ACTION UNDER 37 CFR § 1.103(a) filed on 3/27/2008. 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 August 15, 2005, 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.

Jasemine C. Chambers

Jasemine C. Chambers, Ph.D., J.D.
Director, Technology Center 2900
Designs

js

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BEYER WEAVER LLP/APPLE INC.
P.O. BOX 70250
OAKLAND, CA 94612-0250

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OFFICE OF PETITIONS

In re Application of :
Bartley K. Andre, et al. :
Application No. 29/281,530 : DECISION ON PETITION
Filed: June 26, 2007 : TO WITHDRAW
Attorney Docket No. APL1D294C4/P3243C4 : 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 **DSIMISSED** 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 September 18, 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/281,536	06/26/2007	Martin Pohanka	PORD-MU 960	3017

24131 7590 07/08/2008
LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD, FL 33022-2480

EXAMINER	
DE, MIMOSA	

ART UNIT	PAPER NUMBER
2913	

MAIL DATE	DELIVERY MODE
07/08/2008	PAPER

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7-8-08

LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD FL 33022-2480

In re Application of MARTIN POHANKA
Appl. No.: 29281536
Filed: 06/26/2007
For: VEHICLE SEAT

PETITION DECISION

This is a response to the SECOND PETITION FOR SUSPENSION OF ACTION UNDER 37 CFR § 1.103(a) filed on 3/28/2008. 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 August 15, 2005, 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.

Jasemine C. Chambers

Jasemine C. Chambers, Ph.D., J.D.
Director, Technology Center 2900
Designs

js

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OFFICE OF PETITIONS

PLUMSEA LAW GROUP, LLC
10411 MOTOR CITY DRIVE
SUITE 320
BETHESDA MD 20817

In re Patent No. D592575 :
Issue Date: May 19, 2009 :
Application No. 29/281,537 : DECISION ON PETITION
Filed: June 26, 2007 :
Attorney Docket No. 47-1226 :

This is a decision on the Request To Correct Issue Of Patent To Assignee Under 37 C.F.R. 3.81(b), filed on October 22, 2009, requesting correction on the Title Page of the subject patent, via issuance of a Certificate of Correction under 37 CFR 1.323, to identify the correct assignee name. The Request is being treated as a Petition. A completed Certificate of Correction Form (PTO/SB/44) was previously submitted.

The petition under 37 CFR 3.81 is **GRANTED**.

Petitioner urges that the present Petition was submitted to correct assignee's name on the previously submitted PTOL-85B and that such typographical error was inadvertently. Accordingly, petitioner requests, in effect, that the Title Page of the above-identified patent be corrected, via issuance of a Certificate of Correction, to correct the name of the assignee identified thereon from:

"Honda Motor Ltd., Ltd."

to:

-Honda Motor Co., Ltd.-

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

However, the requisite $100.00 fee (Fee Code 1811) as set forth under 37 CFR 1.20(a) and the requisite $130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(i), were accompanied deposit account authorization to charge any required fees. As such, the fees have been charged as authorized. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR 3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the Form PTO/SB/44 that was previously submitted.

Inquiries related this communication should be directed to Cheryl Gibson-Baylor at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. D592575.

Brian W. Brown
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/281,538	06/26/2007	Martin Pohanka	PORD-MU 951	3032

24131 7590 07/08/2008
LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD, FL 33022-2480

EXAMINER	
BROWN, MELODY NOEL	

ART UNIT	PAPER NUMBER
2915	

MAIL DATE	DELIVERY MODE
07/08/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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7-8-08

LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD FL 33022-2480

In re Application of MARTIN POHANKA
Appl. No.: 29281538
Filed: 06/26/2007
For: SHIFTER HANDLE

PETITION DECISION

This is a response to the SECOND PETITION FOR SUSPENSION OF ACTION UNDER 37 CFR § 1.103(a) filed on 3/28/2008. 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 August 15, 2005, 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.

Jasemine C. Chambers

js

Jasemine C. Chambers, Ph.D., J.D.
Director, Technology Center 2900
Designs

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/281,540	06/26/2007	Martin Pohanka	PORD-MU 950	3041

24131 7590 07/08/2008
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P O BOX 2480
HOLLYWOOD, FL 33022-2480

EXAMINER	
BROWN, MELODY NOEL	

ART UNIT	PAPER NUMBER
2915	

MAIL DATE	DELIVERY MODE
07/08/2008	PAPER

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7-8-08

LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD FL 33022-2480

In re Application of MARTIN POHANKA
Appl. No.: 29281540
Filed: 06/26/2007
For: CONTROL ELEMENTS FOR A VEHICLE

PETITION DECISION

This is a response to the SECOND PETITION FOR SUSPENSION OF ACTION UNDER 37 CFR § 1.103(a) filed on 3/28/2008. 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 August 15, 2005, 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.

Jasemine C. Chambers

Jasemine C. Chambers, Ph.D., J.D.
Director, Technology Center 2900
Designs

js

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/281,552	06/26/2007	Martin Pohanka	PORD-MU 961	3116

24131 7590 07/08/2008
LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD, FL 33022-2480

EXAMINER	
DE, MIMOSA	

ART UNIT	PAPER NUMBER
2913	

MAIL DATE	DELIVERY MODE
07/08/2008	PAPER

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7-8-08

LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD FL 33022-2480

In re Application of MARTIN POHANKA
Appl. No.: 29281552
Filed: 06/26/2007
For: VEHICLE SEAT

PETITION DECISION

This is a response to the SECOND PETITION FOR SUSPENSION OF ACTION UNDER 37 CFR § 1.103(a) filed on 3/28/2008. 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 August 15, 2005, 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.

Jasemine C. Chambers

Jasemine C. Chambers, Ph.D., J.D.
Director, Technology Center 2900
Designs

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/281,568	06/26/2007	Martin Pohanka	PORD-MU 959	3303

24131 7590 07/07/2008
LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD, FL 33022-2480

EXAMINER	
KILE, KATRINA A	

ART UNIT	PAPER NUMBER
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MAIL DATE	DELIVERY MODE
07/07/2008	PAPER

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7-7-08

LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD FL 33022-2480

In re Application of MARTIN POHANKA
Appl. No.: 29281568
Filed: 06/26/2007
For: CONTROL ELEMENTS FOR A SEAT

PETITION DECISION

This is a response to the SECOND PETITION FOR SUSPENSION OF ACTION UNDER 37 CFR § 1.103(a) filed on 3/28/2008. 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:

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(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 August 15, 2005, 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.

Jasemine C. Chambers

Jasemine C. Chambers, Ph.D., J.D.
Director, Technology Center 2900
Designs

js