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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/281,570	06/26/2007	Romuald Juraschek	PORD-MU 932	3312

24131 7590 07/08/2008
LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD, FL 33022-2480

EXAMINER
LIEBERMAN, LUCY JO

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 ROMUALD JURASCHEK
Appl. No.: 29281570
Filed: 06/26/2007
For: CLOCK FACE

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.
29/281,571	06/26/2007	Peter Varga	PORD-MU 941	3324

24131 7590 11/12/2008
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
11/12/2008	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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11-12-08

LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD, FL 33022-2480

In re Application of
VARGA, PETER
Serial No.: 29281571
Filed: 6/26/2007

: DECISION ON PETITION FOR
: SUSPENSION OF ACTION

This is a response to the SECOND PETITION FOR SUSPENSION OF ACTION UNDER 37 CFR § 1.103(a) filed on 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 3/28/2008, action by the Office is suspended on this application under 37 CFR 1.103(a) for a period of six (6) months beginning on the mailing date of this decision. At the end of this period, applicant is required to notify the examiner and request continuance of prosecution or a further suspension. See MPEP § 709.

The Petition is GRANTED.

/Jasemine C. Chambers/
Jasemine C. Chambers, Ph.D., J.D.
Director, Technology Center 2900
Designs

js

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 29/281,582
Filing Date	June 26, 2007
First Named Inventor	Leo S. Chang
Title	PORTION OF A SHOE UPPER
Atty Docket Number	015127.00945

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

Approved 6-29-07
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:

Class D2; Subclasses 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
June 26, 2007 — Date

Richard S. Stockton — Typed or printed name
50,330 — 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	29/281,585
Filing Date	June 26, 2007
First Named Inventor	Andrew Caine
Title	PORTION OF A SHOE UPPER
Atty Docket Number	015127.00956

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

Approved 6-29-07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

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

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

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

Class D2; Subclasses 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
June 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 8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Expedited Design, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
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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	29/281,586
Filing Date	June 26, 2007
First Named Inventor	David Roulo
Title	PORTION OF A SHOE UPPER
Atty Docket Number	015127.00958

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

Approved 6-29-07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

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

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

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

Class D2; Subclasses 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
June 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.

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COLGATE-PALMOLIVE COMPANY
909 RIVER ROAD
PISCATAWAY, NJ 08855

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NOV 2 3 2009

OFFICE OF PETITIONS

In re Application of :
Guillermo WEYLAND et al. :
Application No. 29/281,597 : DECISION ON PETITION
Filed: June 27, 2007 :
Attorney Docket No. 8354-01-HCP :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed, February 05, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the Issue and Publication Fees on or before December 24, 2009, as required by the Notice of Issue and Publication Fee(s) Due, mailed, September 24, 2008. Accordingly, the date of abandonment of this application is December 25, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee and the publication fee, (2) the petition fee of $1,620; (3) a proper statement of unintentional delay; and (4) a proper 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 September 24, 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 Ella Colbert at (571) 272-6051 or in her absence David A. Bucci at (571) 272-7099.

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

David Bucci
Petitions Examiner
Office of Petitions

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

Application Number	TBA 29/281,621
Filing Date	2007-06-27
First Named Inventor	Sebastien Mermet
Title	Portion Of A Shoe Upper
Atty Docket Number	015127.00867

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
7/17/07

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 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.

/David R. Gerk/ — Signature

2007-06-27 — 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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SELDON & SCILLIERI
12121 WILSHIRE BLVD.
SUITE 1300
LOS ANGELES, CA 90025-1166

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OFFICE OF PETITIONS

In re Application of
Lance Hussey et al
Application No. 29/281,647
Filed: June 27, 2007
Attorney Docket No. ASI/1404

ON PETITION

This is a decision on the petition filed February 25, 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 October 30, 2008, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on January 31, 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 the formal drawings; (2) the petition fee; (3) the required statement of unintentional delay; and (4) Terminal Disclaimer have been received.

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

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

Irvin Dingle
Petitions Examiner
Office of Petitions

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 29/281,665
Filing Date	2007-06-28
First Named Inventor	Minami Tetsuya
Title	Portion Of A Shoe Upper
Atty Docket Number	015127.00861

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, 945, 946, 969, 972, 973, 974 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.

/David R. Gerk/ — Signature
2007-06-28 — 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 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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PTO/SB/27 (09-04)
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	Unknown 29/281677
Filing Date	Herewith
First Named Inventor	Stuart Weitzman
Title	WOMAN'S SHOE
Atty Docket Number	95100/160

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

Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900 7/17/07

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:

Class D2 Subclasses 896, 897, 912, 916-919, 925, 926, 929, 930, 932-934, 936, 937, 941-944, 964, 965, 969, 971, 978

Class 36 Subclasses 7.5, 8.1, 11.5, 58.6, 83, 105, 106

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/	June 28, 2007
Signature	Date
Michael P. Kenney, Esq.	42,718
Typed or printed name	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.**

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

Doc Code: PET.AUTO
Doc Description: Petition Automatically granted by EFS

PTO/SB/130 (03-08)
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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	29/281,735	Confirmation Number	7984	Filing Date	2007-06-29
Attorney Docket Number (optional)	EURO-275B	Art Unit	2913	Examiner	To Be Assigned
First Named Inventor	Maximilian Rosenzweig				
Title of Invention	DESIGN FOR STEAM MOP				

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
Maximilian		Rosenzweig	

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	/Michael I. Wolfson/	Date (YYYY-MM-DD)	2008-04-07
Name	Michael I. Wolfson	Registration Number	24750

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

OCT 26 2009

OFFICE OF PETITIONS

Plumsea Law Group, LLC
10411 Motor City Drive
Suite 320
Bethesda, MD 20817

In re Patent No. D 572,706 :
Issue Date: July 8, 2008 :
Application No. 29/281,740 : ON PETITION
Filed: June 29, 2007 :
Attorney Docket No. 27-1245 :

This is a decision on the petition filed December 10, 2008, under 37 CFR 3.81(b) to correct the name of the assignee on the front page of the above-identified patent by way of a certificate of correction.

The request is **GRANTED.**

Petitioner states that the correct assignee name is "AKG Acoustics GmbH, Vienna, Austria" and that the assignees' name was incorrectly submitted on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner requests that a certificate of correction be issued to reflect the correct assignee on the front page of the Letters Patent in the patent to be issued from the application.

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

The request was accompanied by a certificate of correction (and fee) as required by 3.81(b). Further, Office assignment records reflect that "AKG Acoustics GmbH, Vienna, Austria" is the assignee of record. Accordingly, as the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to be processed after issuance of this application into a patent.

Inquiries concerning this decision should be directed to the Kimberly Inabinet at (571) 272-4618. 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 after issuance of this application into a patent.

Carl Friedman
Petitions Examiner
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
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	29/281,767
Filing Date	June 29, 2007
First Named Inventor	John Hlavacs
Title	PORTION OF A SHOE UPPER
Attorney Docket Number	2465-8248US

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

Approved 7/31/07
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: 29/281,769; 29/281,771

If not previously 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: 23 July 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.*

PTOISB/27 (09-04)
Approved for use through 07/31/2006. 0MB 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 0MB control number.

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

Application Number	29/281,769
Filing Date	June 29, 2007
First Named Inventor	John Hlavacs
Title	PORTION OF A SHOE UPPER
Attorney Docket Number	2465-8294US

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

Approved 7/31/07
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: 29/281,767; 29/281,771

If not previously 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: 23 July 2007

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	29/281,771
Filing Date	June 29, 2007
First Named Inventor	John Hlavacs
Title	PORTION OF A SHOE UPPER
Attorney Docket Number	2465-8360US

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

Approved 7-30-07
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: 29/281,767; 29/281,769

If not previously 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: 23 July 2007

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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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. 29/281,810 : DECISION ON PETITION
Filed: July 2, 2007 : TO WITHDRAW
Attorney Docket No. APL1D410ED2/P4002USD2 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed July 31, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Beyer Weaver LLP/Apple Inc. has been revoked by the assignee of the patent application on August 23, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: STERNE KESSLER GOLDSTEIN & FOX, PLLC
1100 NEW YORK AVENUE, NW
WASHINGTON, DC 20005

29/281,953

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	filed concurrently herewith
Filing Date	July 6, 2007
First Named Inventor	Chi Pok Billy Wai
Title	HELICOPTER
Atty Docket Number	058084-014600

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

Approved 7/18/07
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:

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 Util Pat Appl 11/627,919 filed 01/26/2007; US Util Pat Appl 11/465,781 filed 08/18/2006; US Util Pat Appl 11/462,177 filed 08/03/2006; BE Pat Appl 2006/0043 filed 01/19/2006; US Des Pat Appl 29/275,322 filed 12/20/2006; US Des Pat Appl 29/275,323 filed 12/20/2006, now issued Patent No. D544,825; US Des Pat Appl 29/275,324 filed 12/20/2006, now issued Patent No. D545,755; US Des Pat Appl 29/277,652 filed 03/05/2007; US Des Pat Appl 29/280,187 filed 05/18/2007

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). **(5 Sheets consisting of 6 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	July 6, 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.

29/281,955

PTO/SB/27 (04-07)
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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	July 6, 2007
First Named Inventor	Chi Pok Billy Wai
Title	HELICOPTER PROPELLER
Atty Docket Number	058084-014700

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

Approved 7/18/07
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:

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 Util Pat Appl 11/627,919 filed 01/26/2007; US Util Pat Appl 11/465,781 filed 08/18/2006; US Util Pat Appl 11/462,177 filed 08/03/2006; BE Pat Appl 2006/0043 filed 01/19/2006; US Des Pat Appl 29/275,322 filed 12/20/2006; US Des Pat Appl 29/275,323 filed 12/20/2006, now issued Patent No. D544,825; US Des Pat Appl 29/275,324 filed 12/20/2006, now issued Patent No. D545,755; US Des Pat Appl 29/277,652 filed 03/05/2007; US Des Pat Appl 29/280,187 filed 05/18/2007

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). **(5 Sheets consisting of 5 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	July 6, 2007
	Date
Charles Berman, Esq.	Reg. No. 29,249
Typed or printed name	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

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.
29/281,983	07/09/2007	DARRELL SHAW	1157-07051701	3991

25864 7590 09/19/2007

CHARLES C.H. WU
98 DISCOVERY
IRVINE, CA 92618-3105

EXAMINER	
ART UNIT	PAPER NUMBER
2913	

MAIL DATE	DELIVERY MODE
09/19/2007	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
Alexandria, VA 22313-1450
www.uspto.gov

CHARLES C.H. WU
98 DISCOVERY
IRVINE, CA 92618-3105

In re Application of: DARRELL SHAW Serial No.: 29/281,983 Filed: 7/9/07 Docket: 1157-07051701 Title: NIGHTSTAND	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 July 9, 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 GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

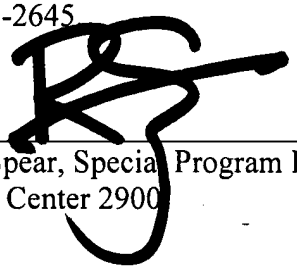
   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action or a Notice of Allowance or the filing of a Notice of Appeal is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Rob Spear, Special Program Examiner, at (571) 272-2645.



Robert M. Spear, Special Program Examiner
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

MAILED

MAY 20 2009

OFFICE OF PETITIONS

In re Application of
Hong
Application No. 29/281,991
Filed: July 9, 2007
Attorney Docket No. POI-0040
For: KNUCKLE CAP

ON PETITION

This is a decision on the petition entitled, "PETITION TO ACCORD FILING DATE FOR EXPRESS MAIL CORRESPONDENCE RECEIVED BY P.T.O. (UNDER 37 C.F.R. 1.10(e))," filed February 23, 2009. The petition requests that the Office withdraw the holding of abandonment of the above-identified application. Thus, the petition will be treated as a feeless petition under 37 CFR 1.181.

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

This application was held abandoned for failure to respond in a timely manner to the Quayle action, mailed July 24, 2009, which set forth an extendable two (2) month period for reply. The Office contended that this application became abandoned on September 25, 2009 for failure to reply. A Notice of Abandonment was mailed on January 21, 2009.

Petitioner requests withdrawal of the holding of abandonment based on the assertion that a proper reply was timely received in the Office on January 26, 2009 (a Monday). The undersigned finds this argument completely convincing, as an amendment and drawings are present in the application file and Office financial records shows that the required four month extension of time fee of $1,730.00 was collected on January 27, 2009.

The examiner of record has addressed the January 26, 2009 filing, as evidenced by his mailing of a Notice of Allowance and Fee(s) Due and a Notice of Allowability for a Design Application, on February 26, 2009.

The petition under 37 CFR 1.181 is **granted**, the holding of abandonment is withdrawn, and the January 21, 2009 Notice of Abandonment is **vacated**. No petition fee has been or will be charged in connection with this matter.

Accordingly, the application file will be forwarded to the Office of Data Management to await receipt of the issue fee, a completed Part B – Fee Transmittal, and corrected drawing(s).

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

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

COPY MAILED

AUG 29 2008

OFFICE OF PETITIONS

In re Application of :
Ortley et al. : DECISION ON
Application No. 29/282,008 : PETITION
Filed: July 9, 2007 :
Atty Docket No. 0EKM-131460 :

This is a decision on the PETITION TO REVIVE filed April 23, 2008.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely file corrected drawings as required by the Notice of Allowability mailed December 4, 2007. The Notice set a three-month non-extendable period for reply. A courtesy Notice of Abandonment was mailed on March 28, 2008.

In response, applicants filed the instant petition. The petition includes the required reply[1] in the form of an amendment and corrected drawings, the required statement of unintentional delay, payment of the petition fee and a terminal disclaimer (and disclaimer fee). All requirements of 37 CFR 1.137(b) have been met.

The terminal disclaimer has been accepted and made of record.

[1] The issue fee was timely paid on December 26, 2007. There was no requirement for payment of a publication fee.

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

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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BEYER LAW GROUP LLP/APPLE INC.
P.O. BOX 1687
CUPERTINO, CA 95015-1687

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MAR 0 7 2008

OFFICE OF PETITIONS

In re Application of :
ANDRE, et al. :
Application No. 29/282,025 : DECISION ON PETITION
Filed: July 10, 2007 : TO WITHDRAW
Attorney Docket No. **2607-0390002** : 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** 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 19, 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DUCKOR, SPRADLING, METZGER & WYNNE
A LAW CORPORATION
3043 4TH AVE.
SAN DIEGO, CA 92103

COPY MAILED

JUN 16 2008

In re Application of :
Tracey M. Komata, et al. :
Application No. 29/282,040 : DECISION ON PETITION
Filed: July 10, 2007 : TO WITHDRAW
Attorney Docket No. 20090-100SPUS : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 14, 2008.

The request is **APPROVED**.

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

The request was signed by Bernard L. Kleinke on behalf of all attorneys of record who are associated with this application.

All attorneys/agents associated with this application have been withdrawn.

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

The 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.

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).

There are no pending Office actions at the present time.

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: TRACEY M. KOMATA
1155 CAMINO DEL MAR
SUITE 423
DEL MAR, CA 92014

cc: BLUE ANGUS, INC.
1155 CAMINO DEL MAR
SUITE 423
DEL MAR, CA 92014

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
29/282,040	07/10/2007	Tracey M. Komata	20090-100DPUS

CONFIRMATION NO. 5261

POWER OF ATTORNEY NOTICE

36412
DUCKOR SPRADLING METZGER & WYNNE
A LAW CORPORATION
3043 4th Ave.
SAN DIEGO, CA 92103

OC00000030463975

Date Mailed: 06/12/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/14/2008.

- 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.

/amwise/

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 05-11-09

TO SPE OF : ART UNIT 2913

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/282083 Patent No.: D582840

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

Angela Green
Certificates of Correction Branch
703-756-1541

Thank You For Your Assistance

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

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

Comments: _____

/Caron D. Veynar/ 2913

SPE **Art Unit**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 05-11-09

TO SPE OF : ART UNIT 2913

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/282083 Patent No.: D582840

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

Angela Green
Certificates of Correction Branch
703-756-1541

Thank You For Your Assistance

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

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

Comments: _____

/Caron D. Veynar/ 2913

SPE **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PEACOCK MYERS, P.C.
201 THIRD STREET, N.W.
SUITE 1340
ALBUQUERQUE NM 87102

COPY MAILED
JAN 13 2009

In re Application of :
Jones, et al. : DECISION GRANTING STATUS
Application No. 29/282,098 : UNDER 37 CFR 1.47(a)
Filed: July 11, 2007 :
Attorney Docket No. 32268-1001-D :

This is in response to the petition under 37 CFR 1.47(a), filed December 4, 2007.

The petition is **GRANTED.**

Petitioners have shown that the non-signing inventor, Rodney C. Ward, 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 Data Management for processing into a patent.

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

RODNEY C. WARD
1901 S. 2ND STREET
TUCUMCARI NM 88401

COPY MAILED
JAN 13 2009

In re Application of :
Jones, et al. : LETTER
Application No. 29/282,098 :
Filed: July 11, 2007 :
Attorney Docket No. 32268-1001-D :

Dear Mr. Ward:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3230. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

Attorneys of Record: PEACOCK MYERS, P.C.
201 THIRD STREET, N.W.
SUITE 1340
ALBUQUERQUE NM 87102

UNITED STATES PATENT AND TRADEMARK OFFICE

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MICHAEL A. SHIPPEY, PH. D.
LAW OFFICES OF KARLA SHIPPEY
4848 LAKEVIEW AVENUE, SUITE E
YORBA LINDA CA 92886

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JUN 19 2008

OFFICE OF PETITIONS

In re Application of :
James Brodie :
Application No. 29/282,100 : ON PETITION
Filed: July 11, 2007 :
Attorney Docket No: **927.100** :

This is a decision on the petition filed May 22, 2008 under 37 CFR 1.137(b),[1] to revive the above-identified application.

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

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

This application became abandoned February 6, 2008 for failure to pay the issue fee in response to the Notice of Allowance mailed on November 5, 2007. Accordingly, the Notice of Abandonment was mailed on February 29, 2008.

---

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

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

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

While the issue fee has been submitted with the instant petition, the petition does not satisfy requirements (3) and (4) of the regulation.

Petitioner must submit a a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional and, a Terminal Disclaimer with any renewed petition since this is a design application. **Petitioner should note that submission of any renewed petition without the required reply will be construed as intentional delay.**

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

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

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

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MICHAEL A. SHIPPEY, PH. D.
LAW OFFICES OF KARLA SHIPPEY
4848 LAKEVIEW AVENUE, SUITE E
YORBA LINDA CA 92886

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SEP 0 3 2008

OFFICE OF PETITIONS

In re Application of
James Brodie
Application No. 29/282,100
Filed: July 11, 2007
Attorney Docket No: **927.100**

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b),[1] filed August 19, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned February 6, 2008 for failure to pay the issue fee in response to the Notice of Allowance mailed on November 5, 2007. Accordingly, the Notice of Abandonment was mailed on February 29, 2008. A petition filed May 22, 2008 was dismissed in a decision mailed June 19, 2008 because the petition did not satisfy requirements (3) and (4) of the regulation.

Comes now petitioner with the instant renewed petition, an entire delay statement and a terminal disclaimer with fee. All other requirements having been met, this matter is being referred to the Publishing Division to be processed into a patent.

---

[1]Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:
(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.
(2) the petition fee as set forth in 37 CFR 1.17(m);
(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and
(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

The duplicate issue fee and petition fee in the amount of $410.00 and $770.00, respectively, paid on June 18, 2008 will be refunded in due course.

Telephone inquiries concerning this matter may be directed to the undersigned

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/282,110	07/11/2007	Barry Nisguretsky	188904/US/4-475388-00030	6843

30873 7590 10/18/2007

DORSEY & WHITNEY LLP
INTELLECTUAL PROPERTY DEPARTMENT
250 PARK AVENUE
NEW YORK, NY 10177

EXAMINER	
SEIFERT, RALF T	
ART UNIT	**PAPER NUMBER**
2914	

MAIL DATE	DELIVERY MODE
10/18/2007	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
Alexandria, VA 22313-1450
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10-18-07

October 17, 2007

30873
DORSEY & WHITNEY LLP
INTELLECTUAL PROPERTY DEPARTMENT
250 PARK AVENUE
NEW YORK, NY10177

In re Application of: Barry Nisguretsky Serial No.: 29/282,110 Filed: July 11, 2007 Docket: 188907/US/4-475388-00030 Title: Jewelry Arrangement	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 July 11, 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 field 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. must 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. 1-4 and II.1-5 and 5.2-5.6.6] above are considered to have been met. However, the petition fails to comply with condition II. 5.1 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(H)(1), the preexamination search does not include non-patent literature, and the applicant does not justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated source and includes such a justification with this statement. It is further noted that the preexamination search of US design patents in class D11 does not include pertinent subclasses D11/3, 4, 6, 38 and 86.

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 Rob Spear, Design Practice Specialist, at (571) 272-2645.

Robert M. Spear, Design Practice Specialist
Technology Center 2900

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/282,114	07/11/2007	Barry Nisguretsky	188904/US/2-475388-00031	6910

30873 7590 10/18/2007

DORSEY & WHITNEY LLP
INTELLECTUAL PROPERTY DEPARTMENT
250 PARK AVENUE
NEW YORK, NY 10177

EXAMINER	
ART UNIT	PAPER NUMBER
2913	

MAIL DATE	DELIVERY MODE
10/18/2007	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
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P.O. Box 1450
Alexandria, VA 22313-1450
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10-18-07

October 17, 2007

30873
DORSEY & WHITNEY LLP
INTELLECTUAL PROPERTY DEPARTMENT
250 PARK AVENUE
NEW YORK, NY10177

In re Application of: Barry Nisguretsky Serial No.: 29/282,114 Filed: July 11, 2007 Docket: 188907/US/2-475388-00031 Title: Jewelry Arrangement	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 July 11, 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 field 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. must 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. 1-4 and II.1-5 and 5.2-5.6.6] above are considered to have been met. However, the petition fails to comply with condition II. 5.1 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(H)(1), the preexamination search does not include non-patent literature, and the applicant does not justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated source and includes such a justification with this statement. It is further noted that the preexamination search of US design patents in class D11 does not include pertinent subclasses D11/3, 4, 6, 38 and 86.

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 Rob Spear, Design Practice Specialist, at (571) 272-2645.

Robert M. Spear, Design Practice Specialist
Technology Center 2900

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/282,114	07/11/2007	Barry Nisguretsky	188904/US/2-475388-00031	6910

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EXAMINER	
SEIFERT, RALF T	

ART UNIT	PAPER NUMBER
2914	

MAIL DATE	DELIVERY MODE
01/11/2008	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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30873 1-11-08
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NEW YORK, NY10177

In re Application of:
Barry Nisguretsky
Serial No.: 29/282,114
Filed: July 11, 2007

Docket: 188904/US/2-475388-00031

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

Title: Jewelry Arrangement

This is a decision on the corrected petition filed on November 19, 2007 to make the above-identified application to make special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after

a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

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

/Robert M. Spear/

Robert M. Spear, Design Practice Specialist
Technology Center 2900

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In re Application of :
Nisguretsky :
Application No. 29/282,114 : DECISION ON PETITION
Filed: July 11, 2007 :
Attorney Docket No. 188904/US/2-475388-00031 :

This is a decision on the petition under 37 CFR 1.137(b), filed September 8, 2008 and supplemented on October 30, 2008, to revive the above-identified design application.

The petition is **Dismissed**.

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

This application became abandoned for failure to timely submit the issue fee, as required by the Notice of Allowance and Fee (s) Due, and submit corrected drawings, as required by the Notice of Allowability both of which were mailed May 30, 2008. The Notice of Allowance and Issue Fee Due and the Notice of Allowability set a three (3) month period for reply. Extensions of time were not available under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on August 31, 2008. A Notice of Abandonment was mailed on September 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(c). A terminal disclaimer and the $65 terminal disclaimer fee is required under 37 CFR 1.137(c) if the application is: (1) a design application, (2) a utility application filed before June 8, 1995, or (3) a plant application filed before June 8, 1995. Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03 (c)(III)(c) and (D).

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

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

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

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

Charlema Grant
Petitions Attorney
Office of Petitions

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INTELLECTUAL PROPERTY DEPARTMENT
250 PARK AVENUE
NEW YORK NY 10177

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OFFICE OF PETITIONS

In re Application of :
Barry Nisguretsky :
Application No. 29/282,114 : DECISION ON PETITION
Filed: July 11, 2007 :
Attorney Docket No. 188904/US/2-475388-00031 :

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

The petition is **GRANTED**.

This application became abandoned for failure to timely submit the issue fee, as required by the Notice of Allowance and Fee (s) Due, and submit corrected drawings, as required by the Notice of Allowability both of which were mailed May 30, 2008. The Notice of Allowance and Issue Fee Due and the Notice of Allowability set a three (3) month period for reply. Extensions of time were not available under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on August 31, 2008. A Notice of Abandonment was mailed on September 10, 2008. A petition filed under 37 CFR 1.137(b) was dismissed on December 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 the 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 submit corrected drawings 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) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/282,115	07/11/2007	Barry Nisguretsky	188904/US/3-475388-00029	6925

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EXAMINER	
ART UNIT	PAPER NUMBER
2913	

MAIL DATE	DELIVERY MODE
10/18/2007	PAPER

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The time period for reply, if any, is set in the attached communication.

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10-18-07

October 17, 2007

30873
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INTELLECTUAL PROPERTY DEPARTMENT
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NEW YORK, NY10177

In re Application of: Barry Nisguretsky Serial No.: 29/282,115 Filed: July 11, 2007 Docket: 188904/US/3-475388-00029 Title: Jewelry Arrangement	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 July 11, 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 field 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. must 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. 1-4 and II.1-5 and 5.2-5.6.6] above are considered to have been met. However, the petition fails to comply with condition II. 5.1 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(H)(1), the preexamination search does not include non-patent literature, and the applicant does not justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated source and includes such a justification with this statement. It is further noted that the preexamination search of US design patents in class D11 does not include pertinent subclasses D11/3, 4, 6, 38 and 86.

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 Rob Spear, Design Practice Specialist, at (571) 272-2645.

Robert M. Spear, Design Practice Specialist
Technology Center 2900

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/282,115	07/11/2007	Barry Nisguretsky	188904/US/3-475388-00029	6925

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EXAMINER	
SEIFERT, RALF T	

ART UNIT	PAPER NUMBER
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MAIL DATE	DELIVERY MODE
01/11/2008	PAPER

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

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NEW YORK, NY10177

In re Application of:
Barry Nisguretsky
Serial No.: 29/282,115
Filed: July 11, 2007

Docket: 188904/US/3-475388-00029

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

Title: Jewelry Arrangement

This is a decision on the corrected petition filed on November 19, 2007 to make the above-identified application to make special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without

traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

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

/Robert M. Spear/

Robert M. Spear, Design Practice Specialist
Technology Center 2900

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/282,116	07/11/2007	Barry Nisguretsky	188904/US/5-475388-00034	6937

30873 7590 10/18/2007

DORSEY & WHITNEY LLP
INTELLECTUAL PROPERTY DEPARTMENT
250 PARK AVENUE
NEW YORK, NY 10177

EXAMINER	
ART UNIT	PAPER NUMBER
2913	

MAIL DATE	DELIVERY MODE
10/18/2007	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
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10-18-07

October 17, 2007

30873
DORSEY & WHITNEY LLP
INTELLECTUAL PROPERTY DEPARTMENT
250 PARK AVENUE
NEW YORK, NY10177

In re Application of: Barry Nisguretsky Serial No.: 29/282,116 Filed: July 11, 2007 Docket: 188904/US/5-475388-00034 Title: Jewelry Arrangement	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 July 11, 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 field 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. must 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. 1-4 and II.1-5 and 5.2-5.6.6] above are considered to have been met. However, the petition fails to comply with condition II. 5.1 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(H)(1), the preexamination search does not include non-patent literature, and the applicant does not justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated source and includes such a justification with this statement. It is further noted that the preexamination search of US design patents in class D11 does not include pertinent subclasses D11/3, 4, 6, 38 and 86.

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 Rob Spear, Design Practice Specialist, at (571) 272-2645.

Robert M. Spear, Design Practice Specialist
Technology Center 2900

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OFFICE OF PETITIONS

DORSEY & WHITNEY LLP
INTELLECTUAL PROPERTY
DEPARTMENT
250 PARK AVENUE
NEW YORK NY 10177

In re Application of :
Barry Nisguretsky : DECISION ON
Application No. 29/282,116 : PETITION
Filed: July 11, 2007 :
Attorney Docket No. 188904/US/5-475388-00034 :

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed September 8, 2008. This decision is made in light of the terminal disclaimer (and disclaimer fee) filed March 25, 2009.

The petition is **GRANTED**.

The above-identified design application became abandoned for failure to timely pay the Issue Fee within three months of the mailing date, May 30, 2008, of the Notice of Allowance and Fee(s) Due. This Office action set a three-month nonextendable statutory period for reply. No reply received, the above-identified application became abandoned effective August 31, 2008. The instant petition, including late payment of the issue fee, was filed prior to the mailing of a courtesy Notice of Abandonment on September 10, 2008.

The petition includes the required reply in the form of payment of the issue fee[1], the required statement of unintentional delay, payment of the petition fee and a terminal disclaimer. All requirements of 37 CFR 1.137(b) have been met.

The terminal disclaimer has been accepted and made of record.

[1] There was no distinct but concurrent requirement for corrected drawings.

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

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 8-22-09

TO SPE OF : ART UNIT 2913

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/282158 Patent No.: D573078

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

E 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.

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

Comments: _____

Caron D Veynar
CARON D. VEYNAR
SUPERVISORY PATENT EXAMINER

_____ _____
SPE **Art Unit**

EXPEDITED PROCEDURE – MAIL STOP EXPEDITED DESIGN
U.S. Serial No. 29/282,178
Attorney Docket No. KMC-785

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	:	Chen et al.
U.S. Serial No.	:	29/282,178
Filed	:	July 12, 2007
Title	:	Configuration for Golf Club Head
Art Unit	:	2913
Examiner	:	TBD

Approved
Jacqueline M. Stone
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 733, 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. 29/282,135, Xiaojian Chen, et al., "Golf Driver Head," filed July 12, 2007, Docket No. KMC-777

2. U.S. Serial No. 29/282,156, Xiaojian Chen, et al., "Golf Driver Head," filed July 12, 2007, Docket No. KMC-778

3. U.S. Serial No. 29/282,165, Xiaojian Chen, et al., "Golf Fairway Wood Head," filed July 12, 2007, Docket No. KMC-779

4. U.S. Serial No. 29/282,169, Xiaojian Chen, et al., "Golf Fairway Wood Head," filed July 12, 2007, Docket No. KMC-780

5. U.S. Serial No. 29/282,171, Xiaojian Chen, et al., "Golf Hybrid Head," filed July 12, 2007, Docket No. KMC-781

6. U.S. Serial No. 29/282,173, Xiaojian Chen, et al., "Golf Hybrid Head," filed July 12, 2007, Docket No. KMC-782

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 27, 2007
Date

/Frankie Ho/

Frankie Ho
Reg. No. 48,479
Attorney for Applicant(s)

Docket No.: 008243.P001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Portable Sound Laboratories, Inc.

Application Number: 29/282,181

Filing Date:

First Named Inventor: Jorge V. Ragde, Jr., et al.

For: PORTABLE SPEAKER SYSTEM

Approved 7.23.07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION
37 CFR 1.155

MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENT
P.O. Box 1450
Alexandria, Virginia 22313-1450

Applicant requests the expedition of examination of the above-referenced design patent application filed concurrently herewith under 37 CFR 1.155.

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

Class D14/ (Recording, communication, or information retrieval equipment) was searched in subclasses 172, 213, 214, 215, 216, 188, 474, and 204.

Class D6/ (Furnishings) was searched in subclasses 632-635.

Class D3/ (Travel goods and personal belongings) was searched in subclasses 218 and 301.

Class 381/ (Electrical audio signal processing systems and devices) was searched in subclasses 385-386, 388, 332-334, 87, 300, and 345.

Class 361/ (Electricity: electrical systems and devices) was searched in subclasses 683 and 679.

Class 455/ (Telecommunications) was searched in subclass 575.1.

Class 224/ (Package and article carriers) was searched in subclasses 576 and 929.

Formal Drawings in compliance with 37 CFR 1.84 are submitted concurrently herewith.

An Information Disclosure Statement in compliance with 37 CFR 1.98 is submitted concurrently herewith.

Please charge the deposit account 02-2666 for the fee set forth in 37 CFR 1.17(k).

Blakely, Sokoloff, Taylor & Zafman, LLP

Date: July 12, 2007

Thomas Coester

Thomas M. Coester, Reg. No. 39,637

1279 Oakmead Parkway
Sunnyvale, California 94085-4040
(408) 720-8300

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

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JUN 13 2008

OFFICE OF PETITIONS

In re Application of :
Jorge V. Ragde Jr. et al :
Application No. 29/282,181 : ON PETITION
Filed: July 12, 2007 :
Attorney Docket No. 8243.P001

This is a decision on the petition, filed June 10, 2008 and supplemented on June 11, 2008 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 May 15, 2008 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

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

Irvin Dingle
Petitions Examiner
Office of Petitions

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

29/282,184

Docket No.: 008243.P002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Portable Sound Laboratories, Inc.

Application Number:

Filing Date:

First Named Inventor: Jorge V. Ragde, Jr., et al.

For: PORTABLE SPEAKER SYSTEM

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

REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION
37 CFR 1.155

MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENT
P.O. Box 1450
Alexandria, Virginia 22313-1450

Applicant requests the expedition of examination of the above-referenced design patent application filed concurrently herewith under 37 CFR 1.155.

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

Class D14/ (Recording, communication, or information retrieval equipment) was searched in subclasses 172, 213, 214, 215, 216, 188, 474, and 204.

Class D6/ (Furnishings) was searched in subclasses 632-635.

Class D3/ (Travel goods and personal belongings) was searched in subclasses 218 and 301.

Class 381/ (Electrical audio signal processing systems and devices) was searched in subclasses 385-386, 388, 332-334, 87, 300, and 345.

Class 361/ (Electricity: electrical systems and devices) was searched in subclasses 683 and 679.

Class 455/ (Telecommunications) was searched in subclass 575.1.

Class 224/ (Package and article carriers) was searched in subclasses 576 and 929.

Formal Drawings in compliance with 37 CFR 1.84 are submitted concurrently herewith.

An Information Disclosure Statement in compliance with 37 CFR 1.98 is submitted concurrently herewith.

Please charge the deposit account 02-2666 for the fee set forth in 37 CFR 1.17(k).

Blakely, Sokoloff, Taylor & Zafman, LLP

Date: July 12, 2007

Thomas Coester

Thomas M. Coester, Reg. No. 39,637

1279 Oakmead Parkway
Sunnyvale, California 94085-4040
(408) 720-8300

29/282,187

Docket No.: 008243.P003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Portable Sound Laboratories, Inc.

Application Number:

Filing Date:

First Named Inventor: Jorge V. Ragde, Jr., et al.

For: PORTABLE SPEAKER SYSTEM

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

REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION
37 CFR 1.155

MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENT
P.O. Box 1450
Alexandria, Virginia 22313-1450

Applicant requests the expedition of examination of the above-referenced design patent application filed concurrently herewith under 37 CFR 1.155.

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

Class D14/ (Recording, communication, or information retrieval equipment) was searched in subclasses 172, 213, 214, 215, 216, 188, 474, and 204.

Class D6/ (Furnishings) was searched in subclasses 632-635.

Class D3/ (Travel goods and personal belongings) was searched in subclasses 218 and 301.

Class 381/ (Electrical audio signal processing systems and devices) was searched in subclasses 385-386, 388, 332-334, 87, 300, and 345.

Class 361/ (Electricity: electrical systems and devices) was searched in subclasses 683 and 679.

Class 455/ (Telecommunications) was searched in subclass 575.1.

Class 224/ (Package and article carriers) was searched in subclasses 576 and 929.

Formal Drawings in compliance with 37 CFR 1.84 are submitted concurrently herewith.

An Information Disclosure Statement in compliance with 37 CFR 1.98 is submitted concurrently herewith.

Please charge the deposit account 02-2666 for the fee set forth in 37 CFR 1.17(k).

Blakely, Sokoloff, Taylor & Zafman, LLP

Date: July 12, 2007

Thomas Coester

Thomas M. Coester, Reg. No. 39,637

1279 Oakmead Parkway
Sunnyvale, California 94085-4040
(408) 720-8300

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.: 29/262,222 Patent No.: D568,295

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 THE REPLACEMENT DRAWINGS FILED SEPTEMBER 25, 2007 BE APPROVED?

Antonio Johnson
Certificates of Correction Branch
703-308-9390 ext. 111

Thank You For Your Assistance

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

- [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
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COCHRAN FREUND & YOUNG LLC
2026 CARIBOU DR
SUITE 201
FORT COLLINS, CO 80525

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OFFICE OF PETITIONS

In re Application of :
Gary Werschmidt :
Application No. 29/282,233 : ON PETITION
Filed: July 13, 2007 :
Attorney Docket No. CMED.11USD1 :

This is a decision on the petition, filed November 18, 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 s to timely pay the issue fee on or before October 2, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed July 2, 2008. Accordingly, the application became abandoned on October 3, 2008. A Notice of Abandonment was mailed on October 27, 2008. On November 18, 2008, the present petition was filed.

A grantable petition under 37 CFR 1.137(b)[1] must be accompanied by: (1) the required reply, 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).

The petition lacks item (4) above. In this regard, the above-identified application is a design application, 37 CFR 1.137(d) requires a terminal disclaimer dedicating to the public a terminal part of the term of any patent granted thereon equivalent to the period of abandonment of the application and the terminal disclaimer must also apply to any patent granted on a continuing design application that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the application for which revival is sought. The period of abandonment will be computed to be the number of months from the date of abandonment to the date of filing a grantable petition. A terminal disclaimer fee of $140 ($70 if small entity) is required pursuant to 37 CFR 1.20(d). 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[2]

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[2] www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COCHRAN FREUND & YOUNG LLC
2026 CARIBOU DR
SUITE 201
FORT COLLINS CO 80525

MAILED

MAR 3 1 2009

OFFICE OF PETITIONS

In re Application of :
Gary Werschmidt :
Application No. 29/282,233 : ON PETITION
Filed: July 13, 2007 :
Attorney Docket No. CMED.11USD1 :

This is a decision in response to the renewed petition, filed February 6, 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 October 2, 2008, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed July 2, 2008. A Notice of Abandonment was mailed October 27, 2008. A petition under 37 CFR 1.137(b) was filed on November 18, 2008; however, the petition was dismissed in a decision mailed January 30, 2009. On February 6, 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 $810, (3) an adequate statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d).

The terminal disclaimer filed February 6, 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

EXPEDITED PROCEDURE – MAIL STOP EXPEDITED DESIGN
U.S. Serial No. 29/282,273
Attorney Docket No. KMC-791

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	:	Morales et al.
U.S. Serial No.	:	29/282,273
Filed	:	July 16, 2007
Title	:	Crown for a Golf Club Head
Art Unit	:	2913
Examiner	:	TBD

9-18-07
Approved
Jacqueline M. Stone
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 733, 736, 742, 744, 745, 752, and 759 in Class D21; and
   b. Subclasses 324, 325, 326, 327, 328, 329, 330, 331, 340, 343, 344, 345, 346, 347, 348, 349, and 753 in Class 473.
2. An information disclosure statement is filed concurrently herewith to submit the results of the pre-examination search.

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

September 11, 2007
Date

/Frankie Ho/

Frankie Ho
Reg. No. 48,479
Attorney for Applicant(s)

29/282,291

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	filed concurrently herewith
Filing Date	July 16, 2007
First Named Inventor	Chi Pok Billy Wai
Title	HELICOPTER
Atty Docket Number	058084-017700

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

Approved 7-25-07
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:

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 Util Pat Appl 11/627,919 filed 01/26/2007; US Util Pat Appl 11/465,781 filed 08/18/2006; US Util Pat Appl 11/462,177 filed 08/03/2006; BE Pat Appl 2006/0043 filed 01/19/2006; US Des Pat Appl 29/275,322 filed 12/20/2006; US Des Pat Appl 29/275,323 filed 12/20/2006, now issued Patent No. D544,825; US Des Pat Appl 29/275,324 filed 12/20/2006, now issued Patent No. D545,755; US Des Pat Appl 29/277,652 filed 03/05/2007; US Des Pat Appl 29/280,187 filed 05/18/2007

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). **(5 Sheets consisting of 6 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 — Date: July 16, 2007

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.

29/282,295

PTO/SB/27 (04-07)
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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	July 16, 2007
First Named Inventor	Chi Pok Billy Wai
Title	HELICOPTER PROPELLER
Atty Docket Number	058084-017800

ADDRESS TO:

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

Approved 7-23-07
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:

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:

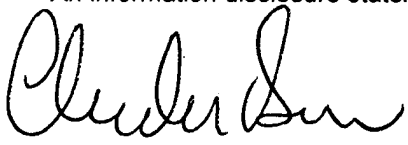
Class 244, Subclasses 7A, 7B, 17.11, 17.23, 35R
Class 416, Subclasses 223R, 243, Dig. 2
Class D12, Subclasses 319, 326, 327, 328, 329

Examiners Tien Dinh (Class 244) and Christopher Verdier (Class 416) were consulted and suggested the field of search.

Related applications: US Util Pat Appl 11/627,919 filed 01/26/2007; US Util Pat Appl 11/465,781 filed 08/18/2006; US Util Pat Appl 11/462,177 filed 08/03/2006; BE Pat Appl 2006/0043 filed 01/19/2006; US Des Pat Appl 29/275,322 filed 12/20/2006; US Des Pat Appl 29/275,323 filed 12/20/2006, now issued Patent No. D544,825; US Des Pat Appl 29/275,324 filed 12/20/2006, now issued Patent No. D545,755; US Des Pat Appl 29/277,652 filed 03/05/2007; US Des Pat Appl 29/280,187 filed 05/18/2007

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). **(5 Sheets consisting of 6 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

July 16, 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.

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

29/282,299

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	filed concurrently herewith
Filing Date	July 16, 2007
First Named Inventor	Chi Pok Billy Wai
Title	HELICOPTER PROPELLER
Atty Docket Number	058084-017900

ADDRESS TO:

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

Approved Jacqueline M. Stone 7-25-07
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:

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 Util Pat Appl 11/627,919 filed 01/26/2007; US Util Pat Appl 11/465,781 filed 08/18/2006; US Util Pat Appl 11/462,177 filed 08/03/2006; BE Pat Appl 2006/0043 filed 01/19/2006; US Des Pat Appl 29/275,322 filed 12/20/2006; US Des Pat Appl 29/275,323 filed 12/20/2006, now issued Patent No. D544,825; US Des Pat Appl 29/275,324 filed 12/20/2006, now issued Patent No. D545,755; US Des Pat Appl 29/277,652 filed 03/05/2007; US Des Pat Appl 29/280,187 filed 05/18/2007

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). **(5 Sheets consisting of 6 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 — July 16, 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.

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P.O. Box 1450
Alexandria, VA 22313-1450
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PAULY, DEVRIES SMITH & DEFFNER, L.L.C.
Plaza VII-Suite 3000
45 South Seventh Street
MINNEAPOLIS MN 55402-1630

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SEP 15 2008

OFFICE OF PETITIONS

In re Application of	:	
George Linardos	:	
Application No.: 29/282309	:	DECISION ON
Filing or 371(c) Date: 07/16/2007	:	PETITION
Attorney Docket Number: 116219-4	:	

This is a decision in response to the "Petition to Revive Application for Patent Abandoned Unavoidably Under 37 CFR 1.137(a), filed July 31, 2008.

This Petition is hereby **dismissed**.

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

Background

This application became abandoned for failure to timely pay the issue and publication fees on or before May 11, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed February 11, 2008. Accordingly, the date of abandonment of this application is May 12, 2008.

The present petition

Applicant files the present petition and asserts that the Notice was not received at the address of record: Gray, Plant, Mooty, Mooty & Bennett, P.A., P.O. BOX 2906, MINNEAPOLIS, MN 55402-0906. In support of this assertion, Petitioner files the affidavit of Tiffany Larson, a paralegal at Gray, Plant, Mooty, Mooty & Bennett, P.A., ("Gray Plant"), iterating Gray Plant's procedure for processing incoming correspondence received from this Office, and attesting to nonreceipt of the Notice.

A Grantable Petition Under 37 CFR 1.137(a)

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), which may met by the filing of

a notice of appeal and the requisite fee; a continuing application; an amendment or request for reconsideration which *prima facie* places the application in condition for allowance, or a first or second submission under 37 CFR 1.129(a) if the application has been pending for at least two years as of June 8, 1995, taking into account any reference made in such application to any earlier filed application under 35 USC 120, 121 and 365(c); (**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). Applicant lacks item (**3**).

As to item (**3**), a showing of non-receipt of an Office communication may form the basis for revival of an application based upon unavoidable delay.

Applicable Law, Rules and MPEP

The MPEP 711.03(c)A, provides in relevant part:

> The showing required to establish nonreceipt of an Office communication must include
>
> (1) a statement from the practitioner stating that the Office communication was not received by the practitioner at the correspondence address of record. 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.
>
> (2) a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received.
>
> (3) a copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. 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.

MPEP 711.03(c)

Analysis and conclusion

Petitioner has failed to demonstrate that the office action was not received. In addition to the statement from practitioner, and from the docket clerk, attesting to non-receipt of the Notice, Applicant must provide a copy of the file jacket and docket records where the nonreceived Notice would have been entered had it been received and docketed. The petition is dismissed without prejudice. Petitioner should file a Request for Reconsideration of Petition and include the necessary statements and/or copies of docket records and file jacket.

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

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

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

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

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

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PAULY, DEVRIES SMITH & DEFFNER, L.L.C.
Plaza VII-Suite 3000
45 South Seventh Street
MINNEAPOLIS MN 55402-1630

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NOV 13 2008

In re Application of	:	
George Linardos	:	
Application No.: 29/282309	:	DECISION ON
Filing or 371(c) Date: 07/16/2007	:	PETITION
Attorney Docket Number: 116219-4	:	

This is a decision in response to the Renewed Petition Under 37 CFR 1.137(a) for Revival of an Application for Patent Abandoned Unavoidably, filed November 5, 2008, to revive the above-identified application.

This Petition is hereby **granted**.

This application became abandoned for failure to timely pay the issue and publication fees on or before May 11, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed February 11, 2008. Accordingly, the date of abandonment of this application is May 12, 2008.

A petition to revive the application based upon unavoidable delay was dismissed in a Decision mailed September 15, 2008, for failing to meet the requirements of a grantable petition under 37 CFR 1.137(a).

The renewed petition satisfies the requirements of 37 CFR 1.137(a) in that petitioner has supplied (1) the required reply (filed July 31, 2008); (2) the petition fee; and (3) a showing to the satisfaction of the Director that the entire delay was unavoidable.

The application will be referred to the Office of Data Management for processing into a patent.

Telephone inquiries concerning this matter 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
www.uspto.gov

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OFFICE OF PETITIONS

THE ADAMS LAW FIRM
901 RIO GRANDE BLVD. NW SUITE H262
ALBUQUERQUE NM 87104

In re Application of :
Paul ADAMS :
Application No. 29/282,331 : DECISION ON PETITION
Filed: July 17, 2007 :
Attorney Docket No. :

This is a decision on the petition under 37 CFR 1.137(b), filed September 11, 2009, to revive the above-identified design application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 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 August 14, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed May 14, 2009. Accordingly, the date of abandonment of this application is August 15, 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(s) (4) above.

Any petition to revive pursuant to this section in a design application must be accompanied by a terminal disclaimer and fee of $140.00 ($70.00 if small entity), are required by 37 CFR 1.137(b) for revival.

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

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

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

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

Telephone inquiries concerning this decision should be directed to the undersigned 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
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

THE ADAMS LAW FIRM
901 RIO GRANDE BLVD. NW SUITE H262
ALBUQUERQUE NM 87104

COPY MAILED

DEC 07 2009

OFFICE OF PETITIONS

In re Application of :
Paul ADAMS :
Application No. 29/282,331 : DECISION ON PETITION
Filed: July 17, 2007 :
Attorney Docket No. :

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

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee on or before August 14, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed May 14, 2009. Accordingly, the date of abandonment of this application is August 15, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the issue fee of $430.00; (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 issue fee payment is accepted as having been unintentionally delayed.

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

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

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

29/282,353

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	
	Filing Date	July 17, 2007
	First Named Inventor	Kenneth Link
	Title	PORTION OF A SHOE UPPER
	Atty Docket Number	015127.00978

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

Approved 7-25-07
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, 910, 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.

/Robert S. Katz/ — Signature

/17 July 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.

29/282,355

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	
	Filing Date	July 17, 2007
	First Named Inventor	Kenneth Link
	Title	SHOE OUTSOLE
	Atty Docket Number	015127.00979

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

Approved 7-25-07
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, 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/	/17 July 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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www.uspto.gov

LOZA & LOZA LLP
305 N. SECOND AVENUE
#127
UPLAND, CA 91786-6064

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DEC 23 2008

OFFICE OF PETITIONS

In re Application of :
Benny Saddi Urquico :
Application No. 29/282,396 : ON PETITION
Filed: July 18, 2007 :
Attorney Docket No. URQU-101 :

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

The application became abandoned for failure to timely submit corrected drawings on or before August 1, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed May 1, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on August 2, 2008.

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 (11-08)
Approved for use through 12/31/2008. 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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OFFICE OF PETITIONS

LOZA & LOZA, LLP
305 N. SECOND AVENUE
#127
UPLAND, CA 91786-6064

In re Application of	:	
Benny Saddu Urquico	:	
Application No. 29/282,396	:	DECISION ON PETITION
Filed: July 18, 2007	:	
Attorney Docket No. URQU-101	:	

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

The application became abandoned for failure to timely filed corrected drawings on or before August 1, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed May 1, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on August 2, 2008. A Notice of Abandonment was mailed on August 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 the corrected drawings, (2) the petition fee of $770, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to timely file corrected drawings required by the Notice of Allowability is accepted as being unintentionally delayed.

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

The petition is **GRANTED**.

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 at 571-272-4200.

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

April M. Wise
Petitions Examiner
Office of Petitions

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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PEPPER HAMILTON LLP
ONE MELLON CENTER, 50TH FLOOR
500 GRANT STREET
PITTSBURGH PA 15219

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DEC 10 2009

OFFICE OF PETITIONS

In re Application of :
William M. McCarthy :
Application No. 29/282,403 : DECISION ON PETITION
Filed: July 19, 2007 :
Attorney Docket No. 133537.00101 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 5, 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 September 1, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed June 1, 2009. Accordingly, the date of abandonment of this application is September 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 payment of the issue fee of $430, (2) the petition fee of $810; and (3) a proper statement of unintentional delay and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to timely pay the issue fee as required by the Notice of Allowance is accepted as being unintentionally delayed.

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

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571)272-4584.

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

JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

VINCENT TASSINARI
125 GRAND AVE.
SUITE 201
LONG BEACH, CA 90803

COPY MAILED

JUL 29 2008

In re Application of
Richard F. Shivers
Application No. 29/282,429
Filed: July 20, 2007
Attorney Docket No. SHIV.P0001D

ON PETITION

This is a decision on the petition, filed March 25, 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 21, 2007. A Notice of Abandonment was mailed on March 19, 2008. In response, on March 25, 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 March 25, 2008 is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

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

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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VINCENT TASSINARI
125 GRAND AVE.
SUITE 201
LONG BEACH, CA 90803

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JUL 29 2008

In re Application of
Richard F. Shivers
Application No. 29/282,429
Filed: July 20, 2007
Attorney Docket No. SHIV.P0001D

ON PETITION

This is a decision on the petition, filed March 25, 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 21, 2007. A Notice of Abandonment was mailed on March 19, 2008. In response, on March 25, 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 March 25, 2008 is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

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

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES DEPARTMENT OF COMMERCE
COMMISSIONER FOR PATENTS
P. O. BOX 1450
ALEXANDRIA, VA 22313-1450

Date : 4/21/2009
Patent No. : D580,491 S
Serial No. : 29/282,468
Inventor(s) : Fei
Issue Date : November 11, 2008
Title : **PEN**
Doc./File No. : **BGCO129732**

Re: Certificate of Correction (Reconsideration)

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

Respecting the alleged errors in your request, inspection of the file of the application for the patent reveals that on the Tiltle Page under Item (30) Foreign Application Priority Data, inserting a decimal point is considered to be a style change and is not printed in the certificate of correction as requested.

The alleged error in the Assistant Examiner is printed in accordance with the record, 85B-Issue Feee Transmittal. Therefore, no correction is in order here.

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 with a fee of $100.

Ernest C. White, *LIE* (703) 756-1590
Mary F. Diggs, *Supervisor* (703) 308-9390 x125
Decisions & Certificates of Correction Branch

CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE WA 98101-2347

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : November 13, 2009

TO SPE OF : ART UNIT 2914
SUBJECT : Request for Certificate of Correction for Appl. No.: 29/282481 Patent No.: D572804

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

Magdalene Talley

Certificates of Correction Branch
571-272-0423

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : Sept. 9, 2009

TO SPE OF : ART UNIT 2914

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/282482 Patent No.: D572805

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

Magdalene Talley
Certificates of Correction Branch
703-308-9390 ext. 116

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: _____

_____

_____

_____

_____

SPE 2914 Art Unit

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APR 07 2010

OFFICE OF PETITIONS

Joseph A. Yanny
1801 Century Park East, Suite 2300
Los Angeles, CA 90067

In re Application of :
Jesse G. James et al. :
Application No. 29/282,585 : DECISION ON PETITION
Filed: July 24, 2007 :
Attorney Docket No. 7988-84773 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 28, 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 November 3, 2009, as required by the Notice of Allowance and Fee(s) Due mailed August 3, 2009. Accordingly, the date of abandonment of this application is November 4, 2009. A Notice of Abandonment was mailed on November 16, 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(d). Accordingly, the issue fee is accepted as being unintentionally delayed.

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

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

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

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

/Kimberly Inabinet/

Kimberly Inabinet
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
29/282,585	07/24/2007	Jesse G. James	7988-84773

CONFIRMATION NO. 7889

Joseph A. Yanny
1801 Century Park East, Suite 2300
Los Angeles, CA 90067

POA ACCEPTANCE LETTER

OC000000040994812

Date Mailed: 04/06/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/28/2009.

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.

/kainabinet/

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

OIPE
DEC 28 2009
PATENT & TRADEMARK OFFICE

Doc Code: PET.OP
Document Description: Petition for Review by the Office of Petitions

PTO/SB/64 (07-09)
Approved for use through 07/31/2012. 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): 7988-84773

First named inventor: Jesse G. James

Application No.: 29/282,585 Art Unit: 2911

Filed: 7/24/2007 Examiner: BROOKS, LINDA G

Title: MOTORCYCLE BRAKE PEDAL ASSEMBLY

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 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) Statement that the entire delay was unintentional

1. Petition Fee

☑ Small entity-fee $ 810 (37 CFR 1.17(m)). Application 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 Part B - Fee(s) Transmittal (identify type of reply):

☐ has been filed previously on _____.

☑ is enclosed herewith.

12/29/2009 JADD02 00000057 29282585
02 FC:2453 810.00 OP

B. The issue fee and publication fee (if applicable) of $ 430.

☐ 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 $ 70 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

10 Dec 200'
Date

Joseph A. Yanny
Type or Printed name

29459
Registration Number, If applicable

1801 Century Park East, Suite 2300
Address

310-551-2966
Telephone Number

Los Angeles, CA 90067
Address

Enclosures:

☑ Fee Payment

☑ Reply

☑ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☑ Other: See Attached (Authorization for charging Deposit Account; Transmittal Form; Revocation/New Power of Attorney; Statement under 37 CFR 3.73(b); See Transmittal Form)

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.

12/22/09
Date

_____ Signature

JASON TSAI
Typed or printed name of person signing certificate

OIPE IAP61 DEC 28 2009 PATENT & TRADEMARK OFFICE

Attention: Office of Petition
Mail Stop Petition

PTO/SB/63 (07-09)
Approved for use through 07/31/2012. 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: Jesse G. James

Application Number: 29/282,585

Filed: July 24, 2007

For: MOTORCYCLE BRAKE PEDAL ASSEMBLY

The owner*, West Coast Choppers, 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 abov e-identified applic ation is a uti lity or plant appl ication, the less er of: (a) the period of abandonment of the application; or (b) the per iod ex tending bey ond twenty years from the date on which the above-identified application was filed in the United States or, if the appl ication contains a specific reference to an earlier filed application(s) und er 35 U.S.C. 120, 121, or 365(c), from the date on which the earliest s uch application was filed. This disclaimer also applies to any patent granted on a utility or plant application filed before June 8, 199 5, or a des ign application, that conta ins 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 29459.

Signature — Date: 10 Dec 2009

Joseph A. Yanny — Typed or Printed Name

310-551-2966 — 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.

12/29/2009 JADDO2 00000057 29282585
03 FC:2814 78.00 OP

OIPE IAP61
DEC 28 2009
PATENT & TRADEMARK OFFICE

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.

OIPE IAP61
DEC 28 2009
PATENT & TRADEMARK OFFICE

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 Freedom 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 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 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.

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

Fitch Even Tabin & Flannery
120 South LaSalle Street
Suite 1600
Chicago, IL 60603-3406

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APR 08 2010

OFFICE OF PETITIONS

In re Application of	:	
Jesse G. James et al.	:	
Application No. 29/282,585	:	DECISION ON PETITION
Filed: July 24, 2007	:	TO WITHDRAW
Attorney Docket No. 7988-84773	:	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 25, 2009.

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

A review of the file record indicates that the power of attorney to Fitch Even Tabin & Flannery and all attorneys/agents associated with customer number 22242 have been revoked by the assignee of the patent application on December 28, 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 until otherwise notified by applicant.

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Joseph A. Yanny
1801 Century Park East, Suite 2300
Los Angeles, CA 90067

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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DEC 2 4 2008

In re Application of
Michael R. Nicolette, et al.
Application No. 29/282,628
Filed: July 25, 2007
Attorney Docket No.: KMC-792

ON PETITION

This is a decision on the petition, filed September 29, 2008, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed August 3, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on October 4, 2007. A Notice of Abandonment was mailed on September 16, 2008. In response, on September 29, 2008, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an executed declaration and surcharge; 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 September 29, 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 Patent Application Processing (OPAP) for further processing using the declaration filed October 12, 2007.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BAKER & MCKENZIE LLP
PENNZOIL PLACE, SOUTH TOWER
711 LOUISIANA, SUITE 3400
HOUSTON, TX 77002-2716

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NOV 2 4 2008

OFFICE OF PETITIONS

In re Application of :
Lap Shun Lo et al :
Application No. 29/282,650 : ON PETITION
Filed: July 26, 2007 :
Attorney Docket No. 32009442.000012 :

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

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the formal drawings in a timely manner in reply to the Notice of Allowance mailed December 26, 2007, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on March 27, 2008.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the formal drawings; (2) the petition fee; and (3) the required statement of unintentional delay have been received.

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

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

Irvin Dingle
Petitions Examiner
Office of Petitions

29/282,670

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 collection of information unless it displays a valid OMB control number.

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

Application Number	Unknown
Filing Date	Herewith
First Named Inventor	Stuart Weitzman
Title	WOMAN'S SHOE
Atty Docket Number	95100/162

ADDRESS TO:

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

Approved
Jacqueline M. Stone, Director
Technology Center 2700/2900
7/31/07

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, 909-911, 913, 916-918, 925-927, 930-933, 950, 965, 971

Class 36 Subclasses 11, 11.5, 34R, 34A, 83, 105 and Dig. 2

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/	July 26, 2007
Signature	Date
Michael P. Kenney, Esq.	42,718
Typed or printed name	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.**

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

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

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MAR 12 2008

OFFICE OF PETITIONS

In re Application of :
Jennifer Michelle Weaver et al. :
Application No. 29/282,700 : DECISION ACCORDING STATUS
Filed: July 26, 2007 : UNDER 37 CFR 1.47(a)
Attorney Docket No. **2419.0410000/TGD/BKB** :

This is in response to the petition filed February 29, 2008 under 37 CFR 1.47(a).

The petition under 37 CFR 1.47(a) is **GRANTED**.

The above-identified application was filed on July 26, 2007, without an oath or declaration. Accordingly, on August 2, 2007 a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration.

In response, the instant petition under 37 CFR 1.47(a), a five month extension of time and an oath or declaration signed by joint inventor Jennifer Michelle Weaver but not by joint inventor Kenneth Wayne Long, Jr. was filed. The petition argues that after diligent efforts, joint inventor Long cannot be reached to execute the application.

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

The petition bears proof that the application papers were forwarded to the last known address of the non-signing inventor but that to date, he has not returned an executed copy of the oath or declaration.

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

Thus, as provided in Rule 1.47c, this Office will forward notice of this application's filing

to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

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

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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

SEP 2 4 2007

In re Application of
Ernest Williams
Serial Number: 29/282,706
Filed: July 27, 2007
For: HAND HELD TILE CUTTER

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

This is in response to the petition filed July 27, 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

29/282,732

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	July 27, 2007
	First Named Inventor	Robert W. Dolan
	Title	Portion Of A Shoe Upper
	Atty Docket Number	015127.00977

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

Approved 7/31/07
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, 910, 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.

/David R. Gerk/ — Signature
2007-07-27 — 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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Alexandria, VA 22313-1450
www.uspto.gov

DICKINSON WRIGHT PLLC
1875 Eye Street, NW
Suite 1200
WASHINGTON DC 20006

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OCT 23 2009

OFFICE OF PETITIONS

In re Application of :
Feldman :
Application No. 29/282,756 : ON PETITION
Filed: July 27, 2007 :
Attorney Docket No. 000490-00129 :

This decision is mailed in response to the petition under 37 CFR 1.181, filed September 3, 2009, requesting withdrawal of the holding of abandonment in the above-identified application.

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

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

This application became abandoned for failure to timely respond to the Notice of Allowability for a Design Application, mailed November 28, 2008, which set a three (3) month period for reply. Accordingly, this application became abandoned on March 1, 2009.

Petitioner asserts the application did not become abandoned because the November 28, 2008 Notice of Allowability erroneously required corrected drawings because applicant timely filed corrected drawings on November 13, 2008.

Petitioner is reminded that the Notice of Allowability set a three month non-extendable period for reply. The Notice of Allowability was never withdrawn. Failure to timely reply resulted in the abandonment of the application. Even if an applicant believes an Office action is mailed in error or lacks merit, failure to respond *in some manner* by the deadline set in the Office action will result in the application's abandonment.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is **dismissed**.

Petitioner is encouraged to file a petition to revive under the unavoidable delay provisions of 37 CFR 1.137(a).

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

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

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

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

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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NOV 20 2009

OFFICE OF PETITIONS

DICKINSON WRIGHT PLLC
1875 Eye Street, NW
Suite 1200
WASHINGTON DC 20006

In re Application of :
Feldman :
Application No. 29/282,756 : ON PETITION
Filed: July 27, 2007 :
Attorney Docket No. 000490-00129 :

This decision is mailed in response to the renewed petition under 37 CFR 1.181, filed November 16, 2009, requesting withdrawal of the holding of abandonment in the above-identified application. In the alternative, petitioner requests revival under the unavoidable delay standard of 37 CFR 1.137(a).

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

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

This application became abandoned for failure to timely respond to the Notice of Allowability for a Design Application, mailed November 28, 2008, which set a three (3) month period for reply. Accordingly, this application became abandoned on March 1, 2009.

Petitioner asserts the application did not become abandoned because the November 28, 2008 Notice of Allowability erroneously required corrected drawings because applicant timely filed corrected drawings on November 13, 2008.

Petitioner is reminded that the Notice of Allowability set a three month non-extendable period for reply. The Notice of Allowability was never withdrawn. Failure to timely reply resulted in the abandonment of the application. Petitioner argues that payment of the issue fee is a response to the Notice of Allowability and that petitioner should have been granted at least a one month period to correct any noted formalities. Petitioner is reminded that the Notice of Allowability and the Notice of Allowance and Fee(s) Due set forth concurrent but distinct requirements with which petitioner was required to comply. Petitioner *completely* failed to respond to the Notice of Allowability. Under this circumstance, it was inappropriate to grant a one month period to respond.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is **dismissed**.

Petitioner has submitted a proper reply to the November 28, 2008 Notice of Allowability in the form of an argument that corrected drawings are not necessary, an acceptable showing of the unavoidable nature of the delay in responding to the November 28, 2008 Notice of Allowability, the $270.00 petition fee, and an acceptable terminal disclaimer and required $70.00 fee.

The terminal disclaimer has been entered and made of record.

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

After the mailing of this decision, the application will be returned to Technology Center A.U. 2914 for consideration of the argument that corrected drawings are not necessary.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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Stephen B. Salai, Esq.
Harter, Secrest & Emery, LLP
1600 Bausch & Lomb Place
Rochester, NY 14604-2711

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APR 28 2008

OFFICE OF PETITIONS

In re Application of :
Mario J. Restive et al. :
Application No. 29/282,758 : DECISION ON PETITION
Filed: July 27, 2007 : TO WITHDRAW
Attorney Docket No. 86165.000117 : 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 March 18, 2008.

The request is **APPROVED**.

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

The request was signed by Brian Shaw on behalf of all attorneys/agents associated with customer number 23387. All attorneys/agents of associated with customer number 23387 have been withdrawn.

The correspondence address has been changed to the first copied address below.

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

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Jacqueline Romano
The Fountainhead Group, Inc.
23 Garden Street
New York Mills, NY 13417

cc: National City Business Credit, Inc.
20 Stanwix Street, 19th Floor
National City Center
Pittsburgh, PA 15222

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
29/282,758	07/27/2007	Mario J. Restive	86165.000117

CONFIRMATION NO. 1737

POWER OF ATTORNEY NOTICE

23387
Stephen B. Salai, Esq.
Harter, Secrest & Emery LLP
1600 Bausch & Lomb Place
Rochester, NY 14604-2711

OC000000029610589

Date Mailed: 04/28/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/18/2008.

- 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

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Stephen B. Salai, Esq. .
Harter, Secrest & Emery, LLP
1600 Bausch & Lomb Place
Rochester, NY 14604-2711

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APR 2 8 2008

OFFICE OF PETITIONS

In re Application of :

Mario J. Restive et al. :
Application No. 29/282,759 : DECISION ON PETITION
Filed: July 27, 2007 : TO WITHDRAW
Attorney Docket No. 86165.000118 : 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 March 18, 2008.

The request is **APPROVED**.

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

The request was signed by Brian Shaw on behalf of all attorneys/agents associated with customer number 23387. All attorneys/agents of associated with customer number 23387 have been withdrawn.

The correspondence address has been changed to the first copied address below.

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

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Jacqueline Romano
The Fountainhead Group, Inc.
23 Garden Street
New York Mills, NY 13417

cc: National City Business Credit, Inc.
20 Stanwix Street, 19th Floor
National City Center
Pittsburgh, PA 15222

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United States Patent and Trademark Office
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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
29/282,759	07/27/2007	Mario J. Restive	86165.000118

CONFIRMATION NO. 1744

POWER OF ATTORNEY NOTICE

23387
Stephen B. Salai, Esq.
Harter, Secrest & Emery LLP
1600 Bausch & Lomb Place
Rochester, NY 14604-2711

OC000000029610378

Date Mailed: 04/28/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/18/2008.

- 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

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BOND, SCHOENECK & KING, PLLC
ONE LINCOLN CENTER
SYRACUSE, NY 13202-1355

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OFFICE OF PETITIONS

In re Application of :
Mario J. RESTIVE, et al :
Application No. 29/282,759 : ON PETITION
Filed: July 27, 2007 :
Attorney Docket No. 141P019 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 8, 2009.

The petition is **DISMISSED**.

The application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowability, mailed March 14, 2008, which set a period for reply of three (3) months. Accordingly, this application became abandoned on June 17, 2008.

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

A terminal disclaimer and the $140 [$70 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.

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.

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

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ONE LINCOLN CENTER
SYRACUSE, NY 13202-1355

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OFFICE OF PETITIONS

In re Application of	:	
Mario J. RESTIVE, et al	:	
Application No. 29/282,759	:	DECISION ON PETITION
Filed: July 27, 2007	:	
Attorney Docket No. 141P019	:	

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

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue fee on or before June 16, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed March 14, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on June 17, 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 $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

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KARSTEN MANUFACTURING CORPORATION
LEGAL DEPARTMENT
2201 WEST DESERT COVE
PHOENIX AZ 85029

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In re Application of :
Xiaojian CHEN :
Application No. 29/282,794 : DECISION ON PETITION:
Filed: July 30, 2007 :
Attorney Docket No. KMC-820

This is a letter regarding the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed November 25, 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 14, 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 07, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $820 issue fee and 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). Accordingly, the failure to timely pay the issue fee and corrected drawings 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 Office of Data Management for further processing in accordance with this decision on petition.

David Bucci
Petitions Examiner
Office of Petitions

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12412 POWERSCOURT DRIVE SUITE 200
ST. LOUIS MO 63131-3615

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SEP 15 2008

In re Application of
Ray Paslawski
Application No. 29/282,814 : DECISION ON PETITION
Filed: July 30, 2007
Attorney Docket No. POSO 9964US

This is a decision on the petition under 37 CFR 1.137(b), filed July 20, 2008, to revive the above-identified design application.

The petition is **Dismissed**.

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

The application became abandoned for failure to timely submit corrected drawings on or before April 14, 2008, as required by the Notice of Allowability, mailed January 14, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on April 15, 2008. A Notice of Abandonment was mailed on May 16, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional"; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). A terminal disclaimer and the $65 terminal disclaimer fee is required under 37 CFR 1.137(c) if the application is: (1) a design application, (2) a utility application filed before June 8, 1995, or (3) a plant application filed before June 8, 1995. Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03 (c)(III)(c) and (D).

As to item (1), A review of the drawings submitted on petition shows that the drawings are not compliant with 37 CFR 1.121(d). When the Office receives replacement sheets of drawings for patent applications after the application has been filed, a cover letter identifying the drawings by application number should accompany them. The application number and other identifying indicia should be placed on each sheet of drawings in accordance with 37 CFR 1.84(c). Each

drawing sheet submitted after the filing date of the application must be identified as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(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 facsimile:	(571) 273-8300
By delivery service: (FedEx, UPS, DHL, etc.)	U.S. Patent and Trademark Office Customer Service Window, Randolph Building 401 Dulany Street Alexandria, VA 22314

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

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ST. LOUIS MO 63131-3615

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DEC 19 2008

OFFICE OF PETITIONS

In re Application of :
Ray Paslawski :
Application No. 29/282,814 : DECISION ON PETITION
Filed: July 30, 2007 :
Attorney Docket No. POSO 9964US :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 15, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely submit corrected drawings on or before April 14, 2008, as required by the Notice of Allowability, mailed January 14, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on April 15, 2008. A Notice of Abandonment was mailed on May 16, 2008. A petition under 37 CFR 1.137(b) was dismissed September 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 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 submit corrected drawings 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) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

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UNITED STATES PATENT AND TRADEMARK OFFICE
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Paper No.

STANDLEY LAW GROUP LLP
495 METRO PLACE SOUTH
SUITE 210
DUBLIN OH 43017

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OCT 10 2008

OFFICE OF PETITIONS

In re Application of	:	
Chris Shelter	:	
Application No. 29/282,872	:	DECISION ON PETITION
Filed: July 31, 2007	:	PURSUANT TO
Attorney Docket No.: PIX2044-015	:	37 C.F.R. § 1.137(a)
Title: KEY RING	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(a), filed on September 30, 2008, to revive the above-identified application.

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

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed June 9, 2008, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting issue fees.[1] Accordingly, the above-identified application became abandoned on September 10, 2008. A Notice of Abandonment was mailed on October 2, 2008, subsequent to the filing of this petition.

The Relevant Portion of the MPEP

Section 711.03(c)(I)(A) sets forth, *in toto*:

1 See MPEP § 710.02(e).

In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).

Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office

action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

Analysis

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

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R. § 1.17(l);
(3) A showing to the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unavoidable, and;
(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted the issue and petition fees, along with a statement of facts, and both a terminal disclaimer and the associated fee. As such, Petitioner has met requirements (1) - (2) and (4) of Rule 1.137(a).

Regarding the third requirement of Rule 1.137(a), Petitioner has not established that the entire period of delay was unavoidable.

Petitioner has alleged that the Notice of Allowance and Issue Fee Due was not received, and has indicated that when correspondence from the Office is received, it is docketed into an electronic docketing system ("IP Master.")

First, Petitioner has not included a statement from the practitioner **describing the docketing system** that Petitioner has in place and establishing that it is **sufficiently reliable**. The petition is silent as to how **this docketing system serves to ensure that the correspondence recorded therein is responded to in a timely manner**. Does this computer-based docketing software program generate reports that are distributed to the responsible attorney? Does it generate periodic reminders prior to the due dates? If so, are these reminders distributed to the responsible attorney?

Second, Petitioner has not indicated that a **search of his records, including any file jacket or the equivalent, and the application contents**, indicates that the Office action was not received.[2]

Third, Petitioner has not provided a **copy of the records** used by the practitioner where the non-received Office action would have been entered had it been received.

Finally, Petitioner has not either provided the **master docket** for the firm, as described above, or indicated that no such master docket exists and provided the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

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

Any submission in response to this decision should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[3] hand-delivery,[4] or facsimile.[5] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[6]

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

Telephone inquiries regarding *this decision* should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.[7] All other

---

2 It appears that only the "docketing records" were searched: See petition, page 3.
3 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
4 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
5 (571) 273-8300- please note this is a central facsimile number.
6 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
7 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

inquiries concerning examination procedures should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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JAN 05 2009

OFFICE OF PETITIONS

STANDLEY LAW GROUP LLP
495 METRO PLACE SOUTH
SUITE 210
DUBLIN OH 43017

In re Application of	:	
Chris Shelter	:	
Application No. 29/282,872	:	DECISION ON RENEWED
Filed: July 31, 2007	:	PETITION PURSUANT TO
Attorney Docket No.: PIX2044-015	:	37 C.F.R. § 1.137(a)
Title: KEY RING	:	

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

This renewed petition pursuant to 37 C.F.R. § 1.137(a) is **GRANTED**.

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed June 9, 2008, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting issue fees.[1] Accordingly, the above-identified application became abandoned on September 10, 2008. A Notice of Abandonment was mailed on October 2, 2008.

1 See MPEP § 710.02(e).

The Relevant Portion of the MPEP

Section 711.03(c)(I)(A) sets forth, *in toto*:

> In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).
>
> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
>
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.
>
> The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).

> Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

Procedural History and Analysis

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

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R. § 1.17(l);
(3) A showing to the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unavoidable, and;
(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

An original petition pursuant to 37 C.F.R. § 1.137(a) was filed on September 30, 2008, along with the issue and petition fees, a statement of facts, and both a terminal disclaimer and the associated fee.

The original petition was dismissed via the mailing of a decision on October 10, 2008, which indicated that requirements (1) - (2) and (4) of Rule 1.137(a) had been satisfied.

With this renewed petition, Petitioner has described the docketing system that Petitioner has in place and has established that it is sufficiently reliable. Petitioner has indicated that the computer-based docketing software program is used to generate reports on a weekly basis, and these reports are distributed to the paralegals,[2] who in turn are responsible for "ensuring that the responsible associate and/or the billing attorney is aware of upcoming deadlines based upon the weekly

---

2 Renewed petition, pages 2-3.

docket."[3] Moreover, Petitioner has included a copy of the master docket, which is "printed by the docket clerk" and "posted in the main file room of the practitioner's office and is easily viewed by all members of the practitioner's firm."[4]

Petitioner has further indicated that a search of her records, including the file jacket and the electronic file, indicates that the Office action was not received.[5]

Finally, Petitioner has provided a copy of the records used by the practitioner where the non-received Office action would have been entered had it been received, in the form of two copies of the paralegals' docket for the relevant timeframes.

It follows that the third requirement of Rule 1.137(a) has been satisfied.

Conclusion

It is noted that the issue fee was received on September 30, 2008.

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

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

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[6] All other inquiries

---

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

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

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JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
ATLANTA, GA 30309

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NOV 12 2008

OFFICE OF PETITIONS

In re Application of
Bertin Castonguay
Application No. 29/282,952
Filed: August 2, 2007
Attorney Docket No. 58813-347358

: 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 7, 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 October 31, 2008, in the parent application is not refundable nor can it be applied towards any new Notice of Allowance which may issue on the CPA filed November 7, 2008.

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

This matter is being referred to Technology Center AU 2914 for processing of the CPA and consideration of the concurrently filed information disclosure statement.

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

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KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
ATLANTA, GA 30309

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NOV 10 2008

In re Application of	:	
CASTONGUAY, Bertin	:	DECISION GRANTING PETITION
Application No. 29/282,953	:	UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: August 2, 2007	:	
Attorney Docket No. **58813-347359**	:	

This is a decision on the petition under 37 CFR 1.313(c)(3), filed November 7, 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 November 7, 2008 in the parent application is not refundable nor can it be applied towards any new Notice of Allowance which may issue on the CPA filed November 7, 2008.

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This matter is being referred to Technology Center AU 2914 for processing of the CPA and consideration of the concurrently filed information disclosure statement.

Monica A. Graves
Petitions Examiner
Office of Petitions

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KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
ATLANTA, GA 30309

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NOV 10 2008

In re Application of	:	
CASTONGUAY, Bertin	:	DECISION GRANTING PETITION
Application No. 29/282,954	:	UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: August 2, 2007	:	
Attorney Docket No. **58813-347360**	:	

This is a decision on the petition under 37 CFR 1.313(c)(3), filed November 7, 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 November 7, 2008 in the parent application is not refundable nor can it be applied towards any new Notice of Allowance which may issue on the CPA filed November 7, 2008.

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This matter is being referred to Technology Center AU 2914 for processing of the CPA and consideration of the concurrently filed information disclosure statement.

Monica A. Graves
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20100624

DATE : June 24, 2010

TO SPE OF : ART UNIT 2916

SUBJECT : Request for Certificate of Correction on Patent No.: D566829

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:

The submitted drawing figures Figs. 3 and 4 included in the Request for a Certificate of Correction of June 23, 2009 are accepted.

However, the submitted drawings figures Figs 5 and 6, that contain the improper lead lines and numbers on the drawings that are not accepted and were objected to by the Examiner in the Notice of Allowance of January 7, 2008.

/Ian Simmons/
Supervisory Patent Examiner.Art Unit 2916

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Wood, Herron & Evans, LLP
2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202

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JUL 17 2009

OFFICE OF PETITIONS

In re Application of	:	
James A. Centner et al.	:	
Application No. 29/283,000	:	DECISION ON PETITION
Filed: August 3, 2007	:	
Attorney Docket No. OTECH-03DES	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 11, 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 Supplemental Notice of Allowability mailed on February 26, 2008, which set a period for reply of three (3) months. Accordingly, the application became abandoned on May 27, 2008. A Notice of Abandonment was mailed on August 20, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected drawings, (2) the petition fee of $810, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the corrected drawings 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.

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

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www.uspto.gov

Wood, Herron & Evans, LLP
2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202

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OCT 2 1 2009

OFFICE OF PETITIONS

In re Application of :
James A. Center et al. :
Application No. 29/283,000 : CORRECTED DECISION ON PETITION
Filed: August 3, 2007
Attorney Docket No. OTECH-03DES :
:

This is a corrected decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 11, 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 Supplemental Notice of Allowability mailed on April 25, 2008, which set a period for reply of three (3) months. Accordingly, the application became abandoned on July 26, 2008. A Notice of Abandonment was mailed on August 20, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected drawings, (2) the petition fee of $810, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the corrected drawings 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.

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

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JAMES C. EAVES JR.
GREENEBAUM DOLL & MCDONALD PLLC
3500 NATIONAL CITY TOWER
101 SOUTH FIFTH STREET
LOUISVILLE KY 40202

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AUG 1 1 2008

OFFICE OF PETITIONS

In re Application of	:	
McKeever, et al.	:	DECISION GRANTING STATUS
Application No. 29/283,014	:	UNDER 37 CFR 1.47(a)
Filed: August 3, 2007	:	
Attorney Docket No. 112288.1	:	

This is in response to the petition captioned under 37 CFR 1.47(b), filed August 3, 2007. The petition will be treated under 37 CFR 1.47(a). Petitioners are reminded that when one joint inventor executes the declaration, the provisions of 37 CFR 1.47(a) apply. Where 37 CFR 1.47(a) is available, application cannot be made under 37 CFR 1.47(b). MPEP 409.03(b)

The petition under 37 CFR 1.47(a) is **GRANTED.**

Petitioners have shown that the non-signing inventor, Alan McKeever, 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 Data Management for processing into a patent.

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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Commissioner for Patents
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ALAN MCKEEVER
5616 BROOKS HOLDING
MILFORD OH 45150

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AUG 11 2008

OFFICE OF PETITIONS

In re Application of :
McKeever, et al. :
Application No. 29/283,014 :
Filed: August 3, 2007 : LETTER
Attorney Docket No. 112288.1 :

Dear Mr. McKeever:

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

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

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

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTORNEY OF RECORD: JAMES C. EAVES JR.
GREENEBAUM DOLL & MCDONALD PLLC
3500 NATIONAL CITY TOWER
101 SOUTH FIFTH STREET
LOUISVILLE KY 40202

UNITED STATES PATENT AND TRADEMARK OFFICE

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GREENEBAUM DOLL & MCDONALD PLLC
3500 NATIONAL CITY TOWER
101 SOUTH FIFTH STREET
LOUISVILLE KY 40202

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OFFICE OF PETITIONS

In re Patent No. D563,821
Issued : March 11, 2008
Application No. 29/283,015
Filed: August 3, 2007
Attorney Docket No. 112288.1

DECISION GRANTING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the petition captioned under 37 CFR 1.47(b), filed August 3, 2007. The petition will be treated under 37 CFR 1.47(a). Petitioners are reminded that when one joint inventor executes the declaration, the provisions of 37 CFR 1.47(a) apply. Where 37 CFR 1.47(a) is available, application cannot be made under 37 CFR 1.47(b). MPEP 409.03(b)

The petition under 37 CFR 1.47(a) is **GRANTED.**

Petitioners have shown that the non-signing inventor, Alan McKeever, 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.

After the mailing of this decision, the application file will be returned to Files Repository.

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

ALAN MCKEEVER
5616 BROOKS HOLDING
MILFORD OH 45150

In re Patent No. D563,821 :
Issued : March 11, 2008 : LETTER
Application No. 29/283,015 :
Filed: August 3, 2007 :
Attorney Docket No. 112288.1 :

Dear Mr. McKeever:

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 You are designated as a joint inventor in the issued patent.

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

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

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTORNEY OF RECORD: JAMES C. EAVES JR.
GREENEBAUM DOLL & MCDONALD PLLC
3500 NATIONAL CITY TOWER
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LOUISVILLE KY 40202

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HELLER ERMAN LLP
4350 LA JOLLA VILLAGE DRIVE, 7TH FL.
SAN DIEGO, CA 92122

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OFFICE OF PETITIONS

In re Application of	:	
David FOWLER	:	
Application No. 29/283,021	:	DECISION ON PETITION
Filed: August 3, 2007	:	TO WITHDRAW
Attorney Docket No. 43918-0004	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed October 22, 2008.

The request is **NOT APPROVED**.

A review of the file record indicates that Richard W. Thill does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. 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 above-identified address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: BETTER ENERGY SYSTEMS, LTD.
1508-1510 SIXTH STREET
BERKELEY, CA 97410

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Heller Ehrman, LLP
4350 La Jolla Village Drive
7th Floor
San Diego, CA 92122

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APR 0 9 2009

OFFICE OF PETITIONS

In re Application of :
David Fowler :
Application No. 29/283,029 : DECISION ON PETITION
Filed: August 3, 2007 : TO WITHDRAW
Attorney Docket No. 095012-0131 : 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 22, 2008.

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

A review of the file record indicates that the power of attorney to Richard W. Thill and all attorneys/agents of record have been revoked by the assignee of the patent application on January 9, 2009, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Foley & Lardner, LLP
P.O. Box 80278
San Diego, CA 92138-0278

29/283,033

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	filed concurrently herewith
Filing Date	August 3, 2007
First Named Inventor	Chi Pok Billy Wai
Title	HELICOPTER
Atty Docket Number	058084-017500

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

Approved
Jacqueline M. Stone, Director (Acting)
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 Util Pat Appl 11/627,919 filed 01/26/2007; US Util Pat Appl 11/465,781 filed 08/18/2006; US Util Pat Appl 11/462,177 filed 08/03/2006; BE Pat Appl 2006/0043 filed 01/19/2006; US Des Pat Appl 29/275,322 filed 12/20/2006, now issued Patent No. D546,269; US Des Pat Appl 29/275,323 filed 12/20/2006, now issued Patent No. D544,825; US Des Pat Appl 29/275,324 filed 12/20/2006, now issued Patent No. D545,755; US Des Pat Appl 29/277,652 filed 03/05/2007; US Des Pat Appl 29/280,187 filed 05/18/2007

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). **(5 Sheets consisting of 6 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 — August 3, 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.

29/283,034

PTO/SB/27 (04-07)
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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	August 3, 2007
First Named Inventor	Chi Pok Billy Wai
Title	HELICOPTER
Atty Docket Number	058084-017600

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

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 Util Pat Appl 11/627,919 filed 01/26/2007; US Util Pat Appl 11/465,781 filed 08/18/2006; US Util Pat Appl 11/462,177 filed 08/03/2006; BE Pat Appl 2006/0043 filed 01/19/2006; US Des Pat Appl 29/275,322 filed 12/20/2006, now issued Patent No. D546,269; US Des Pat Appl 29/275,323 filed 12/20/2006, now issued Patent No. D544,825; US Des Pat Appl 29/275,324 filed 12/20/2006, now issued Patent No. D545,755; US Des Pat Appl 29/277,652 filed 03/05/2007; US Des Pat Appl 29/280,187 filed 05/18/2007

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). **(5 Sheets consisting of 6 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)**

Charles Berman

Signature

August 3, 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.

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

29/283,036

PTO/SB/27 (04-07)
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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	August 3, 2007
First Named Inventor	Fung Ying LAU
Title	FLYING DEVICE
Atty Docket Number	058084-018400

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

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:

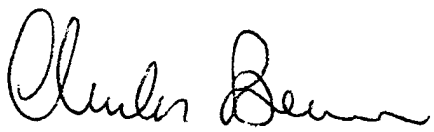
A search was conducted by a professional searcher of the U.S.P.T.O. EAST database at the Public Search Room, in which the following classes/subclasses were searched:

Class D11, Subclasses 14, 31, 49, 57, 82, 100, 204, 224, 233, 239
Class D21, Subclasses 436, 438, 441, 442
Class 446, Subclasses 34, 35, 36, 37

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). **(14 Sheets consisting of 14 Figures)**
- The fee set forth in 37 CFR 1.17(k). **($900)**
- An information disclosure statement in compliance with 37 CFR 1.98.



Signature

August 3, 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.

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

29/283,037

PTO/SB/27 (04-07)
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	filed concurrently herewith
Filing Date	August 3, 2007
First Named Inventor	Fung Ying LAU
Title	FLYING DEVICE
Atty Docket Number	058084-018500

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

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 D11, Subclasses 14, 31, 49, 57, 82, 100, 204, 224, 233, 239
Class D21, Subclasses 436, 438, 441, 442
Class 446, Subclasses 34, 35, 36, 37

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). **(7 Sheets consisting of 7 Figures)**
- The fee set forth in 37 CFR 1.17(k). **($900)**
- An information disclosure statement in compliance with 37 CFR 1.98.

Signature

August 3, 2007
Date

Charles Berman, Esq.
Typed or printed name

Reg. No. 29,249
Registration Number, if applicable

(310) 586-7770
Telephone Number

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

29/283,038

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	filed concurrently herewith
Filing Date	August 3, 2007
First Named Inventor	Fung Ying LAU
Title	FLYING DEVICE
Atty Docket Number	058084-018800

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

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 D11, Subclasses 14, 31, 49, 57, 82, 100, 204, 224, 233, 239
Class D21, Subclasses 436, 438, 441, 442
Class 446, Subclasses 34, 35, 36, 37

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). **(7 Sheets consisting of 7 Figures)**
- The fee set forth in 37 CFR 1.17(k). **($900)**
- An information disclosure statement in compliance with 37 CFR 1.98.

Signature	August 3, 2007
	Date
Charles Berman, Esq.	Reg. No. 29,249
Typed or printed name	Registration Number, if applicable
(310) 586-7770	
Telephone Number	

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

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO IL 60610

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OCT 2 4 2008

OFFICE OF PETITIONS

In re Application of	:	
Allemand, James S.	:	
Application No. 29/286,043	:	ON PETITION
Filed: April 20, 2007	:	
Attorney Docket No. 9727/184	:	

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed October 13, 2008, to revive the above-identified application.

The petition is **GRANTED**.

Petitioner has now satisfied both 35 U.S.C. 41(a)(7) and 151 by paying the required issue fee, which will be charged to petitioner's deposit account as authorized. All other requirements under 37 CFR 1.137(b) were previously fulfilled by the June 24, 2008 petition.

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

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

This matter is being referred to Technology Center 2900 for processing of the Continued Prosecution Application (CPA) filed one June 24, 2008.

Liana Walsh
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.*

Copied from 29283043 on 01/03/2009

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

COURTNEY STANIFORD & GREGORY LLP
P.O. BOX 9686
SAN JOSE, CA 95157

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MAR 30 2009

OFFICE OF PETITIONS

In re Application of :
Chunhong Zheng :
Application No. 29/283,048 : ON PETITION
Filed: August 4, 2007 :
Attorney Docket No. UNIT.D005 :

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

The petition is **GRANTED.**

The application became abandoned for failure to reply in a timely manner to the Office action under Ex parte Quayle, 1935 Dec. Comm'r Pat. 11 (1935), mailed May 14, 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 July 15, 2008.

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

This matter is being referred to Technology Center AU 2915 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ANDERSON, LEVINE & LINTEL L.L.P.
14785 PRESTON ROAD
SUITE 650
DALLAS, TX 75254

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MAR 1 0 2009

OFFICE OF PETITIONS

In re Application of Kennedy et al. :
Application No. 29/283,108 : Decision on Petition
Filing Date: August 6, 2007 :
Attorney Docket No. PRO1.10005 :

This is a decision on the petition under 37 CFR 1.137(a), filed September 22, 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(a)." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The Office mailed a Notice of Allowability on March 10, 2008. The Notice required the submission of a substitute oath or declaration within three months of the mailing date of the Notice of Allowability or the application would become abandoned. The Notice stated the reason the oath or declaration already submitted was deficient was attached. The attachment stated, "The oath or declaration is defective because [it] was not executed in accordance with 37 CFR 1.66 or 1.68."

The petition states, during a telephone conversation between Attorney Alan Lintel and the examiner, Antoine Davis, the examiner agreed the declaration was properly executed and stated the examiner had inadvertently failed to note the existence of the signatures.

A review of the declaration indicates the declaration was properly executed (signed) in accordance with 37 CFR 1.68.

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

(1) the reply required to the outstanding Office action or notice, unless previously filed,

(2) the petition fee,

(3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable, and
(4) a terminal disclaimer and fee *if* the application was filed on or before June 8, 1995 or *if* the application is a design application.

The instant petition lacks item (4).

37 CFR 1.137(d)(1) states in part, "Any petition to revive pursuant to this section in a design application must be accompanied by a terminal disclaimer and fee as set forth in § 1.321." Therefore, a terminal disclaimer is required for the instant design application.

A terminal disclaimer has not been filed. Therefore, the petition must be dismissed.

Any request for reconsideration should include a terminal disclaimer and the required fee. A copy of a terminal disclaimer form is attached.

A review of the file indicates the attachment to the Notice of Allowability indicated a new Application Data Sheet ("ADS") must be filed because the original ADS was not executed in accordance with 37 CFR 1.76. However, petitioner was not informed the application would become abandoned if a replacement ADS was not filed. Therefore, the application did not go abandoned for failure to file a replacement ADS.

A review of the ADS filed August 6, 2007, indicates the ADS was *not* properly executed. Although the ADS includes an electronic signature for inventor Kennedy, the ADS does not include an electronic signature for inventor Edgar. A new Application Data Sheet should be filed with any request for reconsideration. The Office notes the replacement ADS can be executed by a representative of record, such as Alan Lintel, instead of by both inventors.

Unless filed by EFS Web, any request for reconsideration 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

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

POLSINELLI SHUGHART PC
700 W. 47TH STREET
SUITE 1000
KANSAS CITY, MO 64112-1802

In re Application of Kennedy et al. :
Application No. 29/283,108 : Decision on Petition
Filing Date: August 6, 2007 :
Attorney Docket No. PRO1.10005 :

This is a decision on the petition under 37 CFR 1.137(a), filed June 10, 2009, to revive the above-identified application.

The petition is **granted**.

The Office mailed a Notice of Allowability on March 10, 2008. The Notice required the submission of a substitute oath or declaration within three months of the mailing date of the Notice of Allowability or the application would become abandoned. The Notice stated the reason the oath or declaration already submitted was deficient was attached. The attachment stated, "The oath or declaration is defective because [it] was not executed in accordance with 37 CFR 1.66 or 1.68."

The petition states, during a telephone conversation between Attorney Alan Lintel and the examiner, Antoine Davis, the examiner agreed the declaration was properly executed and stated the examiner had inadvertently failed to note the existence of the signatures. A review of the declaration indicates the declaration was properly executed (signed) in accordance with 37 CFR 1.68.

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

(1) The reply required to the outstanding Office action or notice, unless previously filed,
(2) The petition fee,
(3) A showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable, and
(4) A terminal disclaimer and fee *if* the application was filed on or before June 8, 1995 or *if* the application is a design application.

As to item (1), the requirement for a reply is satisfied by the showing that the August 6, 2007 declaration was not defective.

As to item (2), the petition fee was previously paid on September 22, 2008.

As to item (3), the previous petition under 37 CFR 1.137(a) filed September 22, 2008, included a proper showing of unavoidable delay.

As to item (4), a terminal disclaimer and the required fee were filed June 10, 2009.

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

The Office of 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 7-21-08

TO SPE OF : ART UNIT 2913

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/283,141 Patent No.: D569,121

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

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

Should drawings be approved

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

Connie 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: _____

Caron D Veynar
CARON D. VEYNAR
SUPERVISORY PATENT EXAMINER

SPE

2913
Art Unit

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Paper No.

HOLME ROBERTS & OWEN, LLP
299 SOUTH MAIN
SUITE 1800
SALT LAKE CITY UT 84111

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MAR 03 2008

OFFICE OF PETITIONS

In re Application of	:	
Wenguang Song	:	DECISION ON PETITION
Application No. 29/283,170	:	PURSUANT TO
Date of Deposit: August 7, 2007	:	37 C.F.R. § 1.182
Attorney Docket No. 52388-01020	:	
Title: TIRE	:	

This is a decision on the "Petition under 37 C.F.R. § 1.57(a) to Add Inadvertently Omitted Material to the Application and Secure Filing Date" filed September 27, 2007. This submission is being treated as a petition pursuant to 37 C.F.R. § 1.182, requesting that the above-referenced application be accorded a filing date of August 7, 2007, including Figures 1-3 that were omitted on filing.

The petition is **DISMISSED**.

Application papers in the above-identified application were deposited on August 7, 2007. However, on August 16, 2007, the Initial Patent Examination Division mailed Applicant a "Notice of Incomplete Nonprovisional Application," notifying Applicant that the application papers had not been accorded a filing date because the application was deposited without drawings.

In response, Applicants timely filed this petition. In which, Petitioner acknowledges inadvertently omitting drawings on submission of the present application. Petitioner argued, however, that entry of the concurrently submitted drawings is

merited, due to the fact that the application contains a foreign priority claim.

This submission is being treated as an assertion that Figures 1-3 were constructively present in the present application on filing, by virtue of the incorporation by reference of the foreign application to which benefit is claimed, pursuant to M.P.E.P. § 201.06(c)(IV)(A).

Petitioner's arguments and evidence have been considered.

M.P.E.P. § 201.06(c)(IV)(A) sets forth, *in pertinent part*:

> Material needed to accord an application a filing date may not be incorporated by reference unless an appropriate petition under 37 CFR 1.57(a)(3) or under 37 CFR 1.182 is granted. Until such a petition has been granted, the application will not be entitled to a filing date.
>
> ...
>
> In an application containing an explicit incorporation by reference statement in the specification or in a transmittal letter (if the transmittal letter was filed prior to September 21, 2004), a petition for the granting of a filing date may be made under 37 CFR 1.182. **A petition under 37 CFR 1.182 and the required petition fee, including an amendment submitting the necessary omitted material, requesting that the necessary omitted material contained in the prior application and submitted in the amendment, be included in the continuation or divisional application based upon the incorporation by reference statement** (emphasis added), is required in order to accord the application a filing date as of the date of deposit of the continuation or divisional application. An amendment submitting the omitted material and relying upon the incorporation by reference will not be entered in the continuation or divisional application unless a decision granting the petition states that the application is accorded a filing date and that the amendment will be entered.

35 U.S.C. § 119 sets forth, *in pertinent part*:

> (a) An application for patent for an invention filed in this country by any person who has, or whose legal representatives or assigns have, previously regularly filed an application for a patent for the same invention in a foreign country which affords similar privileges in the case of applications filed in the United States or to citizens of the United States, or in a WTO member country, shall have the same effect as the same application would have if filed in this country on the date on which the application for patent for the same invention was first filed in such foreign country, if the application in this country

> is filed within twelve months from the earliest date on which such foreign application was filed; but no patent shall be granted on any application for patent for an invention which had been patented or described in a printed publication in any country more than one year before the date of the actual filing of the application in this country, or which had been in public use or on sale in this country more than one year prior to such filing.
>
> (b)
>
> (1) No application for patent shall be entitled to this right of priority unless a claim is filed in the Patent and Trademark Office, identifying the foreign application by specifying the application number on that foreign application, the intellectual property authority or country in or for which the application was filed, and the date of filing the application, at such time during the pendency of the application as required by the Director.

It is noted that the present application claims the benefit of Chinese Design Patent Application No. 200730158985.1, and the contents of the same have been incorporated by reference. It is further noted that both the declaration and the Application Data Sheet that were submitted on filing contain the foreign priority claim. Thus, pursuant to 35 U.S.C. § 119, the application as filed is considered to have incorporated by reference the prior-filed foreign application as to the inadvertently omitted figures.

In view of the incorporation by reference of the prior-filed foreign application, the figures supplied concurrently with this petition on September 27, 2007 would not constitute new matter if it were a part of the original disclosure of the prior-filed provisional application.

With the present petition, Petitioner has submitted the petition fee, a set of drawings, and a certified copy of the foreign application. However, it does not appear that Petitioner has submitted an amendment directing the entry of these drawings. As such, this petition cannot be granted.

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.182." This is not a final agency action within the meaning of 5 U.S.C § 704.

Petitioner may wish to consider filing an amendment that directs the entry of the drawings.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[1], hand-delivery[2], or facsimile[3]. Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web[4].

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

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

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

1 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
2 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
3 (571) 273-8300- please note this is a central facsimile number.
4 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

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HOLME ROBERTS & OWEN, LLP
299 SOUTH MAIN
SUITE 1800
SALT LAKE CITY UT 84111

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JUL 21 2008

OFFICE OF PETITIONS

In re Application of	:	
Wenguang Song	:	DECISION ON RENEWED
Application No. 29/283,170	:	PETITION PURSUANT TO
Filed: August 7, 2007	:	37 C.F.R. § 1.182
Attorney Docket No. 52388-01020	:	
Title: TIRE	:	

This is a decision on the renewed petition pursuant to 37 C.F.R. § 1.182, filed on May 3, 2008, requesting that the above-referenced application be accorded a filing date of August 7, 2007, including Figures 1-3 that were omitted on filing.

The renewed petition is **GRANTED**.

Application papers in the above-identified application were deposited on August 7, 2007. However, on August 16, 2007, the Initial Patent Examination Division mailed Applicant a "Notice of Incomplete Nonprovisional Application," notifying Applicant the application papers had not been accorded a filing date because the application was deposited without drawings.

In response, an original petition (which was treated as a petition pursuant to 37 C.F.R. § 1.182) was filed on September 27, 2007. The petition contained what was construed to be an assertion that Figures 1-3 were constructively present in the present application on filing, by virtue of the incorporation by reference of the foreign application to which benefit is claimed (Chinese Design Patent Application No. 200730158985.1), pursuant

to M.P.E.P. § 201.06(c)(IV)(A). The petition also contained the petition fee, a set of drawings, and a certified copy of the foreign application.

The petition was dismissed via the mailing of a decision on March 3, 2008, as it did not appear that Petitioner had submitted an amendment directing the entry of these drawings.

With this renewed petition, Petitioner has submitted another copy of these drawings, along with an amendment directing the entry of the same.

Both the drawings and the amendment received on May 3, 2008 will, of course, be reviewed by the Examiner for new matter[1]. The amendment is not new matter if the substance was a part of the disclosure of prior-filed Chinese Design Patent Application No. 200730158985.1, to which benefit is claimed.

The Office of Patent Application Processing (OPAP) will be notified of this decision so that the application may receive further processing with a **filing date of August 7, 2007**, using the original application papers filed on that date, as well as the 3 sheets of drawings that were submitted on May 3, 2008. OPAP will then **mail a filing receipt.**

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225[2].

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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[1] See MPEP §§ 608.02(h) and 608.04.

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

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ATLANTA GA 30309-3348

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JUL 0 2 2009

OFFICE OF PETITIONS

In re Application of :
Quy That Ton :
Application No. 29/283,200 : ON PETITION
Filed: August 8, 2007 :
Attorney Docket No. E9063-00006 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 21, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

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

The application became abandoned for failure to timely pay the issue fee on or before May 6, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed February 6, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on May 7, 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(s) (4).

Since the above-identified application is a design application a terminal disclaimer is required. As stated in 37 CFR 1.137(d) it requires a terminal disclaimer dedicating to the public a terminal part of the term of any patent granted on the application or any patent granted on any continuing application that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the application. The period to be disclaimed will be a terminal part of the patent to be granted equivalent to the period of abandonment. The period of abandonment will be computed to be the number of months from the date of abandonment to the date of filing a grantable petition. A terminal disclaimer fee of $70 is required. If the terminal disclaimer is signed by an assignee, the assignee must comply with the requirements of 37 CFR 3.73(b).

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

By Mail:
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Commissioner for Patents
P. O. Box 1450
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By hand:
U. S. Patent and Trademark Office
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Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

Telephone inquiries concerning this decision should be directed to the JoAnne Burke at (571) 272-4584.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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AUG 10 2009

OFFICE OF PETITIONS

In re Application of	:	
Quy That Ton	:	
Application No. 29/283,200	:	ON PETITION
Filed: August 8, 2007	:	
Attorney Docket No. E9063-00006	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed July 8, 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 May 6, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed February 6, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on May 7, 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; and (3) a proper statement of unintentional delay and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to timely pay the issue fee as required by the Notice of Allowance is accepted as being unintentionally delayed.

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

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571)272-4584.

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

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:	ON PETITION
Quy That Ton	:	
Application No. 29/283,201	:	
Filed: August 8, 2007	:	
Attorney Docket No. E9063-00005	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 21, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

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

The application became abandoned for failure to timely pay the issue fee on or before May 6, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed February 6, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on May 7, 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(s) (4).

Since the above-identified application is a design application a terminal disclaimer is required. As stated in 37 CFR 1.137(d) it requires a terminal disclaimer dedicating to the public a terminal part of the term of any patent granted on the application or any patent granted on any continuing application that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the application. The period to be disclaimed will be a terminal part of the patent to be granted equivalent to the period of abandonment. The period of abandonment will be computed to be the number of months from the date of abandonment to the date of filing a grantable petition. A terminal disclaimer fee of $70 is required. If the terminal disclaimer is signed by an assignee, the assignee must comply with the requirements of 37 CFR 3.73(b).

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

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

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

Telephone inquiries concerning this decision should be directed to the JoAnne Burke at (571) 272-4584.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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AUG 10 2009

OFFICE OF PETITIONS

In re Application of :
Quy That Ton :
Application No. 29/283,201 : ON PETITION
Filed: August 8, 2007 :
Attorney Docket No. E9063-00005 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed July 8, 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 May 6, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed February 6, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on May 7, 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; and (3) a proper statement of unintentional delay and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to timely pay the issue fee as required by the Notice of Allowance is accepted as being unintentionally delayed.

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

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571)272-4584.

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

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
Quy That Ton :
Application No. 29/283,203 : ON PETITION
Filed: August 8, 2007 :
Attorney Docket No. E9063-00007 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 21, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

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

The application became abandoned for failure to timely pay the issue fee on or before May 6, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed February 6, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on May 7, 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(s) (4).

Since the above-identified application is a design application a terminal disclaimer is required. As stated in 37 CFR 1.137(d) it requires a terminal disclaimer dedicating to the public a terminal part of the term of any patent granted on the application or any patent granted on any continuing application that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the application. The period to be disclaimed will be a terminal part of the patent to be granted equivalent to the period of abandonment. The period of abandonment will be computed to be the number of months from the date of abandonment to the date of filing a grantable petition. A terminal disclaimer fee of $70 is required. If the terminal disclaimer is signed by an assignee, the assignee must comply with the requirements of 37 CFR 3.73(b).

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

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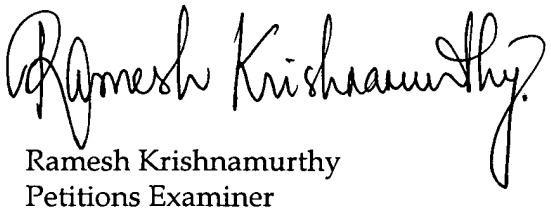
U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

Telephone inquiries concerning this decision should be directed to the JoAnne Burke at (571) 272-4584.



Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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AUG 10 2009

OFFICE OF PETITIONS

In re Application of :
Quy That Ton :
Application No. 29/283,203 : ON PETITION
Filed: August 8, 2007 :
Attorney Docket No. E9063-00007 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed July 8, 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 May 6, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed February 6, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on May 7, 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; and (3) a proper statement of unintentional delay and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to timely pay the issue fee as required by the Notice of Allowance is accepted as being unintentionally delayed.

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

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571)272-4584.

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

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 7/15/08

Paper No.: —

TO SPE OF : ART UNIT 2914

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/283,283 Patent No: D571,503

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: _____

_____

_____

_____

_____

_____ 2914
SPE **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PAULY, DEVRIES SMITH & DEFFNER, L.L.C.
Plaza VII-Suite 3000
45 South Seventh Street
MINNEAPOLIS MN 55402-1630

COPY MAILED
SEP 15 2008

In re Application of	:	
George Linardos	:	
Application No.: 29/282309	:	DECISION ON
Filing or 371(c) Date: 07/16/2007	:	PETITION
Attorney Docket Number: 116219-4	:	

This is a decision in response to the "Petition to Revive Application for Patent Abandoned Unavoidably Under 37 CFR 1.137(a), filed July 31, 2008.

This Petition is hereby **dismissed**.

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

Background

This application became abandoned for failure to timely pay the issue and publication fees on or before May 11, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed February 11, 2008. Accordingly, the date of abandonment of this application is May 12, 2008.

The present petition

Applicant files the present petition and asserts that the Notice was not received at the address of record: Gray, Plant, Mooty, Mooty & Bennett, P.A., P.O. BOX 2906, MINNEAPOLIS, MN 55402-0906. In support of this assertion, Petitioner files the affidavit of Tiffany Larson, a paralegal at Gray, Plant, Mooty, Mooty & Bennett, P.A., ("Gray Plant"), iterating Gray Plant's procedure for processing incoming correspondence received from this Office, and attesting to nonreceipt of the Notice.

A Grantable Petition Under 37 CFR 1.137(a)

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), which may met by the filing of

a notice of appeal and the requisite fee; a continuing application; an amendment or request for reconsideration which *prima facie* places the application in condition for allowance, or a first or second submission under 37 CFR 1.129(a) if the application has been pending for at least two years as of June 8, 1995, taking into account any reference made in such application to any earlier filed application under 35 USC 120, 121 and 365(c); (**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). Applicant lacks item (**3**).

As to item (**3**), a showing of non-receipt of an Office communication may form the basis for revival of an application based upon unavoidable delay.

Applicable Law, Rules and MPEP

The MPEP 711.03(c)A, provides in relevant part:

> The showing required to establish nonreceipt of an Office communication must include
>
> (1) a statement from the practitioner stating that the Office communication was not received by the practitioner at the correspondence address of record. 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.
>
> (2) a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received.
>
> (3) a copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. 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.

MPEP 711.03(c)

Analysis and conclusion

Petitioner has failed to demonstrate that the office action was not received. In addition to the statement from practitioner, and from the docket clerk, attesting to non-receipt of the Notice, Applicant must provide a copy of the file jacket and docket records where the nonreceived Notice would have been entered had it been received and docketed. The petition is dismissed without prejudice. Petitioner should file a Request for Reconsideration of Petition and include the necessary statements and/or copies of docket records and file jacket.

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

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

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

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

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

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL MN 55133-3427

COPY MAILED

JUL 11 2008

OFFICE OF PETITIONS

In re Application of :
Huang :
Application No. 29/283,316 : DECISION ON PETITION
Filed: August 10, 2007 :
Attorney Docket No. 62960US011 :

This is a decision on the petition under 37 CFR 1.59 filed November 21, 2007 (certificate of mailing date November 19, 2007), requesting the Office expunge a portion of the Rule 47(b) petition, filed on the same date. The petition also addresses the Rule 47(b) decision.

The petition under 37 CFR 1.59 is **granted**.

The petition under 37 CFR 1.47(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. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.**

Petitioner requests the removal of the Commissioned Design Contract between 3M Taiwan and id TEAMCo. Ltd., which is part of the Rule 47(b) petition filed to excuse the sole inventor's, execution of the declaration for this application.

Petitioner has established to the satisfaction of the Office that removal of the Commissioned Design Contract between 3M Taiwan and id TEAMCo. Ltd. is appropriate.

The Commissioned Design Contract between 3M Taiwan and id TEAMCo. Ltd. has been expunged from the application file.

The petition under 37 CFR 1.59 is **GRANTED**.

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

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration;

(2) an acceptable oath or declaration;
(3) the petition fee;
(4) a statement of the last known address of the non-signing inventor;
(5) proof of proprietary interest; and
(6) proof of irreparable damage.

This petition lacks items (1), (2), (5) and (6) set forth above.

As to item (1), petitioner has failed to establish that the non-signing inventor, Chin-Hui Huang, has refused to join in the filing of the application or cannot be located after diligent effort.

The Office requires that the non-signing inventor be provided with a complete copy of the application as filed. This includes the specification with claims, drawings, if any, and a declaration. See MPEP 409.03(d). The petition states that the application and declaration were e-mailed to Ms. Huang on several occasions.

Ms. Huang must have the complete application in her possession in order to make an informed decision as to whether she joins in its filing. When petitioner can show that Ms. Huang was mailed or received the complete application and that she either refused to sign the declaration or would not respond to the request that she sign the declaration within a reasonable amount of time, petitioner will have satisfied this requirement.

Petitioner is informed that e-mailing is generally not accepted as a means to communicate with non-signing inventors. This is because the Office cannot know definitely if the message was received; people are not as careful in deleting e-mails as they are in throwing out mail as shown by bulk folder deletions and the fact that some people might not check e-mails frequently; the Office does not know if the recipient has the program to open the specific attachment; and PTO guidelines regarding accepting e-mail reflects the fact that the Office does not have the same confidence in e-mail as it does in USPS service.

The Office typically requires documentary evidence of successful e-mailing in the form of a response e-mail from the non-signing inventor in which the inventor acknowledges receipt of the e-mail and his ability to read the attachments. Sending an e-mail alone is not sufficient.

Petitioner is encouraged to use regular mail service when sending Ms. Huang a copy of the application and another copy of the declaration for her execution. If the correspondence is returned with a forwarding address, the correspondence should be mailed to the newer address.

The petition states that Ms. Huang is believed to be residing in the United States. If petitioner is alleging that Ms. Huang cannot be located, a showing of **diligence** is critical in obtaining Rule 47 status when an inventor cannot be located or reached.

Petitioner should engage in further efforts to locate Ms. Huang. The following is a list of evidentiary sources that are commonly relied upon to prove inability to locate an inventor:

searches of Internet databases; inquiries of local telephone directories; telegrams; and documented inquiries of last known employers. Every listed type of search need not be done. However, a diligent effort to find the inventor must be made. Please provide documentary evidence relating to the attempts to locate Ms. Huang.

As to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 has not been presented. Petitioner has not submitted a declaration signed by a properly empowered representative of the Rule 1.47 applicant. **No one** has signed a declaration. An oath or declaration in compliance with 37 CFR 1.63 and 1.64 listing Ms. Huang's correct information, signed by the Rule 1.47 applicant on behalf of Ms. Huang is REQUIRED. See MPEP 409.03(b).

MPEP 409.03(b) states that typically when a corporation is the Rule 47 applicant, an officer should sign the declaration and provide his/her title. Where an oath is signed by a registered attorney on behalf of a corporation, either proof of the attorney's authority in the form of a statement signed by an appropriate corporate officer must be submitted, or the attorney may simply state that he is authorized to sign on behalf of the corporation. The Rule 47 applicant must state his/her relationship to the inventor as required by 37 CFR 1.64.

As to item (5), Rule 47 petitioner failed to provide proof that 3M Taiwan has sufficient proprietary interest in the subject matter to justify the filing of the application (see MPEP 409.03(f)). The Commissioned Design Contract between 3M Taiwan and id TEAMCo. Ltd. has been expunged from the application file. Therefore, it cannot be relied upon as evidence of 3M Taiwan's proprietary interest in the invention. Acceptable proof of proprietary interest would include a redacted copy of the employment agreement between the non-signing inventor and the Rule 47(b) applicant, a copy of an assignment agreement showing that the invention disclosed in the application is assigned to the Rule 47(b) applicant, or a legal memorandum signed by an attorney familiar with the law of the jurisdiction stating that a court of competent jurisdiction would by the weight of authority in that jurisdiction award the title of the invention to the Rule 47(b) applicant.

As to item (6), Rule 47 applicant failed to provide proof of irreparable damage (see MPEP 409.03(g)). A statement by Rule 47 applicant that the filing is necessary to preserve the rights of the parties would be sufficient.

Regarding fees, deposit account no. 13-3723 will be charged a $200.00 Rule 47 petition fee and a $200.00 petition to expunge fee.

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

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

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

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

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL MN 55133-3427

RECEIVED

JAN 02 2009

OFFICE OF PETITIONS

In re Application of
Huang
Application No. 29/283,316
Filed: August 10, 2007
Attorney Docket No. 62960US011

: DECISION NOTING JOINDER OF
: PREVIOUSLY NON-SIGNING
: INVENTOR & DISMISSING PETITION
: UNDER 37 CFR 1.47(b) AS MOOT

Papers filed on December 8, 2008 in reply to a decision refusing status under 37 CFR 1.47(b), mailed on July 11, 2008, included a declaration signed by the previously non-signing sole inventor, Chin-Hui Huang, in compliance with 37 CFR 1.63.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(b) is moot; this application does not have any Rule 1.47(b) status and no such status should appear on the file wrapper. This application need not be returned to this office for any further consideration under 37 CFR 1.47(b).

After the mailing of this decision, the application will be forwarded to the Office of Patent Application Processing for further pre-examination processing.

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

DATE 5/20 APPLICATION NUMBER 29/283,401

DOC CODE Pet Dec DOC DATE

Pubtoning

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FULWIDER PATTON LLP
6060 CENTER DRIVE
10TH FLOOR
LOS ANGELES CA 90045

COPY MAILED

MAY 22 2008

OFFICE OF PETITIONS

In re Application of :
Ronald H. Berman :
Application No. 29/283,401 : ON PETITION
Filed: August 13, 2007 :
Attorney Docket No.: BERMR.77664 :

This is a decision on the petition filed April 30, 2008 under 37 CFR 1.181 to withdraw the holding of abandonment for the above-identified application.

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

The application was held abandoned on March 3, 2008 because Drawings submitted after allowance were not accepted. A Notice of Abandonment was mailed March 25, 2008.

Petitioner asserts that while a 37 CFR 1.312 amendment and drawings filed December 5, 2007, after allowance, was not entered and because the original drawings and claim were allowed, the Application should have issued once the Applicant paid the issue fee.

A review of the file reveals that there was no requirement for drawings mailed with the Notice of Allowability because as petitioner notes, the original drawings were deemed acceptable. Thus, as there was no requirement and since there was no Office Action for which a response was due, the application was not subject to abandonment.

In view thereof, the Notice of Abandonment was sent in error and is hereby withdrawn. No petition fee is due and none has been charged.

This matter will be referred to the Publishing Division.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Honeywell International Inc.
101 Columbia Road
P.O. Box 2245
Morristown, NJ 07962-2245

COPY MAILED

AUG 13 2008

In re Application of :
Andrew Jonathan Beadle :
Application No. 29/283,463 : DECISION ON PETITION
Filed: August 15, 2007 :
Attorney Docket No. H0016277 (113.19US01) :

This is a decision on the 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**.

This application became abandoned for failure to timely pay the issue fees on or before May 27, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed February 27, 2008. Accordingly, the date of abandonment of this application is May 28, 2008. A Notice of Abandonment was mailed on June 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 payment of the issue fee of $820, (2) the petition fee of $1540, (3) a proper statement of unintentional delay and, (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the issue fee is accepted as being unintentionally delayed.

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.

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

The 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

cc: Katherine M. DeVries Smith
Plaza VII Suite 3000
45 South Seventh Street
Minneapolis, MN 55402-1630

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 3/16/09

TO SPE OF : ART UNIT 2911 Heflin Clare

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/283466 Patent No.: D585591

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: _____

CATHRON C. BROOKS
SUPERVISORY PATENT EXAMINER

_____ 2911
SPE **Art Unit**

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	TBA 29/283,513
Filing Date	August 16, 2007
First Named Inventor	Cliffird B. GERBER
Title	Forefoot Cleat Pattern for a Shoe Outsole
Atty Docket Number	52-1005

ADDRESS TO:

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

Approved 8/23/07
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:

D/896, 902, 906, 907, 908, 946, 947, 948, 949, 951, 954, 955, 956, 957, 958, 959, 960, 962

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.

/ Patricia E. Hong /	August 16, 2007
Signature	Date
Patricia E. Hong	34,373
Typed or printed name	Registration Number, if applicable
301-365-9040	
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

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

COPY MAILED

MAY 1 2 2008

OFFICE OF PETITIONS

In re Application of :

GRETTON, Mark :
Application No. 29/283,545 : DECISION ON PETITION
Filed: August 16, 2007 : TO WITHDRAW
Attorney Docket No. **118644.009** : FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 4, 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 no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272- 7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **TOM TOM INTERNATIONAL BV**
REMBRANDTPLEIN 35
AMSTERDAM, NETHERLANDS 1017 CT

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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Bell, Boyd & Lloyd, LLP
P.O. Box 1135
Chicago, IL 60690

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APR 25 2008

OFFICE OF PETITIONS

In re Application of :
Mark Gretton :
Application No. 29/283,547 : DECISION ON PETITION
Filed: August 16, 2007 : TO WITHDRAW
Attorney Docket No. 118644-010 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 4, 2008.

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

A review of the file record indicates that the power of attorney to Kevin R. Spivak and all attorneys/agents associated with customer number 29180, has been revoked by the assignee of the patent application on April 15, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Epstein, Drangel, Bazerman & James, LLP
60 East 42nd Street
Suite 820
New York, NY 10165

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
29/283,547	08/16/2007	Mark Gretton	

CONFIRMATION NO. 9721

POWER OF ATTORNEY NOTICE

29180
BELL, BOYD, & LLOYD LLP
P.O. BOX 1135
CHICAGO, IL 60690

OC00000029587782

Date Mailed: 04/25/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/15/2008.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/kainabinet/

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
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Alexandria, VA 22313-1450
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Bell, Boyd & Lloyd, LLP
P.O. Box 1135
Chicago, IL 60690

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APR 25 2008

OFFICE OF PETITIONS

In re Application of
Mark Gretton
Application No. 29/283,548
Filed: August 16, 2007
Attorney Docket No.

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 4, 2008.

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

A review of the file record indicates that the power of attorney to Kevin R. Spivak and all attorneys/agents associated with customer number 29180, has been revoked by the assignee of the patent application on April 15, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Epstein, Drangel, Bazerman & James, LLP
60 East 42nd Street
Suite 820
New York, NY 10165

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
29/283,548	08/16/2007	Mark Gretton	

CONFIRMATION NO. 9724

POWER OF ATTORNEY NOTICE

24573
BELL, BOYD & LLOYD, LLP
P.O. Box 1135
CHICAGO, IL 60690

OC000000029579296

Date Mailed: 04/24/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/15/2008.

- 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

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

Date : July 14, 2009

Patent No. :D580670
Inventor(s) :Weiss, Per
Issued :November 18, 2008
Title :LOUNGE CHAIR

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of 37 CFR 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Fee(s) Transmittal Form PTOL-85B. After payment of the issue fee, correction of assignment data submitted on the PTOL-85B can only be done by Certificate of Correction under 37 CFR 1.323, with a request under 37 CFR 3.81(b).

A request for a patent to be corrected to state the name of the assignee must:

A. state that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent;

B. include a request for a certificate of correction under 37 CFR 1.323 along with the fee set forth in 37 CFR 1.20(a); and

C. include the processing fee set forth in 37 CFR 1.17(i).

If the request is granted, Certificates of Correction Branch will be notified that a Certificate of Correction may be issued.

See Manual of Patent Examining Procedure, Section 1481.01 (Rev. 3) (Oct. 2005).

Applicant has not included items A and or C above, accordingly, the request for Certificate of Correction to add or change the assignee data is dismissed.

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

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

By hand:	Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	571-273-8300 ATTN: Office of Petitions
EFS web	uspto.gov/ebc/index.html (must be registered as an e-filer to submit responses) Technical Support 1-866-217-9197

Any 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) 756-1544

Miles & Stockbridge P.C
1751 Pinnacle Drive, Suite 500
McLean, Va 22102

/arg

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OFFICE OF PETITIONS

MILES & STOCKBRIDGE PC
1751 PINNACLE DRIVE
SUITE 500
MCLEAN VA 22102-3833

In re Patent No. D580670 :
Issue Date: November 18, 2008 :
Application No. 29/283,572 : DECISION ON PETITION
Filed: August 17, 2007 :
Attorney Docket No. G2535-12977DES1 :

This is a decision on the Request For Certificate Of Correction Under 37 CFR 3.81(b), filed November 10, 2009, requesting correction on the Title Page of the subject patent to identify the entire correct assignee's name and residence. The Request is being treated as a Petition. A completed Certificate of Correction Form (PTO/SB/44) was submitted.

The petition under 37 CFR 3.81 is **GRANTED**.

Petitioner urges that the present Petition was submitted to correct the failure to include the entire assignee's name on the previously submitted PTOL 85B and that such error was inadvertent. Accordingly, petitioner requests, in effect, that a Certificate of Correction (PTO/SB/44) be issued the correct name of the assignee and residence to the Title Page of the Letters Patent.

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

The 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 previously 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/SB/44 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. D580670.

Brian W. Brown
Petitions Examiner
Office of Petitions

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P.O. Box 1450
Alexandria, VA 22313-1450
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MCGLEW & TUTTLE, PC
P.O. BOX 9227
SCARBOROUGH STATION
SCARBOROUGH, NY 10510-9227

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OFFICE OF PETITIONS

In re Application of :
Joris Laarman :
Application No. 29/283,631 : ON PETITION
Filed: August 20, 2007 :
Attorney Docket No. 72698 :

This is a decision on the petition, filed April 17, 2009, to revive the above-identified application under 37 CFR 1.137(b).

The petition is **DISMISSED**.

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

The application became abandoned for failure to submit a substitute oath or declaration in a timely manner in reply to the Notice of Allowability, mailed May 12, 2008, which set a period for reply of three (3) months. Accordingly, this application became abandoned on August 12, 2008. A Notice of Abandonment was mailed on March 31, 2009. On April 17, 2009, the present petition was filed.

A grantable petition under 37 CFR 1.137(b)[1] must be accompanied by: (1) (1) the required reply,[2] unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether

[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.

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 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)

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MCGLEW & TUTTLE, PC
P.O. BOX 9227
SCARBOROUGH STATION
SCARBOROUGH, NY 10510-9227

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OFFICE OF PETITIONS

In re Application of
Joris Laaman
Application No. 29/283,631
Filed: August 20, 2007
Attorney Docket No. 72698

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed June 12, 2009, to revive the above-identified design application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file an oath or declaration on or before August 12, 2008, as required by the Notice of Allowability, mailed May 12, 2008. A Notice of Abandonment was mailed on March 31, 2009. On April 17, 2009, a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed June 3, 2009. On June 12, 2009, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a new declaration, (2) the petition fee of $810, (3) an adequate statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d).

The terminal disclaimer filed June 12, 2009 is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

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

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Cozen O"Connor
250 PARK AVENUE
NEW YORK NY 10177

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JUL 10 2009

OFFICE OF PETITIONS

In re Application of :
Raul Barbieri :
Application No.: 29/283670 : ON PETITION
Filing or 371(c) Date: 08/21/2007 :
Attorney Docket Number: GIA030.246089 :

This is a decision on the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b), filed May 18, 2009.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Supplemental Notice of Allowability, mailed January 30, 2009. The Notice set a non-extendable three (3) month period for reply. No reply having been received, the application became abandoned on May 1, 2009. A Notice of Abandonment was mailed May 13, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply; (2) the petition fee, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to timely file the oath/declaration 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
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Alexandria, VA 22313-1450
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NEIL J. COIG
2355 DRUSILLA LANE
BATON ROUGE LA 70809

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OFFICE OF PETITIONS

In re Application of	:	
Katheryn Podorsky	:	DECISION ON PETITION
Application Number: 29/283,777	:	TO WITHDRAW HOLDING OF
Filing Date: 08/23/2007	:	ABANDONMENT
Attorney Docket Number:	:	
11351.002	:	

This is a decision on the petition, filed on May 2, 2008, to withdraw the holding of abandonment in the above-identified application.

The application was held abandoned April 5, 2008, for failure to timely file corrected drawings respond in a timely manner to the Notice of Allowability for a Design Application mailed on January 4, 2008. A Notice of Abandonment was mailed on April 30, 2008.

Petitioner's counsel asserts that the drawings were in fact timely filed on March 31, 2008. Counsel states that although the issue fee was filed via EFS-Web, the corrected drawings were filed by mail to preserve drawing quality. In support, petitioner has submitted a copy of three (3) sheets of drawings, containing Figures 1-3, accompanied by a transmittal sheet itemizing the filing of Figures 1-3, and containing a Certificate of Mailing dated March 31, 2008, signed by petitioner's registered patent practitioner, Neil J. Coig.

37 CFR 1.8(b) states:

> In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with

> prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:
>
> (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;
>
> (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and
>
> (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

The statement provided is considered to be a statement to the Satisfaction of the Director to the previous timely mailing or transmission of the reply.[1]

As petitioners have provided convincing evidence that a response to the Notice of Allowance in a Design Application mailed on January 4, 2008, was timely filed, 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. Any inconvenience caused to applicant is regretted.

The application is referred to the Office of Data Management for further processing.

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

/D Wood/

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

---

[1] See 37 CFR 1.8(b)(3).

UNITED STATES PATENT AND TRADEMARK OFFICE

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FORD GLOBAL TECHNOLOGIES, LLC
FAIRLANE PLAZA SOUTH, SUITE 800
330 TOWN CENTER DRIVE
DEARBORN MI 48126

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In re Application of	:	
Spearman-Oxx et al.	:	
Application No. 29/283,850	:	ON PETITION
Filed: August 24, 2007	:	
Attorney Docket No.: 81165390	:	

This is a decision on the "Petition to Replace Divisional Spec and Drawings" filed August 24, 2007.

On February 28,2008, petitioner filed a request to withdraw the petition filed on August 24, 2007. In light, of petitioner's request, the petition is hereby withdrawn.

The Office of Petitions has not reviewed the merits of the petition.

The application is being returned to art unit 2915 for further processing in due course of business.

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

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KELLEY DRYE & WARREN LLP
400 ALTLANTIC STREET , 13TH FLOOR
STAMFORD CT 06901

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OCT 0 1 2008

OFFICE OF PETITIONS

In re Application of :

NISSEN, Cornelius :
Application No. 29/283,897 : DECISION ON PETITION
Filed: August 27, 2007 : TO WITHDRAW
Attorney Docket No. **ABP-126(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 August 01, 2008.

The request is **NOT APPROVED.**

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

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 cannot be approved because there is no indication that acts (1) thru (3) noted in the above-identified certifications have been performed.

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.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Date :

Patent No. :D588085
Inventor(s) :Yen-Hung LIN
Issued :March 10 2009
Title :MOBILE COMMUNICATION DEVICE

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of 37 CFR 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Fee(s) Transmittal Form PTOL-85B. After payment of the issue fee, correction of assignment data submitted on the PTOL-85B can only be done by Certificate of Correction under 37 CFR 1.323, with a request under 37 CFR 3.81(b).

A request for a patent to be corrected to state the name of the assignee must:

A. state that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent;

B. include a request for a certificate of correction under 37 CFR 1.323 along with the fee set forth in 37 CFR 1.20(a); and

C. include the processing fee set forth in 37 CFR 1.17(i).

If the request is granted, Certificates of Correction Branch will be notified that a Certificate of Correction may be issued.

See Manual of Patent Examining Procedure, Section 1481.01 (Rev. 3) (Oct. 2005).

Applicant has not included items A and or C above, accordingly, the request for Certificate of Correction to add or change the assignee data is dismissed.

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

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

By hand:	Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	571-273-8300 ATTN: Office of Petitions
EFS web	uspto.gov/ebc/index.html (must be registered as an e-filer to submit responses) Technical Support 1-866-217-9197

Any 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

GTPP
55 S. Commercial Street
Manchester, NH 03101

/arg

29/283,934

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	filed concurrently herewith
Filing Date	August 27, 2007
First Named Inventor	Alexander Jozef Magdalena Van De Rostyne
Title	HELICOPTER PROPELLER
Atty Docket Number	058084-014204

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

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 29/277,652 filed *03/05*/2006; 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

August 27, 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 DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, DC 20231

7/11/08

Patent No. :D567992S
Inventor(s) :Kenneth J. Nicholas
Issued :4/29/08
Title : Light Fixture
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 the Description is printed in accordance with the record. 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

David J. Grover
Calfee Halter & Grisworld LLP
800 Superior Avenue, Suite 1400
Cleveland, OHIO 44114

HR/CBN

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 11/17/08

TO SPE OF : ART UNIT 2911 Brooks Cathron

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/284022 Patent No.: D567992

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: _____

CATHRON C. BROOKS
SUPERVISORY PATENT EXAMINER

_____ 2911
SPE **Art Unit**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 11/12/08

TO SPE OF : ART UNIT 2911 Brooks Cathron (Spe)

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/284024 Patent No.: D576339

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: _____

CATHRON C. BROOKS
SUPERVISORY PATENT EXAMINER

_____ 2911
SPE **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Bell, Boyd & Lloyd, LLP
P.O. Box 1135
Chicago, IL 60690

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APR 25 2008

OFFICE OF PETITIONS

In re Application of
Mark Gretton
Application No. 29/284,037
Filed: August 29, 2007
Attorney Docket No. 118644-12

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 4, 2008.

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

A review of the file record indicates that the power of attorney to Kevin R. Spivak and all attorneys/agents associated with customer number 29180, has been revoked by the assignee of the patent application on April 15, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Epstein, Drangel, Bazerman & James, LLP
60 East 42nd Street
Suite 820
New York, NY 10165

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
29/284,037	08/29/2007	Mark Gretton	118644-12

CONFIRMATION NO. 1509

29180
BELL, BOYD, & LLOYD LLP
P.O. BOX 1135
CHICAGO, IL 60690

POWER OF ATTORNEY NOTICE

OC00000029587559

Date Mailed: 04/25/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/15/2008.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/kainabinet/

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

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APR 2 4 2008

OFFICE OF PETITIONS

In re Application of :
Mark GRETTON :
Application No. 29/284,039 : DECISION ON PETITION
Filed: August 29, 2007 : TO WITHDRAW
Attorney Docket No. 118644-00014 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 4, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Bell, Boyd & Lloyd, LLP, has been revoked by the assignee of the patent application on April 15, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

Telephone inquires concerning this decision should be directed to undersigned at 571-272- 6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: TOM TOM INTERNATIONAL BV
REMBRANDTPLEIN 35
1017 CT AMSTERDAM
NETHERLANDS

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
29/284,039	08/29/2007	Mark Gretton	118644-14

CONFIRMATION NO. 1527

POA ACCEPTANCE LETTER

25881
EPSTEIN DRANGEL BAZERMAN & JAMES, LLP
60 EAST 42ND STREET
SUITE 820
NEW YORK, NY 10165

OC000000029490665

Date Mailed: 04/21/2008

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/05/2008.

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.

/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

Date : May 4, 2009

Patent No. :D584709
Inventor(s) :Wen Hsien Chang
Issued :January 13, 2009
Title :MOBILE COMMUNICATION DEVICE

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of 37 CFR 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Fee(s) Transmittal Form PTOL-85B. After payment of the issue fee, correction of assignment data submitted on the PTOL-85B can only be done by Certificate of Correction under 37 CFR 1.323, with a request under 37 CFR 3.81(b).

A request for a patent to be corrected to state the name of the assignee must:

A. state that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent;

B. include a request for a certificate of correction under 37 CFR 1.323 along with the fee set forth in 37 CFR 1.20(a); and

C. include the processing fee set forth in 37 CFR 1.17(i).

If the request is granted, Certificates of Correction Branch will be notified that a Certificate of Correction may be issued.

See Manual of Patent Examining Procedure, Section 1481.01 (Rev. 3) (Oct. 2005).

Applicant has not included items A and or C above, accordingly, the request for Certificate of Correction to add or change the assignee data is dismissed.

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

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

By hand:	Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	571-273-8300 ATTN: Office of Petitions
EFS web	uspto.gov/ebc/index.html (must be registered as an e-filer to submit responses) Technical Support 1-866-217-9197

Any 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

GTPP
55 S. Commerical Street
Manchester, NH 03101

/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

THE SONI LAW FIRM
55 S. LAKE AVE SUITE 720
PASADENA CA 91101

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MAY 2 9 2008

OFFICE OF PETITIONS

In re Application of :
Dilip Bhavnani :
Application No. 29/284,071 : ON PETITION
Filed: June 30, 2007 :
Attorney Docket No. SUNCO-303D2 :

This is a decision on the petition under 37 CFR 1.137(b), filed February 27, 2008, which, for the reasons stated below, is being treated as a request for a ONE month extension of time.

The request for a ONE month extension of time is **GRANTED.**

The record shows that an Ex-parte Quayle action was mailed on December 12, 2007, which set a TWO (2) month shortened statutory period for reply. Accordingly, a reply was due on or before February 12, 2007, or on or before March 12, 2007 with the submission of an extension of time fee for one month, pursuant to the provisions of 37 CFR 1.136(a). Since petitioner may obtain an extension of time up to and including FOUR months, this case is not in fact abandoned. Accordingly, the filing of a petition to revive is inappropriate until the maximum extendable period for reply has expired.

In view of the above, the $835 fee (that includes $770 petition fee and $65 Terminal Disclaimer fee) submitted will be applied towards the purchase of a ONE month extension of time costing $60 for a small entity. The petitioner may request a refund of the overpayment of $775 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.

Inquiries concerning this decision may be directed to the undersigned at (571) 272-4914.

This application is being referred to Technology Center AU 2913 for further action as the nature of the case may require.

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

THE SONI LAW FIRM
55 S. LAKE AVE SUITE 720
PASADENA CA 91101

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MAR 28 2008

OFFICE OF PETITIONS

In re Application of :
Bhavnani, et al. :
Application No. 29/284,103 : ON PETITION
Filed: August 30, 2007 :
Attorney Docket No. SUNCO-301D2 :

This is a decision on the petition under 37 CFR 1.137(b), filed March 14, 2008, to revive the above-identified design application.

The petition is **GRANTED**.

This application became abandoned February 21, 2008 for failure to timely reply to the Notice of Allowance and Issue Fee Due and the Notice of Allowability (Notices) mailed November 20, 2007. The Notices set a three month statutory period of time for reply. Notice of Abandonment was mailed March 17, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the required reply; (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).

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

This application is being forwarded to the Office of Patent Publication for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

Application Number	Application/Control No.	Applicant(s)/Patent under Reexamination	
	29/284103		

Document Code - DISQ	Internal Document – DO NOT MAIL

TERMINAL DISCLAIMER	✓ APPROVED	☐ DISAPPROVED
Date Filed : 03/13/2008	This patent is subject to a Terminal Disclaimer	

Approved/Disapproved by:

AMBROWN

UNITED STATES PATENT AND TRADEMARK OFFICE

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

3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL MN 55133-3427

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MAY 2 1 2010

OFFICE OF PETITIONS

In re Application of	:	
Thompson et al.	:	
Application No. 29/284,150	:	DECISION ON PETITION
Filed: August 31, 2007	:	
Attorney Docket No. 63594US002	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 12, 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 March 3, 2010, as required by the Notice of Allowability mailed December 3, 2009. Accordingly, the date of abandonment of this application is March 4, 2010. A Notice of Abandonment was mailed March 22, 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; (2) the petition fee of $1,620.00; (3) a proper statement of unintentional delay and (4) a Terminal Disclaimer with the accompanying $140.00 fee.

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 April 12, 2010.

Joan Olszewski
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 10-8-09 Paper No.: _____

TO SPE OF : ART UNIT 2913

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/284151 Patent No.: D587711

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Certificates of Correction Branch

703-756-~~1814~~ 1542

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

SPE 2913 Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FLETCHER YODER (ILLINOIS TOOL WORKS INC.)
P.O. BOX 692289
HOUSTON, TX 77269-2289

Mail Date: 04/27/2010

Applicant	: Brian S. Bashore	: DECISION ON REQUEST FOR
Patent Number	: D611074	: RECALCULATION of PATENT
Issue Date	: 03/02/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 29/284,167	: OF WYETH
Filed	: 08/31/2007	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A). Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154 (b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford, CT 06103

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OCT 02 2009

OFFICE OF PETITIONS

In re Patent No. D580378	:	
Issue Date: November 11, 2008	:	
Application No. 29/284,227	:	ON PETITION
Filed: September 4, 2007	:	
Attorney Docket No. JHW0048US	:	

This is a decision on the petition filed May 11, 2009, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee and address 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) 272-0602. 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.

/Thurman K. Page/

Thurman K. Page
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE OF DATA MANAGEMENT

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

AUG 2 6 2008

In re Application of	:	
SUZUKI HIROAKI ET AL	:	**DECISION ON PETITION**
Application No. 29/284,240	:	
Filed: September 4, 2007	:	
Attorney Docket No. 1721.059	:	

This is a decision on the Request To Withdraw Holding Of Abandonment received in the United States Patent and Trademark Office (USPTO) August 20, 2008.

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 April 8, 2008 which set forth a three (3) month statutory period for reply. Accordingly, the Notice of Abandonment was mailed on August 5, 2008.

A review of the Office records indicates that the issue fee was timely received on June 27, 2008. The Notice of Abandonment was mailed in error.

The Office acknowledges receipt of the Credit Card Payment in the amount of $820.00.

In view of the foregoing, the holding of abandonment for failure to timely pay the issue fee is hereby withdrawn and the application is restored to pending status.

Telephone inquires concerning this decision is to be directed to the undersigned in the Office of Patent Publication at 703-305-9250 x 154.

Anita Greene
Application Assistance Unit
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

SEP 15 2008

In re Application of :
Daniel N. Lopano :
Application No. 29/284,287 : DECISION ON PETITION
Filed: September 5, 2007 :
Attorney Docket No. D-US-TN-11420A :

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**.

This 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. Accordingly, the date of abandonment of this application is 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) 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 filed under 37 CFR 1.137(d) on August 5, 2008 is accepted and made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

Telephone inquiries concerning this decision should be directed to Denise Williams at (571) 272-8930.

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

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

GARDERE WYNNE SEWELL LLP
INTELLECTUAL PROPERTY SECTION
3000 THANKSGIVING TOWER
1601 ELM ST
DALLAS TX 75201-4761

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DEC 0 3 2008

OFFICE OF PETITIONS

In re Application of :
Skaf et al. :
Application Number: 29/284323 : DECISION ON PETITION
Filing Date: 09/05/2007 :
Attorney Docket Number: 126239-4025 :

This is a decision on the petition filed on November 6, 2008, under 37 CFR 1.137(b),[1] to revive the above-identified application. This is also a decision on the petition under 37 CFR 1.182, also filed on November 6, 2008, for expedited consideration of the petition under 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned on September 24, 2008, for failure to timely submit corrected drawings in response to the Notice of Allowability For A Design Application mailed on June 23, 2008, which set a three (3)-month statutory period for reply. Notice of Abandonment was mailed on October 16, 2008.

---

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

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continuing examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may required additional information where there is a question whether the delay was unintentional; and

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

The subject petition is accompanied by submission of corrected drawings and a terminal disclaimer and fee.

The terminal disclaimer filed on November 6, 2008, under 37 CFR 1.137(c) has been entered and made of record. Effective September 8, 2000, 37 CFR 1.137(c)(1) has been added to state that a terminal disclaimer filed pursuant to this rule must dedicate to the public a terminal part of the term of any patent granted thereon equivalent to the lesser of: 1) the period of abandonment of the application; or 2) the period extending beyond twenty years from the date on which the application for patent was filed in the United States, or, if the application contains a specific reference to an earlier filed application(s) under 35 U.S.C. 120, 121, or 365(c).[2] Accordingly, the period of the terminal disclaimer filed on November 6, 2008, will be equivalent to the lesser period (1) or (2), as noted above, for this application.

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

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

[2] 65 Fed. Reg. 54,674 (2000).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FORD GLOBAL TECHNOLOGIES, LLC
FAIRLANE PLAZA SOUTH, SUITE 800
330 TOWN CENTER DRIVE
DEARBORN, MI 48126

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AUG 2 9 2008

In re Application of :
Patrick J. Schiavone et al :
Application No. 29/284,363 : DECISION ON PETITION
Filed: September 6, 2007 :
Attorney Docket No. 81166843 :

This is a decision on the petition under 37 CFR 1.314, filed August 26, 2008, to defer issuance of the patent.

The petition is **GRANTED**.

Issuance will be deferred for a period of one month from the date of this decision. At the end of this period, the application will be 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 Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FORD GLOBAL TECHNOLOGIES, LLC
FAIRLANE PLAZA SOUTH, SUITE 800
330 TOWN CENTER DRIVE
DEARBORN, MI 48126

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SEP 10 2008

In re Application of :
SCHIAVONE, et al. :
Application No. 29/284,364 : DECISION ON PETITION
Filed: September 6, 2007 : UNDER 37 CFR 1.314
Attorney Docket No. 81166844 :

This is a decision on the petition under 37 CFR 1.314, filed August 26, 2008, to defer issuance of the patent.

The petition is GRANTED.

Issuance will be deferred for a period of one month from the date of this decision. At the end of this period, the application will be referred to Publishing Division to be processed into a patent.

If an additional deferral period is required, another petition and fee should be promptly submitted. The petition must include a showing of extraordinary circumstances. See MPEP 1306.01.

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COLGATE-PALMOLIVE COMPANY
909 RIVER ROAD
PISCATAWAY, NJ 08855

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JUL 2 0 2009

OFFICE OF PETITIONS

In re Application of
Al A. Sprosta et al
Application No. 29/284,371
Filed: September 6, 2007
Attorney Docket No. 8157-02-TB

ON PETITION

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

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the formal drawings in a timely manner in reply to the Notice of Allowance mailed November 26, 2007, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on February 27, 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) terminal disclaimer have been received.

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

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

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CROSSLEY PATENT LAW
236 SOUTH THIRD STREET
#287
MONTROSE CO 81401

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MAY 26 2009

OFFICE OF PETITIONS

In re Application of :
Royer, David :
Application No. 29/284,383 : ON PETITION
Filed: September 6, 2007 :
Attorney Docket No. 07-09-06DA :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed March 18, 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 the Issue Fee Transmittal with payment of the issue fee, (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

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	29/284,438
Filing Date	September 7, 2007
First Named Inventor	Robert E. Lash
Title	Portion of Nerve Root Retractor with Sensor
Atty Docket Number	VIOPD013X2

ADDRESS TO:

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

Approved
9-19-07
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:

433/136, 433/141, 433/148

600/201, 600/202, 600/237

D24/135, D24/152

Related applications: 29/281,422; 29/284,745

If not previously 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/	September 14, 2007
Signature	Date
Melvin D. Chan	39,626
Typed or printed name	Registration Number, if applicable
408-701-0035	
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
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date: 12/12/08

Patent No. : D580712 S
Ser. No. : 29/284,540
Inventor(s) : BROWN, CHARLES B.
Issued : 11/18/08
Title : **DIPPING CUP**
Docket No. : **1-39026**

Re: Request for Certificate of Correction

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

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

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

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

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

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

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

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

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

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

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

Lamonte M. Newsome

Lamonte M. Newsome
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(703) 305-8309 or (703) 308-9390 #112

FRASER CLEMENS MARTIN & MILLER LLC
28366 KENSINGTON LANE
PERRYSBURG OH 43551

LMN

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

FRASER CLEMENS MARTIN & MILLER LLC
28366 KENSINGTON LANE
PERRYSBURG OH 43551

MAILED

MAR 26 2009

OFFICE OF PETITIONS

In re Patent No. D580712
Issue Date: November 18, 2008
Application No. 29/284,540
Filed: September 11, 2007
Attorney Docket No. 1-39026

ON PETITION

This is a decision on the petition filed December 29, 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.

Karen Creasy
Petitions Examiner
Office of Petitions

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

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	29/284,595
Filing Date	September 12, 2007
First Named Inventor	Sebastien Mermet
Title	Shoe Upper
Atty Docket Number	015127.01092

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:

D2/ 896, 902, 907, 943, 944, 946, 969, 972, 973, 974, 977, 978

If not previously 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 5-5-08
Jacqueline M. Stone, Director
Technology Center 1700/2900

April 29, 2008 — Date

/Matthew Kohner/ — Signature

202-824-3000 — Telephone Number

Matthew J. Kohner — 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.**

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	29/284,599
Filing Date	September 12, 2007
First Named Inventor	Andreas Harlow
Title	Shoe Upper
Atty Docket Number	015127.01096

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:

D2/ 896, 902, 907, 943, 944, 946, 969, 972, 973, 974, 977, 978

If not previously 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 5-5-08
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

April 29, 2008
Date

/Matthew Kohner/
Signature

202-824-3000
Telephone Number

Matthew J. Kohner
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.**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 12-4-09 Paper No.: _____

TO SPE OF : ART UNIT 2915

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/284,651 Patent No. D571,201

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

FOR IFW FILES: Should drawings be approved

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

Ennis Young
Certificates of Correction Branch
703-756-1542

Thank You For Your Assistance

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

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

Comments: _____

_____

_____

_____

_____

ROBERT M. SPEAR
DESIGN PRACTICE SPECIALIST

2915
Art Unit

PTOL-306 (REV. 7/03) U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK CA 94025

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MAR 25 2008

OFFICE OF PETITIONS

In re Application of :
Brown et al. :
Application No. 29/284,658 : ON PETITION
Filed: September 12, 2007 :
Atty Docket No. PS6012i2 :

This is a decision on the "PETITION UNDER 37 CFR 1.17(f)" filed November 19, 2007. This petition is properly considered as a petition under § 1.182, requesting that the above-identified application be accorded a filing date of September 12, 2007, despite the omission of a formal claim on filing of the application. Petitioner further requests that upon granting of this decision, the petition fee be refunded.

Application papers in the above-identified application were deposited on September 12, 2007. However, on September 24, 2007, the Office of Patent Application Processing (formerly known as the Office of Initial Patent Examination) mailed a "Notice of Incomplete Nonprovisional Application," notifying applicants that the application papers had not been accorded a filing date because the application was deposited without a complete specification as prescribed by 35 U.S.C. 112; the specification did not include at least one claim.

In response, applicants timely filed the instant petition, requesting the grant of a filing date of September 12, 2007. Citing MPEP 1503.01, Applicants argue that:

> The subject application is a design application, which included all required descriptions of each Figure at the time of filing. The application claims the design of a "wheelchair frame member" and all drawings (Figs. 1-8) and

> descriptions of all drawings (Figs. 1-8) were present at the time of filing. Therefore, applicant included the required Claim at the time of filing.

On petition, applicants submit a Replacement Description of the Drawings page, which includes the words "We claim that this application is the ornamental design for a wheelchair frame member."

Petitioner does not dispute that the application as filed on September 12, 2007 did not include a formal claim pursuant to 35 USC 171. Petitioner acknowledges error in inadvertently omitting the formal word "claim," but the claim itself, i.e., the drawings, was submitted.

Petitioner's arguments have been considered but not found entirely persuasive. The requirement for a claim in a design application is a requirement of the statute. Section 171 of title 35 of the United States Code makes section 112 applicable to design applications. Section 112 requires that the "specification shall conclude with one or more claims..." Thus, the requirement for a claim in a design application is not pro forma, but is a necessary part of a complete design application.

A review of the record confirms that no formal claim was included with the application papers deposited September 12, 2007. However, the application papers deposited September 12, 2007, did include a declaration stating that the inventor(s) believe themselves to be

> the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled WHEELCHAIR FRAME MEMBER ... the specification of which ... is attached hereto

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, second paragraph, 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

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

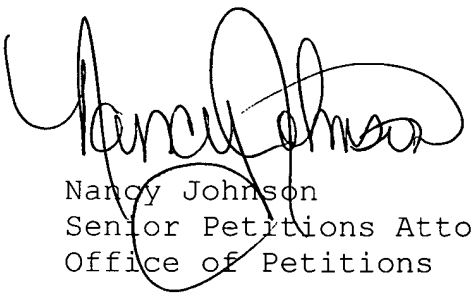
Petitioner is reminded that errors such as occurred herein can result in loss of rights and care must be taken to avoid such.

The petition is GRANTED to the extent that the language cited in the declaration filed September 12, 2007 will be construed as a claim, and the application will be accorded a filing date of September 12, 2007.

The request for refund of the petition fee is denied. The petition fee will not be refunded, as this petition was necessary to correct applicant's filing error, i.e., the omission of a formal claim in the application-as-filed.

The application is being returned to the Office of Patent Application Processing for **according of a filing date of September 12, 2007**, using the application papers deposited on September 12, 2007.

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



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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

6/19/09

Patent No. :D593725
Inventor(s) :Schultz et al.
Issued : 6/2/2009
Title : Casket with Ornamentation
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 in the description of Fig. 3 is printed in accordance with the record and do you have supporting evidence from and amendement. Therefore being no fault on the Patent and Trademark Office, It has no authority to issue a certificate of correction under the provision of 1.322.

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

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

Henry Randall
Decisions & Certificates
of Correction Branch
(703) 756-1571

Cheryl L. Gastineau
Reed Smith LLP
P.O. B ox 488
Pittsburgh, PA 15230-0488

HR

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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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

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JUN 0 2 2009

OFFICE OF PETITIONS

In re Application of	:	
Andrews et al.	:	
Application No. 29/284,718	:	DECISION ON PETITION
Filed: September 13, 2007	:	
Attorney Docket No. 007744.P023	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 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 and publication fees on or before September 30, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed June 30, 2008, which set a statutory period of reply of three (3) months. Accordingly, the application became abandoned on October 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 items (1), (2) and (4).

With respect to item (1) petitioner has failed to pay the issue fee of $430.00. Petitioner has instead filed a Continued Prosecution Application (CPA) Request in response to the Notice of Allowance.

35 U.S.C. 41(a)(7) and 151 each require payment of the issue fee as a condition of reviving an application abandoned for failure to pay the issue fee. Therefore, the filing of a CPA request without payment of the issue fee or any outstanding balance thereof is not an acceptable reply in an application abandoned for failure to pay the issue fee or any portion thereof.

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

Further, petitioner has not submitted a completed PTOL-85, therefore a blank one is enclosed.

With respect to item (2), petitioner has failed to submit the required petition fee of $810.00. The amount of $810.00 will be charged to petitioner's deposit account as authorized.

With respect to item (4), since the instant application is a design application, a terminal disclaimer and the small entity $70.00 fee are required by 37 CFR 1.137(b) for revival.

Petitioner argues that, "Applicants submit that applicants made a bona fide attempt to advance prosecution and that the submission of the RCE rather than a CPA was an unintentional error." Further, petitioner states, "that the present design patent application not be considered abandoned." However, an abandonment resulting from lack of knowledge or improper application of the patent statute, rule of practice or the MPEP does not negate an abandonment. Therefore, the application was properly abandoned.

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: PTOL-85

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

MAILED

SEP 10 2009

OFFICE OF PETITIONS

In re Application of :
Andrews et al. :
Application No. 29/284,718 : DECISION ON PETITION
Filed: September 13, 2007 :
Attorney Docket No. 007744.P023 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed July 30, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

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

The application became abandoned for failure to timely pay the issue and publication fees on or before September 30, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed June 30, 2008, which set a statutory period of reply of three (3) months. Accordingly, the application became abandoned on October 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).

With respect to item (4), since the instant application is a design application, a terminal disclaimer is required by 37 CFR 1.137(b) for revival. Petitioner has not submitted terminal disclaimer form PTO/SB/63. Therefore, a terminal disclaimer form is enclosed.

Additionally, petitioner requests pursuant to 37 C.F.R. § 1.183 that the requirement for the filing of a terminal disclaimer be waived. However, since the instant application is a design application, 37 CFR 1.20(d) and 37 CFR 1.137(d) require the submission of a terminal disclaimer and fee.

Further, petitioner has filed a Continued Prosecution Application (CPA) Request in response to the Notice of Allowance.

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: 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

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

MAILED

SEP 29 2009

OFFICE OF PETITIONS

In re Application of	:	
Andrews et al.	:	
Application No. 29/284,718	:	DECISION ON PETITION
Filed: September 13, 2007	:	
Attorney Docket No. 007744.P023	:	

CORRECTED DECISION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed July 30, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before September 30, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed June 30, 2008, which set a statutory period of reply of three (3) months. Accordingly, the application became abandoned on October 1, 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 (previously paid on August 4, 2009); (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 renewed petition filed on July 30, 2009 raised a question as to whether petitioner was looking for the Office to waive the requirement for a Terminal Disclaimer or to accept the terminal disclaimer statement submitted. Accordingly, the renewed petition was dismissed. In a telephone voice mail message received September 21, 2009, Mr. Ryan Elliott requested that the terminal disclaimer statement submitted July 30, 2009 be considered in lieu of Terminal Disclaimer form PTO/SB/63. Accordingly, the petition has now been granted.

The request for a terminal disclaimer is accepted.

Further, petitioner has filed a Continued Prosecution Application (CPA) Request in response to the Notice of Allowance.

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

This application will remain in the Office of Petitions to address the petition under 37 C.F.R. § 1.313 request filed July 30, 2009.

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

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NOV 0 3 2009

OFFICE OF PETITIONS

In re Application of	:	
James Richard Andrews, et al.	:	DECISION GRANTING PETITION
Application No. 29/284,718	:	UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: September 13, 2007	:	
Attorney Docket No. 007744.P023	:	

This is a decision on the petition under 37 CFR 1.313(c)(3), filed July 30, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on July 30, 2009 in the parent application is not refundable nor can it be applied towards any new Notice of Allowance which may issue on the CPA filed July 30, 2009.

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

This matter is being referred to Technology Center AU 2916 for processing of the CPA and consideration of the concurrently filed information disclosure statement.

Terri Johnson
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

WPAT, PC
INTELLECTUAL
PROPERTY ATTORNEYS
2030 MAIN STREET, SUITE 1300
IRVINE CA 92614

COPY MAILED

JUN 19 2008

OFFICE OF PETITIONS

In re Application of	:	
Lin, et al.	:	
Application No. 29/284,742	:	DECISION
Filed/Deposited: 14 September, 2007	:	
Attorney Docket No. 19306-019DES	:	

This is a decision on the improvidently filed on 17 March, 2008, under 37 C.F.R. §1.181 and properly considered under 37 C.F.R. §1.53.

For the reasons set forth below, the petition as considered under 37 C.F.R. §1.53 is **GRANTED**.

NOTE: Petitioner is cautioned to be attentive to the instructions set forth at the conclusion of this decision.

BACKGROUND

Review of the record reveals:

The instant application was deposited on 14 September, 2007.

On 25 September, 2007, the Office of Patent Application Processing (OPAP) (formerly the Office of Initial Patent Examination (OIPE)) mailed a Notice of Incomplete Nonprovisional Application, and indicated therein that the application had not been accorded a filing date because it had been deposited without drawings as required under 35 U.S.C. §113 (first sentence).

Thus, the application had not been accorded a filing date.

OIPE indicated that Petitioner might:

- contend via petition that the drawing/figure was present upon deposit, and so evidence that condition with the proper supporting documentation (i.e., a date stamped receipt card (see: MPEP §503)) along with a copy of the drawing; or

- submit the drawing and accept the date of that submission as the filing date.

OIPE set a two- (2-) month period for reply.

On 19 October, 2007, Petitioner submitted the specification with claim.

On 24 October, 2007, the Office mailed a corrected filing receipt setting forth a filing date of 19 October, 2007.

On 17 March, 2008, Petitioner filed the instant petition, including therewith, *inter alia*, a rquest for a filing date of 14 September, 2007—the original date of deposit.

Further, a review of the record reveals that no formal claim was included with the application papers deposited on 14 September, 2007, in that the specification does not state, specifically, what subject matter is claimed. However, it is noted that the application papers deposited on 14 September, 2007, included a declaration stating that the inventors believe themselves to be

> "the original, first, and joint inventor[s] . . . of the subject matter which is claimed and for which a patent is sought on the invention entitled: ELECTRICAL BICYCLE the specification of which is attached hereto...."

ANALYSIS

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 C.F.R. §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 14 September, 2007.

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

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

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

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

CONCLUSION

The petition as considered under 37 C.F.R. §1.53 is **granted**.

While it is acknowledged that Petitioner has attempted to present a formal claim with the paper submitted on 19 October, 2007, such claim must be added by means of a preliminary amendment.

Petitioner should file a preliminary amendment including the formal claim.

Accordingly, applicant is given TWO (2) MONTHS from the date of this decision to file an amendment adding a formal claim to the specification filed on 14 September, 2007. **Failure to file the required amendment will result in abandonment of the application.**

The amendment should be directed to Mail Stop Missing Parts.

The time period may be extended pursuant to 37 C.F.R. §1.136(a).

Because the instant petition was necessitated by an error on the part of Petitioner, a petition fee of $400.00 is required and has been charged as authorized.

This application is being returned to the Office of Patent Application Processing (OPAP) formerly the Office of Initial Patent Examination (OIPE)) to await receipt of the amendment required above for further processing with a filing date of 14 September, 2007, using the application papers filed on that date, and the formal claim filed in response to this decision.

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

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

[2] The regulations at 37 C.F.R. §1.2 provide:1

§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.

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	29/284,745
Filing Date	
First Named Inventor	Robert E. Lash
Title	Portion of Nerve Root Retractor with Sensor
Atty Docket Number	VIOPD013X1

ADDRESS TO:

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

Approved 9-19-07
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:

433/136, 433/141, 433/148

600/201, 600/202, 600/237

D24/135, D24/152

Related applications: 29/281,422; 29/284,438

If not previously 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/	September 14, 2007
Signature	Date
Melvin D. Chan	39,626
Typed or printed name	Registration Number, if applicable
408-701-0035	
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

BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, PC
900 SOUTH GAY STREET
2200 RIVERVIEW TOWER
KNOXVILLE,TN 37902

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OCT 16 2007

OFFICE OF PETITIONS

In re Application of :
BOZOF, Morris :
Application No. 29/284,795 :
Filed: September 14, 2007 :
Attorney Docket No. **2907180-000003** :

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 September 24, 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 driver's license and statement of inventor Morris Bozof, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Technology Center at 571-272-2900.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

The application is being forwarded to the Technology Center Art Unit 2913 for action on the merits commensurate with this decision.

Monica A. Graves
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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GOTTLIEB RACKMAN & REISMAN PC
270 MADISON AVENUE
8TH FLOOR
NEW YORK, NY 10016-0601

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SEP 16 2008

OFFICE OF PETITIONS

In re Application of
Behling, Christoph
Application No. 29/284,894
Filed: September 18, 2007
Attorney Docket No. None

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed June 17, 2008 and supplemented on July 28, 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 for a Design Application, mailed January 29, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on April 30, 2008. A Notice of Abandonment was mailed on May 23, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of 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).

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

GOTTLIEB RACKMAN & REISMAN PC
270 MADISON AVENUE
8TH FLOOR
NEW YORK NY 10016-0601

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JUL 11 2008

In re Application of :
Christoph Behling :
Application No. 29/284,900 : ON PETITION
Filed: September 18, 2007 :
Attorney Docket No: **4888-026** :

This is a decision on the petition filed June 17, 2008 under 37 CFR 1.137(b),[1] to revive the above-identified application.

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

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

This application became abandoned April 25, 2008 for failure to file corrected drawings in response to the Notice of Allowability mailed on January 24, 2008. Accordingly, the Notice of Abandonment was mailed on May 20, 2008.

---

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

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

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

While the issue fee was previously submitted and while the corrected drawings have been submitted with the instant petition, the petition does not satisfy requirement (4) of the regulation.

Petitioner must submit a Terminal Disclaimer with any renewed petition since this is a design application. **Petitioner should note that submission of any renewed petition without the required reply will be construed as intentional delay.**

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

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

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

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

GOTTLIEB RACKMAN & REISMAN PC
270 MADISON AVENUE
8TH FLOOR
NEW YORK NY 10016-0601

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AUG 15 2008

OFFICE OF PETITIONS

In re Application of :
Christoph Behling :
Application No. 29/284,900 : ON PETITION
Filed: September 18, 2007 :
Attorney Docket No: **4888-026** :

This is a decision on the renewed petition filed July 28, 2008 under 37 CFR 1.137(b),[1] to revive the above-identified application.

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

Although the issue fee had been timely paid, this application became abandoned April 25, 2008 for failure to file corrected drawings in response to the Notice of Allowability mailed on January 24, 2008. Accordingly, the Notice of Abandonment was mailed on May 20, 2008. A petition to revive filed June 17, 2008 was dismissed in a decision mailed July 11, 2008 because the petition was not accompanied by a terminal disclaimer.

All other requirements of 37 CFR 1.137(b), including the filing of a terminal disclaimer, and fee, having now been met, this matter is being referred to the Publishing Division.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

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

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

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

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

9-26-07

Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700

Applicants: JOSEPH A. FESTER AND TIMOTHY A. FIELD

For: DESIGN FOR FILTER

Serial No.: 29/284,986 Examiner:

Filed: Group Art Unit:

Docket No.: 71189-2133

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

☐ deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Box PCT, Commissioner for Patents, Alexandria, VA 22313-1450.

☒ transmitted via EFS Web filing to the Patent and Trademark Office.

/Christine M Judge/
Signature

Date: September 19, 2007

Christine M. Judge
(type or print name of person certifying)

REQUEST FOR EXPEDITED EXAMINATION OF DESIGN APPLICATION

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby request expedited examination of the above-identified design application under the provisions of 37 CFR § 1.155. Applicants believe that they qualify for expedited examination because the application as filed includes drawings in compliance with 37 CFR § 1.84, Applicants have conducted a preexamination search, and Applicants herewith file a Request for Expedited Examination.

The Commissioner is authorized to charge the fee set forth in 37 CFR § 1.17(k) to our Deposit Account No. 50-2003.

A preexamination search was conducted by an experienced searcher in the firm of McGarry Bair PC in a data base which includes the records of the U.S. Patent and Trademark

Office. The field of search included the following classes and subclasses: D32/18, 22, 31-34; 15/320-322, 323, 329, 335, 344, 347, 350, 352, 353, 361, 410, 412; 55/410, 473, 276, 400, 429.

An Information Disclosure Statement in compliance with 37 CFR § 1.98, setting forth all relevant prior art known to Applicants is enclosed.

In view of the foregoing, expedited examination of this application is requested.

Respectfully submitted,

JOSEPH A. FESTER AND TIMOTHY A. FIELD

Dated: September 19, 2007

/John E McGarry/

John E. McGarry, Reg. No. 22,360
MCGARRY BAIR PC
171 Monroe Avenue N.W., Suite 600
Grand Rapids, Michigan 49503
Telephone: (616) 742-3500

G0323336

UNITED STATES 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 28 2008

BRIAN J. COYNE
MILES WAY COYNE, PLLC # 219
924 CAPITOL WAY S.
OLYMPIA WA 98501

In re Application of	:	
Bruce R. Searle	:	
Application No. 29/285,041	:	ON PETITION
Filed: March 20, 2007	:	
Attorney Docket No. 2007-05	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 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 timely reply to the Notice of Allowance/Notice of Allowability mailed March 26, 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).

Petitioner submitted $750.00 for the payment of the instant petition under 37 CFR 1.137(b). The petition fee at the time of filing the instant petition at the small entity rate was $770.00 and not the $750.00 submitted on August 6, 2008. The current petition fee is **$810.00**.

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

BRIAN J. COYNE
MILES WAY COYNE, PLLC # 219
924 CAPIITOL WAY S.
OLYMPIA WA 98501

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DEC 19 2008

OFFICE OF PETITIONS

In re Application of
Bruce R. Searle
Application No. 29/285,041
Filed: March 20, 2007
Attorney Docket No. 2007-05

DECISION ON PETITION

This is a decision on the renewed 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 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 March 26, 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 August 6, 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

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48

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SEP 19 2008

OFFICE OF PETITIONS

In re Patent No. D570,334 :
Application No. 29/285,063 :
Filed: March 20, 2007 : ON PETITION
Issued: June 3, 2008 :
Attorney Docket No. 8957-000010 :

This is a decision on the petition under 37 CFR 1.183 filed July 29, 2008, which is being treated as a petition under 37 CFR 3.81(b) to correct the assignee's name on the front page of the above-identified patent by way of a Certificate of Correction.

The petition under 37 CFR 3.81(b) is **GRANTED**.

Petitioner also requested a new Ribbon Copy of the issued patent with the correct assignee name on the front page.

Petitioner is advised that it is the practice of the U. S. Patent and Trademark Office (USPTO) to issue a certificate of correction to correct an error on the part of an application in those cases where the assignee or attorney data is incorrect or was inadvertently not provided at the time of payment of the issue fee or the inventor's name is misspelled or otherwise incorrect. Note 37 CFR 1.323 and MPEP 1482 (35 U.S.C. 255), which states:

> "Whenever a mistake of a clerical or typographical nature, or of minor character, which was not the fault of the Patent and Trademark Office, appears in a patent and a showing has been made that such mistake occurred in good faith, the Commissioner may, upon payment of the required fee, issue a certificate of correction, if the correction does not involve such changes in the patent as would constitute new matter or would require re-examination. Such patent, together with the certificate, shall have the same effect and operation in law on the trial of actions for causes thereafter arising as if the same had been originally issued in such correct form."

In view of the above, and since the desired correction of the assignee's name can be effected by way of a certificate of correction, it is unnecessary to reprint the front page of the Letters Patent.

However the USPTO will reprint the front page of the Letters Patent if the following conditions are met:

1. Submission of a petition under 37 CFR 1.182
2. Payment of a $400 petition fee
3. Payment of a $100 fee to place a certificate of correction in the USPTO archives

Petitioner has already met the condition (3) noted above. Although petitioner did authorize that any additional fees may be charged to Deposit Account No. 08-0750, the fee will not be charged unless a Petition under 37 CFR 1.182 is filed.

Petitioner is advised that should a Petition under 37 CFR 1.182 be granted, the reprinted Letters Patent would be the only one which will reflect the correction of the assignee's name on the front page. All

other copies of the patent will reflect the correction of the assignee's name by the presence of a certificate of correction in Office records.

The matter is being referred to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision should 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

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	29/285,071
Filing Date	
First Named Inventor	BRANDON JOSHUA EZRA
Title	GO-KART CARRIER
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 3-29-07

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:

D12/408; D12/154; D34/28, 32, 35 414/537, 228 254/88 D12/154; 14/69.5, 71.1, 228 254/88 224/402; 224/495, 224/497, 500-511; 224/515; 224/500, 510, 929, 521, 523-530, 534, 224/924 410/3, 11, 462, 463, 464, 468, 470, 466, 469, 474-485, 491, 494, 521, 524, 528, 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.

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.

03/22/2007 LWONDIM1 00000020 29285071

04 FC:1802 900.00 OP

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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MAR 19 2008

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

In re Application of	:
Takanori Ito et al	: DECISION GRANTING PETITION
Application No. 29/285,124	: UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: March 21, 2007	:
Attorney Docket No. 1721.037	:

This is a decision on the petition under 37 CFR 1.313(c)(3), filed March 18, 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 in the parent application is not refundable nor can it be applied towards any new Notice of Allowance which may issue on the CPA filed March 18, 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 IDS.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Lawrence Cruz
Conair Corporation
One Cummings Point Road
STAMFORD CT 06902

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JUN 22 2009

OFFICE OF PETITIONS

In re Application of :
Anthony Kit Lun Leung :
Application No. 29/285,136 : DECISION ON PETITION
Filed: March 22, 2007 :
Attorney Docket No. 1351/D :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 21, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed August 1, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 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 an amendment and replacement drawing, (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d).

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 Technology Center AU 2913 for further processing in accordance with this decision on petition.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

OK TO ENTER UPON REVIVAL

1351/D

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of	)	
	)	Examiner: Zenia I. Bennett
ANTHONY KIT LUN LEUNG	)	
	)	Group Art Unit: 2913
for: HAIR DRYER	)	
	)	Confirmation No. 2665
Serial No.: 29/285,136	)	
	)	Our Docket No. 1351/D
Filed: March 22, 2007	)	

Mail Stop AF
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE TO FINAL OFFICE ACTION

Sir:

In response to the Final Office Action dated August 1, 2008, and in connection with the Petition to Revive filed concurrently herewith, please amend the above-identified application as follows:

Amendments to the Drawings begin on Page 2 of this Amendment and include an attached replacement sheet.

Remarks begin on Page 3 of this Amendment.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LAWRENCE CRUZ
CONAIR CORPORATION
ONE CUMMINGS POINT ROAD
STAMFORD CT 06902

MAILED

JUN 0 3 2009

OFFICE OF PETITIONS

In re Application of :
Anthony Kit Lun Leung :
Application No. 29/285,138 : DECISION ON PETITION
Filed: March 22, 2007 :
Attorney Docket No. 1350/D :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 21, 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 an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the final rejection mailed August 19, 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 Technology Center AU 2913 for appropriate action by the Examiner in the normal course of business on the reply received April 21, 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

LAW OFFICES OF MARK E WIEMELT, PC
10 SOUTH LASALLE STREET
STE. 3300
CHICAGO IL 60603

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DEC 03 2007

OFFICE OF PETITIONS

In re Application of :
Olivia Coleman :
Application No. 29/285,151 : DECISION ON PETITION
Filed: March 22, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 17, 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 (09-06)
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	29/285 178
Filing Date	
First Named Inventor	BIERY
Title	Vehicular Tow Bar ...
Atty Docket Number	BIERYJ-1

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:

CLASS 280/491.1

"TOW BAR" AND (OFFROAD OR JEEP) ANDNOT (TRAILER)

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.

Mary Jo Redman
Signature

2/27/2007
Date

Mary Jo Redman
Typed or printed name

53,921
Registration Number, if applicable

619-234-4034
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.

03/26/2007 EFLORES 00000052 29285178
04 FC:1802 900.00 OP

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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THE LAW OFFICE OF RICHARD S ERBE
P.O. BOX 418
5380 SENECA PLACE
SIMI VALLEY CA 93062

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APR 10 2009

OFFICE OF PETITIONS

In re Application of	:	
Dordick, Scott D.	:	
Application No. 29/285,181	:	ON PETITION
Filed: March 23, 2007	:	
Attorney Docket No. P08-DRDCK-0380	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed January 26, 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 an Amendment/Reply, (2) the petition fee, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee.

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

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

This matter is being referred to Technology Center AU 2916 for further examination on the merits.

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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NOV 25 2008

OFFICE OF PETITIONS

Scott D. Dordick
Unit 'H'
2041 E. Gladstone St.
Glendora CA 91740

In re Application of :
Scott D. Dordick :
Application No. 29/285,191 : DECISION ON PETITION
Filed: March 23, 2007 :
Attorney Docket No. :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 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 reply in a timely manner to the Notice of Non-Compliant (37 CFR 1.121) Amendment mailed, January 18, 2008, which set a shortened statutory period for reply of one (1) months or 30 days whichever is longer from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136 (a) were obtained. Accordingly, the application became abandoned on February 20, 2008 (February 18, 2008 was a holiday).

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

The statement of delay is not acceptable. In this regard, petitioner's attention is directed to 37 CFR 1.33(b), which states.

(b) 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.

In the present situation, the petition is not signed by the inventor and thus, the petition is considered to not contain a proper statement of unintentional delay.

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 Denise Williams at (571) 272-8930.

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

THE LAW OFFICE OF RICHARD ERBE
P.O. BOX 418
5380 SENECA PLACE
SIMI VALLEY CA 93062

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MAY 14 2009

OFFICE OF PETITIONS

In re Application of	:	
Scott D. Dordick	:	
Application No. 29/285,191	:	DECISION ON PETITION
Filed: March 23, 2007	:	
Attorney Docket No. P09-DRDCK-0386	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed February 10, 2009, 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 of Non-Compliant Amendment mailed January 10th and 18th, 2008, which set a period for reply of one (1) month or thirty (30) days, whichever is longer. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on February 19, 2008. A Notice of Abandonment was mailed August 18, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment and Replacement Drawings, (2) the petition fee of $810.00 (previously paid on October 9, 2008), (3) a proper statement of unintentional delay, and (4) a Terminal Disclaimer with the accompanying $70.00 fee (previously submitted on October 9, 2008).

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. Further, the address given on the petition differs from the new 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.

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.

The application file is being referred to Technology Center AU 2916 for appropriate action on the concurrently filed amendment.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: Richard S Erbe
2041 E. Gladstone St. Unit 'H'
Glendora, CA 91740

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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MELVIN I. STOLTZ, ESQ.
51 CHERRY STREET
MILFORD, CT 06460

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JUL 2 9 2008

In re Application of :
Jeffrey Slater, et al. :
Application No. 29/285,222 : ON PETITION
Filed: March 23, 2007 :
Attorney Docket No. 319-331 :

This is a decision on the petition, filed March 31, 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 February 29, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed November 30, 2007. A Notice of Abandonment was mailed on March 25, 2008. In response, on March 31, 2008, the present petition was filed.

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

[1] As amended effective December 1, 1997. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53194-95 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 119-20 (October 21, 1997).

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

The petition lacks item (4) above. Since the above-identified application is a design application, 37 CFR 1.137(d) requires a terminal disclaimer dedicating to the public a terminal part of the term of any patent granted thereon equivalent to the period of abandonment of the application. The period of abandonment will be computed to be the number of months from the date of abandonment to the date of filing a grantable petition. A terminal disclaimer fee of $130 ($65 if small entity) is required. If the terminal disclaimer is signed by an assignee, the assignee must comply with the requirements of 37 CFR 3.73(b).

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

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

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

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

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MELVIN I. STOLTZ, ESQ.
51 CHERRY STREET
MILFORD, CT 06460

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In re Application of
Jeffrey Slater
Application No. 29/285,222
Filed: March 26, 2007
Attorney Docket No. 319-331

ON PETITION

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

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue fee on or before February 29, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed November 30, 2007, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on March 1, 2008. A Notice of Abandonment was mailed on March 25, 2008. In response, on March 31, 2008, a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed July 29, 2008. On August 4, 2008, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $820 issue fee, (2) the petition fee of $1,540, (3) an adequate statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to timely pay the issue fee as required by the Notice of November 30, 2007 is accepted as being unintentionally delayed.

The terminal disclaimer filed August 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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Alexandria, VA 22313-1450
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HAYNES AND BOONE, LLP
901 MAIN STREET
SUITE 3100
DALLAS TX 75202

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MAR 17 2008

OFFICE OF PETITIONS

In re Application of
Maxik, et al.
Application No. 29/285,242
Filed: 23 March, 2007
Attorney Docket No. 36424.45

DECISION ON PETITION

This is a decision on the petition filed on 7 July, 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 **GRANTED**.

BACKGROUND

The instant application was deposited on 23 March, 2007.

On 8 May, 2007, the Office of Patent Application Processing (OPAP) (formerly the Office of Initial Patent Examination (OIPE)0 mailed a Notice of Incomplete Application (to wit: "the specification is missing *** the specification does not include at least one claim. A complete specification as required by 35 U.S.C. §112 is required."); and thus, the application had not been accorded a filing date. (Also incorporated was a Notice of Missing Parts as to oath/declaration (with surcharge) and basic filing fee.)

OIPE indicated that Petitioner might:

- contend via petition that the application was complete upon deposit, and so evidence that condition with the proper supporting documentation (i.e., a date stamped receipt card (see: MPEP §503)) along with a copy of the specification (with claim); or

- submit the specification and accept the date of that submission as the filing date.

OIPE set a two- (2-) month period for reply.

On 10 July, 2007, Petitioner submitted (over a 6 July, 2007, Certificate of Mailing) the instant petition, including therewith, *inter alia*, what is averred to be a true copy of one (1) page of specification, including at least one claim, averred to have been deposited on 23 March, 2007, along with a copy of Petitioner's date-stamped ("03232007") receipt card.

ANALYSIS

A search of the official file reveals that:

- on 23 March, 2007, Petitioner deposited the instant application;

- the Office record reflects that the specification (including at least one claim) was missing upon deposit.

- the date-stamped receipt card evidences—in pertinent part—the following:

***

Express Mail Certificate (EV 369678948); Design Patent Application Transmittal; Application Data Sheet; Patent Application consisting of one (1) page of specification and claims; three (3) sheets of formal drawings; and Return postcard were received in the U.S. Patent Office on the date stamped hereon. (Emphasis supplied)

***

Because Petitioner's receipt card adequately itemized the contents of the application as to the pages deposited, it is concluded that the application, including one (1) page of specification and claims, was deposited with the Office on 23 March, 2007, and one (1) page of specification and claims subsequently was misplaced in the Office.

Accordingly, the application, including one (1) page of specification and claims, is entitled to a filing date of 23 March, 2007.

The Notice mailed on 8 May, 2007, was sent in error and is hereby **vacated** to the extent that it stated that the application was filed without a specification and without at least on one claim.

CONCLUSION

The petition is **granted**; the petition fee waived and is refunded (Treasury check)—should Petitioner later find that refund not completed, Petitioner should send a refund request to Office of Finance with a copy of this decision.

This application is released to OPAP for further processing with a filing date of 23 March, 2007, for the entire application including one page of specification and claims, with pages 1 of the specification (description, claims), and 3 sheets of drawings described in the specification, using:

- **3 sheets of drawings deposited on 23 March; and**
- **one page of specification with claims deposited on 10 July, 2007; and further**

with direction to OPAP to correct Office records and provide to Petitioner a corrected filing receipt setting forth a filing date of 23 March, 2007, and reflecting therein that 1 page specification with claims and 3 sheets of drawings were present on filing.

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/Caller'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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 1/18-09 Paper No.: _____

TO SPE OF : ART UNIT 2913

SUBJECT : Request for Certificate of Correction for Appl. No. 29/285307 Patent No. D574895

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

FOR IFW FILES: Should COC be approved

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

Ennis Young
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: _____

Caron D. Veynar
SPE

2913
Art Unit

PTOL-306 (REV. 7/03) U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

CARON D. VEYNAR
SUPERVISORY PATENT EXAMINER

UNITED STATES PATENT AND TRADEMARK OFFICE

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Basil E. Demeur
7369 W. North Avenue
River Forest IL 60305

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JUL 09 2007

OFFICE OF PETITIONS

In re Application of :
Chen :
Application No. 29/285,412 :
Filed: March 29, 2007 :
Attorney Docket No. 3146-14 :
For: PORTABLE AIR CONDITIONER :

ON PETITION

This decision is mailed in response to the petition, filed June 7, 2007, which is being treated under 37 CFR 1.53(e) as a petition requesting withdrawal of the Notice of Omitted Items in a Nonprovisional Application (Notice), mailed April 27, 2007, insofar as the Notice alleges that Figure 8 was omitted upon the application's filing.

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

The application was filed on March 29, 2007. However, on April 27, 2007, the Office of Initial Patent Examination mailed a Notice stating that the application had been accorded a filing date of March 29, 2007, but advising applicant, *inter alia*, that Figure 8, as described in the specification, appeared to have been omitted.

In response, on June 7, 2007, petitioner filed with present petition. Petitioner argues that Figure 8 was filed on March 29, 2007. In support, the petition is accompanied by a declaration of the attorney of record who reviewed the application and attests to the fact that Figure 8 was present.

The declaration by counsel states without equivocation or doubt that Figure 8 was posted with all the other application papers to the Office on March 29, 2007.

The Office file is the official record of what was filed on March 29, 2007. An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence. In this regard, declarations by individuals involved in the preparation and mailing of the original application reciting their personal recollection or belief of what was contained in the application that they reviewed and/or mailed are no more persuasive of what was actually mailed than the contents of the official record. Such declarations, as in this case, are usually made months after the actual events recited. In this case, the declaration supplied on June 7, 2007 was made more than 2 months after the application was actually mailed.

It is for this reason that the Office has established a practice of providing a receipt for papers filed in the Office to any applicant desiring a receipt. The practice, which was long ago established and is well publicized, requires that any paper for which a receipt is desired be filed in the Office with a self-addressed postcard identifying the paper. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the Office of all the items listed thereon on the date stamped thereon by the Office. See section 503, Manual Of Patent Examining Procedure (MPEP 503).

Petitioner is encouraged to submit his **Office date stamped** itemized postcard receipt. It is noted that the copy of the return postcard receipt submitted with the present petition does not appear to have been date stamped by the Office.

Since Figure 8 was not a part of the papers filed on March 29, 2007 and petitioner has not not established that it was filed on March 29, 2007, the application cannot be accorded a March 29, 2007 filing date with Figure 8 as a part of the original disclosure of this application.

The petition is dismissed.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of March 29, 2007. Figure 8, submitted with the instant petition, will **not** be processed as part of the originally filed application.

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

GRAYBEAL JACKSON LLP
400 - 108TH AVENUE NE
SUITE 700
BELLEVUE WA 98004

In re Application of	:	
PHILLIPS, BRIAN THOMAS et al.	:	MAR -9 2010
Application No.: 29/285,419	:	DECISION ON
Filing or 371(c) Date: March 27, 2007	:	PETITION
Attorney Docket Number: 2611-003-05	:	

This is a decision on the Petition to Withdraw Holding of Abandonment under 37CFR § 1.81 (a), received in the United States Patent and Trademark Office (USPTO) on June 23, 2008.

This petition is **GRANTED**.

The application was held abandoned for failure to timely submit the Issue Fee and Publication fee as required by the Notice of Allowance, mailed February 7, 2008 which set forth a three (3) month statutory period of reply. The Notice of Abandonment was mailed on June 20, 2008.

Petitioner states that the issue fee transmittal and replacement sheet drawings were timely filed via the USPTO on May 6, 2008. Petitioner submitted a copy of the original submission which included a properly completed Certificate of Mailing/Transmission.

In view of the foregoing, the holding of abandonment for failure to timely submitting drawings is hereby withdrawn and the application restored to pending status.

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

Kay D. Pinkney
Application Assistance Unit
Office of Data Management

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PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS MN 55402-2100

In re Application of	:	
EVERSON, TERRY A.	:	
Application No.: 29/285450	:	DECISION ON
Filing or 371(c) Date: March 29, 2007	:	PETITION
Attorney Docket Number: **2374.281US01**	:	

This is a decision in response to the "Petition to Withdraw Holding of Abandonment," filed August 25, 2008.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowance, mailed March 18,2008.

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. 164.

Kendrick Spruill
Application Assistance Unit
Office of Data Management

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OFFICE OF PETITIONS

BENASUTTI, PA
17294 BERMUDA VILLAGE DRIVE
BOCA RATON, FL 33487

In re Application of :
KAUFMAN, Alan :
Application No. 29/285,464 : DECISION ON PETITION
Filed: March 29, 2007 : TO WITHDRAW
Attorney Docket No. **58670-0002** : 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 13, 2007.

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

A review of the file record indicates that the power of attorney to R. Lewis of **BENASUTTI, PA** has been revoked by the applicant of the patent application on October 10, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **RUDEN, MCCLOSKY, SMITH, SCHUSTER & RUSSELL, P.A.**
222 LAKEVIEW AVE, SUITE 800
WEST PALM BEACH FL 33401-6112

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RUDEN, MCCLOSKY, SMITH, SCHUSTER & RUSSELL, P.A.
222 LAKEVIEW AVE, SUITE 800
WEST PALM BEACH FL 33401-6112

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OCT 10 2008

OFFICE OF PETITIONS

In re Application of :
KAUFMAN, Alan :
Application No. 29/285,464 :
Filed: March 29, 2007 :
Attorney Docket No. 58670-0002 :

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 19, 2008.

The request is APPROVED.

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

The request was signed by Stanley A. Kim on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the sole named inventor Alan Kaufman at the address indicated below.

There is an outstanding Office action mailed April 29, 2008 that requires a reply from the 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: ALAN KAUFMAN
C/O NUBRELLA, LLC
790 BOYLSTON STREET, UNIT 16A
BOSTON, MA 02119

UNITED STATES 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

Martin D. Moynihan
PRTSI, Inc.
P.O. Box 16446
Arlington VA 22215

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OCT 0 1 2007

OFFICE OF PETITIONS

In re Application of :
Ran Oren et. Al. :
Application No. 29/285,475 : DECISION ON PETITION
Filed: March 30, 2007 : PURSUANT TO
Attorney Docket Number: 36200 : 37 C.F.R. § 1.53
Title: FINGER MOUNTING SURGICAL :
INSTRUMENT WITH SPATULA :
RETRACTOR :

This is a decision on the petition filed May 30, 2007, under 37 C.F.R. § 1.53, requesting that the above-identified application, including a one-page specification, be accorded a filing date of March 30, 2007 as part of the original disclosure.

The present application was deposited on March 30, 2007. However, on May 1, 2007, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Nonprovisional Application" (notice), stating that the application had not been accorded a filing date, and advising applicants that a filing date would be accorded upon the deposit of a specification and at least one claim.

In response, on May 30, 2007, applicants filed the present petition. The petition is further accompanied by a copy of a one-page specification, along with a copy of applicants' postcard receipt acknowledging receipt of "1 pages (sic) of specification" and "1 claims (sic)" in the United States Patent and Trademark Office (Office) on March 30, 2007. Applicants request that the present application, including one page of specification, be accorded a filing date of March 30, 2007.

The single page specification (including the claim contained thereon) has not been located among the application papers in the electronic file. However, the evidence is convincing that the application papers deposited on March 30, 2007 included a one-page specification, and this single sheet was subsequently misplaced in the Office.

Therefore, the application, including a one-page specification, was complete on filing and entitled to a filing date of March 30, 2007 as part of the original disclosure.

Accordingly, the petition under 37 C.F.R. § 1.53 is **GRANTED.**

The notice mailed May 1, 2007 was sent in error, and is hereby **VACATED.** Therefore, no petition fee is necessary, and the petition fee of $400 will be refunded to Petitioner's Deposit Account in due course.

OIPE will be notified that the application should receive a filing date of March 30, 2007, using the original application papers filed on that date, as well as the a one-page specification submitted on May 30, 2007, and it will be noted in Office records that a one-page specification was present on filing.

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

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United States Patent and Trademark Office
P.O. Box 1450
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MOTOROLA, INC.
1303 EAST ALGONQUIN ROAD
IL01/3RD
SCHAUMBURG, IL 60196

MAILED

MAY 20 2009

OFFICE OF PETITIONS

In re Application of :
Peng Chung Tan, et al. :
Application No. 29/285,533 : ON PETITION
Filed: March 30, 2007 :
Attorney Docket No. CM09900XM :

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

The petition is **DISMISSED**.

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

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed May 30, 2008, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on August 31, 2008. On March 27, 2009, the present petition was filed.

A grantable petition under 37 CFR 1.137(b)[1] must be accompanied by: (1) (1) the required reply,[2] unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether

[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.

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 items (4) above.

Since the above-identified application is a design application, 37 CFR 1.137(d) requires a terminal disclaimer dedicating to the public a terminal part of the term of any patent granted thereon equivalent to the period of abandonment of the application and the terminal disclaimer must also apply to any patent granted on a continuing design application that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the application for which revival is sought. The period of abandonment will be computed to be the number of months from the date of abandonment to the date of filing a grantable petition. To be effective, the terminal disclaimer must include the fee of $140 ($70 if small entity) pursuant to 37 CFR 1.20(d) and be signed in accordance with 37 CFR 1.33(b). If the terminal disclaimer is signed by an assignee, the assignee must comply with the requirements of 37 CFR 3.73(b).

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

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By Internet:	EFS-Web[3]

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[3] www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MOTOROLA, INC.
1303 EAST ALGONQUIN ROAD
IL01/3RD
SCHAUMBURG, IL 60196

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JUL 02 2009

OFFICE OF PETITIONS

In re Application of :
Peng Chung Tan, et al. :
Application No. 29/285,533 : ON PETITION
Filed: March 30, 2007 :
Attorney Docket No. CM09900XM :

This is a decision in response to the communication filed May 26, 2009, which is being treated as a renewed petition to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for a failure to reply in a timely manner to the final Office action mailed May 30, 2008. On March 27, 2009 a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed by a decision mailed May 20, 2009. In response, on May 26, 2009, the present petition was filed.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $1,620; (3) an adequate statement of unintentional delay; and (4) a terminal disclaimer and $140 fee as required by 37 CFR 1.137(d).

The terminal disclaimer filed May 26, 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 Technology Center AU 2916 for appropriate action by the Examiner in the normal course of business on the amendment received March 27, 2009.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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DAVIS & BUJOLD, P.L.L.C.
112 PLEASANT STREET
CONCORD, NH 03301

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MAR 11 2009

OFFICE OF PETITIONS

In re Application of :
Israela Adah BRILL-CASS, et al :
Application No. 29/285,571 : DECISION ON PETITION
Filed: April 2, 2007 : TO WITHDRAW
Attorney Docket No. CASISR D01AUS : 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 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 cannot be approved because there is no indication that all of the acts noted above have been performed.

The Office cannot approve the request at this time since the reason provided does not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "a practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office." More specifically, 37 CFR 10.40 states, "if paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reason set forth in the request, the departure of Scott A. Daniels and the election of Applicant/Assignee to have Scott A. Daniels be responsible for the case, 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 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: SCOTT A. DANIELS
DANIELS PATENT LAW P.L.L.C.
43 CENTRE STREET
CONCORD, NH 03301

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS MN 55402-2100

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MAY 24 2007

OFFICE OF PETITIONS

In re Application of :
Lisa A. Traun :
Application No. 29/285,605 : DECISION GRANTING PETITION
Filed: April 3, 2007 :
Attorney Docket No.: 1913.111US03 :

This is a decision on the petition filed May 11, 2007, in response to the "Notice of Omitted Items" mailed April 30, 2007, which is treated under 37 CFR 1.182.

The instant application was filed April 3, 2007 and a filing date was accorded. However, the Notice indicated that Figures 1-3 described in the specification appeared to have been omitted.

Petitioner asserts that Figures 1-3 were among the papers filed on April 3, 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 included Figures 1-6 on 2 sheets of drawings and bears a United States Patent and Trademark Office date-stamp of April 3, 2007. However, only two sheets of drawings are of record but both depict Figures 4-6. It is obvious therefore that Figures 1-3 were included and as the postcard receipt lacks any notation of non-receipt of any item listed, the petition is **GRANTED.**

Given the basis for granting the petition, no petition fee is due. Petitioner's deposit account no. 16-0631 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 April 3, 2007 and Figures 1-3 submitted on petition May 11, 2007.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

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DEC 0 7 2007

OFFICE OF PETITIONS

In re Application of	:	
Kazuhiro Aihara	:	DECISION GRANTING PETITION
Application No. 29/285,612	:	UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: April 3, 2007	:	
Attorney Docket No. 9353/672 (D4481-01)	:	

This is a decision on the petition filed December 5, 2007, which is being treated as a petition under 37 CFR 1.313(c)(3) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on November 9, 2007 in the parent application is not refundable nor can it be applied towards any new Notice of Allowance, which may issue on the CPA filed December 5, 2007.

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

This matter is being referred to Technology Center AU 2913 for processing of the CPA.

Irvin Dingle
Petition Examiner
Office of Petitions

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MAR 24 2008

OFFICE OF PETITIONS

COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN NY 11576

In re Application of :
Ubelander : DECISION ON PETITION
Application No. 29/285,621 :
Filed: April 3, 2007 :
Atty. Dkt. No.: UBELANDER - 1 :
DESIGN :

This decision is in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181 filed February 11, 2008.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is hereby GRANTED.

This application was held abandoned for failure to timely submit a proper reply to the Notice of Allowability (Notice) mailed October 2, 2007. The Notice set a three month statutory period of time for reply. Notice of Abandonment was mailed January 31, 2008.

Petitioner argues that the replacement drawing submitted December 26, 2007 satisfied the Notice and direct the Office's attention to the Examiner's Interview Summary record, mailed February 7, 2008, wherein the Examiner approved the replacement drawing.

In view thereof, the petition to withdraw the holding of abandonment is hereby GRANTED.

The Notice of Abandonment is hereby VACATED and the holding of abandonment is WITHDRAWN.

This application is being forwarded to the Office of Patent Publication for further processing.

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

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Klarquist Sparkman, LLP
121 SW Salmon Street
Suite 1600
Portland, OR 97204

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JUL 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Michael E. Williams	:	
Application No. 29/285,679	:	DECISION ON PETITION
Filed: April 4, 2007	:	TO WITHDRAW
Attorney Docket No. 7672-77885-01	:	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 9, 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. 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 Manita Rawat 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.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Michael E. Williams**
925 Applewilde Drive
San Marcos, CA 92078

cc: **Headwind Ceramics**
21-23 Floor, Gold Union Commerical Building
71-73 Connaught Road
West Hong Kong, Hong Kong

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
29/285,679	04/04/2007	Michael E. Williams	7672-77885-01

CONFIRMATION NO. 4721

24197
KLARQUIST SPARKMAN, LLP
121 SW SALMON STREET
SUITE 1600
PORTLAND, OR 97204

POWER OF ATTORNEY NOTICE

OC000000036943609

Date Mailed: 07/15/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/09/2009.

- 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.

/tswilliams/

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

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2ND FLOOR
WESTFIELD NJ 07090

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MAR 24 2008

OFFICE OF PETITIONS

In re Application of :
Chuanzhu Wang :
Application No.: 29/285682 : ON PETITION
Filing or 371(c) Date: 04/05/2007 :
Attorney Docket Number: 7002/5 :

This is a decision on the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b), filed January 14, 2008.

This Petition is hereby **dismissed**.

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

Background

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowance and Issue Fee Due, mailed July 10, 2007. The Notice set a non-extendable three (3) month period for reply. No reply having been received, the application became abandoned on October 11, 2007. A Notice of Abandonment was mailed November 2, 2007.

The present petition

Applicant files the present petition and issue fee; however, no Terminal Disclaimer has been filed.

Applicable Law, Rules and MPEP

A petition to revive an abandoned application on the grounds that the failure to reply was unintentional (37 CFR 1.137(b)) must be accompanied by: (1) the required reply; (2) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a

grantable petition pursuant to 37 CFR 1.137(b) was unintentional; (3) any terminal disclaimer required pursuant to 37 CFR 1.137(d) (see above discussion); and (4) the petition fee as set forth in 37 CFR 1.17(m). Applicant lacks item (3).

Analysis and conclusion

A terminal disclaimer and the terminal disclaimer fee are required under 37 CFR 1.137(d) if the application is: (1) a design application, (2) a utility application filed before June 8, 1995, or (3) a plant application filed before June 8, 1995.

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).

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

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

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

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

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

Derek L. Woods
Attorney
Office of Petitions

Enclosure: Terminal Disclaimer Form

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.

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WESTFIELD NJ 07090

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APR 25 2008

OFFICE OF PETITIONS

In re Application of :
Chuanzhu Wang :
Application No.: 29/285682 : ON PETITION
Filing or 371(c) Date: 04/05/2007 :
Attorney Docket Number: 7002/6 :

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 April 10, 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, mailed July 10, 2007. The Notice set a non-extendable three (3) month period for reply. No reply having been received, the application became abandoned on October 11, 2007. A Notice of Abandonment was mailed November 2, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the issue fee and corrected drawings; (2) the petition fee, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to timely pay the issue fee as required by the Notice is accepted as being unintentionally delayed.

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

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

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

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAR 2 4 2008

OFFICE OF PETITIONS

In re Application of	:	
Hongrui Shu	:	
Application No.: 29/285683	:	ON PETITION
Filing or 371(c) Date: 04/05/2007	:	
Attorney Docket Number: 7002/6	:	

This is a decision on the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b), filed January 14, 2008.

This Petition is hereby **dismissed**.

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

Background

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowance and Issue Fee Due, mailed July 10, 2007. The Notice set a non-extendable three (3) month period for reply. No reply having been received, the application became abandoned on October 11, 2007. A Notice of Abandonment was mailed November 2, 2007.

The present petition

Applicant files the present petition and issue fee; however, no Terminal Disclaimer has been filed.

Applicable Law, Rules and MPEP

A petition to revive an abandoned application on the grounds that the failure to reply was unintentional (37 CFR 1.137(b)) must be accompanied by: (1) the required reply; (2) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a

grantable petition pursuant to 37 CFR 1.137(b) was unintentional; (3) any terminal disclaimer required pursuant to 37 CFR 1.137(d) (see above discussion); and (4) the petition fee as set forth in 37 CFR 1.17(m). Applicant lacks item (3).

Analysis and conclusion

A terminal disclaimer and the terminal disclaimer fee are required under 37 CFR 1.137(d) if the application is: (1) a design application, (2) a utility application filed before June 8, 1995, or (3) a plant application filed before June 8, 1995.

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).

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

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

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

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

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

Derek L. Woods
Attorney
Office of Petitions

Enclosure: Terminal Disclaimer Form

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

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MAYER & WILLIAMS PC
251 NORTH AVENUE WEST
2ND FLOOR
WESTFIELD NJ 07090

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APR 25 2008

OFFICE OF PETITIONS

In re Application of :
Hongrui Shu :
Application No.: 29/285683 : ON PETITION
Filing or 371(c) Date: 04/05/2007 :
Attorney Docket Number: 7002/6 :

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 April 10, 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, mailed July 10, 2007. The Notice set a non-extendable three (3) month period for reply. No reply having been received, the application became abandoned on October 11, 2007. A Notice of Abandonment was mailed November 2, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the issue fee and corrected drawings; (2) the petition fee, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to timely pay the issue fee as required by the Notice is accepted as being unintentionally delayed.

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

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

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

Derek L. Woods
Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 6/12/09

TO SPE OF : ART UNIT 2914

SUBJECT : Request for Certificate of Correction for Appl. No.: 29285696 Patent No.: D592765 S

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580
You can fax the Directors/SPE response to 571-270-9990

LAMONTE NEWSOME
Certificates of Correction Branch
703-308-9390 ext. 112

Thank You For Your Assistance

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

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

Comments: _____

_____

_____

_____

_____

2914

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

SPE Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 6/12/09 Paper No.: _____

TO SPE OF : ART UNIT 2914

SUBJECT : Request for Certificate of Correction for Appl. No.: 29285696 Patent No.: D592765 S

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

You can fax the Director's response to 571-270-9990

LAMONTE NEWSOME
Certificates of Correction Branch
703-308-9390 ext. 112

Thank You For Your Assistance

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

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

Comments: _____

2914

PTOL-306 (REV. 7/03) U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

SPE

Art Unit

PAGE 3/3 * RCVD AT 7/29/2009 1:12:14 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/41 * DNIS:2709990 * CSID: * DURATION (mm-ss):01-18

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : June 20, 2008

TO SPE OF : ART UNIT 2915

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/285750 Patent No.: D561488 S

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

With respect to the change(s) requested to correct Office and/or Applicant's errors, should the patent read as shown in the certificate of correction attached herewith or the COCIN document(s), in IFW images for the above-identified patented application? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

If the response is for an IFW, within 7 days, please complete and forward the response, to the employee (named below) via scanning into application images, using document code **COCX**.

DO NOT SENT TO ATTORNEY

If the response is for a paper file wrapper, please complete the response and forward the response with the paper file wrapper, to the employee (named below), within 7 days, to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

LAMONTE NEWSOME
Certificates of Correction Branch
703-308-9390 ext. 112

Thank You For Your Assistance

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

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

Comments: One lined through because it was listed Twice

Gordon D. Watson — SPE
2915 — Art Unit

PTO/SB/44 (09-07)
Approved for use through 08/31/2010. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. :D561,488

APPLICATION NO. :29/285,750

ISSUE DATE :February 12, 2008

INVENTOR(S) :Christie D. Lamb and Lisa A. Adair

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

The following references were not cited:

Document No.	Publication Date	Name of Pattentee or Applicant
US-D525,453	07-25-2007	Natuzzi
US-D373,484	09-10-1996	Natuzzi et al.
US-D503,858	04-12-2005	Ricci
US-D470,328	02-18-2003	Ricci
US-D362,356	09-19-1995	Natuzzi et al.
US-D467,752	12-31-2002	Nastri
US-D414,954	10-12-1999	Christa et al.
~~US-D470,328~~	~~02-18-2003~~	~~Ricci~~
US-D471,026	03-04-2003	Natuzzi et al.

listed above

Non Patent Literature Documents missing:

Fabric Sofa – International Sofa,
http://www.everythingfurniture.com/stn-sofa-set-12.html. Prior to April 9, 2007.

Microfiber Chaise Sofa – International Sofa,
http://www.everythingfurniture.com/stn-chaise-sofa-1.html. Prior to April 9, 2007.

Kiefer – La-Z-Boy, http://www.lazboy.com/ourfurniture/product.aspx?pid=5102. Prior to April 9, 2007.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Douglas J. Christensen
PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.
4800 IDS CENTER
80 SOUTH EIGHTH STREET
MINNEAPOLIS, MN 55402-2100

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Correction Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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LAWRENCE CRUZ
CONAIR CORPORATION
ONE CUMMINGS POINT ROAD
STAMFORD CT 06902

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APR 30 2008

OFFICE OF PETITIONS

In re Application of :
Leung A. K. LUN :
Application No. 29/285,757 : DECISION ON PETITION
Filed: April 09, 2007 :
Attorney Docket No. :

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 corrected drawings in a timely manner in reply to the Notice of Allowability, mailed September 14, 2007, which set a period for reply of three (3) months. Accordingly, this application became abandoned on December 15, 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 the undersigned at (571) 272-2783.

David Buccei
Petition Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SEP 16 2008

OFFICE OF PETITIONS

In re Application of	:	
Anthony K. L. LEUNG	:	
Application No. 29/285,757	:	DECISION ON PETITION
Filed: April 09, 2007	:	
Attorney Docket No. **1349/D**	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed June 30, 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 December 17, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed September 14, 2007, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on December 15, 2007. A Notice of Abandonment was mailed on January 08, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $820 issue fee, and 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). Accordingly, the failure to timely pay the issue fee as required by the Notice of Allowance is accepted as being unintentionally delayed.

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

In view of the above, the terminal disclaimer fee of $130 was charged. The balance $1,410 from the petition fee submitted will be refunded to petitioner's Deposit Account 50-1239 in due course.

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

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

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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RENNER, KENNER, GREIVE, BOBAK, TAYLOR & WEBER
FOURTH FLOOR
FIRST NATIONAL TOWER
AKRON OH 44308-1456

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MAY 19 2008

OFFICE OF PETITIONS

In re Application of :
Kristin C. Mays et al. :
Application No. 29/285,800 : ON PETITION
Filed: April 12, 2007 :
Attorney Docket No: **WHS.P0050** :

This is a decision on the petition filed April 18, 2008 under 37 CFR 1.137(b),[1] to revive the above-identified application.

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

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

This application became abandoned March 10, 2008 for failure to file corrected drawings in response to the Notice of Allowability mailed on December 7, 2007. Accordingly, the Notice of Abandonment was mailed on March 31, 2008.

---

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

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

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

While the issue fee was previously submitted and while the corrected drawings have been submitted with the instant petition, the petition does not satisfy requirement (4) of the regulation.

Petitioner must submit a Terminal Disclaimer with any renewed petition since this is a design application. **Petitioner should note that submission of any renewed petition without the required reply will be construed as intentional delay.**

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

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

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

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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FOURTH FLOOR
FIRST NATIONAL TOWER
AKRON OH 44308-1456

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JUL 11 2008

In re Application of :
Kristin C. Mays et al. :
Application No. 29/285,800 : ON PETITION
Filed: April 12, 2007 :
Attorney Docket No: **WHS.P0050** :

This is a decision on the renewed petition filed June 9, 2008 under 37 CFR 1.137(b),[1] to revive the above-identified application.

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

Although the issue fee had been timely paid, this application became abandoned March 10, 2008 for failure to file corrected drawings in response to the Notice of Allowability mailed on December 7, 2007. Accordingly, the Notice of Abandonment was mailed on March 31, 2008. A petition to revive filed April 18, 2008 was dismissed in a decision mailed May 19, 2008 because the petition was not accompanied by a terminal disclaimer.

All other requirements of 37 CFR 1.137(b), including the filing of a terminal disclaimer, and fee, having now been met, this matter is being referred to the Publishing Division.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

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

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SANDRA LEE LIPKIN
A LAW CORPORATION
1891 GOODYEAR AVE.
SUITE 622
VENTURA CA 93003

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JUL 0 1 2008

OFFICE OF PETITIONS

In re Application of	:	
Abraham, Bryan L.	:	
Application No. 29/285,833	:	DECISION ON PETITION
Filed: April 11, 2007	:	
Attorney Docket No. 003-001	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed June 9, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

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

A grantable petition under 37 CFR 1.137(b) must be accompanied by:
(1) the required reply,[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.

---

[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
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Liana Walsh
Petitions Examiner
Office of Petitions

Enclosure: PTO/SB/63

PTO/SB/63 (01-08)
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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_____.

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

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

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

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

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3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
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5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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OFFICE OF PETITIONS

In re Application of	:	
Abraham, Bryan L.	:	
Application No. 29/285,833	:	ON PETITION
Filed: April 11, 2007	:	
Attorney Docket No. 003-001	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed July 14, 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

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OFFICE OF PETITIONS

In re Application of :
Serafino Sal Canino et al. :
Application No. 29/285,836 : ON PETITION
Filed: April 11, 2007 :
Attorney Docket No. 074885.0063 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 29, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

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

The application became abandoned for failure to 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 Notice of Abandonment was mailed on September 8, 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 petition to revive in a design application must be accompanied by a terminal disclaimer and fee as set for in § 1.321dedicating to the public a terminal part of the term of any patent granted on the application or any patent granted on any continuing application that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the application. The period to be disclaimed will be a terminal part of the patent to be granted equivalent to the period of abandonment. The period of abandonment will be computed to be the number of months from the date of abandonment to the date of filing a grantable petition. A terminal disclaimer fee of $70 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).

The Power of Attorney filed on August 8, 2008, is not necessary in lieu of the Power of Attorney filed June 6, 2008 and the Notice of Acceptance mailed June 9, 2008.

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

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Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
Serafino Sal Canino et al. :
Application No. 29/285,836 : ON PETITION
Filed: April 11, 2007 :
Attorney Docket No. 074885.0063 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed January 9, 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 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 Notice of Abandonment was mailed on September 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 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

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OFFICE OF PETITIONS

In re Application of :
Serafino Sal Canino et al. :
Application No. 29/285,836 : ON PETITION
Filed: April 11, 2007 :
Attorney Docket No. 074885.0063 :

This is a corrected version of the decision mailed on January 22, 2009, for the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed January 9, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue fee and file corrected drawings 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 Notice of Abandonment was mailed on September 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 the $410 issue fee submitted on January 9, 2009, and the corrected drawing submitted March 4, 2009, (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 and submit corrected drawings, as required by the Notice of Allowance, is accepted as being unintentionally delayed.

The terminal disclaimer submitted on January 9, 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.

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

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

In re Application of :
Yasuki Wakabayashi :
Application No. 29/285,881 : DECISION GRANTING PETITION
Filed: April 13, 2007 :
Attorney Docket No. **1720.066** :

This is a decision on the petition filed June 14, 2007, under 37 CFR 1.10(d) requesting that the above-cited application be accorded a filing date of April 13, 2007.

Petitioner alleges that the application was deposited with the United States Postal Service "Express Mail" service on April 13, 2007, but the "date-in", as found on the "Express Mail" mailing label, was incorrectly cited as April 14, 2007. In support of the allegation, the petition is accompanied by a copy of the "Express Mail" label with a tracking number EV838411263US showing a "date-in" of April 14, 2007, and a copy of petitioner's postage stamp printout indicating that postage was obtained on April 13, 2007, and not again until April 16, 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 with the "Express Mail" service on April 13, 2007.

In view of the above, the petition is granted. The new filing date for the above-cited application is April 13, 2007.

The Office of Initial Patent Examination will further process the application with a filing date of April 13, 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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SUITE 603
SILVER SPRING, MD 20910

In re Application of :
Yasuki Wakabayashi :
Application No. 29/285,881 : DECISION GRANTING PETITION
Filed: April 13, 2007 :
Attorney Docket No. **1720.066** :

This is a decision on the petition filed June 14, 2007, under 37 CFR 1.10(d) requesting that the above-cited application be accorded a filing date of April 13, 2007.

Petitioner alleges that the application was deposited with the United States Postal Service "Express Mail" service on April 13, 2007, but the "date-in", as found on the "Express Mail" mailing label, was incorrectly cited as April 14, 2007. In support of the allegation, the petition is accompanied by a copy of the "Express Mail" label with a tracking number EV838411263US showing a "date-in" of April 14, 2007, and a copy of petitioner's postage stamp printout indicating that postage was obtained on April 13, 2007, and not again until April 16, 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 with the "Express Mail" service on April 13, 2007.

In view of the above, the petition is granted. The new filing date for the above-cited application is April 13, 2007.

The Office of Initial Patent Examination will further process the application with a filing date of April 13, 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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MAY 09 2008

In re Application of	:	
Yasuki Wakabayashi	:	
Application No. 29/285,881	:	
Filing or 371(c) Date: 04/14/2007	:	DECISION
Attorney Docket Number: 1720.066	:	ON PETITION

This is a decision on the "Petition to Accord a Filing Date Pursuant to 37 C.F.R. Section 1.10(d)," filed June 14, 2007, requesting that the above-identified application be accorded a filing date of April 13, 2007, rather than the presently accorded filing date of April 14, 2007. The petition is properly treated under 37 CFR 1.10(d).

The decision mailed August 15, 2007, is **vacated**[1].

The petition is **dismissed**.

Applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under [insert the applicable code section]", and should only address the deficiencies noted below. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

Applicant alleges that the application was deposited in Express Mail service on April 13, 2007. In support of this assertion, Applicant files copies of an affidavit of Michelle Freeman; a "Print History from Stamps.Com; a listing of the business hours of the Silver Spring (Maryland) Post Office, and a copy of Express Mail Mailing Label No. EV838412263US.

[1] In consultation with Derek Woods, Petitions Attorney, it was discovered that Mr. Woods has before him a petition under 37 CFR 1.10(d) in application serial number 29/285,789 with the exact same history. It is noted that Mr. Woods dismissed the petition under 37 CFR 1.10(d) that was filed in application 29/285,789. Subsequent review of the facts of the petition in application 29/285,881 and the governing law reveal that Mr. Woods' analysis and conclusion in application 29/285,789 is correct. The decision in application 29/285,881 is vacated accordingly. The undersigned deeply regrets any inconvenience to petitioner.

Applicable Law

Public Law 97-247, 96 Stat. 317 (1982), amended 35 U.S.C. § 21 permitting, but not requiring, the Office to prescribe that any paper or fee required to be filed in the Office be considered filed in the Office on the date on which it was deposited with the U.S. Postal Service. The Office promulgated 37 CFR § 1.10 pursuant to the authority provided in 35 U.S.C. § 21.

37 CFR § 1.8 provides a procedure by which the timely filing of papers and fees deposited with the U.S. Postal Service may be established without independent corroboration by an employee of the U.S. Postal Service (*i.e.*, established solely by the statement(s) from applicant or his or her counsel). The suggestion that 37 CFR § 1.8 be applicable to application papers deposited with the U.S. Postal Service for purposes of obtaining a filing date was considered and expressly rejected. The criticality of an application filing date was considered adequate to justify independent verification by an employee of the U.S. Postal Service of the date of deposit of the application papers with the U.S. Postal Service. See rulemaking entitled "Revision of Patent Procedure," published in the *Federal Register* at 48 *Fed. Reg.* 2696, 2702 (January 20, 1983), and in the Patent and Trademark Office *Official Gazette* at 1027 *Off. Gaz. Pat. Office* 9, 25 (February 1, 1983). (Emphasis supplied). Put simply, the insertion by a disinterested employee of the U.S. Postal Service of the date of deposit in the U.S. Postal Service by Express Mail on the Express Mail label of the envelop containing application papers is the *raison d'être* of 37 CFR § 1.10.[2]

37 CFR 1.10(d) provides that

> [a]ny person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Director to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:
>
> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
> (2) The number of the "Express Mail" mailing label was placed on the

[2] In promulgating 37 CFR § 1.10, the Office also considered other types of mail service (*e.g.*, registered mail and certified mail), but chose the "Express Mail" service since this service provides, *inter alia*, a legible mailing date on the "Express Mail" label for the records of both the applicant and the Office. See "Revision of Patent Procedure," 48 *Fed. Reg.* at 2697, 1027 *Off. Gaz. Pat. Office* 12-13.

paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and
(3) The petition includes a showing which establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one

business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS. Emphasis supplied.

The MPEP 513 further explains that

The showing under 37 CFR 1.10(d) must be corroborated by (1) evidence from the USPS, or (2) evidence that came into being after deposit and within one business day of the deposit of the correspondence as "Express Mail." Evidence from the USPS may be the "Express Mail" Corporate Account Mailing Statement. Evidence that came into being within one day after the deposit of the correspondence as "Express Mail" may be in the form of a log book which contains information such as the "Express Mail" number; the application number, attorney docket number or other such file identification number; the place, date and time of deposit; the time of the last scheduled pick-up for that date and place of deposit; the depositor's initials or signature; and the date and time of entry in the log. (Emphasis supplied).

The reason the Office considers correspondence to have been filed as of the date of deposit as "Express Mail" is that this date has been verified by a disinterested USPS employee, through the insertion of a "date-in," or other official USPS notation, on the "Express Mail" mailing label. Due to the questionable reliability of evidence from a party other than the USPS that did not come into being contemporaneously with the deposit of the correspondence with the USPS, 37 CFR 1.10(d) specifically requires that any petition under 37 CFR 1.10(d) be corroborated either by evidence from the USPS, or by evidence that came into being after deposit and within one business day after the deposit of the correspondence as "Express Mail."

A petition alleging that the USPS erred in entering the "date-in" will be denied if it is supported only by evidence (other than from the USPS) which was:
(A) created prior to the deposit of the correspondence as "Express Mail " with the USPS (e.g., an application transmittal cover letter, or a client letter prepared prior to the deposit of the correspondence); or

(B) created more than one business day after the deposit of the correspondence as "Express Mail " (e.g., an affidavit or declaration prepared more than one business day after the correspondence was deposited with the USPS as "Express Mail ").

On the other hand, a notation in a log book, entered after deposit by the person who deposited the correspondence as "Express Mail" within one business day of such deposit, setting forth the items indicated above,

would be deemed on petition to be an adequate showing of the date of deposit under 37 CFR 1.10(d)(3).

37 CFR 1.10(d)(3) further provides that a party must show that correspondence was deposited as "Express Mail" before the last scheduled pickup on the requested filing date in order to obtain a filing date as of that date.

Analysis

A review of the evidence provided reveals the following: the affidavit of Michelle Freeman is "an affidavit or declaration prepared more than one business day after the correspondence was deposited with the USPS as 'Express Mail' ". MPEP 513. The "Print History" from Stamps.Com is not evidence from the USPS. The listing of the business hours of the Silver Spring (Maryland) Post Office fails to corroborate that the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. It is only a listing of the hours of operation of the Post Office Branch. Express Mail Mailing Label No. EV838412263US is evidence of deposit on April 14, 2007, as evidenced by both the "Date-In" and the USPS date stamp appearing thereon.

Conclusion

Applicant has also not provided any evidence that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS. Applicant has provided the affidavit of Michelle Freeman; however, Ms. Freeman failed to ensure receipt of a legible copy of the "Express Mail" mailing label with the "date-in" clearly marked.

The MPEP cautions that

correspondence should be deposited directly with an employee of the USPS to ensure that the person depositing the correspondence receives a legible copy of the "Express Mail" mailing label with the "date-in" clearly marked, and that persons dealing indirectly with the employees of the USPS (such as by depositing correspondence in an "Express Mail" drop

> box) do so at the risk of not receiving a copy of the "Express Mail" mailing label with the desired "date-in" clearly marked. On petition, the failure to obtain an "Express Mail" receipt with the "date-in" clearly marked may be considered an omission that could have been avoided by the exercise of due care, as discussed below. While the Office strongly urges direct deposit of "Express Mail" correspondence in order to obtain a legible copy of the "Express Mail" mailing label, parties are not precluded from using "Express Mail" drop boxes, but do so at their own risk. (Emphasis supplied).

Here, Applicant bore the risk of not receiving a copy of the "Express Mail" mailing label with the desired "date-in" clearly marked[3].

The petition is dismissed without prejudice. Applicant should provide evidence from the USPS or that or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

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

By mail:	Director for Patents PO Box 1450 Alexandria, VA 22313-1450
By FAX:	(571) 273-8300 Attn: Office of Petitions
By hand:	Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314

The application file is being directed to the Office Patent Application Processing where the filing date accorded the application will be restored to April 14, 2007, pending a final conclusion in the matter.

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[3] Parties who do use drop boxes can protect themselves from uncertainty due to illegible mailing labels by routinely maintaining a log of "Express Mail" deposits in which notations are entered by the person who deposited the correspondence as "Express Mail" within one business day after deposit with the USPS. Such evidence could be useful to later support a petition filed under 37 CFR 1.10(c), (d) (e), or (g). MPEP 513.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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INTELLECTUAL PROPERTY DIVISION - WEST BLDG.
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6250 CENTER HILL AVENUE
CINCINNATI OH 45224

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JUL 16 2008

In re Application of	:	
Douglas Scott MILLER et al.	:	
Application No. 29/285,913	:	DECISION ON PETITION
Filed: April 16, 2007	:	
Attorney Docket No. D-1210	:	

This is a decision on the petition under 37 CFR 1.137(b), filed June 18, 2008, to revive the above-identified design application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee on or before April 23, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed January 23, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on April 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 payment of the issue fee of $820.00; (2) the petition fee of $1,540.00; (3) a proper statement of unintentional delay and; (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the issue fee payments are accepted as being unintentionally delayed.

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

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

This application is being referred to Office of Data Management.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

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JAN 20 2010

In re Patent of :
Kobayashi, et al. :
Patent No. D583,030 :
Issue Date: December 16, 2008 : Decision on Petition
Application No. 29/285,960 :
Filing Date: April 16, 2007 :
Attorney Docket No. 04995/362001 :

This is a decision on the request under 37 CFR 3.81 to accept the correction of the assignee data. The request was filed on May 6, 2009.

The request under 37 CFR 3.81 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. Petitioners are advised that this is not a final agency decision.

Effective June 25, 2004, 37 CFR 3.81(b) has been revised to no longer require the correction of the assignee data prior to issuance of the patent. Therefore, a petition to waive the rule is unnecessary. 37 CFR 3.81(b) currently states:

> Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a)) and the processing fee set forth in § 1.17(I) of this chapter.

In other words, the request under 37 CFR 3.81(b) will be granted when:

(1) a request under 37 CFR 3.81 and the fee set forth in 37 CFR 1.17(i) are filed,
(2) the assignment was submitted for recordation prior to issuance of the patent, and
(3) a request for a certificate of correction and the fee set forth in 37 CFR 1.20(a) are submitted.

Petitioners have not met the requirements set forth above because the assignment to Panasonic Electric Works Co., Ltd. was submitted for recordation on January 29, 2009, which is after issuance of the patent. Therefore, the request is dismissed.

The certificate of correction fee submitted with the present petition will be refunded to petitioners' credit card.

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

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
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By hand: U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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SALT LAKE CITY, UT 84101-1644

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DEC 10 2008

In re Application of :
Robert Woodward, et al. :
Application No. 29/286,030 : ON PETITION
Filed: April 20, 2007 :
Attorney Docket No. 15491.0001A :

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.

This application became abandoned for failure to timely pay the issue fee and to submit corrected formal drawings on or before September 4, 2008, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability mailed June 4, 2008 . Accordingly, the date of abandonment of this application is September 5, 2008. On September 12, 2008, the present petition was filed. A Notice of Abandonment was subsequently mailed on September 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

[1] As amended effective December 1, 1997. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53194-95 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 119-20 (October 21, 1997).

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

in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the 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 $140 ($70 if small entity) is required. If the terminal disclaimer is signed by an assignee, the assignee must comply with the requirements of 37 CFR 3.73(b).

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

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

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SALT LAKE CITY, UT 84101-1644

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MAR 17 2009

OFFICE OF PETITIONS

In re Application of
Robert Woodward
Application No. 29/286,030
Filed: April 20, 2007
Attorney Docket No. 15491.0001A

ON PETITION

This is a decision on the renewed petition, filed January 12, 2009, to revive the above-identified application under 37 CFR 1.137(b).

A review of the record discloses that this application became abandoned for a failure to submit corrected drawings and timely pay the issue fee on or before September 4, 2008. On September 12, 2008, a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed December 10, 2008. On January 12, 2009, the present petition was filed.

While petitioner has included, *inter alia*, a terminal disclaimer and fee, the terminal disclaimer cannot be accepted, as it does not set forth the owner and the percent of interest in the application nor does it discuss the effect on any patent granted on a continuing design application containing a specific reference under 35 U.S.C. 120, 121 or 365(c) to the application for which revival is sought. Consequently, an appropriate terminal disclaimer must be filed before the petition under 37 CFR 1.137(b) can be granted. For applicant's convenience Form PTOSB63 entitled "Terminal Disclaimer to Accompany Petition" is enclosed.

The petition has been reconsidered as requested, but the result is the same. The petition is **DISMISSED**

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Enclosure

[1] www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

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OFFICE OF PETITIONS

BRENT T. WINDER,
JONES WALDO HOLBROOK & MCDONOUGH
SUITE 1500
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In re Application of :
Robert Woodward :
Application No. 29/286,030 : ON PETITION
Filed: April 20, 2007 :
Attorney Docket No. 15491.0001A :

This is a decision on the renewed petition, filed April 3, 2009, to revive the above-identified application under 37 CFR 1.137(b).

The petition is **DISMISSED**.

The application became abandoned for failure to submit formal drawings on or before September 12, 2008. The present petition is filed in response to a decision mailed March 17, 2009, wherein petitioner was advised that the terminal disclaimer was not acceptable. A new terminal disclaimer has been provided with the present petition.

Unfortunately, the terminal disclaimer filed April 3, 2009 cannot be accepted as the petitioner has no authority to sign the terminal disclaimer on behalf of the assignee. An attorney signing on behalf of the assignee, must be an attorney of record. See 37 CFR 1.321(b)(1)(iv). There is no power of attorney to Attorney Brent T. Winder of record in the file.

Since the above-identified application is a design application, 37 CFR 1.137(d) requires a properly signed 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.

This decision is made without prejudice to reconsideration upon the filing of a request therefor within TWO MONTHS from the mail date of the decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)" and an appropriate terminal disclaimer.

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

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

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

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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SALT LAKE CITY, UT 84101-1644

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JAN 27 2010

In re Application of :
Robert Woodward :
Application No. 29/286,030 : ON PETITION
Filed: April 20, 2007 :
Attorney Docket No. 1449,030 :

This is a decision in response to the renewed petition, filed June 8, 2009, to revive the above-identified application under 37 CFR 1.137(b).

The petition is **DISMISSED**.

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

A review of the record discloses that the above-identified application became abandoned for failure to timely pay the issue fee and to submit formal drawings on or before September 4, 2008. On September 12, 2008, a petition under the provision of 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed December 10, 2008. On January 12, 2009 and April 3, 2009, renewed petitions were filed; however, these petitions were dismissed by decisions mailed March 17, 2009 and May 27, 2009, respectively. The present renewed petition is filed in response to the decision of May 27, 2009.

As noted in the decision mailed December 10, 2008, a grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply,[1] 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). It is noted that Items (1) – (3) have been filed; however, the present renewed petition lacks item (4).

[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.

In this regard, the Terminal Disclaimer filed June 8, 2009 is not acceptable, as it is signed on behalf of assignee without proper authority. It is noted that the petition included a Revocation and Power of Attorney to the signing attorney; however, the Power is not acceptable, as it is from an assignee, without the certificate required under 37 CFR 3.73(b). Therefore, the petition cannot be granted until a proper Terminal Disclaimer is filed.

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

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By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By Internet:	EFS-Web[2]

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[2] www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

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MAY 03 2010

OFFICE OF PETITIONS

In re Application of
Robert Woodward, et al.
Application No. 29/286,030
Filed: April 20, 2007
Attorney Docket No.: 15491.0001A

ON PETITION

This is a decision on the renewed petition, filed February 26, 2010, to revive the above-identified design application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

This application became abandoned for a failure to timely pay the issue fee and submit formal drawings on or before September 4, 2008. A Notice of Abandonment was mailed on September 29, 2008. The present petition is filed in response to a decision mailed January 27, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of formal drawings and 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).

The terminal disclaimer filed February 26, 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.

Since the $70 terminal disclaimer fee was paid with each of the improper terminal disclaimers filed January 12, 2009, April 3, 2009 and June 8, 2009, as well as the acceptable terminal disclaimer on February 26, 2010, counsel's deposit account will be credited for the terminal disclaimer fee overpayment of $210.

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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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO IL 60610

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AUG 19 2008

In re Application of :
Allemand, James S. :
Application No. 29/286,043 : ON PETITION
Filed: April 20, 2007 :
Attorney Docket No. 9727/184 :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed June 24, 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) (1). 35 U.S.C. 41(a)(7) and 151 each require payment of the issue fee as a condition of reviving an application abandoned for failure to pay the issue fee. Therefore, the filing of a continuing application without payment of the issue fee or any outstanding balance thereof is not an acceptable reply in an application abandoned for failure to pay the issue fee or any portion thereof.

---

[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).

Although authorization is given to charge any deficiencies to petitioner's deposit account is given, it only authorizes fees required under 37 CFR 1.16 and 37 CFR 1.17. The issue fee is required under 37 CFR 1.18(b). Accordingly, payment of the $410.00 issue fee is required for revival of the instant application.

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

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

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

By hand: Customer Window located at:

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

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

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

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

In re Application of :
Allemand, James S. :
Application No. 29/286,043 : ON PETITION
Filed: April 20, 2007 :
Attorney Docket No. 9727/184 :

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed October 13, 2008, to revive the above-identified application.

The petition is **GRANTED**.

Petitioner has now satisfied both 35 U.S.C. 41(a)(7) and 151 by paying the required issue fee, which will be charged to petitioner's deposit account as authorized. All other requirements under 37 CFR 1.137(b) were previously fulfilled by the June 24, 2008 petition.

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

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

This matter is being referred to Technology Center 2900 for processing of the Continued Prosecution Application (CPA) filed one June 24, 2008.

Liana Walsh
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.*

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CHICAGO, IL 60610

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OFFICE OF PETITIONS

In re Application of :
James S. Allemand :
Application No. 29/286,044 : ON PETITION
Filed: April 20, 2007 :
Attorney Docket No. 9727/191 :

This is a decision on the petition under 37 CFR 1.137(b), filed June 24, 2008, to revive the above-identified design application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue fee. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. *See* MPEP 711.03(c)(III)(A)(1). Therefore, the filing of a continuing application under 37 CFR 1.53(d) is not a proper reply under 37 CFR 1.137(a)(1) or (b)(1). In view of the authorization contained in the petition to charge any additional fees due, the $410.00 issue fee will be charged to petitioner's deposit account. **The issue fee is not refundable and may not be applied towards payment of the issue fee in the continuing application (in the event it is allowed).**

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

As continuity has been established by this decision, the application is again abandoned in favor of the CPA, submitted on June 24, 2008.

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

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

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. BOX 2902
MINNEAPOLIS MN 55402-0902

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JAN 15 2008

OFFICE OF PETITIONS

In re Application of	:	
Horio et al.	:	
Application No. 29/286067	:	ON PETITION
Filing or 371(c) Date: 04/19/2007	:	
Attorney Docket Number:	:	
10921.0469US01	:	

This Decision is in response to the "Petition to Correct Filing Date," filed November 16, 2007, requesting the application be accorded a filing date of April 20, 2007. The petition is properly treated under 37 CFR § 1.10(c).

This Petition is hereby **granted**.

Petitioner alleges that the application was deposited in Express Mail service on April 20, 2007. In support of this assertion, the petition is accompanied by a copy of Express Mail label No. EV802674302US. A review of the Express Mail label, No. EV802674302US, reveals that the "Date In" indicated on the Express Mail label is April 19, 2007. However, the Express Mail Label contains a stamp of the United States Post Office ("USPS") dated April 20, 2007. The same Express Mail label number was placed on the original application papers located in the official file.

In view of the above, the petition is granted.

The application is being referred to the Office of Patent Application processing for correction of the filing date to April 20, 2007, and for the mailing of a Corrected Filing Receipt.

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

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE
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KENYON & KENYON LLP
RIVERPARK TOWERS, SUITE 600
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SAN JOSE CA 95110

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SEP 21 2007

OFFICE OF PETITIONS

In re Application of :
Jianhui Lu :
Application No. 29/286,075 : DECISION ON PETITION UNDER
Filed: April 20, 2007 : 37 C.F.R. § 1.182
Attorney Docket No.: 14099/2 :
Title: PASSENGER CAR :

This is a decision on the petition filed June 14, 2007, requesting that the above-identified application, including Figures 3 and 4, be accorded a filing date of April 20, 2007 as part of the original disclosure.

The application was deposited on April 20, 2007. However, on May 15, 2007, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Omitted Item(s) in a Nonprovisional Application" (notice), stating that the application had been accorded a filing date, and advising applicants that Figures 3 and 4 appeared to have been omitted on filing. The notice set a two-month period of reply.

In response, on February 7, 2007, applicants filed the present petition. The petition is further accompanied by a copy of Figures 3 and 4, along with a copy of applicants' postcard receipt acknowledging receipt of "Drawings (2)" in the United States Patent and Trademark Office (Office) on April 20, 2007. Applicants request that Figures 3 and 4 be accorded a filing date of April 20, 2007.

Upon review of the electronic file, 1 sheet of drawings has been located, containing Figures 1 and 2. Figures 3 and 4 have not been located among the application papers. However, the evidence

is convincing that the application papers deposited on April 20, 2007 included a drawing sheet containing Figures 3 and 4, and this sheet was subsequently misplaced in the Office.

Therefore, the application, including Figures 3 and 4, was complete on filing and entitled to a filing date of April 20, 2007 as part of the original disclosure.

Accordingly, the petition under 37 C.F.R. § 1.182 is **GRANTED.**

The notice mailed May 15, 2007 was sent in error, and is hereby **VACATED.** Therefore, no petition fee is necessary, and the petition fee will be refunded to Petitioner's Deposit Account in due course.

OIPE will be advised to process the application with a filing date of April 20, 2007, using the original application papers filed on that date, as well as Figures 3 and 4 submitted on November 30, 2006, and for noting in Office records that the sheet containing Figures 3 and 4 was present on filing.

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

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 04-27-09

TO SPE OF : ART UNIT 2916

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/286098 Patent No.: D585132

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

Angela Green
Certificates of Correction Branch
703-756-1541

Thank You For Your Assistance

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

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

Comments: _____

IAN SIMMONS
SUPERVISORY PATENT EXAMINER

_____ 2916
SPE **Art Unit**

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COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
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Paper No.

LAW OFFICE OF MORRIS E. COHEN
1122 CONEY ISLAND AVENUE
SUITE 217
BROOKLYN NY 11230

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MAR 14 2008

OFFICE OF PETITIONS

In re Application of :
John Chen : DECISION ON PETITION
Application No. 29/286,157 :
Filed: April 25, 2007 :
Atty Docket No. 5061.006.100 :

This is a decision on the Petition to Accord a Filing Date filed October 2, 2007. Petitioner requests that the Office accord the above-identified application a filing date of April 25, 2007.

Application papers in the above-identified application were deposited on April 25, 2007. However, on August 3, 2007, the Office of Patent Application Processing mailed applicant a NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION. Applicant was thereby notified that the application papers had not been accorded a filing date because the application did not include a specification as prescribed by 35 U.S.C. 112 (In addition, the Notice required submission of an executed oath or declaration and late surcharge).

In response, the instant petition (and petition fee) and the declaration were timely filed. There is no dispute that the application was filed without a declaration. The surcharge for late filing of the declaration has been charged to Deposit Account No. 50-1604, as authorized. Petitioner is correct that under these circumstances the late filing of the declaration has no effect on the filing date accorded the application.

With respect to the missing specification, petitioner responds that the Notice is in error. In support there, petitioner submits a copy of their postcard receipt, which petitioner states acknowledged receipt of one sheet of specification at the time of filing. Petitioner states they are enclosing a copy of that sheet of specification, which includes a claim at the end as shown thereon.

A postcard receipt, which itemizes and properly identifies the items, which are being filed, serves as prima facie evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503. A review of petitioner's postcard receipt reveals that: 1) it was date stamped as received in the USPTO on April 25, 2007 and the items filed therewith were assigned Application No. 29/286157; 2) it specifically identifies the items being filed, including "1 sheet of specification" and 3) it lacks any annotation of non-receipt of any item denoted on the postcard. Thus, petitioners have shown that the items denoted, including 1 sheet of specification, were filed on April 25, 2007. Thus, it is concluded that the application papers deposited on April 25, 2007, included a specification with at least one claim, and thus, was entitled to a filing date of April 25, 2007.

Accordingly, the petition is **GRANTED**.

Given the basis for granting the petition, petitioner's request to refund the petition fee is granted. Accordingly, although authorized, no petition fee will be charged to the Deposit Account.

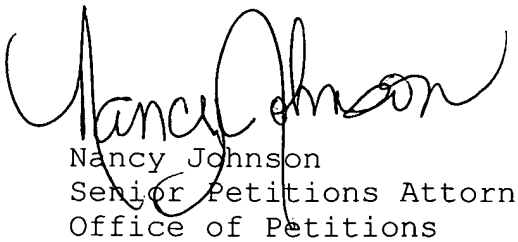
The application is being forwarded to the Office of Patent Application Processing (formerly known as OIPE) for:

- **according of a filing date of April 25, 2007** using the application papers received in the Office and presently accorded that date; and the 1 sheet of specification including at least one claim re-supplied on petition filed October 2, 2007; and

- processing of the response to the Notice, an executed declaration, timely filed October 2, 2007. (The filing date remains April 25, 2007).

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

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



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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6387 CAMINITO LAZARO
SAN DIEGO CA 92111

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JUN 29 2007

OFFICE OF PETITIONS

In re Application of :
Carol Mae King, et al. :
Application No. 29/286,171 : DECISION ON PETITION
Filed: April 26, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. KINGC-1 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 26, 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 Carol Mae King. 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

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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SCULLY SCOTT MURPHY & PRESSER PC
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY NY 11530

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SEP 28 2007

OFFICE OF PETITIONS

In re Application of :
Stanley F. Gouldson :
Application No. 29/286,334 : DECISION DISMISSING PETITION
Deposited: May 2, 2007 :
Filed: May 25, 2007 :
Attorney Docket No. 19998d

This is a decision on the petition filed May 25, 2007, to accord the above-identified application a filing date of May 2, 2007.

Application papers in the above-identified application were deposited on May 2, 2007. However, Applicants received back from the Office a postcard receipt, indicating that the Office did not receive a specification, claim, and drawings. The mailing of this decision precedes the mailing of a "Notice of Incomplete Nonprovisional Application."

Applicant asserts that a complete application, including a specification and drawings, was filed on May 2, 2007, the postcard receipt notwithstanding.

The PTO file is the official record of papers originally filed in this application. A review of the official file reveals that no drawings were filed on May 2, 2007, since those papers are not present in the file. Moreover, the postcard annotated by an Office employee indicates that the drawings were not present upon opening the envelope. An applicant alleging that a paper was filed in the PTO and later misplaced has the burden of proving the allegation by a preponderance of the evidence. The assertions in the petition contain counsel's recall of routine events and are not more persuasive than the record of what was filed as shown by the official file.

Because no drawings were present on May 2, 2007 the date the application was deposited, the application can not be accorded a filing date of May 2,2007.

Accordingly, the petition is **DISMISSED**.

The application will be accorded a filing date based upon the date that the missing drawings were received in the Office.

The application file will be forwarded to the Office of Initial Patent Examination for further processing with a **filing date of May 25, 2007**, using the application papers submitted on December 2, 2007, together with the one (1) sheet of drawing and one (1) sheet of specification submitted on petition filed May 25, 2007.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO IL 60610

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OFFICE OF PETITIONS

In re Application of	:	
Lin et al.	:	
Application No. 29/286424	:	
Filing or 371(c) Date: 05/04/2007	:	ON PETITION
Pat. Num.: D573211	:	
Issue Date: 07/15/2008	:	
Attorney Docket Number: 12587/4	:	

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

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

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

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

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

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

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OFFICE OF PETITIONS

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

In re Application of
James S. Allemand
Application No. 29/286,429
Filed: May 4, 2007
Attorney Docket No. 9727/183

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed June 24, 2008, to revive the above-identified application.

The petition is **GRANTED**.

A review of the record shows that a Notice of Allowance and Fee(s) Due was mailed on March 18, 2008, setting a statutory period for reply of three (3) months. On June 17, 2008, an improper Request for Continued Examination (RCE) under 37 CFR 1.114 was filed. Accordingly, on June 19, 2008 the application became abandoned for failure to pay the issue fee. On June 24, 2008, the present petition was filed, including, *inter alia*, a Terminal Disclaimer and a request for a Continued Prosecution Application (CPA). A Notice of Abandonment was subsequently mailed on September 22, 2208.

In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply under 37 CFR 1.137(b) must be the payment of the issue fee or any outstanding balance thereof. Therefore, in addition to the CPA filing fee of $100, the issue fee payment of $410 is being charged to counsel's deposit account and the $405 filing fees paid for the improper RCE on June 17, 2008 will be credited to counsel's deposit account as authorized.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $410 issue fee, (2) the petition fee of $770, (3) an adequate statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to timely pay the issue fee as required by the Notice of March 18, 2008 is accepted as being unintentionally delayed.

Petitioner is reminded that the issue fee paid on June 24, 2008 in the parent application is not refundable nor can it be applied towards the new Notice of Allowance resulting from the CPA filed June 24, 2008.

The terminal disclaimer filed June 24, 2008 has been accepted and made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

In view of this decision, the application is being returned to Technology Center 2915 for further processing of the CPA filed on June 24, 2008.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

PTO/SB/27 (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

Application Number	29/286,443
Filing Date	
First Named Inventor	M. Bay
Title	RECONFIGURABLE MOTORCYCLE JACKET
Atty Docket Number	7471-000055

HAND DELIVER TO THE DESIGN GROUP DIRECTOR'S OFFICE
-or- ADDRESS TO:
COMMISSIONER FOR PATENTS
BOX EXPEDITED DESIGN
WASHINGTON, D.C. 20231

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 appliction under 37 CFR 1.155.

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

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

Classes: 2/2.5, 16, 45, 69, 79, 85, 86, 92, 93, 94, 95, 97, 102, 108, 114, 119, 126, 158, 138, 227, 230, 267, 268, 269, 383, 455, 459, 461, 462, 463, 464, 465, 467, 904, Digest 1

D2/48, 49.1, 49.2, 49.3, 49.4, 49.5, 714, 716, 739, 743, 828, 830, 831, 834, 839, 840, 841, 847, 858

D24/187

Related applications: USSN 11/504,522, filed August 15, 2006

If not previously filed for the above-identified application, the following items required by 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.

May 4, 2007
Date

Signature

Monte L. Falcoff
Typed or printed name

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

Burden Hour Statement: This collection of information is required by 37 CFR 1.155. The information is used by the public to request (and the PTO to process) expedited examination of a design application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Box Expedited Design, Washington, DC 20231.

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CHICAGO IL 60606

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OFFICE OF PETITIONS

In re Application of	:	
Bonni Shevin-Sandy	:	
Application No. 29/286479	:	
Filing or 371(c) Date: 05/07/2007	:	
Attorney Docket Number:	:	DECISION
0469.77328	:	ON PETITION

This is a decision on the "Request for Corrected Filing Receipt, filed August 20 and December 13, 2007, and January 22, 2008. The Request is properly treated as a petition under 37 C.F.R. §1.10(c) to correct the filing date.

This Petition is hereby **granted**.

Petitioner alleges that the application was deposited in Express Mail service on May 7, 2007. In support of this assertion, the petition is accompanied by a copy of Express Mail label No. EL965131526US. A review of the Express Mail label, No. EL965131526US , reveals that the "Date In" is May 7, 2007. The same Express Mail label number was placed on the original application papers located in the official file.

In view of the above, the petition is **granted**. No fee has been charged and none is due.

The application is being referred to the Office of Patent Application Processing for correction of the filing date to May 7, 2007, and for the mailing of a Corrected Filing Receipt.

Petitioner is advised that the receipt date of correspondence filed during the prosecution of an application is not included on a Filing Receipt. As such, no corrected Filing Receipt will be mailed at this time.

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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SUITE 360
ENCINO CA 91436

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OFFICE OF PETITIONS

In re Application of :
Timothy Val Kolton :
Application No. 29/286,543 : ON PETITION
Filed: May 10, 2007 :
Attorney Docket No. 22832-001 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 26, 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
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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LAUSON & TARVER LLP
880 APOLLO STREET
SUITE 301
EL SEGUNDO CA 90245

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OFFICE OF PETITIONS

In re Application of :
Timothy Val Kolton :
Application No. 29/286,543 : DECISION ON PETITION
Filed: May 10, 2007 :
Attorney Docket No. 22832-001 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed February 4, 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; (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 February 6, 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 February 4, 2009.

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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GREENBERG TRAURIG, LLP
ONE INTERNATIONAL PLACE, 20th FL
ATTN: PATENT ADMINISTRATOR
BOSTON MA 02110

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MAR 0 4 2008

In re Application of
Goodburn et al.
Application No. 29/286,551
Filed: May 10, 2007
Attorney Docket No. 065551-011811

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the petition filed December 31, 2007 under 37 CFR. §1.47(a).

The petition under 37 CFR. §1.47(a) is **DISMISSED**.

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

The above-identified application was filed on May 10, 2007, without an executed oath or declaration. Accordingly, on June 4, 2007, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring for the purposes of this decision an executed oath or declaration in compliance with §1.63, and a surcharge for its late filing. This Notice set an extendable two-month period for reply of August 4, 2007.

In reply, applicant filed a petition, the surcharge for late filing of the declaration, and a partially executed declaration. To make the reply timely, a five (5) month extension of time was also submitted.

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

As to item (2), the declaration submitted is not in compliance with 37 CFR 1.63 . Rule

47 applicant failed to provide the citizenship of all of the inventors pursuant to 37 CFR 1.63 (a)(3). Specifically, petitioner failed to provide the citizenship of inventors Goodburn and O'Dell. On renewed petition, a new oath or declaration in compliance with 37 CFR 1.63 and 1.64 signed by the other co-inventors on behalf of themselves and on behalf of non-signing inventor Goodburn is REQUIRED. See MPEP 409.03(a).

It should also be noted that the declaration does not state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56. Instead of "material to patentability," it improperly states "material to the examination of this application".

All oaths or declarations filed on or after June 1, 2008, will be required to include the language expressly set forth in 37 CFR 1.63, including that in 37 CFR 1.63(b)(3). For pending applications, the Office is hereby sua sponte waiving the express language requirement of 37 CFR 1.63(b)(3), where the oath or declaration was filed prior to June 1, 2008. The express language of 37 CFR 1.63(b)(3) is waived only to the extent necessary such that an oath or declaration containing the "material to examination" or "in accordance with § 1.56(a)" language, or both, will be accepted as acknowledging the applicant's duty to disclose information "material to patentability" as defined in 37 CFR 1.56. See. 1327 O.G. 112.

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

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

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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GREENBERG TRAURIG, LLP
ONE INTERNATIONAL PLACE, 20th FL
ATTN: PATENT ADMINISTRATOR
BOSTON MA 02110

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MAY 19 2008

OFFICE OF PETITIONS

In re Application of
Mark Goodburn and Suzanne O'Dell
Application No. 29/286,551
Filed: May 10, 2007
Attorney Docket No. 065551-011811

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the renewed petition under 37 CFR 1.47(a), filed April 1, 2008.

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventor Mark Goodburn has refused to join in the filing of the above-identified application. The non-signing inventor's failure to respond to the application mailing sufficiently establishes that he refuses to execute the application papers.

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

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

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) 272-3215.

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mark Goodburn
2 West Terrace
Milford
Derbyshire DE56 0RF
Great Britain

COPY MAILED

MAY 19 2008

OFFICE OF PETITIONS

In re Application of
Mark Goodburn and Suzanne O'Dell
Application No. 29/286,551
Filed: May 10, 2007
For: Faceplate For Recording Apparatus

Dear Mr. Goodburn:

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
Petitions Attorney
Office of Petitions

cc: GREENBERG TRAURIG, LLP
ONE INTERNATIONAL PLACE, 20th FL
ATTN: PATENT ADMINISTRATOR
BOSTON MA 02110

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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JENNIFER K. FARRAR
SHUFFLE MASTER, INC.
1106 PALMS AIRPORT DRIVE
LAS VEGAS NV 89119

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APR 2 2 2009

OFFICE OF PETITIONS

In re Application of :
O'Halloran et al. :
Application No. 29/286,587 : DECISION ON PETITION
Filed: May 11, 2007 :
Attorney Docket No. PA1842.AP.US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 17, 2008 and again on February 2, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the Issue fee and submit Corrected Drawings on or before May 28, 2008, as required by the Notice of Allowability For a Design Application mailed February 28, 2008. Accordingly, the date of abandonment of this application is May 29, 2008. A Notice of Abandonment was mailed 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 payment of the Issue fee of $820.00 and submission of Corrected Drawings; (2) the petition fee of $1,540.00; (3) a proper statement of unintentional delay; (4) a Terminal Disclaimer with the accompanying $130.00 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. It is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent. In accordance with 37 CFR

1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. While, a courtesy copy of this decision is being mailed to the 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.

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 February 2, 2009.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: Mark A. Litman
York Business Center, Ste. 205
3209 W. 76th Street
Edina, MN 55435

UNITED STATES PATENT AND TRADEMARK OFFICE

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25225 DETROIT ROAD
P O BOX 450777
WESTLAKE, OH 44145

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SEP 28 2007

OFFICE OF PETITIONS

In re Application of :
Kingston, et al. :
Application No. 29/286,617 : DECISION GRANTING PETITION
Filed: May 14, 2007 :
Attorney Docket No. **SP-2255.1 US** :

This is a decision on the petition filed May 31, 2007, under 37 CFR 1.10(d) requesting that the above-cited application be accorded a filing date of May 14, 2007.

Petitioner alleges that the application was deposited with the "Express Mail" service on May 14, 2007, but the "date-in", as found on the "Express Mail" mailing label, was incorrectly cited as May 12, 2007. In support of the allegation, the petition is accompanied by a copy of the "Express Mail" label with a tracking number EQ860417609US showing a "date-in" of May 12, 2007, and a copy of the "Track and Confirm" sheet printed from the United States Postal Service website showing that package EQ860417609US was received on May 14, 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 with the "Express Mail" service on May 14, 2007.

In view of the above, the petition is granted. The new filing date for the above-cited application is May 14, 2007.

The Office of Initial Patent Examination will further process the application with a filing date of May 14, 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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Schwartz Cooper Chartered
Suite 2700
180 North LaSalle Street
Chicago IL 60601

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JUN 23 2008

OFFICE OF PETITIONS

In re Application of : DECISION ON PETITION
Joss, et al. :
Application No. 29/286,623 :
For: May 14, 2007 :
Atty. Dkt. No.: 54186-7002 :

This is a decision on the petition under 37 CFR 1.137(a), June 5, 2008, to revive the above-identified application.

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

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

This application became abandoned May 2, 2008 for failure to timely submit a proper reply to the Notice of Allowance mailed February 1, 2008. The Notice of Allowance set a three month statutory period of time for reply. Notice of Abandonment was mailed May 27, 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(c).

The instant petition fails to satisfy requirement (3) set forth above.

Petitioners have failed to present a showing to the satisfaction of the Director that the entire delay in filing the required

reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable.

The Office may revive an abandoned application if the delay in responding to the relevant outstanding Office requirement is shown to the satisfaction of the Director to have been "unavoidable." See, 37 CFR 1.137(a)(3). Decisions on reviving abandoned applications have adopted the reasonably prudent person standard in determining if the delay was unavoidable. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (Comm'r Pat. 1887)(the term "unavoidable" "is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business"); In re Mattullath, 38 App. D.C. 497, 514-15 (D.C. Cir. 1912); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (Comm'r Pat. 1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). A petition to revive an application as unavoidably abandoned cannot be granted where petitioner has failed to meet his or her burden of establishing the cause of the unavoidable delay. Haines v. Quigg, 673 F. Supp. 314, 5 USPQ2d 1130 (N.D. Ind. 1987).

Petitioners assert that failure to timely reply to the Notice of Allowance was avoidable due to non-receipt of the Notice of Allowance.

Practitioner Michael Femal filed the application on behalf of the inventors on May 14, 2007. The correspondence address indicated on the transmittal form that accompanied the application was Schwartz Cooper Chartered, Suite 2700, 180 North LaSalle Street, Chicago IL 60601. The application file does not contain a power of attorney.

Petitioners assert that on September 10, 2007, Mr. Femal changed law firms from Schwartz Cooper Chartered, Suite 2700, 180 North LaSalle Street, Chicago IL 60601 to McDonald Hopkins LLC, 640 North LaSalle Street, Suite 590, Chicago, Illinois 60610. Petitioners assert that the Notice of Allowance was received at the correspondence address of record. Petitioners assert that practitioner did not receive the Notice of Allowance at his new address despite the fact that counsel from practitioner's prior law firm indicates the Notice of Allowance was forwarded to him.

In accordance with MPEP 711.03(c), where an application becomes abandoned as a consequence of a change of correspondence address (the Office action being mailed to the old, uncorrected address and failing to reach the applicant in sufficient time to permit a timely reply), an adequate showing of "unavoidable" delay will require a showing that due care was taken to adhere to the requirement for prompt notification in each concerned application of the change of address, and must include an adequate showing that a timely notification of the change of address was filed in the application concerned, and in a manner reasonably calculated to call attention to the fact that it was a notification of a change of address. Specifically, the mere inclusion, in a paper filed in an application for another purpose, of an address differing from the previously provided correspondence address, without mention of the fact that an address change was being made.

No change of correspondence address was submitted prior to the mailing of the Notice of Allowance.

Moreover, the fact that the Notice of Allowance was actually received at the correspondence address of record and later lost is not deemed unavoidable within the meaning of 37 CFR 1.137(a).

Any renewed petition must establish that the entire period of time from the time that a reply to the non-final Office action was due until the filing of a grantable petition was unavoidable.

ALTERNATE VENUE

Petitioners may wish to consider filing a petition stating that the entire delay was unintentional. Petitioners' attention is directed to 37 CFR 1.137(b) which provides for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of an issue fee was "unavoidable". An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required petition fee and reply.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if

petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

The change of correspondence address submitted with the instant petition has not been entered into the record because it does not appear that practitioner has been empowered to represent the applicants, no power of attorney appearing in the application file. In view thereof, if petitioners desire to receive future correspondence at an address other than that contained in the record, appropriate instruction and supporting documentation must be promptly 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 hand:
U.S. Patent and Trademark Office
Customer Window
Mail Stop Petition
Randolph Building
Dulany Street
Alexandria, VA 22314

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

CC: Michael Femal
McDonald Hopkins LLC
640 North LaSalle Street
Suite 590, Chicago
Illinois 60610

UNITED STATES PATENT AND TRADEMARK OFFICE

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Schwartz Cooper Chartered
Suite 2700
180 North LaSalle Street
Chicago IL 60601

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SEP 22 2008

OFFICE OF PETITIONS

In re Application of
Joss, et al.
Application No. 29/286,623
For: May 14, 2007
Atty. Dkt. No.: 54186-7002

: DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(a), September 2, 2008, to revive the above-identified application.

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

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

This application became abandoned May 2, 2008 for failure to timely submit a proper reply to the Notice of Allowance mailed February 1, 2008. The Notice of Allowance set a three month statutory period of time for reply. Notice of Abandonment was mailed May 27, 2008. A petition under 37 CFR 1.137(a) was filed June 5, 2008 and dismissed June 23, 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(c).

The instant petition fails to satisfy requirement (3) set forth above.
Petitioners have failed to present a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable.

The Office may revive an abandoned application if the delay in responding to the relevant outstanding Office requirement is shown to the satisfaction of the Director to have been "unavoidable." See, 37 CFR 1.137(a)(3). Decisions on reviving abandoned applications have adopted the reasonably prudent person standard in determining if the delay was unavoidable. Ex

parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (Comm'r Pat. 1887)(the term "unavoidable" "is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business"); In re Mattullath, 38 App. D.C. 497, 514-15 (D.C. Cir. 1912); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (Comm'r Pat. 1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). A petition to revive an application as unavoidably abandoned cannot be granted where petitioner has failed to meet his or her burden of establishing the cause of the unavoidable delay. Haines v. Quigg, 673 F. Supp. 314, 5 USPQ2d 1130 (N.D. Ind. 1987).

Practitioner asserts that failure to timely reply to the Notice of Allowance was avoidable due to non-receipt of the Notice of Allowance. The instant petition overall reiterates the arguments previously presented on petition filed June 5, 2008.

Practitioner states that he changed law firms on September 10, 2007.

The record does not reflect that practitioner submitted a change of correspondence address or power of attorney at the time that he changed law firms in September of 2007. Further, practitioner did not submit a change of correspondence address prior to the mailing of the Notice of Allowance on February 1, 2008, despite having changed law firms on September 10, 2007. Practitioner provides no explanation for practitioner's failure to adhere to the USPTO's well-established change of correspondence address procedures.

In accordance with MPEP 711.03(c), where an application becomes abandoned as a consequence of a change of correspondence address (the Office action being mailed to the old, uncorrected address and failing to reach the applicant in sufficient time to permit a timely reply), an adequate showing of "unavoidable" delay will require a showing that due care was taken to adhere to the requirement for prompt notification in each concerned application of the change of address, and must include an adequate showing that a timely notification of the change of address was filed in the application concerned, and in a manner reasonably calculated to call attention to the fact that it was a notification of a change of address. Specifically, the mere inclusion, in a paper filed in an application for another purpose, of an address differing from the previously provided correspondence address, without mention of the fact that an address change was being made.

The Notice of Allowance was properly mailed to the correspondence address of record. Practitioner has failed to establish that the Notice of Allowance was not received at the correspondence address of record. The fact that the Notice of Allowance was allegedly not forwarded to practitioner and/or not received by practitioner after it was forwarded from the correspondence address of record is not unavoidable within the meaning of 37 CFR 1.137(a).

Practitioner argues inability to access the application because the customer number associated with the application was that of practitioner's previous law firm. Practitioner argues that the "change of law firms created difficulty for this application in terms of staying apprised of the status of the application." Practitioner argues that he "had to rely upon the information he received from his prior law firm" "to be forwarded to him at his new place of employment."

Practitioner's arguments have been carefully considered, but are not found convincing. A reasonably prudent person would, upon relocating to a new law firm, have promptly filed with the USPTO a revocation of power of attorney/appointment of new power of attorney and a change of correspondence address to ensure receipt of USPTO Office communications and to access the application via Private PAIR, if desired.

There is no indication it the record that practitioner made any effort to gain access to the instant application by submitting a power of attorney. There is no indication that practitioner submitted a change of correspondence address prior to the mailing of the Notice of Allowance.

Practitioner fails to establish that there was a system in place that could reasonably be relied upon to prevent the abandonment of the instant application. Practitioner has failed to establish that steps were taken to avoid the action now complained of, i.e., failure to receive an Office communication because said Office communication was mailed to the correspondence address of record and not received by practitioner at his new address.

Practitioner's preoccupation with a change in law firms is certainly not unavoidable within the meaning of 37 CFR 1.137(a).

Practitioner relied upon practitioner's previous law firm to forward to him Office communications concerning the instant application. Such reliance could reasonably be expected to fail, and, in fact, did fail. However, this failure could have been avoided by promptly filing a power of attorney/change of correspondence address with the USPTO.

Practitioner has not provided a reasonable explanation as to why a change of correspondence address/power of attorney was not submitted prior to the mailing of the Notice of Allowance. To date, a power of attorney has not been submitted. To date, a proper change of correspondence address has not been submitted.

Lastly, practitioner states that "the USPTO granted the petition under 37 CFR 1.137(a)." See, P.6, last paragraph. Practitioner is clearly mistaken as the petition under 37 CFR 1.137(a) filed June 5, 2008 was **DISMISSED** on the merits on June 23, 2008.

CORRESPONDENCE ADDRESS

The decision mailed June 23, 2008 advised that practitioner may wish to consider to submitting a new correspondence address/power of attorney. To date, such has not been submitted. If petitioners desire to receive future correspondence at an address other than that contained in the record, appropriate instruction and supporting documentation must be promptly submitted.

The instant petition is being dually mailed, however, all future correspondence will be directed to the correspondence address of record until such time as appropriate instruction is received to the contrary.

ALTERNATE VENUE

Petitioners are strongly urged to consider filing a petition stating that the entire delay was unintentional. Petitioners' attention is directed to 37 CFR 1.137(b) which provides for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of an issue fee was "unavoidable". An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required petition fee and reply.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b). The Director may require additional information where there is a question whether the delay was unintentional.

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

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

By facsimile: (571) 273-8300

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

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

CC: Michael Femal
McDonald Hopkins LLC
640 North LaSalle Street
Suite 590, Chicago
Illinois 60610

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OFFICE OF PETITIONS

Schwartz Cooper Chartered
Suite 2700
180 North LaSalle Street
Chicago IL 60601

In re Application of
Joss, et al.
Application No. 29/286,623
For: May 14, 2007
Atty. Dkt. No.: 54186-7002

: DECISION ON PETITION

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

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

This application became abandoned May 2, 2008 for failure to timely submit a proper reply to the Notice of Allowance mailed February 1, 2008. The Notice of Allowance set a three month statutory period of time for reply. Notice of Abandonment was mailed May 27, 2008. A petition under 37 CFR 1.137(a) was filed June 5, 2008 and dismissed June 23, 2008. A renewed petition under 37 CFR 1.137(a) was filed September 2, 2008 and dismissed September 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 issue fee payment; (2) the required petition fee; (3) a proper statement of unintentional delay; and (4) the required terminal disclaimer (including fee).

POWER OF ATTORNEY/CORRESPONDENCE ADDRESS

The requested change of correspondence address cannot be entered at the present time. As previously advised, the record does not establish that practitioner has been properly empowered to represent applicants, no power of attorney appearing in the record. Thus, practitioner's submissions are governed by 37 CFR 1.34. Change of correspondence matters are governed by 37 CFR 1.33(b) and can only be entered by an attorney of record, a proper assignee, or all of the applicants named in an application. If petitioners desire to receive future correspondence at an address other than that contained in the record, appropriate instruction and supporting documentation should be promptly submitted.

The instant petition is being dually mailed, however, all future correspondence will be directed to the correspondence address of record until such time as appropriate instruction is received to the contrary.

This application is being forwarded to the Office Data Management for further processing.

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

CC: Michael Femal
McDonald Hopkins LLC
640 North LaSalle Street
Suite 590, Chicago
Illinois 60610

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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BOWERS HARRISON LLP
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25 RIVERSIDE DRIVE
PO BOX 1287
EVANSVILLE, IN 47706-1287

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OCT 1 5 2008

OFFICE OF PETITIONS

In re Application of :
Terry A. Ebert, et al. :
Application No. 29/286,627 : ON PETITION
Filed: May 14, 2007 :
Attorney Docket No. 13603.001 :

This is a decision on the petition, filed June 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.

This application became abandoned for failure to timely pay the issue fee and to submit corrected formal drawings on or before May 6, 2008, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability mailed February 6, 2008 . Accordingly, the date of abandonment of this application is May 7, 2008. A Notice of Abandonment was mailed on June 2, 2008. In response, on June 12, 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

[1] As amended effective December 1, 1997. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53194-95 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 119-20 (October 21, 1997).

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

in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the 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. If the terminal disclaimer is signed by an assignee, the assignee must comply with the requirements of 37 CFR 3.73(b).

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

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

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

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

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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GARY K. PRICE
TERRELL, BAUGH, SALMON & BORN, LLP
700 S. GREEN RIVER RD.
SUITE 2000
EVANSVILLE, IN 47715

MAILED

FEB 11 2009

OFFICE OF PETITIONS

In re Application of :
Terry A. Ebert, et al. :
Application No. 29/286,627 : ON PETITION
Filed: November 7, 2008 :
Attorney Docket No. 13603.001 :

This is a decision on the renewed petition, filed November 7, 2008, to revive the above-identified application under 37 CFR 1.137(b).

A review of the record discloses that this application became abandoned for a failure to submit corrected drawings and timely pay the issue fee on or before May 6, 2008. A Notice of Abandonment was mailed on June 2, 2008. On June 12, 2008, a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed October 15, 2008. On November 7, 2008, the present petition was filed.

While petitioner has included, *inter alia*, a terminal disclaimer and fee, the terminal disclaimer cannot be accepted, as it does not set forth the owner and the percent of interest in the application. The petition cannot be granted until the Office receives

The petition has been reconsidered as requested, but the result is the same. The petition is **DISMISSED**

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

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

GARY K. PRICE
TERRELL, BAUGH, SALMON & BORN, LLP
700 S. GREEN RIVER RD.
SUITE 2000
EVANSVILLE, IN 47715

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APR 2 2 2009

OFFICE OF PETITIONS

In re Application of
Terry A. Ebert, et al.
Application No. 29/286,627
Filed: May 14, 2007
Attorney Docket No. 13603.001

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed February 18, 2009, to revive the above-identified design application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue fee and submit corrected drawings on or before May 6, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed February 6, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on May 7, 2008. A Notice of Abandonment was mailed on June 2, 2008. On June 12, 2008, a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed October 15, 2008. A renewed petition was filed on November 7, 2008, but it was dismissed on February 11, 2009. On February 18, 2009, the present petition was filed, including two terminal disclaimers. Each terminal disclaimer is signed by one inventor showing 50 percent interest in the application. The terminal disclaimers are collectively being treated as showing 100% ownership of 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 the $410 issue fee and corrected 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 pay the issue fee as required by the Notice of February 6, 2008 is accepted as being unintentionally delayed.

The terminal disclaimers filed February 18, 2009 are accepted and have been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimers. The copy of the terminal disclaimers must be filed with a cover letter requesting the

terminal disclaimers 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
DW Oct-07

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

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OCT 31 2007

OFFICE OF PETITIONS

In re Application of	:	
Christopher Jon Gilbert	:	
Application Number: 29/286666	:	DECISION GRANTING PETITION
Filing Date: 05/16/2007	:	
Attorney Docket Number:	:	
27475/10476	:	

This is a decision on the "PETITION TO CORRECT FILING DATE," filed on 9 October, 2007, which is treated as a petition under 37 CFR 1.10(c) requesting that the above-identified application be accorded a filing date of 16 May, 2007, rather than the presently-accorded filing date of 15 May, 2007.

The petition is GRANTED.

Petitioner requests the later filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on 16 May, 2007, pursuant to the requirements of 37 CFR 1.10. Petitioners submitted with the present petition a copy of Express Mail receipt number EV764672595US (the same Express Mail number found on the utility patent application transmittal accompanying the original application papers) bearing a handwritten "date-in" of "5 15 07".

Petitioner asserts, however, that the "date-in" on the Express Mail label is incorrect.

A review of the U.S. Postal Service Track & Confirm Internet database shows that the Express Mail item number listed above was accepted by the USPS on 16 May, 2007.

As such, the showing of record is that the correct date of deposit in Express Mail is 16 May, 2007.

In view of the above, the petition is granted. No fee is required and none has been charged.

The application is being referred to the Office of Initial Patent Examination (OIPE) for correction of the filing date to 16 May, 2007, and for issuance of a corrected Filing Receipt.

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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

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NOV 0 1 2007

OFFICE OF PETITIONS

In re Application of	:	
Christopher Jon Gilbert	:	
Application Number: 29/286667	:	DECISION GRANTING PETITION
Filing Date: 05/16/2007	:	
Attorney Docket Number:	:	
27475/09906	:	

This is a decision on the "PETITION TO CORRECT FILING DATE," filed on 9 October, 2007, which is treated as a petition under 37 CFR 1.10(c) requesting that the above-identified application be accorded a filing date of 16 May, 2007, rather than the presently-accorded filing date of 15 May, 2007.

The petition is GRANTED.

Petitioner requests the later filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on 16 May, 2007, pursuant to the requirements of 37 CFR 1.10. Petitioners submitted with the present petition a copy of Express Mail receipt number EV764672581US (the same Express Mail number found on the design patent application transmittal accompanying the original application papers) bearing a handwritten "date-in" of "5 15 07".

Petitioner asserts, however, that the "date-in" on the Express Mail label is incorrect.

A review of the U.S. Postal Service Track & Confirm Internet database shows that the Express Mail item number listed above was accepted by the USPS on 16 May, 2007.

As such, the showing of record is that the correct date of deposit in Express Mail is 16 May, 2007.

In view of the above, the petition is granted. No fee is required and none has been charged.

The application is being referred to the Office of Initial Patent Examination (OIPE) for correction of the filing date to 16 May, 2007, and for issuance of a corrected Filing Receipt.

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

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

DATE 1/3/08

APPLICATION NUMBER 29/286,701

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DOC CODE Pet Dec OPAP

DOC DATE JAN 03 2008

OFFICE OF PETITIONS

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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GOTTLIEB RACKMAN & REISMAN PC
270 MADISON AVENUE
8TH FLOOR
NEW YORK NY 10016-0601

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JAN 0 3 2008

OFFICE OF PETITIONS

In re Application of
Derek Koleba et al.
Application No. 29/286,701
Filed: May 17,2007
Attorney Docket No. 4957/003

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

This is in response to the petition filed December 7, 2007 under 37 CFR 1.47(a).

The petition is **GRANTED**.

The above-identified application was filed on May 17, 2007 without a signed declaration. Accordingly, on June 13,2 007, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration.

In response, an oath or declaration executed only by joint inventor Derek Koleba and the instant petition under 37 CFR 1.47(a) was filed. The petition argues that joint inventor Frederick Caputo refuses to sign the oath or declaration and thus by his actions, to cooperate with the filing of the instant application.

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

The petition bears proof that the application papers were provided to Mr. Caputo in person and subsequently forwarded to him by mail but that to date, he has failed to return an executed copy of the oath or declaration. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby accorded Rule 1.47(a) status.

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

The application is being forwarded to the Office of Patent Application Processing for further pre-examination processing.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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REED SMITH LLP
SUITE 1400
3110 FAIRVIEW PARK DRIVE
FALLS CHURCH VA 22042

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MAY 27 2008

OFFICE OF PETITIONS

In re Application of	:	
Nishizawa, et al.	:	
Application No. 29/286,731	:	DECISION ON PETITION
Filed: May 17, 2007	:	
Attorney Docket No. TSUT.0132	:	

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed May 5, 2008.

The petition is **GRANTED**.

The above-identified application was held abandoned for failure to timely file a response to the Notice to File Missing Parts, mailed June 11, 2007. This Office action set an extendable a period for reply of two (2) months for applicants to submit a declaration executed by inventor Totsuka, together with a late surcharge. The Office mailed a Notice of Abandonment on February 27, 2008, stating that no reply had been received.

A review of the application file reveals the presence of an executed declaration in response to the Notice, filed on September 7, 2007. The declaration was made timely by including a one month extension of time. In addition, a review of Office records confirms that the Office received the fees for the

one month extension of time and late surcharge. Accordingly, it is concluded that the Notice of Abandonment was mailed in error.

In view thereof, **the holding of abandonment is withdrawn.**

The matter is being forwarded to the Office of Patent Application Processing for pre-examination processing.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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WARNER NORCROSS & JUDD LLP
900 FIFTH THIRD CENTER
111 LYON STREET, NW
GRAND RAPIDS, MI 49503-2487

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OFFICE OF PETITIONS

In re Application of
Mary L. Schoenborn
Application No. 29/286,760
Filed: May 17, 2007
Attorney Docket No. 001621.121384

DECISION GRANTING
PETITION

This is a decision on the petition under 37 CFR 1.10(d), filed July 16, 2007, requesting that the above-identified application be accorded a filing date of May 17, 2007, rather than the presently accorded date of May 15, 2007.

The petition is **GRANTED**.

Under 37 CFR 1.10(d), any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Director to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS.

The showing under 37 CFR 1.10(d) must be corroborated by (1) evidence from the USPS, or (2) evidence that came into being after deposit and within one business day of the deposit of the correspondence as "Express Mail." Evidence from the USPS may be the "Express Mail" Corporate Account Mailing Statement. Due to the questionable reliability of evidence from a party other than the USPS that did not come into being contemporaneously with the deposit of the correspondence with the USPS, 37 CFR 1.10(d) specifically requires that any petition under 37 CFR 1.10(d) be corroborated either by evidence from the USPS, or by evidence that came into being after deposit and within one business day after the deposit of the correspondence as "Express Mail. Evidence that came into being within one day after the deposit of the correspondence as "Express Mail" may be in the form of a log book which contains information such as the "Express Mail" number; the application number, attorney docket number or other such file identification number; the place, date and time of deposit; the time of the last scheduled pick up for that date and place of deposit; the depositor's initials or signature; and the date and time of entry in the log. Conversely, evidence created prior to the deposit of the correspondence as "Express Mail" with the USPS (e.g., an application transmittal cover letter, or a client letter prepared prior to the deposit of the correspondence); or created more than one business day after the deposit of the correspondence as "Express Mail" (e.g., an affidavit or declaration prepared more than one business day after the correspondence was deposited with the USPS as "Express Mail") cannot be accepted under the terms of the rule.

Petitioner requests the later filing date on the basis that the application was purportedly deposited in Express Mail service on May 17, 2007, pursuant to the requirements of 37 CFR 1.10. The petition is accompanied by a copy of a USPS Track and Confirm record of the search results of the Express Mail package bearing label number EV440420934US, which shows that the package at issue was accepted on May 17, 2007 at the Grand Rapids, MI USPS at 12:53, which also happens to be the same time as shown on the copy of the Express Mail label submitted with the petition. This same Express Mail label number also appears on the original papers of record in the file.

A grantable petition under 37 CFR 1.10(d) must include:

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

The USPS Track and Confirm record is sufficient evidence to establish that the package in question was entrusted to the USPS on May 17, 2007. Accordingly, this application is entitled to a filing date of May 17, 2007, and has been so accorded.

A Corrected Filing Receipt accompanies this decision on petition.

This application is currently before Technology Center AU 2912 for examination.

Inquiries concerning this decision may be directed to the undersigned at (571) 272-3218.

Frances Hicks
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
29/286,760	05/17/2007	2912	430	001621.121384	1	1

CONFIRMATION NO. 8784

24335
WARNER NORCROSS & JUDD LLP
900 FIFTH THIRD CENTER
111 LYON STREET, N.W.
GRAND RAPIDS, MI 49503-2487

CORRECTED FILING RECEIPT

OC000000025719327

Date Mailed: 09/07/2007

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)

Mary L. Schoenborn, Boulder, CO;

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 06/08/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US29/286,760

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

Non-Publication Request: No

Early Publication Request: No

Title

Footwear upper

Preliminary Class

D02

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof

unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Richard A. Ryan
Attorney at Law
Suite 101
8497 N. Millbrook
Fresno, CA 93720

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SEP 24 2009

OFFICE OF PETITIONS

In re Application of :
Tino Sandoval :
Application No. 29/286,783 : DECISION ON PETITION
Filed: May 17, 2007 :
Attorney Docket No. RAR751.01 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 6, 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 October 27, 2008, which set a period for reply of three (3) months. Accordingly, the application became abandoned on January 28, 2009. A Notice of Abandonment was mailed on February 19, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected drawings, (2) the petition fee of $810, and (3) a proper statement of unintentional delay. Accordingly, the corrected drawings 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.

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

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

Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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JAN 21 2009

In re Application of :
Wanda Suber :
Application No. 29/286,849 : ON PETITION
Filed: May 21, 2007 :
Attorney Docket No. 19047 :

This is a decision on the petition, filed December 19, 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 and formal drawings in a timely manner in reply to the Notice of Allowance mailed August 31, 2008, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on December 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(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) (4).

The petition does not satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (4) the terminal disclaimer was not received. Accordingly, this petition can not be revive until the terminal disclaimer is received.

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

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

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

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

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

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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6817 SOUTHPOINT PARKWAY
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JACKSONVILLE, FL 32216

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FEB 26 2009

OFFICE OF PETITIONS

In re Application of :
Wanda Suber et al :
Application No. 29/286,849 : ON PETITION
Filed: May 21, 2007 :
Attorney Docket No. 19047 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed January 26, 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

OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

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AUG 0 5 2009

OFFICE OF PETITIONS

In re Patent No. D587,207 :
Issue Date: February 24, 2009 :
Application No. 29/286,941 : ON PETITION
Filed: May 23, 2007 :
Attorney Docket No. 03115/095001 :

This is a decision on the petition filed March 9, 2009 and again on March 23, 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**.

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Howard IP Law Group
P.O. Box 226
Fort Washington, PA 19034

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JUL 23 2008

In re Application of	:	
Peter J. Murphy, et al.	:	
Application No. 29/286,953	:	DECISION ON PETITION
Filed: May 22, 2007	:	TO WITHDRAW
Attorney Docket No. DVI-47	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 29, 2008.

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

A review of the file record indicates that the power of attorney to Howard IP Law Group has been revoked by the assignee of the patent application on April 24, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **The Plevy Law Firm**
10 Rutgers Place
Trenton, NJ 08618

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO IL 60610

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DEC 0 4 2007

OFFICE OF PETITIONS

In re Application of :
KITAGAWA, et al. : DECISION GRANTING PETITION
Application No. 29/286,968 : UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: May 24, 2007 :
Attorney Docket No. **9353/684(D4626-01)** :

This is a decision on the petition under 37 CFR 1.313(c)(3), filed November 30, 2007, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

Petitioner is advised that the issue fee paid on October 8, 2007 in the parent application is not refundable nor can it be applied towards any new Notice of Allowance which may issue on the CPA filed November 30, 2007.

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

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

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

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

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JUL 01 2009

OFFICE OF PETITIONS

In re Application of :
Sadatsuki, et al. :
Application No. 29/287,001 : ON PETITION
Filed: June 15, 2007 :
Attorney Docket No. SDE-2171 :
For: VIDEO CAMERA

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

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the Notice of Allowance and Fee(s) Due, mailed December 12, 2008, which set a three month period for reply. This application became abandoned on March 13, 2009 for failure to file the issue fee and a completed PTOL-85(b). A Notice of Abandonment was mailed on May 5, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $860.00 issue fee and a completed PTOL-85(b), (2) the petition fee of $1,620.00; (3) a proper statement of unintentional delay, and (4) a terminal disclaimer accompanied by the required $140.00 fee.

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

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) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

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MAR 27 2008

OFFICE OF PETITIONS

In re Application of :
Kim et al. :
Application No. 29/287,036 : DECISION ON PETITION
Filed: June 20, 2007 :
Attorney Docket No. 1860.1300 :

This is in response to the "RESPONSE TO NOTICE OF OMITTED ITEMS IN A NONPROVISONAL APPLICATION," filed July 30, 2007. The petition was recently forwarded to the Office of Petitions for a decision on the merits. The Office sincerely apologizes for any inconvenience.

On June 20, 2007, applicants filed the above-identified application. On July 6, 2007, the Office mailed a Notice of Omitted Item(s) in a Nonprovisional Application ("Notice of Omitted Items"), stating that the application had been accorded a filing date of June 20, 2007, and advising applicants that Figure 8 described in the specification appeared to have been omitted.

On July 30, 2007, applicants submitted the present petition, an authorization to charge their Deposit Account, 3 sheets of drawings (Figures 1-3), and 4 sheets of replacement drawings (Figures 4-8). On petition, applicants asserted:

> On July 6, 2007, the Patent Office issued a Notice of Omitted Items. A copy of the notice is enclosed herewith. The notice sets a two-month period for a response, which accordingly expires on September 6, 2007. The notice indicates that Figure 8 is omitted from the application. Replacement drawing sheets are being filed herewith. In the Replacement Sheets, the original Figure 4 has been replaced by a new Figure 4.

> Original Figs. 4-7 have been renumbered as Figs. 5-8, respectively.
>
> Antecedent basis for the new Figure 4 can be found in the Priority Document, which was filed together with the application on June 20, 2007 and was incorporated by reference into the application. As evidence that the omitted item was deposited, enclosed is a copy of a Pair report showing that a certified copy of the Priority Document was filed. Applicants hereby petition to maintain the June 20, 2007 filing date the date of deposit. The $400.00 petition fee is enclosed herewith. [1]

Response dated 07/30/07, p.1 (Emphasis added).

Pursuant to MPEP 201.06(c)(IV):

> An applicant may incorporate by reference the prior application by including, in the continuation or divisional application-as-filed, an explicit statement that such specifically enumerated prior application or applications are 'hereby incorporated by reference.' This statement must appear in the specification. See 37 CFR 1.57(b) and MPEP § 608.01(p). The inclusion of this incorporation by reference statement will permit an applicant to amend the continuation or divisional application to include subject matter from the prior application(s), **without the need for a petition** provided the continuation or divisional application is entitled to a filing date notwithstanding the incorporation by reference.

(Emphasis added).

A review of the record indicates that the above-identified application as originally filed on June 20, 2007, included an explicit incorporation by reference statement in the specification. Specifically, the first line of the specification below Cross Reference to Related Application states: "This application claims the benefit under 35 U.S.C. Sections 119 and 172 of Korean Patent Application Serial No. 30-2006-0052026, filed December 29, 2006,

---

[1] Applicants indicated that they submitted a $400.00 petition fee with the present petition. However, the Office did not receive a payment of $400.00 on July 30, 2007. Therefore, the Office charged the Deposit Account in this amount.

which is hereby incorporated by reference in its entirety into this application." Therefore, applicants can file an amendment with the examiner prior to the first action on the merits to include the omitted figures, **without the need for a petition**. For this reason, the petition is dismissed. As the filing of this petition was not necessitated by any error on the part of the USPTO, the petition fee will not be refunded.

This matter is being referred to the Office of Patent Application Processing to process the application with a filing date of June 20, 2007, using only the drawing sheets filed on that date.

Applicants should promptly file an amendment with the examiner in Technology Center 2900 to include the figures.

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

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Conferee: Eugenia Jones, Senior Legal Advisor, Office of Patent Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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DFW Nov-08

JOE MCKINNEY MUNCY
PO BOX 1364
FAIRFAX VA 22038-1364

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NOV 12 2008

OFFICE OF PETITIONS

In re Application of :
You et al. : DECISION ON PETITION
Application Number: 29/287077 :
Filing Date: 06/25/2007 :
Attorney Docket Number: 3897-0177PUS1 :

This is a decision in reference to the "PETITION UNDER 37 CFR 1.181(a) TO WITHDRAW HOLDING OF ABANDONMENT," filed on October 15, 2008.

The petition is **GRANTED**.

The application was held abandoned on July 10, 2008, for failure to timely submit the issue fee in response to the Notice of Allowance and Fee(s) Due mailed on April 9, 2008, which set a three (3)-month statutory period for reply. Notice of Abandonment was mailed on August 6, 2008.

Petitioner asserts that the Notice of Allowance and Fee(s) Due mailed on April 9, 2008, was never received because it was sent to an old correspondence address.

Specifically, petitioner asserts that a change of correspondence address was filed on April 7, 2008, but that the Notice of Allowance and Fee(s) Due mailed on April 9, 2008, was mailed to the old address.

In the absence of any irregularity in the mailing of the Notice of Allowance and Fee non-final Office action, there is a strong presumption that the non-final Office action was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the non-final Office action was not in fact received.

A review of the official file reveals that a "Correspondence Address / Fee Address Change" was entered in the IFW record on April 8, 2008, stating that on April 7, 2008, the correspondence address was changed to the address associated with Customer

Number 77032. However, the Notice of Allowance and Fee(s) Due mailed on April 9, 2008, was mailed to the previous address of record.

As such, the showing of record is that the Office erred in mailing the Notice of Allowance and Fee(s) Due mailed on April 9, 2008, to the previous address rather than the current correspondence address.

As the present petition was not necessitated by an error on the part of petitioner, no petition fee is due.

The petitioner has made a sufficient showing of nonreceipt of the Notice of Allowance and Fee(s) Due. As such, there is no abandonment in fact. The holding of abandonment is withdrawn, and the Notice of Abandonment is vacated.

MPEP 711.03(c) states, in pertinent part:

> In any design application, any utility application filed before June 8, 1995, or any plant application filed before June 8, 1995, if applicant receives a notice of abandonment, any petition to withdraw the holding of abandonment that is not filed within two months of the mail date of the notice of abandonment will not (absent extraordinary circumstances) be treated on its merits unless accompanied by a terminal disclaimer under 37 CFR 1.321(a), and the required fee set forth in 37 CFR 1.20(d). The period to be disclaimed is the terminal part of the term of any patent granted on the application, or of any patent granted on any utility or plant application that claims the benefit of the filing date of the application under 35 U.S.C. 120, 121, or 365(c), equivalent to the period between:
>
> (A) the date that is two months after the mail date of the notice of abandonment; and
>
> (B) the filing date of a grantable petition to withdraw the holding of abandonment.

Accordingly, as the present petition was filed more than two (2) months after the mail date of the notice of abandonment, the terminal disclaimer filed with the present petition is **accepted**.

The period to be disclaimed is from October 6, 2008 to October 15, 2008, or nine (9) days.

Receipt of the issue fee is acknowledged.

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

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
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	
Filing Date	June 25, 2007
First Named Inventor	HUSSAINI et al.
Title	AUDIO AND VIDEO ACCESSORY.
Atty Docket Number	8312.555

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

U.S. PTO
29287081
062507

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: 126, 315, 316, 371, 371, 374, 375, 376, 377.

06/26/2007 CNGUYEN2 00000021 29287081
04 FC:1802 980.00 OP

Class 463; subclasses: 30, 31, 43 and 51

Class 273; subclasses: 148B

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: June 25, 2007

Matthew Johnston — Typed or printed name

41,096 — Registration Number, if applicable

301-896-0600 — 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.

"SPECIAL PROCEDURES SUBMISSION"

EXPEDITED DESIGN

37 CFR 1.155

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Brad S. HOOLEY

Application No.: New U.S. Patent Application

Filed: June 26, 2007 Docket No.: 128019.10

For: A PORTION OF A GOLF BAG

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

7-6-07
Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

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

Sir:

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

1. The application was filed today with all fees paid and drawings in compliance with 37 CFR 1.84;

2. A pre-examination search was conducted. An Information Disclosure Statement is filed herewith to submit the results of the pre-examination search. The field of search included Class 3, subclasses 318, 319, 320, 321, 328 and 328.1;

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

The Declaration for this application was filed today with this application. All formal filing requirements have been satisfied. Expedited Examination is respectfully requested.

Respectfully submitted,

Edward P. Walker
Registration on No. 31,450

Thomas J. Pardini
Registration No. 30,411

06/27/2007 MAHMED1 00000066 150461 29287083
05 FC:1802 900.00 DA

EPW:TJP/cfr

Date: June 26, 2007

DEPOSIT ACCOUNT USE AUTHORIZATION
Please grant any extension necessary for entry;
Charge any fee due to our Deposit Account No. 15-0461

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

"SPECIAL PROCEDURES SUBMISSION"

EXPEDITED DESIGN

37 CFR 1.155

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Approved 7/17/07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

In re the Application of

Brad S. HOOLEY

Application No.: New U.S. Design Patent Application

Filed: June 26, 2007 Docket No.: 128018.10

For: A PORTION OF A GOLF BAG

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

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

Sir:

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

1. The application was filed today with all fees paid and drawings in compliance with 37 CFR 1.84;

2. A pre-examination search was conducted. An Information Disclosure Statement is filed herewith to submit the results of the pre-examination search. The field of search included Class 3, subclasses 318, 319, 320, 321, 328 and 328.1;

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

The Declaration for this application was filed today with this application. All formal filing requirements have been satisfied. Expedited Examination is respectfully requested.

Respectfully submitted,

Thomas J. Pardini

Edward P. Walker
Registration on No. 31,450

Thomas J. Pardini
Registration No. 30,411

06/27/2007 [illegible] 00000064 150461 29287084
05 FC:1802 900.00 DA

EPW:TJP/jhp

Date: June 26, 2007

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

DEPOSIT ACCOUNT USE AUTHORIZATION
Please grant any extension necessary for entry;
Charge any fee due to our Deposit Account No. 15-0461

"SPECIAL PROCEDURES SUBMISSION"

EXPEDITED DESIGN

37 CFR 1.155

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Brad S. HOOLEY

Application No.: New U.S. Patent Application

Filed: June 26, 2007 Docket No.: 128017.10

For: A PORTION OF A GOLF BAG

7/17/07
Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

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

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

Sir:

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

1. The application was filed today with all fees paid and drawings in compliance with 37 CFR 1.84;

2. A pre-examination search was conducted. An Information Disclosure Statement is filed herewith to submit the results of the pre-examination search. The field of search included Class 3, subclasses 318, 319, 320, 321, 328 and 328.1;

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

The Declaration for this application was filed today with this application. All formal filing requirements have been satisfied. Expedited Examination is respectfully requested.

Respectfully submitted,

Edward P. Walker
Registration on No. 31,450

Thomas J. Pardini
Registration No. 30,411

EPW:TJP/ejw

Date: June 26, 2007

06/27/2007 MAHMED1 00000065 150461 29287085
04 FC:1082 900.00 DA

DEPOSIT ACCOUNT USE AUTHORIZATION
Please grant any extension necessary for entry;
Charge any fee due to our Deposit Account No. 15-0461

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LOUIS WOO
LAW OFFICE OF LOUIS WOO
717 NORTH FAYETTE STREET
ALEXANDRIA VA 22314

MAILED

JUL 14 2009

OFFICE OF PETITIONS

In re Application of :
Cabrera :
Application No. 29/287,271 : DECISION ON PETITION
Filed: July 18, 2007 :
Attorney Docket No. 0119/0065 :

This is a decision on the petition under 37 CFR 1.137(b), filed June 5, 2009, to revive the above-identified design application.

The petition is **GRANTED**.

The application became abandoned for failure to timely submit corrected drawings on or before May 6, 2009, as required by the Notice of Allowability, mailed February 6, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on May 7, 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 corrected drawings and 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).

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 further processing in accordance with this decision on petition.

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

Charlema Grant
Petitions Attorney
Office of Petitions

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

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NOV 25 2008

OFFICE OF PETITIONS

In re Application of
Ying-Chieh Liao
Application No. 29/287,339
Filed: July 25, 2007
For: SIDE FRAME OF A TOOL WAGON

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 26, 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
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

JAN 16 2009

In re Application of :
Ying-Chieh Liao :
Application No. 29/287,339 : DECISION ON PETITION
Filed: July 25, 2007 :
Attorney Docket No. TB07P0114US :

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

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of replacement drawings 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.

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 September 26, 2008.

/Karen Creasy/

Karen Creasy
Petitions Examiner
Office of Petitions

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON DC 20036

COPY MAILED
JAN 23 2009
OFFICE OF PETITIONS

In re Application of	:	
Peter S. Leonardi	:	
Application No. 29/287,370	:	ON PETITION
Filed: July 30, 2007	:	
Attorney Docket No. 53476	:	

This is a decision on the petition under 37 C.F.R. § 1.182, filed December 2, 2008, to change the name of an inventor.

The petition is **GRANTED.**

The name will be changed from Peter S. Leonardi to Peter F. Leonardi.

This matter is being directed to the Office of Data Management for processing into a patent.

Telephone inquiries regarding this decision should be directed to Joan Olszewski at (571) 272-7751. All other inquiries should be directed to the Office of Data Management.

/Liana Walsh/
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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
29/287,370	07/30/2007	2915	215	53476	1	1

CONFIRMATION NO. 2797

CORRECTED FILING RECEIPT

1609
ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON,, DC 20036

Date Mailed: 01/23/2009

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)

Peter F. Leonardi, Gloversville, NY;

Power of Attorney: The patent practitioners associated with Customer Number 001609

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 08/10/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 29/287,370**

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

Non-Publication Request: No

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

Title

PROTECTIVE FACE MASK

Preliminary Class

D29

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Date : May 15, 2009

Patent No. : D588954
Inventor : Murray P. Hammick
Patent Issued : March 24, 2009
Title : REAR FENDER FOR AN ARMORED VEHICLE

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.

Inspection of the application for the patent reveals that in connection with the alleged error pertaining to the title page information Related Application Data; the printed Letters Patent with regard to applicants request has been printed in accordance with the records within the Patent and Trademark Office as the related application data as requested was deleted by an amendment filed by applicant on November 13, 2008. Accordingly, there being no fault on the part of the Patent and Trademark Office, it has no authority to a issue certificate of correction under the provisions of 35 U.S.C. 254 and Rule 322 of the Rules of Practice of the United States Patent and Trademark Office in Patent Cases.

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

If applicant would like that the request be further considered for entry, a request for reconsideration filed under 37 CFR 1.323 along with a submission of the required Certificate of Correction fee presently $100.00 should be submitted, otherwise, a reconsideration filing together with documentation in support of applicants request filed under 1.322 should be submitted. Required documentation may include acknowledgement of receipt.

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

Finnegan, Henderson, Farabow
Garrett & Dunner L.L.P.
902 New York Avenue, N.W.
Washington, DC 20001-4413

/arg

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Date : May 15, 2009

Patent No. : D588955
Inventor : Paul C. Green, Jr
Patent Issued : March 24, 2009
Title : HOOD FOR AN ARMORED VEHICLE

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.

Inspection of the application for the patent reveals that in connection with the alleged error pertaining to the title page information Related Application Data; the printed Letters Patent with regard to applicants request has been printed in accordance with the records within the Patent and Trademark Office as the related application data as requested was deleted by an amendment filed by applicant on November 13, 2008. Accordingly, there being no fault on the part of the Patent and Trademark Office, it has no authority to a issue certificate of correction under the provisions of 35 U.S.C. 254 and Rule 322 of the Rules of Practice of the United States Patent and Trademark Office in Patent Cases.

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

If applicant would like that the request be further considered for entry, a request for reconsideration filed under 37 CFR 1.323 along with a submission of the required Certificate of Corrrection fee presently $100.00 should be submitted, otherwise, a reconsideration filing together with documentation in support of applicants request filed under 1.322 should be submitted. Required documentation may include acknowledgement of receipt.

Any telephone inquiry concerning this communication should be directed to Ms. A. Green at (703) 756-1541.

A Green

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

Finnegan, Henderson, Farabow
Garrett & Dunner L.L.P.
902 New York Avenue, N.W.
Washington, DC 20001-4413

/arg

UNITED STATES PATENT AND TRADEMARK OFFICE

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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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JAN 2 2 2008

OFFICE OF PETITIONS

In re Application of	:	
Paul C. Green, Jr.	:	
Application No. 29/287485	:	DECISION
Filing or 371(c) Date: 08/14/2007	:	ON PETITION
Attorney Docket Number:	:	
10036.0006-03000	:	

This is a decision on the "Petition in Response to Notice to File Missing Parts of Application and Notice of Incomplete Reply," filed November 14, 2007, requesting the application be accorded a filing date of August 14, 2007 including Figures 4 and 5, described in the specification. The petition is properly treated under 37 CFR § 1.182.

The petition is granted.

Background

Application papers in the above-identified application were filed on August 14, 2007. The Office of Initial Patent Examination (OIPE) mailed a Notice to File Missing Parts of Nonprovisional Application (hereinafter "Notice"), on August 27, 2007, stating, that the application had been accorded a filing; however, the oath or declaration was missing, and Figures 4 and 5, described in the specification appeared to have been omitted from the application.

Applicant filed a reply to the Notice on October 18, 2007, and an oath/declaration; however, no Figures 4 and 5 were filed. This Office mailed a Notice of Incomplete Reply (Nonprovisional), on November 9, 2007, informing Applicant that the oath/declaration had been received by this office, but that Figures 4 and 5 were not included with the reply.

Applicant responds with the present petition and avers that Figures 4 and 5 described in the specification were included among three (3) sheets of drawings, Figures 1-5, filed in with the application on August 14, 2007. In support of this assertion, Applicant files a copy of his return-receipt postcard acknowledgi ng receipt of three (3) sheets of drawings, Figures 1-5, by this Office on August 14, 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.

Accordingly, the petition is granted.

In view of the above, the Notice was mailed in error and is hereby withdrawn.

A refund of the petition fee has been credited to Applicant's deposit account.

The copy of Figures 4 and 5 filed with the petition will be used for examination purposes.

This application is being forwarded to the Office of Patent Application Processing, Customer Corrections, for further processing, with the filing date of August 14, 2007, including Figures 4 and 5 described in the specification, using Figures 4 and 5 filed with the present petition on November 14, 2007.

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

7-30-09

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

Patent No. : D592,101 S
Ser. No. : 29/287,485
Inventor(s) : Paul C. Green, Jr.
Issue Date : May 12, 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

Finnegan, Henderson, Farabow,
Garrett & Dunner
901 New York Avenue, NW
Washington, DC 20001-4413

ej

UNITED STATES PATENT AND TRADEMARK OFFICE

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

7-10-09

Patent No. : D592545 S
Ser. No. : 29/287,486
Inventor(s) : Paul C. Green, Jr.
Issued Date :May 19, 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
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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

Finnegan, Henderson, Farabow,
Garrett & Dunner
901 New York Avenue, NW
Washington, DC 20001-4413

ej

UNITED STATES PATENT AND TRADEMARK OFFICE

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

11-30-09

Patent No. :D592,546 S
Ser. No. : 29/287,487
Inventor(s) : Murray P. Hammick
Issue Date : May 19, 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:

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Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
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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

Finnegan, Henderson, Farabow,
Garrett & Dunner
901 New York Avenue, NW
Washington, DC 20001-4413

ej

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Date : May 15, 2009

Patent No. : D590744
Inventor : Murray P. Hammick
Patent Issued : April 21, 2009
Title : HOOD FOR AN ARMORED VEHICLE

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.

Inspection of the application for the patent reveals that in connection with the alleged error pertaining to the title page information Related Application Data; the printed Letters Patent with regard to applicants request has been printed in accordance with the records within the Patent and Trademark Office as the related application data as requested was deleted by an amendment filed by applicant on December 3, 2008. Accordingly, there being no fault on the part of the Patent and Trademark Office, it has no authority to a issue certificate of correction under the provisions of 35 U.S.C. 254 and Rule 322 of the Rules of Practice of the United States Patent and Trademark Office in Patent Cases.

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

If applicant would like that the request be further considered for entry, a request for reconsideration filed under 37 CFR 1.323 along with a submission of the required Certificate of Corrrection fee presently $100.00 should be submitted, otherwise, a reconsideration filing together with documentation in support of applicants request filed under 1.322 should be submitted. Required documentation may include acknowledgement of receipt.

Any telephone inquiry concerning this communication should be directed to Ms. A. Green at (703) 756-1541.

/A. Green/

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

Finnegan, Henderson, Farabow
Garrett & Dunner L.L.P.
902 New York Avenue, N.W.
Washington, DC 20001-4413

/arg

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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NOVAK DRUCE & QUIQQ, LLP
1300 EYE STREET NW, SUITE 1000
WEST TOWER
WASHINGTON, DC 20005

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JUL 14 2008

OFFICE OF PETITIONS

In re Application of :
YAMAMIZU, Hiroshi :
Application No. 29/287,553 : DECISION GRANTING PETITION
Filed: August 22, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **MJK-790-1901** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 11, 2008, 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 July 11, 2008 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 the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2916 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Monica A. Graves
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.*

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Joseph Scafetta, Jr., Esq.
7011 Round Tree Road
Falls Church, VA 22042

COPY MAILED

APR 25 2008

OFFICE OF PETITIONS

In re Application of :
William Gregory Ricketts :
Application No. 29/287,596 : DECISION ON PETITION
Filed: August 28, 2007 : TO WITHDRAW
Attorney Docket No. : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R § 1.36(b), filed March 10, 2008.

The request is **APPROVED**.

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

The request was signed by Joseph Scafetta, Jr., sole attorney of record. Joseph Scafetta, Jr. has been withdrawn.

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 Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: William Gregory Ricketts
3905 Joliet Street
Silver Spring, MD 20906

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
29/287,596	08/28/2007	William Gregory Ricketts	

CONFIRMATION NO. 2930

POWER OF ATTORNEY NOTICE

Joseph Scafetta, Jr., Esq.
7011 Round Tree Road
Falls Church, VA 22042

OC0000002958730

Date Mailed: 04/25/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/10/2008.

- 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

"SPECIAL PROCEDURES SUBMISSION"

EXPEDITED DESIGN

37 CFR 1.155

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Brad S. Hooley et al.

29/287,776

New. U.S. Patent Application

Filed: September 18, 2007 Docket No.: 1300411.0

For: A GOLF CLUB HEAD

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

9-26-07

Approved

Jacqueline M. Stone

Jacqueline M. Stone, Director
Technology Center 1700

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

Sir:

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

1. The application has been filed with the executed declaration filed concurrently herewith, with all fees paid and drawings in compliance with 37 CFR 1.84;

2. The applicant conducted a pre-examination search. An Information Disclosure Statement is filed concurrently herewith to submit the results of the pre-examination search. The field of search included Subclasses 327, 345 and 349 in Class 473.

Attached hereto is our Check No. 197005 in the amount of $900.00 under 37 CFR 1.17 (k) to effect filing of this request for expedited examination. The U.S. Patent and Trademark Office is authorized to charge any additional fee or credit any overpayment associated with this communication to Deposit Account No. 15-0461.

Expedited Examination is respectfully requested.

Respectfully submitted,

Thomas J. Pardini

Edward P. Walker
Registration on No. 31,450

Thomas J. Pardini
Registration No. 30,411

09/19/2007 CNGUYEN2 00000020 29287776
01 FC:1802 900.00 OP

EPW:TJP/jdb
Date: September 18, 2007

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OFFICE OF PETITIONS

In re Application of
John Hardt, II
Application No. 29/287,783
Filed: September 19, 2007
Attorney Docket No. 28620D

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 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 formal drawings in a timely manner in reply to the Notice of Allowability, mailed July 25, 2008, which set a period for reply of three (3) months. Accordingly, this application became abandoned on October 9, 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 $70 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).

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:

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

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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APR 0 6 2009

OFFICE OF PETITIONS

In re Application of :
John Hardt, II :
Application No. 29/287,783 : ON PETITION
Filed: September 19, 2007 :
Attorney Docket No. 28620D :

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**.

The application became abandoned for failure to submit formal drawings in a timely manner in reply to the Notice of Allowability, mailed July 25, 2008, which set a period for reply of three (3) months. Accordingly, this application became abandoned on October 9, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) 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 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.

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

Telephone inquiries concerning this decision should be directed to 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

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DAVIDSON BERQUIST JACKSON & GOWDEY LLP
4300 WILSON BLVD., 7TH FLOOR
ARLINGTON, VA 22203

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DEC 1 1 2008

OFFICE OF PETITIONS

In re Application of Munari :
Application No. 29/287,803 : Decision on Petition
Filing Date: September 21, 2007 :
Attorney Docket No. 2675-0016 :

This is a decision on the petition under 37 CFR 1.137(b), filed July 21, 2008, and supplemented October 17, 2008, 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 Allowability mailed March 12, 2008, which set a period for reply of three (3) months. The above-identified application became abandoned on June 13, 2008. A Notice of Abandonment was mailed on July 9, 2008.

The instant petition requests revival of the application.

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

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

Petitioner has submitted a reply to the Notice of Allowability in the form of corrected drawings. Petitioner has submitted the required petition fee of $770. Petitioner has stated the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Petitioner has submitted a terminal disclaimer.

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

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4300 WILSON BLVD., 7TH FLOOR
ARLINGTON VA 22203

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OCT 0 9 2008

OFFICE OF PETITIONS

In re Application of :
Munari :
Application No. 29/287,804 : ON PETITION
Filed: September 21, 2007 :
Attorney Docket No. 2675-0015 :
For: COOKWARE HANDLE

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

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." Petitioner is advised that this is not a final agency decision.

This application became abandoned for failure to timely reply to the Notice of Allowability, mailed March 11, 2008, which set a three month period to submit corrected drawings. This application became abandoned on June 12, 2008. A Notice of Abandonment was mailed on July 9, 2008.

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

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

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

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

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

37 CFR 1.137(d) requires that a petition under 37 CFR 1.137(b) be accompanied by a terminal disclaimer and fee regardless of the period of abandonment in a design application. This application is a design application. Thus, petitioner is required to submit a terminal disclaimer.

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

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

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

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

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DAVIDSON BERQUIST JACKSON & GOWDEY LLP
4300 WILSON BLVD., 7TH FLOOR
ARLINGTON VA 22203

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DEC 0 5 2008

OFFICE OF PETITIONS

In re Application of :
Munari :
Application No. 29/287,804 : ON PETITION
Filed: September 21, 2007 :
Attorney Docket No. 2675-0015 :
For: COOKWARE HANDLE

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

The petition is **granted**.

This application became abandoned for failure to timely reply to the Notice of Allowability, mailed March 11, 2008, which set a three month period to submit corrected drawings. This application became abandoned on June 12, 2008. A Notice of Abandonment was mailed on July 9, 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; (3) a proper statement of unintentional delay, and (4) a terminal disclaimer accompanied by the required fee.

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

After the mailing of this decision, the application will be referred to the Office of Data Management for processing into a patent.

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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RALPH A. DOWELL OF DOWELL & DOWELL P.C.
2111 EISENHOWER AVE
SUITE 406
ALEXANDRIA, VA 22314

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NOV 19 2008

In re Application of :
Serge Vallet, et al. :
Application No. 29/287,828 : ON PETITION
Filed: September 24, 2007 :
Attorney Docket No. 16110DES :

This is a decision on the petition, filed June 20, 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 submit corrected formal drawings on or before June 9, 2008, as required by the Notice of Allowability, mailed March 7, 2008. Accordingly, the date of abandonment of this application is June 10, 2008. On June 20, 2008, the present petition was filed. A Notice of Abandonment was subsequently mailed on September 15, 2008.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected drawings; (2) the petition fee of $1,540; (3) an adequate statement of unintentional delay; and (4) a terminal disclaimer and the $130 fee required by 37 CFR 1.137(d).

The terminal disclaimer filed June 20, 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

OIPE IAP97
NOV 09 2007
PATENT & TRADEMARK OFFICE

"SPECIAL PROCEDURES SUBMISSION"

EXPEDITED DESIGN

37 CFR 1.155

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Brad S. DOOLEY

Application No.: 29/287,847

Filed: September 27, 2007

For: A GOLF CLUB HEAD

Docket No.: 134131

Approved NOV 19 2007
Jacqueline M. Stone, Director
Technology Center 1700/2900

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

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

Sir:

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

1. The application has been filed with the executed declaration filed concurrently herewith, with all fees paid and drawings in compliance with 37 CFR 1.84;

2. A preexamination search was conducted. The field of search covered Class 473/subclasses 330, 331, 342 and 324-350; Class D21/subclasses 733-753 and 759; and International Classes A63B053/04 and A63B053/06. The results of the search were submitted with the September 27, 2007 Information Disclosure Statement.

3. Our Check No. 198880 in the amount of $900.00 is enclosed to cover the fee under 37 CFR 1.17 (k) to effect filing of this request for expedited examination. The Commissioner is hereby authorized to charge any additional fee or credit any overpayment associated with this communication to Deposit Account No. 15-0461.

The Declaration for this application was filed today with this application. All formal filing requirements have been satisfied. Expedited Examination is respectfully requested.

Respectfully submitted,

Edward P. Walker
Registration No. 31,450

Thomas J. Pardini
Registration No. 30,411

11/13/2007 MBELETE1 00000111 29287847
01 FC:1802 900.00 OP

EPW:TJP/cfr

Date: November 9, 2007

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

DEPOSIT ACCOUNT USE AUTHORIZATION
Please grant any extension necessary for entry;
Charge any fee due to our Deposit Account No. 15-0461

OIPE IAP87 NOV 09 2007 PATENT & TRADEMARK OFFICE

"SPECIAL PROCEDURES SUBMISSION"

EXPEDITED DESIGN

37 CFR 1.155

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Approved NOV 19 2007
Jacqueline M. Stone, Director
Technology Center 1700/2900

In re the Application of

Brad S. HOOLEY

Application No.: 29/287,848

Filed: September 27, 2007 Docket No.: 134125

For: A GOLF CLUB HEAD

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

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

Sir:

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

1. The application has been filed with the executed declaration filed concurrently herewith, with all fees paid and drawings in compliance with 37 CFR 1.84;

2. A preexamination search was conducted. The field of search covered Class 473/subclasses 330, 331, 342 and 324-350; Class D21/subclasses 733-753 and 759; and International Classes A63B053/04 and A63B053/06. The results of the search were submitted with the September 27, 2007 Information Disclosure Statement.

3. Our Check No. 198870 in the amount of $900.00 is enclosed to cover the fee under 37 CFR 1.17 (k) to effect filing of this request for expedited examination. The Commissioner is hereby authorized to charge any additional fee or credit any overpayment associated with this communication to Deposit Account No. 15-0461.

The Declaration for this application was filed today with this application. All formal filing requirements have been satisfied. Expedited Examination is respectfully requested.

Respectfully submitted,

Edward P. Walker
Registration No. 31,450

Thomas J. Pardini
Registration No. 30,411

11/13/2007 MBELETE1 00000083 29287848
01 FC:1802 900.00 OP

EPW:TJP/cfr

Date: November 9, 2007

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

DEPOSIT ACCOUNT USE AUTHORIZATION
Please grant any extension necessary for entry;
Charge any fee due to our Deposit Account No. 15-0461

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SEP 25 2008

OFFICE OF PETITIONS

Birch, Stewart, Kolasch & Birch
P.O. Box 747
Falls Church, VA 22040-0747

In re Application of :
Jorg Brennwald :
Application No. 29/287,963 : DECISION ON PETITION
Filed: October 4, 2007 :
Attorney Docket No. 4436-0166PUS1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 29, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

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

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-Provisional Application (Notice), mailed November 8, 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 January 9, 2008. A Notice of Abandonment was mailed on July 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.

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

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

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

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

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

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

Carl Friedman
Petitions Examiner
Office of Petitions

Attachments: Terminal Disclaimer To Accompany Petition
(Form No. PTO-SB63)

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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P.O. Box 747
Falls Church, VA 22040-0747

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NOV 1 2 2008

OFFICE OF PETITIONS

In re Application of :
Jorg Brennwald :
Application No. 29/287,963 :
Filed: October 4, 2007 :
Attorney Docket No. 4436-0166PUS1 :

DECISION ON PETITION

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-Provisional Application (Notice), mailed November 8, 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 January 9, 2008. A Notice of Abandonment was mailed on July 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 a signed oath and declaration, with a surcharge fee of $130, $210 basic filing fee, $100 search fee, and $130 examination fee (2) the petition fee of $1540, (3) a proper statement of unintentional delay and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly the oath and declaration and fees required by the Notice to File Missing Parts are accepted as being unintentionally delayed.

The petition decision mailed September 25, 2008 dismissed the petition filed July 29, 2008 for failure to provide a terminal disclaimer. The renewed petition includes a proper terminal disclaimer.

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

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

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received July 29, 2008.

Carl Friedman
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	Filed herewith 29/288,044
Filing Date	Filed Herewith
First Named Inventor	BROWN, Wallace
Title	ABDOMINAL EXERCISE DEVICE
Atty Docket Number	07-19184

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

Approved
Jacqueline M. Stone 9-20-07
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 482, Subclasses 51, 70, 72, 95, 96, 131, 132, 135, 140, 142

Design Class D21, Subclasses 676, 686, 687, 690, 691

Related applications: Prov Appl. No. 60/741,104; Utility Appl. Serial No. 11/607,745; Utility Appl. Serial No. 11/030,420; PCT Application No. US2007/04173

If not previously 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: 5/29/07

Daniel M. Cislo, Esq. — Typed or printed name

32,973 — Registration Number, if applicable

(310) 451-0647 — Telephone Number

05/31/2007 EHAILE1 00000012 29288044
01 FC:1802 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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : NOVEMBER 18, 2009

TO SPE OF : ART UNIT 2917

SUBJECT : Request for Certificate of Correction for Appl. No.: 29288098 Patent No.: D587452

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D40-C
Palm Location 7580

_____
Certificates of Correction Branch

703-756-1573

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: _____

_____

_____

_____

_____

_____ 2917
SPE **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

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

GALLOP, JOHNSON & NEUMAN, L.C.
101 S. HANLEY, SUITE 1600
ST. LOUIS MO 63105

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SEP 1 8 2008

OFFICE OF PETITIONS

In re Application of :
Adey, Michael :
Application No. 29/288,099 : DECISION ON PETITION
Filed: may 30, 2007 :
Attorney Docket No. 109579-0027 :

This is a decision on the petition under the unavoidable provisions of 37 CFR 1.137(a), filed September 5, 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.

This application became abandoned for failure to timely pay the issue and publication fees and to submit corrected formal drawings on or before July 22, 2008, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed April 22, 2008. Accordingly, the date of abandonment of this application is July 23, 2008. A Notice of Abandonment was mailed August 15, 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 item (3) and (4).

As to item (3), where an application becomes abandoned as a consequence of a change of correspondence address (the Office action being mailed to the old, uncorrected address and failing to reach the applicant in sufficient time to permit a timely reply) an adequate showing of "unavoidable" delay will require a showing that due care was taken to adhere to the requirement for prompt notification in each concerned application of the change of address (see MPEP § 601.03), and must include an adequate showing that a timely notification of the change of address was filed in the application concerned, and in a manner reasonably calculated to call attention to the fact that it was a notification of a change of address.

A Change of Correspondence Address was filed by the petitioner on July 28, 2008. However, the document was filed subsequent to July 23, 2008, the date of abandonment of the instant application.

A delay caused by the failure on the part of petitioner, or petitioner's representative, to provide the U.S. Patent and Trademark Office with a current correspondence address does not constitute an unavoidable delay. *See* Ray v. Lehman, 55 F.3d 606, 34 USPQ2d 1786 (Fed. Cir. 1995).

As to item (4), 37 CFR 1.137(d) states, "Any petition to revive pursuant to this section in a design application must be accompanied by a terminal disclaimer and fee as set forth in § 1.321 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 blank form is enclosed for petitioner's convenience.

If petitioner cannot provide the evidence necessary to establish unavoidable delay, or simply does not wish to, petitioner may wish to consider filing a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the $770.00 petition fee. Petitioner is advised that effective October 2, 2008, the petition fee will increase to $810.00

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 Petitions Examiner Liana Walsh at (571) 272-3206.

David Bucci
Petitions Examiner
Office of Petitions

Enclosure: PTO/SB/63

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.

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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GALLOP, JOHNSON & NEUMAN, L.C.
101 S. HANLEY, SUITE 1600
ST. LOUIS MO 63105

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OFFICE OF PETITIONS

In re Application of	:	
Adey, Michael	:	
Application No. 29/288,099	:	ON PETITION
Filed: May 30, 2007	:	
Attorney Docket No. 109579-0027	:	

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

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the Issue Fee Transmittal with payment of the issue fee and Corrected Drawings (previously submitted on September 5, 2008), (2) the petition fee, and (3) a proper statement of unintentional delay.

The $810.00 unintentional petition fee will be charged to petitioner's deposit account as previously authorized.

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

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

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON VA 22202

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JAN 13 2009

OFFICE OF PETITIONS

In re Application of
Anthony **LOZANO**
Application No. 29/288,162
Filed: May 31, 2007
Attorney Docket No. **4071**

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 September 23, 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 March 27, 2008, as required by the Notice of Allowance/Allowability mailed, December 27, 2007. Accordingly, the date of abandonment of this application is March 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 payment of the issue fee of $410, 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(b).

The terminal disclaimer filed September 23, 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 September 23, 2008 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Otis D. Funk
P.O. Box 7110
North Little Rock AR 72124

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OCT 14 2008

OFFICE OF PETITIONS

In re Application of	:	
Otis D. Funk	:	
Application No.: 29/288224	:	ON PETITION
Filing or 371(c) Date: 06/05/2007	:	
Title of Invention: SHELTER FRAME	:	

This is a decision on the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b), filed august 29, 2008.

This Petition is hereby **dismissed**.

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

Background

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowance and Issue Fee Due, and Notice of Allowability, mailed April 24, 2008. The Notices set a non-extendable three (3) month period for reply. No reply having been received, the application became abandoned on July 25, 2008. A Notice of Abandonment was mailed August 19, 2008.

The present petition

Applicant files the present petition, issue fee and drawings in response to the Notices; however, no Terminal Disclaimer has been filed.

Applicable Law, Rules and MPEP

A petition to revive an abandoned application on the grounds that the failure to reply was unintentional (37 CFR 1.137(b)) must be accompanied by: (1) the required reply; (2) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; (3) any terminal disclaimer

required pursuant to 37 CFR 1.137(d) (see above discussion); and (4) the petition fee as set forth in 37 CFR 1.17(m). Applicant lacks item (3).

Analysis and conclusion

A terminal disclaimer and the terminal disclaimer fee are required under 37 CFR 1.137(d) if the application is: (1) a design application, (2) a utility application filed before June 8, 1995, or (3) a plant application filed before June 8, 1995.

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).

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

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

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

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

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

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

Enclosure: Terminal Disclaimer Form

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Speed Law Firm
Suite 1200
111 Center Street
Little Rock AR 72201

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JAN 29 2009

OFFICE OF PETITIONS

In re Application of :
Otis D. Funk :
Application No.: 29/288224 : ON PETITION
Filing or 371(c) Date: 06/05/2007 :
Title of Invention: SHELTER FRAME :

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 December 10, 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, and Notice of Allowability, mailed April 24, 2008. The Notices set a non-extendable three (3) month period for reply. No reply having been received, the application became abandoned on July 25, 2008. A Notice of Abandonment was mailed 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 the issue fee and corrected drawings; (2) the petition fee, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to timely pay the issue fee as required by the Notice is accepted as being unintentionally delayed.

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

This application is being referred to the Office of 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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O'KEEFE, EGAN, PETERMAN & ENDERS LLP
1101 CAPITAL OF TEXAS HIGHWAY SOUTH
#C200
AUSTIN TX 78746

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JUN 0 3 2008

OFFICE OF PETITIONS

In re Application of :
Casparian et al. :
Application No. 29/288,239 : ON PETITION
Filed: June 5, 2007 :
Attorney Docket No. DELL:080 (DC-13282) :

This is a decision on the petition filed May 5, 2008, requesting that the above-identified application be accorded a filing date of June 5, 2007, rather than the presently accorded date of June 4, 2007. The petition is properly treated as a petition under 37 CFR 1.10(d).

Applicant requests the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on June 5, 2007, pursuant to 37 CFR 1.10. In support, applicant has submitted a copy of Express Mail label No. EV 978890882 US, showing an incorrect handwritten "date-in" of "6-4-07" and a "Jun 5, 2007" mail date USPS stamp. The same Express Mail receipt number appears on the original "Design Patent Application Transmittal."

Therefore, in view of the USPS mail date stamp, it is concluded that the application was deposited in Express Mail service on June 5, 2007. Accordingly, the instant application is entitled to a filing date of June 5, 2007 and has been so accorded.

The petition is **GRANTED**.

A petition under 37 CFR 1.10(d) does not require a petition fee and none has been collected.

This matter is being referred to the Office of Initial Patent Examination Division for further **processing with a filing date of June 5, 2007, along with a corrected filing receipt.** Thereafter, the matter will be referred to Technology Center 2900 for examination in due course.

Telephone inquiries concerning this matter may be directed the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

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MAR 17 2008

OFFICE OF PETITIONS

In re Application of	:
ITAYA, et al.	: DECISION GRANTING PETITION
Application No. 29/288,321	: UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: June 6, 2007	:
Attorney Docket No. 9353/690(D4632-01)	:

This is a decision on the petition under 37 CFR 1.313(c)(3), filed March 14, 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 October 4, 2007 in the parent application is not refundable nor can it be applied towards any new Notice of Allowance which may issue on the CPA filed March 14, 2008.

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-7253.

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

Monica A. Graves
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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FROST BROWN TODD, LLC
2200 PNC CENTER
201 E. FIFTH STREET
CINCINNATI OH 45202

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JAN 05 2010

OFFICE OF PETITIONS

In re Application of :
Dominic Kan Nam Lee :
Application No. 29/288,336 : NOTICE
Filed: June 7, 2007 :
Attorney Docket No. **0102704.0546126** :

This is a notice regarding your request filed November 9, 2009, for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

There is no indication that the person signing the petition/request was ever given a power of attorney to prosecute the application. However, in accordance with 37 CFR 1.34, the signature of Jeffrey F. Kersting 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 in whose behalf he acts. If, Jeffrey F. Kersting desires to be acknowledged as the attorney of record the appropriate power of attorney document must be submitted.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
29/288,367			

GREER, BURNS & CRAIN
300 S. WACKER DRIVE
25TH FLOOR
CHICAGO IL 60606

DATE MAILED: July 2, 2007

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d) filed June 25, 2007, requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Any inquiries concerning this decision should be directed to the Pre-Grant Publication Division at (703) 605-4283.

Barbara J. Debnam
Pre-Grant Publication Division

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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VINCENT TASSINARI
125 GRAND AVE.
SUITE 201
LONG BEACH CA 90803

COPY MAILED
JAN 07 2009

In re Application of :
Gloria J. McArdle :
Patent No. D579,702 :
Application No. 29/288,396 :
Filed: June 11, 2007 :
Attorney Docket No. MCAR.P0001D

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed October 17, 2008.

The request is **NOT APPROVED**.

The Request for Withdrawal as Attorney or Agent and Change of Correspondence Address submitted on October 17, 2008 is hereby not accepted. Petitioner has submitted an outdated Request for Withdrawal as Attorney and Change of Correspondence Address form. Therefore the request cannot be approved because petitioner has not completed a current updated PTO/SB/83 (effective date May 12, 2008). Any subsequent requests must include the completion of the proper form (enclosed with this decision). Please note that there is a Certifications section provided on PTO/SB/83 that must be completed.

All future communications from the Office will continue to be directed to the above-listed address until properly notified.

Telephone inquires 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/83 form

cc: Gloria McArdle
49 Frederick Pl
Parlin, New Jersey 08859-1811

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GLORIA MCARDLE
49 FREDERICK PL
PARLIN, NJ 08859-1811

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MAR **0 3** 2009

OFFICE OF PETITIONS

In re Application of
Gloria J. McArdle
Patent No. D579,702
Application No. 29/288,396
Filed: June 11, 2007
Attorney Docket No. MCAR.P0001D

: DECISION ON SUPPLEMENT PETITION TO WITHDRAWAL FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed January 8, 2009.

The request is **DISMISSED AS MOOT**.

The petition filed January 8, 2009 is unnecessary in view of the decision which was rendered on January 7, 2009. This decision required a current updated PTO/SB/83 form to be completed and submitted. Further, the Supplement to Petition filed concurrently requests that the "Request for Withdrawal as Practitioner of Record After Issue" be withdrawn. Accordingly, the petition is dismissed as moot.

Petitioner also filed a Change of Correspondence Address with the above requests. Accordingly, the Change of Correspondence Address is hereby accepted. All future communications from the Office will be directed to the above-listed address. A courtesy copy is being mailed to the address listed on the requests.

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

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: VINCENT TASSINARI
125 GRAND AVE.
SUITE 201
LONG BEACH CA 90803

UNITED STATES PATENT AND TRADEMARK OFFICE

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7-19-07

wk

In re Application of :
Ashley Smyth :
Serial Number: 29/288,625 : DECISION
Filed: June 19, 2007 : ON
For: The Contoured Heart Key Ring Fob : PETITION

This is in response to the request filed June 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 a statement indicating that a preexamination search was conducted (a search made by a foreign patent office satisfies this requirement). The statement must also include a list of the field of search such as by U.S. Class and Subclass (including domestic patent documents, foreign patent documents and nonpatent literature paid the fee for expedited examination as set forth in 37 CFR 1.17(k) and a statement indicating that a preexamination search was conducted as set forth in 37 CFR 1.155(a)(3)(ii) and an information disclosure statement in compliance with 37 CFR 1.98 .

The Request is **Denied**.

Jacqueline M. Stone

Jacqueline Stone, Director
Technology Center 2900
Designs

Ashley Smyth
8 Secaucus Lane
East Islip NY 11730

OIPE
AUG 17 2007
PATENT & TRADEMARK OFFICE

IFW

Ashley Smyth
8 Secaucus Lane
East Islip, NY 11730
(631) 835-3395

August 15th, 2007

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

8-30-07
Approved,
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

Application Number 29/288,625
Filing Date: 06/19/07
First Named Inventor: Ashley Smyth
Title: Heart-Shaped Key Ring Fob
Examiner Name: Ralph Seifert
Art Unit: 2914

RE: Request for reconsideration for petition for an expedited design examination.

At the request of Examiner, Ralph Seifert, (letter dated 08/04/07) the enclosed form PTO/SB/27 *(Request for Expedited Examination of a Design Application)* dated 8/15/07, replaces the form PTO/SB/27 dated 06/14/07.

The form dated 06/14/07 contained pre-examination search criteria in the format of a "word search" of the USPC Index -not the standard search format of CLASS/SUB-CLASS. Mr. Joel Sinkovich (tel. 571-272-2610) finds that there is no stipulation in the USPTO rules requiring the search criteria be stated in the form of Class/Sub-Class; Therefore I request reconsideration of for my petition for an expedited design application using the corrected material provided.

Because the previous search criteria was in the wrong format, Mr. Seifert was unable to complete his original examination, hence no re-examination fees or additional forms are attached. According to the USPTO website, there are no additional fees/forms for reconsideration of a non-final decision. Form PTO/SB/27 is submitted "to advance the application process" within the 30 day response window in compliance with USPTO guidelines.

Thank you for your cooperation.

Sincerely,

Ashley Smyth

AUG 17 2007
PATENT & TRADEMARK OFFICE

PTO/SB/27 (04-07)
Approved for use through 09/30/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE
Under the Paperwork Reduction ACT of 1995, no persons are required to respond to collection of information unless it displays a valid OMB control number.

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

Application Number	29/288,625
Filing Date	6/19/07
First Named Inventor	Ashley Smyth
Title	Heart-shaped Key Ring Fob
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:

D3/207-211 D9/629 D11/44,48,56,81,97,103,204,211,217
D21/427,490,507,560,627 70/456R 24/3.1,3.6
63/DIG 3

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.

Ashley Smyth
Signature

8/15/07
Date

Ashley Smyth
Typed or printed name

Registration Number, if applicable

(631) 835-3395
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
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MANISH SINGH
PRESIDENT
ABM GROUP, INC.
440 FLOCK AVENUE
NAPERVILLE IL 60565

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NOV 10 2008

In re Application of
Manish Singh
Application No. 29/288,642
Filed: June 18, 2007
For: FURNITURE SUPPORT

ON PETITION

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

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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MANISH SINGH
PRESIDENT
ABM GROUP, INC.
440 FLOCK AVENUE
NAPERVILLE IL 60565

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MAR 05 2009

OFFICE OF PETITIONS

In re Application of	:	
Manish Singh	:	
Application No. 29/288,642	:	DECISION ON PETITION
Filed: June 18, 2007	:	
Attorney Docket No. 101	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed February 6, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the issue fee, 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 mailed March 31, 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 August 21, 2008.

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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SEP 26 2007

OFFICE OF PETITIONS

HAYNES AND BOONE, LLP
901 MAIN STREET, SUITE 3100
DALLAS TX 75202

In re Application of
Maxik et al.
Application No. 29/288,651
Deposited: June 18, 2007
Attorney Docket No.: 36424.55
Title of Invention: Led Light Bulb

: ON PETITION

This is a decision on the "Petition Under 37 CFR §1.53(e) To Accord A Filing Date" filed September 7, 2007 (certificate of mailing September 4, 2007), requesting that the above-identified application be accorded the filing date of June 18, 2007.

Application papers in the above-identified application were deposited on June 18, 2007. However, on July 6, 2007, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application", notifying applicant that the application papers had not been accorded a filing date because the application was deposited without drawings.[1]

In response, 4 sheets of drawings and the present petition were filed on September 7, 2007. The petition contends that the application as filed included 4 sheets of drawings and were described in the original filed specification. In support, the petition is accompanied by a copy of applicants' postcard receipt which acknowledges receipt in the office of " four(4) sheets of formal Drawings" on June 18, 2007.

Applicants' postcard receipt is prima facie[2] evidence that drawings were received on June 18, 2007, but no drawings are present in the file. Hence, it is clear that the papers for this application were mishandled by the Office. Therefore, it is concluded that 4 sheets of drawings were received on June 18, 2007, as shown in counsel's file, and later misplaced in the Office.

---

[1] See 35 U.S.C. 111(a)(4)

[2] A postcard receipt which itemizes and properly identifies the items which are being filed serves as prima facie evidence of receipt in the office of all items listed thereon. See MPEP 503.

The petition is Granted. The $400.00 petition fee will be refunded.

Since the original drawings cannot be located in the Office, the copy of the drawings supplied on September 7, 2007, will be used for processing and examination purposes.

The application will be returned to the Office of Initial Patent Examination for further processing with a **filing date of June 18, 2007**, using the 4 sheets of drawings supplied on September 7, 2007.

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Nixon Peabody LLP
200 Page Mill Road
Palo Alto, CA 94306

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APR 22 2009

OFFICE OF PETITIONS

In re Application of :
Scott **LINDLEY.** :
Application No. 29/288,662 : DECISION ON PETITION
Filed: June 18, 2007 : UNDER 37 CFR 1.137(b)
Attorney Docket No. **FAR-0008(436399-012)** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 5, 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 December 8, 2008 as required by the Notice of Allowance and Fee(s) Due mailed September 8, 2008. Accordingly, the date of abandonment of this application is December 9, 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:
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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
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P.O. Box 1450
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www.uspto.gov

NIXON PEABODY, LLP
200 PAGE MILL ROAD
PALO ALTO, CA 94306

MAILED

AUG 17 2009

OFFICE OF PETITIONS

In re Application of :
Scott LINDLEY :
Application No. 29/288,662 : DECISION ON PETITION
Filed: June 18, 2007 : UNDER 37 CFR 1.137(b)
Attorney Docket No. **FAR-0008 (436399-012)** :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed June 22, 2009, to revive the above-identified application.

The petition is **GRANTED.**

This application became abandoned for failure to timely pay the issue fee and to submit corrected drawings on or before January 21, 2009, as required by the Notice of Allowance/Allowability mailed, October 21, 2008. Accordingly, the date of abandonment of this application is January 22, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $430; (2) the petition fee of $810, (3) a proper statement of unintentional delay and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(b).

The terminal disclaimer filed June 22, 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
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Alexandria, VA 22313-1450
www.uspto.gov

Horst M. Kasper
13 Forest Drive
Warren, NJ 07059

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JAN 28 2009

OFFICE OF PETITIONS

ON PETITION

In re Application of
Benoit Auberger, et. al.
Application No. 29/288,777
Filed: June 19, 2007
Attorney Docket No. SMI336T1

This is a decision on the petition under 37 CFR 1.137(b), filed December 1, 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 Allowability For A Design Application mailed on December 6, 2007. A Notice of Abandonment was mailed on November 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 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 $810 for the petition to revive fee, $410 for payment of the issue fee, $30 for ten advanced soft copies and one sheet of replacement drawings containing Figures 1-5 filed on December 1, 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. For petitioner's convenience, a blank Terminal Disclaimer form 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) 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

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 (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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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13 Forest Drive
Warren, NJ 07059

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MAY 20 2009

OFFICE OF PETITIONS

In re Application of
Benoit Auberger, et. al.
Application No. 29/288,777
Filed: June 19, 2007
Attorney Docket No. SMI336T1

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed February 17, 2009, to revive the above-identified application.

It is noted that the decision mailed on January 28, 2009 incorrectly stated that a terminal disclaimer fee of $65 is required. However, effective October 2, 2008 the terminal disclaimer fee is listed as $70. Therefore, the $5 difference will be charged to petitioner's deposit account. The undersigned apologizes for any inconvenience caused to petitioner by this error.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of one sheet of replacement drawings containing Figures 1-5; (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 February 17, 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
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13 FOREST DRIVE
WARREN, NJ 07059

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NOV 1 8 2008

OFFICE OF PETITIONS

In re Application of :
Auberger et al. :
Application No. 29/288,799 : ON PETITION
Filed: June 19, 2007 :
Attorney Docket No. SMI356T1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 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 submit a new declaration in compliance with 37 CFR 1.67(a) in a timely manner in reply to the Notice of Allowability, mailed May 9, 2008, which set a period for reply of three (3) months. Accordingly, this application became abandoned on August 10, 2008. A Notice of Abandonment was mailed August 20, 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) above. Although the Office recognizes that the petitioner submitted a new declaration, the petitioner did not submit a terminal disclaimer as required under 37 CFR 1.137(d) for design applications. 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 $140 ($70 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.

/SDB/

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

HORST M. KASPER
13 FOREST DRIVE
WARREN, NJ 07059

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DEC 16 2008

In re Application of :
Auberger et al. :
Application No. 29/288,799 : ON PETITION
Filed: June 19, 2007 :
Attorney Docket No. SMI356T1 :

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of Allowability, mailed May 9, 2008. The application became abandoned on August 10, 2008. On October 30, 2008 a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed November 18, 2008. In response, on December 1, 2008, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a new declaration in compliance with 37 CFR1.67(a); (2) the petition fee of $810; (3) an adequate statement of unintentional delay; and (4) a terminal disclaimer and fee of $70 as required by 37 CFR 1.137(d). Accordingly, the failure to timely submit a new declaration as required by the Notice of Allowability is accepted as being unintentionally delayed.

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

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

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

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 3/16/09 Paper No.: _____

TO SPE OF : ART UNIT 2913 Kile, Katrina

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/288885 Patent No.: D583371

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: APPLICANT IS CORRECT THAT THE FIGURE DESCRIPTIONS MUST BE CORRECTED TO REFLECT THE CANCELLATION OF ORIGINAL FIGURE 3.

Caron D. Veynar

CARON D. VEYNAR
SUPERVISORY PATENT EXAMINER
SPE

2913
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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

THE INVENTORS NETWORK, INC.
332 ACADEMY STREET
CARNEGIE, PA 15106

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NOV 0 6 2008

OFFICE OF PETITIONS

In re Application of :
Robert Pagel :
Application No. 29/288,948 : ON PETITION
Filed: June 28, 2007 :
Attorney Docket No. :

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

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the formal drawings in a timely manner in reply to the Notice of Allowance mailed January 18, 2008, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on April 19, 2008.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the formal drawings; (2) the petition fee; (3) the required statement of unintentional delay and (4) Terminal Disclaimer have been received.

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

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

Irvin Dingle
Petitions Examiner
Office of Petitions

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	Filed herewith 29/288,973
Filing Date	Filed herewith
First Named Inventor	LIOW, Tian Kong
Title	SHOE
Atty Docket Number	07-19335

Approved
Jacqueline M. Stone, Director
Technology Center 1700/2900
7/17/07

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 907, 908, 916, 918, 923, 924, 943, 969; Class 36, Subclasses 11.5, 87

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

6-29-07
Date

Kelly W. Cunningham, Esq.
Typed or printed name

43,570
Registration Number, if applicable

(310) 451-0647
Telephone Number

07/03/2007 EFLORES 00000002 29288973
04 FC:1802 900.00 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.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION - WEST BLDG.
WINTON HILL BUSINESS CENTER - BOX 412
6250 CENTER HILL AVENUE
CINCINNATI, OH 45224

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NOV 26 2007

OFFICE OF PETITIONS

In re Application of
Gehring, Schwartz, Chin, Simonsen, Lee, Behrend
Application No.: 29/289,066
Filed: July 3, 2007
Attorney Docket No: D-1231
For: CONTAINER

: DECISION REFUSING
: RULE 47(a) STATUS

This is a decision on the petition under 37 CFR 1.47(a) filed October 16, 2007.

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

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

The above-identified application was filed on July 3, 2007, without a properly executed declaration. A Notice to File Missing Parts of Nonprovisional Application was mailed on July 20, 2007, indicating that a proper declaration executed was required as well as a surcharge of $130.00 for the late filing of the same. On October 16, 2007, the instant petition was filed.

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

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

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

(3) the petition fee,

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

The instant petition lacks item (1) as set forth above.

As to item (1), petitioner is asserting that inventor Behrend cannot be located. Petitioner must demonstrate that a diligent effort was made to locate inventor Behrend and present him with a complete of the application papers. As part of the diligence requirement, petitioner must make reasonable efforts to find the most current address for the non-signing inventor and detail those efforts as part of the petition. The evidence is not convincing that diligence requirement has been satisfied. Petitioner is not required to affirmatively locate the non-signing inventor, but must demonstrate that efforts were made toward that end. Further to this point, Section 409.03(d) of the *Manual of Patent Examining Procedure* (MPEP) provides, in pertinent, part that:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as **internet searches**, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement.
> The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions.

Any renewed petition under 37 CFR 1.47(a) filed must be accompanied by a statement establishing that a diligent effort was made to locate inventor Behrend.

The fee for the instant petition is $200.00. Deposit account 16-2480 will be charged $200.00, accordingly. A request for an extension of time within the first month is necessary in order for the instant petition to considered timely. Deposit account 16-2480 will be charged $120.00 for the extension of time.

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

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

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

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
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299 East Sixth Street
CINCINNATI OH 45202

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AUG 2 8 2008

OFFICE OF PETITIONS

In re Application of
GehringSchwartz, et al.
Application No.: 29/289,066
Filed: July 3, 2007
Attorney Docket No D-1231
FOR: CONTAINER

:DECISION ON PETITION
: UNDER 37 CFR 1.137(b) AND
: DECISION NOTING JOINDER
:
:

This is a decision on the petition under 37 CFR 1.137(b) filed August 1, 2008. This is also a decision noting the joinder of inventor Behrend in the above-cited application.

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

The above-identified application was filed on July 3, 2007, without a properly executed declaration. A Notice to File Missing Parts of Non-Provisional Application was mailed on July 20, 2007, indicating that a proper declaration was required as well as a surcharge of $130.00 for the late filing of the same. On October 16, 2007, a petition under 37 CFR 1.47 was filed. The petition was dismissed by a decision mailed November 26, 2007. The decision set a period for response of two-months from its mailing date. No reply was received and the application became abandoned on January 27, 2008. A Notice of Abandonment was mailed July 7, 2008.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(a) is not necessary. This application does not have any Rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this Office for further consideration under 37 CFR 1.47(a).

The Manual of Patent Examining Procedure ("MPEP"), § 409.03(j) provides that "[i]n the event the previously non-signing inventor decides to join the application by filing an executed oath or declaration complying with 37 CFR 1.63, the oath or declaration will be placed in the application file."

Accordingly, the declaration executed by the joint inventors is noted and made of record.

Deposit account 16-2480 will be charged $1,540.00 for the petition fee, $130.00 for the terminal disclaimer fee, and $130.00 for the surcharge required for the late filing of the declaration.

This application is being directed to the Office of Patent Application Processing for further processing.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

COPY MAILED

MAR 12 2009

OFFICE OF PETITIONS

In re Application of

Ginsberg, et al. : ON PETITION

Application No. 29/289,118 :

Filing Date: July 6, 2007 :

Attorney Docket No. PCH1110USDP

This is a decision on the petition under 37 CFR §1.137(b), filed February 4, 2009, in the above-identified application.

The petition is **dismissed**.

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

This application became abandoned for failure to respond in a timely manner to the Notice of Allowability (the "Notice") mailed September 24, 2008. The notice allowed a statutory period for reply of two months from its mailing date. No reply was received within the allowable period, and the application became abandoned on December 25, 2008. A Notice of Abandonment was mailed Jnauary 22, 2009.

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

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

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

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

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

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

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

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

By facsimile: (571) 273-8300

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: "Terminal Disclaimer to Accompany Petition"

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

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NOV 19 2009

OFFICE OF PETITIONS

In re Application of
Steven Ginsberg et al
Application No. 29/289,118
Filed: July 6, 2007
Attorney Docket No. PCH1110USDP

ON PETITION

This is a decision on the petition filed April 30, 2009, which is being treated as a renewed petition 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 formal drawings; (2) the petition fee; (3) the required statement of unintentional delay and (4) terminal disclaimer have been received.

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

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

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ORRICK, HERRINGTON &
SUTCLIFFE, LLP
IP PROSECUTION DEPARTMENT
4 PARK PLAZA
SUITE 1600
IRVINE CA 92614-2558

COPY MAILED

JUL 10 2007

OFFICE OF PETITIONS

In re Application of	:	
Robin Daas	:	DECISION ON PETITION
Application No. 11/619,661	:	
Received: January 4, 2007	:	
Atty Docket No. 16252-11	:	

This is a decision on the PETITION FOR CORRECTION filed February 23, 2007, which is properly treated as a petition under 37 CFR 1.182[1], requesting that the above-identified application be processed as a design application.

The petition is **GRANTED**.

A review of the application papers present on filing reveals that applicant submitted an Electronic Patent Application Fee transmittal identifying the type of application as utility and paid the utility application filing, search, and examination fees, but included in the filing a PATENT APPLICATION TRANSMITTAL for a design application, one (1) page of written description referencing a design patent application, one (1) page containing a claim to an ornamental design, and 2 sheets of drawing figures.

[1] § 1.182 Questions not specifically provided for.
All situations not specifically provided for in the regulations of this part will be decided in accordance with the merits of each situation by or under the authority of the Director, subject to such other requirements as may be imposed, and such decision will be communicated to the interested parties in writing. Any petition seeking a decision under this section must be accompanied by the petition fee set forth in § 1.17(f)

Copied from 11619661 on 07/12/2007

Applicant promptly filed this petition, stating that they intended to file a design application, but paid the utility application fees.

It is clear, based on the transmittal, specification and claim filed, that applicant intended to file a design application, but submitted an electronic filing of this application with the type of application identified as a utility application and inadvertently paid the utility application fees.

Accordingly, on petition, the application will be reprocessed as a design application as requested using the application papers filed on January 4, 2007.

The correct small entity basic filing fee on January 4, 2007 for a design application was $100, the search fee was $50 and the examination fee was $65. Applicant had paid $425 in filing fees on January 4, 2007. Accordingly, applicant is due a refund of $210.

The overpayment of the filing fees will be credited to petitioner's Deposit Account, as authorized. Office records will also be corrected to show that the $100 design filing fee, $50 design search fee, and $65 design examination fee, have been paid.

The petition fee of $400 has been charged to petitioner's Deposit Account, as authorized. As the petition was necessitated by an error on the part of applicant, however, the petition fee will not be refunded.

Thereafter, the application will be referred to the Office of Initial Patent Examination for reprocessing as a design application, not a utility application, with a filing date of January 4, 2007, using the one (1) page of written description, one (1) page containing a claim to an ornamental design, and 2 sheets of drawing figures filed on January 4, 2007. The application will be assigned a new design application number. The new design application number will be communicated to applicant by the Office of Initial Patent Examination in due course.

Copied from 11619661 on 07/12/2007

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Copied from 11619661 on 07/12/2007

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	CON of 29/246,762
Filing Date	July 10, 2006
First Named Inventor	Zalewski
Title	Ergonomic Game Interference
Atty Docket Number	PA4258US

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

Approved 7/18/07
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:

(see attachment)

Related applications: (See attachment)

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

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

07/12/2007 SSANDARA 00000016 060600 29289184
04 FC:1802 900.00 DA

Kenneth M. Kaslow — Signature
July 10, 2007 — Date
Kenneth M. Kaslow — Typed or printed name
32,246 — Registration Number, if applicable
650 812 3400 — 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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	Gary Zalewski et al.
APPLICATION NO.:	UNASSIGNED (CON OF 29/246,762)
FILED:	July 10, 2007
TITLE:	Ergonomic Game Interface Device with LEDs
EXAMINER:	UNASSIGNED (P. Deshmukh in Parent)
GROUP ART UNIT:	UNASSIGNED (2912 in Parent)
ATTY.DKT.NO.:	PA4258US

MAIL STOP EXPEDITED EXAM
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

ATTACHMENT TO REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION UNDER 37 C.F.R. § 1.555

A pre-examination search was conducted in this matter. The fields of search were as follows:

- **U.S. Fields of Search:**

(1) D21/333; (2) D14/454; (3) D14/401; (4) D14/400

Search Logic

(1) APT/4 + SPEC/LED

(2) APT/4 + SPEC/CONTROL

(3) APT/4 + SPEC/GAME

(4) APT/4 + SPEC/LIGHT EMITTING DIODE

(5) APT/4 + SPEC/LED + SPEC/CONTROL

(6) APT/4 + SPEC/LED + SPEC/GAME

(7) APT/4 + SPEC/LED + SPEC/CONTROL + SPEC/GAME

(8) APT/4 + SPEC/ LIGHT EMITTING DIODE + SPEC/CONTROL

(9) APT/4 + SPEC/ LIGHT EMITTING DIODE + SPEC/GAME

(9) APT/4 + SPEC/ LIGHT EMITTING DIODE + SPEC/CONTROL + SPEC/GAME

(10) APT/1 + SPEC/ LIGHT EMITTING DIODE + SPEC/CONTROL + SPEC/GAME

(11) APT/1 + SPEC/LED + SPEC/CONTROL + SPEC/GAME

(12) APT/4 + EXP/DESHMUKH

(13) APT/4 + EXA/DESHMUKH

- **Non-Patent Literature Fields of Search:**

(1) Yahoo! Images; (2) Google Images; (3) Google Scholar; (4) Google

Search Logic

(1) GAME + CONTROLLER + LED

(2) GAME + CONTROLLER + LIGHT EMITTED DIODE

UNITED STATES DEPARTMENT OF COMMERCE
COMMISSIONER FOR PATENTS
P. O. BOX 1450
ALEXANDRIA, VA 22313-1450

Date : 5/28/2008
Patent No. : D564,574 S
Inventor(s) : Andrews
Issue Date : March 18, 2008
Title : **EYEWEAR JEWELRY**
Doc./File No. : **G110-002**

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 item (75) Inventors: Inventors' addresses are printed in accordance with the Oath of Declaration and/or issue fee notification (PTOL-85B).

A petition under C.F.R. 1.182, is required to correct the alleged error in an inventor's address, since an inventor's address is printed in accordance with the Declaration or the PTOL-85B (Issue Fee Transmittal), in file at the time of payment of the base issue fee. The error was not made by the Patent and Trademark Office in the printing of the patent. An inventor's address is a matter not affecting the validity of technical subject matter of the patent, and since inventors often move both before the issuance of the patent and afterwards, no correction is in order here under the provisions of Rule 1.323, unless a petition under 1.182 is granted.

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

Any petition under 37 CFR 1.182 should be directed to the attention of the Assistant Commissioner for Patents, using the following mailing address or FAX number.

By Mail: Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By Fax: (703) 308-6916
Attn.: Office of Petitions

If, the petition under 37 CFR 1.182 (required fee currently $130), is filed and granted, the patentee would be entitled to a certificate of correction under 37 CFR 1.323 (required fee currently $100).

Ernest C. White, *LIE* (703) 308-9390 x122
Mary F. Diggs, *Supervisor* (703) 308-9390 x125
Decisions & Certificates of Correction Branch

LAW OFFICES OF J.D. GERAIGERY, P.C.
56 CREIGHTON STREET
CAMBRIDGE MA 02140

ecw

TO: Mr. Young
FROM: Rob Spear
SPE, GAU 2915

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: ____

DATE : 12-3-09

TO SPE OF : ART UNIT 2915

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/289,284 Patent No.: D582665

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

FOR IFW FILES: Should code be approved

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

Ennis Young
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.

- [x] **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

PTOL-306 (RE 7/03)

U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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NOV 0 2 2007

OFFICE OF PETITIONS

In re Application of :
Elisabeth Guers-Neyraud :
Application No. 29/289288 :
Filing or 371(c) Date: 07/12/2007 :
Attorney Docket Number: : DECISION
JCHL 0703289 : ON PETITION

This is a decision on the "Petition to Accord Original Date of Deposit for Omitted Drawing page(s) Under 37 CFR 1.53(e)," August 16, 2007, requesting the above-identified application be accorded a filing date of July 12, 2007, including Figure 8 of the drawings.

The petition is granted.

The application was filed on July 12, 2007. On July 31, 2007, the Office of Initial Patent Examination mailed a Notice of Omitted Items in a Nonprovisional Application (hereinafter "Notice"), informing Applicant that the application had been accorded a filing; however, Figure 8 described in the specification appeared to have been omitted from the application.

Applicant files the instant petition and avers that Figure 8 described in the specification was included among 8 sheets of drawings filed with the application on July 12, 2007. In support of this assertion, Applicant provides a copy of a return receipt postcard acknowledging receipt of, *inter alia,* eight (8) sheets of formal drawings by this Office on July 12, 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.

Accordingly, the petition is granted.

In view of the above, the Notice was mailed in error and is hereby withdrawn.

A refund of the petition fee has been credited to Petitioner's deposit account as authorized in the petition.

The copy of Figure 8 filed with the petition will be used for examination purposes.

This application is being forwarded to the Office of Initial Patent Examination, Customer Corrections, for further processing, with the filing date of July 12, 2007, and an indication that Figure 8 was present on July 12, 2007, using Figure 8 filed with the present petition on August 16, 2007.

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

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

EDWARD D. GILHOOLY
28 E. JACKSON BLVD.
SUITE 423
CHICAGO IL 60604

COPY MAILED

MAR 13 2009

OFFICE OF PETITIONS

In re Application of :
Richard Smith :
Application No. 29/289,294 : ON PETITION
Filed: July 16, 2007 :
Attorney Docket No. 788 P 0 72 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 6, 2009, to revive the above-identified application.

This application became abandoned for failure to timely pay the issue and publication fees and to submit corrected formal drawings on or before October 16, 2008, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed July 16, 2008. Accordingly, the date of abandonment of this application is October 17, 2008.

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 $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 undersigned at (571) 272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

Attachment: blank copy of 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

EDWARD D. GILHOOLY
28 E. JACKSON BLVD.
SUITE 423
CHICAGO, IL 60604

MAILED

JUL 14 2009

OFFICE OF PETITIONS

In re Application of :
Richard Smith :
Application No. 29/289,294 : ON PETITION
Filed: July 16, 2007 :
Attorney Docket No. 788 P 072 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed May 18, 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 May 18, 2009 cannot be accepted since it is not signed by a proper party of interest or 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

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 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. All other inquiries concerning this application should be directed the Office of Data Management at their hotline 571-272-4200.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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EDWARD D. GILHOOLY
28 E. JACKSON BLVD.
SUITE 423
CHICAGO, IL 60604

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SEP 23 2009

OFFICE OF PETITIONS

In re Application of :
Richard Smith :
Application No. 29/289,294 : DECISION ON PETITION
Filed: July 16, 2007 :
Attorney Docket No. 788 P 072 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed August 10, 2009, to revive the above-identified design application.

The petition is **GRANTED.**

The application became abandoned for failure to submit corrected formal drawings October 16, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed July 16, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on October 17, 2008. A Notice of Abandonment was mailed on December 10, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the corrected 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). Accordingly, the failure to timely file corrected formal drawings 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 $70 terminal disclaimer fee was previously submitted the fee submitted with the petition on August 10, 2009 is

considered a duplicate, this fee is unnecessary and will be refunded by treasury check.

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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EDWARD D. GILHOOLY
28 E. JACKSON BLVD.
SUITE 423
CHICAGO, IL 60604

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OFFICE OF PETITIONS

In re Application of :
Richard Smith :
Application No. 29/289,294 : DECISION ON PETITION
Filed: July 16, 2007 :
Attorney Docket No. 788 P 072 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed August 10, 2009, to revive the above-identified design application.

The petition is **GRANTED**.

The application became abandoned for failure to submit corrected formal drawings October 16, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed July 16, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on October 17, 2008. A Notice of Abandonment was mailed on December 10, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the corrected 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). Accordingly, the failure to timely file corrected formal drawings 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 $70 terminal disclaimer fee was previously submitted the fee submitted with the petition on August 10, 2009 is

considered a duplicate, this fee is unnecessary and will be refunded by treasury check.

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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Vincent Tassinari
125 Grand Avenue
Suite 201
Long Beach, CA 90803

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MAR 2 3 2009

OFFICE OF PETITIONS

In re Application of	:	
Michael J. Scheer	:	
Application No. 29/289,323	:	DECISION ON PETITION
Filed: July 17, 2007	:	TO WITHDRAW
Attorney Docket No. SCHE.P0001D	:	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 14, 2008.

The request is **NOT APPROVED**.

A review of the file record indicates that Vincent Tassinari no longer has power of attorney in this application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Michael J. Scheer
35243 N. Karan Swiss Circle
Queen Creek, AZ 85243-4993

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United States Patent and Trademark Office
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ROBERT H BACHMAN
59 RICHARD SWEET DRIVE
WOODBRIDGE CT 06525

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SEP 2 8 2007

OFFICE OF PETITIONS

In re Application of :
Darr, et al. :
Application No. 29/289,330 : DECISION ON PETITION
Filed: July 16, 2007 :
Attorney Docket No. 07-212-1 :

This is a decision on the petition under 37 CFR 1.53, filed August 13, 2007, to accord the above-identified application a filing date of July 16, 2007, with 3 sheets of drawings as part of the original disclosure.

The petition is **GRANTED**.

Application papers in the above-identified application were filed on July 16, 2007. However, on August 2, 2007, the Initial Patent Examination Division mailed Applicants a "Notice of Incomplete NonProvisional Application." Applicants were notified that the application papers had not been accorded a filing date because the application was deposited without drawings.

In response, Applicants filed the instant petition. Applicants maintain that the application as originally filed included 3 pages of drawings. In support thereof, applicants submitted a postcard receipt identifying this application, itemizing 3 drawings as enclosed, bearing a United States Patent and Trademark Office date-stamp of July 16, 2007, and lacking any notation of non-receipt of any item listed.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503.

Given the basis for granting the petition, the $400 petition fee has been refunded to Deposit Account No. 50-2640.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of July 16, 2007, using the application papers received in the Office on that date and the 3 pages of drawings as re-supplied on petition filed July 16, 2007, and for indication in Office records that 3 sheets of drawings were present on filing.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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THE GATES CORPORATION
IP LAW DEPT. 10-A3
1551 WEWATTA STREET
DENVER, CO 80202

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APR 0 8 2009

OFFICE OF PETITIONS

In re Application of :
Arthur Jack CLARKE :
Application No. 29/289,358 : DECISION ON PETITION
Filed: July 17, 2007 :
Attorney Docket No. P07-087A :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 9, 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 October 27, 2008, which set a period for reply of three (3) months. Accordingly, this application became abandoned on January 28, 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 $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 Linda Brooks. 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 Page
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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VINCENT TASSINARI
125 GRAND AVE.
SUITE 201
LONG BEACH CA 90803

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OFFICE OF PETITIONS

In re Application of :
Singleton, et al. :
Application No. 29/289,407 : ON PETITION
Filed: July 19, 2007 :
Attorney Docket No. SING.P0001D :
For: ARM PROTECTIVE OVERLAY

This is a decision on the petition under 37 CFR 1.137(b), filed May 12, 2009, to revive the above-identified application.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." Petitioners are advised that this is not a final agency decision.

This application became abandoned for failure to timely reply to the Notice of Allowance and Fee(s) Due, mailed December 2, 2008, which set a three month period for reply. This application became abandoned on March 2, 2009. A Notice of Abandonment was mailed on March 27, 2009.

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

(1) the required reply, unless previously filed;

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

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

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

Petitioners have not returned a completed PTOL-85B or an equivalent. See Notice of Allowance and Fee(s) Due. How to Reply to This Notice: II. Part B – Fee(s) Transmittal

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

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

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

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

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

VINCENT TASSINARI
125 GRAND AVE.
SUITE 201
LONG BEACH CA 90803

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SEP 2 1 2009

OFFICE OF PETITIONS

In re Application of
Singleton, et al.
Application No. 29/289,407
Filed: July 19, 2007
Attorney Docket No. SING.P0001D
For: ARM PROTECTIVE OVERLAY

ON PETITION

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

The petition is **granted**.

This application became abandoned for failure to timely reply to the Notice of Allowance and Fee(s) Due, mailed December 2, 2008, which set a three month period for reply. This application became abandoned on March 2, 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 $430.00 issue fee and a completed PTOL-85B, (2) the petition fee of $810.00; (3) an acceptable statement of unintentional delay, and (4) a properly executed terminal disclaimer and the required $70.00 fee.

After the mailing of this decision, the application will be referred to the Office of Data Management for processing into a patent.

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 1-31-09

TO SPE OF : ART UNIT 2915

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/289410 Patent No.: D582799

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

Certificates of Correction Branch
703-308-9390 ext. 123

Thank You For Your Assistance

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

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

Comments: _____

ROBERT M. SPEAR
DESIGN PRACTICE SPECIALIST

SPE

2915
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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FROSS ZELNICK LEHRMAN & ZISSU PC
866 UNITED NATIONS PLAZA
NEW YORK NY 10017

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JUN 19 2009

OFFICE OF PETITIONS

In re Application of :
Elisabeth Guers-Neyraud :
Application No. 29/289,541 : ON PETITION
Filed: July 23, 2007 :
Attorney Docket No. JCHL 0703280 :

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed May 13, 2009.

The petition is **GRANTED**.

The holding of abandonment is **WITHDRAWN**.

This application became abandoned by operation of law for failure to timely file a response to the non-final Office action mailed July 7, 2008. This Office action set a shortened statutory period for reply of three (3) months. No reply having been received, the application became abandoned on August 8, 2008. The Office mailed a Notice of Abandonment on May 1, 2009.

Petitioner contends that he did timely file a reply on August 11, 2008 (made timely by including a Certificate of Mailing dated August 7, 2008). A review of the reply reveals that it was directed to application No. 29/289,289. In addition, a review of application No. 29/289,289 indicates that the Office did receive a reply on August 11, 2008.

As set forth in the Manual of Patent Examining Procedure § 724.05:

> Where the Office can determine the correct application file that the papers were actually intended for, based on identifying information in the heading of the papers (e.g. application number, filing date, title of invention and inventor(s) name(s)), the Office will transfer the papers to the correct application file for which they were intended without the need of a petition.

Here, apart from the application number, the response did contain the correct identifying information (specifically the attorney docket number, the inventor, and the Examiner's name and Art Unit). Accordingly, it is concluded that the Office could have determined the correct application file for which the response was intended.

In view thereof, the holding of abandonment is withdrawn.

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

The matter is being forwarded to Group Art Unit 2912 for consideration of the Election filed August 10, 2008 (Certificate of Mailing dated August 7, 2008), a copy of which has been supplied with the instant petition.

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

Cliff Congo
Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20100329

DATE : March 03, 2010

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction on Patent No.: D605390

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

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

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

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

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

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

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

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

Comments:

/STELLA M REID/
Supervisory Patent Examiner.Art Unit 2912

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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THE WATSON INTELLECTUAL PROPERTY GROUP, PLC
3133 HIGHLAND DRIVE
SUITE 200
HUDSONVILLE, MI 49426

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FEB 18 2009

OFFICE OF PETITIONS

In re Application of :
Scott Doenges, et al. :
Application No. 29/289,593 : DECISION ON PETITION
Filed: July 25, 2007 :
Attorney Docket No. GAR-071560 :

This is a decision on the petition under 37 CFR 1.137(b), filed December 22, 2008, to revive the above-identified design 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. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. However, if petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

The application became abandoned for failure to timely pay the issue fee on or before November 13, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed August 13, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on December 14, 2008. A Notice of Abandonment was mailed on December 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 the $430 issue fee, (2) the petition fee of $810, (3) a proper statement of

unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to timely pay the issue fee as required by the Notice of Allowance and Fees(s) Due is accepted as being unintentionally delayed.

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

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

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
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Alexandria, VA 22313-1450
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APR 13 2009

OFFICE OF PETITIONS

JAY Y. CHIU
16148 SAND CANYON AVENUE
IRVINE, CA 92618

In re Application of
Joseph Shien-Tang Tseng
Application No. 29/289,649
Filed: July 26, 2007
Attorney Docket No. 89069.13.01

ON PETITION

This is a decision on the petition filed March 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 Issue fee in a timely manner in reply to the Notice of Allowance mailed November 6, 2008, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on February 7, 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

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United States Patent and Trademark Office
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APR 11 2008

OFFICE OF PETITIONS

ANTHONY E. BENNETT
HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET NY 11791

In re Application of
Cong Thanh Dinh et al
Application No. 29/289,767
Filed: July 31, 2007
Attorney Docket No. 577-658 DES II

: 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 April 10, 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 March 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*** April 10, 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

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.
29/289,927	08/07/2007	Moses Lee Elizabeth Berry		8497

7590 07/31/2009

MOSES LEE BERRY
1316 TEMPLE CIRCLE
HAINES CITY, FL 33844

EXAMINER	
VINSON, BRIAN N	

ART UNIT	PAPER NUMBER
2911	

MAIL DATE	DELIVERY MODE
07/31/2009	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

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JUL 31 2009

MOSES LEE BERRY
1316 TEMPLE CIRCLE
HAINES CITY, FL 33844

In re Application of
ELIZABETH BERRY, MOSES LEE :
Serial No.: 29289927 : DECISION ON PETITION
Filed: 8/7/2007 :

This is a decision on the petition filed April 02, 2009 pursuant to 37 CFR 1.144, from the final restriction requirement made by the examiner on February 12, 2009.

The Petition is DENIED.

The original 162 figures make up 22 embodiments. The examiner grouped the embodiments into 12 groups of patentably distinct designs. Applicant provisionally elected Group 2 and traverses the restriction between Groups 2 and 10, Groups 1 and 6, Groups 8 and 9, and Groups 3 and 7.

Design applications are confined to one claim. Variations of a single inventive concept may be presented and covered by the single claim. Variations are usually presented in the form of separate embodiments. Embodiments that are considered patentably distinct by the standard of Obviousness-Type Double Patenting do not share a single inventive concept. Restriction practice is employed to remove patentably distinct embodiments from applications.

There are two consecutive steps in determining whether two designs may be kept in the same application:

1. The embodiments must have design characteristics that are basically the same. If this is true and the two designs look like one another overall, step two is required.

2. The differences between the two designs must be considered. When the differences between the two designs are insufficient to patentably distinguish one design from the other, no restriction is required.

Differences may be considered insufficient for patentable distinction when they are *de minimis* in nature or obvious to a designer of ordinary skill in the art. A difference is *de minimis* in nature when its visual effect is unrelated to the overall aesthetic appearance of the design – so minimal or so minor that it has insignificant impact on the overall visual impression. A difference is obvious when it is taught or suggested in analogous prior art. Differences may also be obvious if they are among design features, which have been declared obvious in case law.

Applicant argues that Groups 2 and 10 should stay together saying: "If I make the pencil and pad holder as dotted lines, it would be the same as Group 2. This is evidence showing, the Groups to be obvious variations of one another that they are basically the same and should be retained in a single application."

Group 2

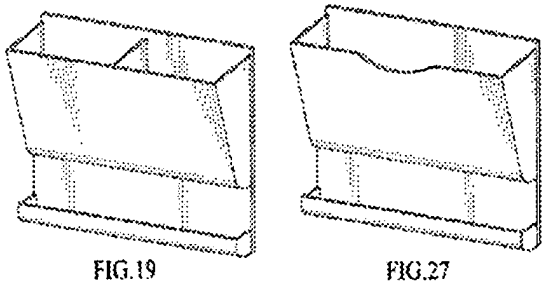

FIG.19 FIG.27

Group 10

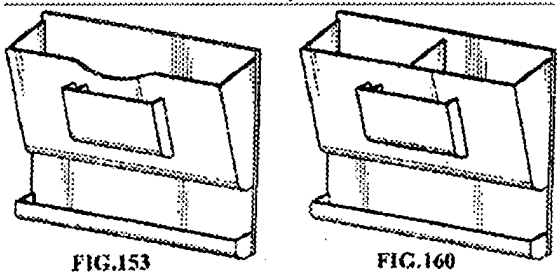

FIG.153 FIG.160

Applying step one above, the embodiments do have design characteristics that are basically the same and the two designs look alike overall. Applying step two, we see Group 10 is different from Group 2 in that it has a pencil and pad holder attached to the front. This difference is not *de minimis* in nature or so minor that it has insignificant impact on the overall visual impression. There is no prior art of record that suggests the presence of the pencil and pad holder on the front of the design in Group 2 is obvious to a designer of ordinary skill in the art. There also is no court that has declared this difference obvious.

Applicant argues that Groups 1 and 6 should stay together saying: "Embodiments 1 and 2 [Group 1] paper holder arm do not open and close like embodiments 11 and 12 [Group 6], this is a minor variation that makes it basically the same in appearance and should be retained in a single application. This is evidence showing the groups to be obvious variations of one another."

Group 1

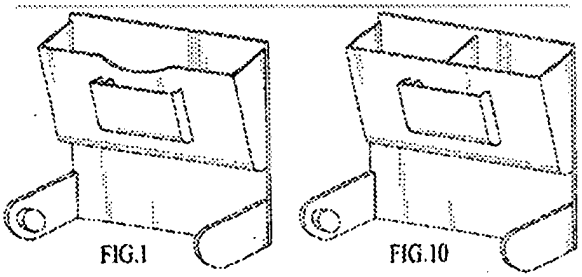

FIG.1 FIG.10

Group 6

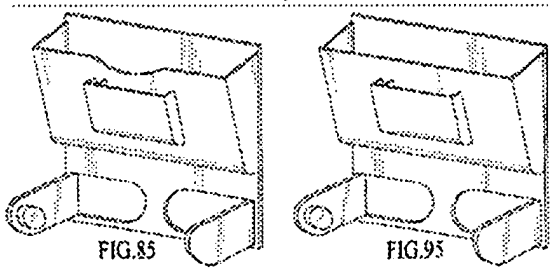

FIG.85 FIG.95

Applying step one above, the embodiments do have design characteristics that are basically the same and the two designs look alike overall. Applying step two, we see Group 6 is different from Group 1 in that the paper towel holder arms have large corresponding openings in which they are stowed when the arms are closed. These opening are quite prominent when the arms are open. Moreover they cause the storage holder to look substantially different from the rear when the arms are closed. For these reasons the differences cannot be looked upon as minor variations. There is no prior art of record that suggests the large openings for stowing the towel holder arms are obvious to a designer of ordinary skill in the art. There also is no court that has declared this difference obvious.

Applicant argues that Groups 8 and 9 should stay together saying: "If I made the pad and pencil holder on group 9 as dotted lines, it would be the same as group 8. This is a minor variation that makes it basically the same in appearance, and should be retained in a single application. This is evidence showing the groups to be obvious variations of one another."

Group 8

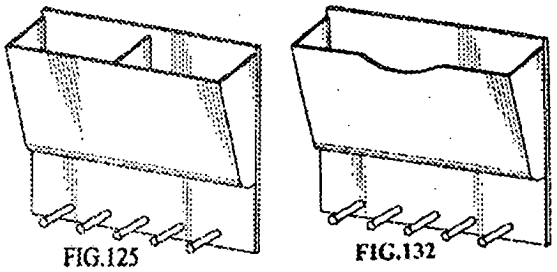

FIG.125 FIG.132

Group 9

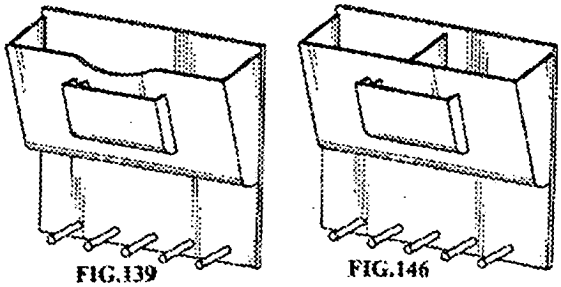

FIG.139 FIG.146

Applying step one above, the embodiments do have design characteristics that are basically the same and the two designs look alike overall. Applying step two, we see Group 9 is different from Group 8 in that it has pencil and pad holder attached to the front. This difference is not *de minimis* in nature or so minor that it has insignificant impact on the overall visual impression. There is no prior art of record that suggests the presence of the pencil and pad holder on the front of the design in Group 8 is obvious to a designer of ordinary skill in the art. There also is no court that has declared this difference obvious.

Applicant argues that Groups 3 and 7 should stay together saying: "Embodiments 5 and 6 [Group 3] paper holder arm do not open and close like embodiments 13 and 14 [Group 7]. This is a minor variation that makes it basically the same in appearance and should be retained in a single application. This is evidence showing the Groups to be obvious variations of one another."

Group 3

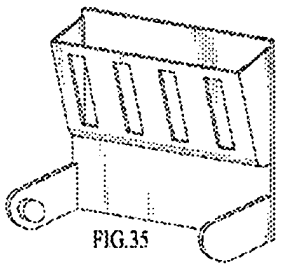

FIG.35

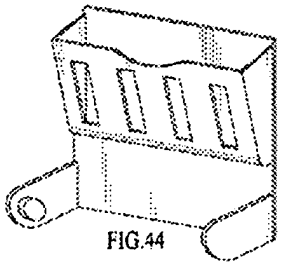

FIG.44

Group 7

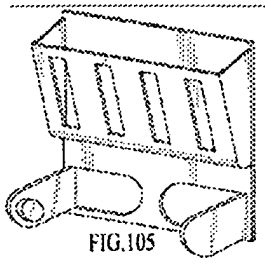

FIG.105

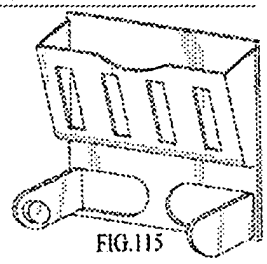

FIG.115

Applying step one above, the embodiments do have design characteristics that are basically the same and the two designs look alike overall. Applying step two, we see Group 7 is different from Group 3 in that the paper towel holder arms have large corresponding openings in which they are stowed when the arms are closed. These opening are quite prominent when the arms are open. Moreover they cause the storage holder to look substantially different from the rear when the arms are closed. For these reasons the differences cannot be looked upon as minor variations. There is no prior art of record that suggests the large openings for stowing the towel holder arms are obvious to a designer of ordinary skill in the art. There also is no court that has declared this difference obvious.

Should there be any questions with regard to this letter please contact Joel Sincavage by letter addressed to the Director, Technology Center 2900, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at (571) 272-2610.

/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

Patent No. : D571,694 S
Serial No. : 29/289,964
Inventor(s) : Zhang
Issued : June 24, 2008
Title : **FRONT GRILLE FOR AUTOMOBILE**
Docket No. : **2468-102US**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of 37 CFR 1.322 and/or 1.323.

A petition under 37 CFR 3.81 must be filed and granted to fulfill your request, to date, there is no petition on record to consider your request.

Furthermore, Assignees' and/ or Co-assignees' names and addresses (assignment data) printed in a patent are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Fee(s) Transmittal Form PTOL-85B. After payment of the issue fee, correction of assignment data submitted on the PTOL-85B can only be done by Certificate of Correction under 37 CFR 1.323, which requires petition under 37 CFR 3.81(b).

A request for a patent to be corrected to state the name of the assignee must:

A. state that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent;
B. include a request for a certificate of correction under 37 CFR 1.323 along with the fee set forth in 37 CFR 1.20(a); and
C. include the processing fee set forth in 37 CFR 1.17(i).

If the request is granted, Certificates of Correction Branch will be notified that a Certificate of Correction may be issued.
See Manual of Patent Examining Procedure, Section 1481.01 (Rev. 3) (Oct. 2005).

Applicant has not included items B and or C above, accordingly, the request for Certificate of Correction to add or change the assignee data is dismissed.
Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

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

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

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

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

If, the petition under 37 CFR 1.182 (required fee currently $130), is filed and granted, the patentee would be entitled to a certificate of correction under 37 CFR 1.323 (required fee currently $100).

Ernest C. White, *LIE*
For Mary F. Diggs (703) 308-9390 x 125
Decisions & Certificates
of Correction Branch
(703) **308-9390 x 122**

EPSTEIN DRANGEL BAZERMAN & JAMES, LLP
60 EAST 42ND STREET
SUITE 820
NEW YORK NY 10165

ecw

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TROY MI 48007-7021

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APR 30 2008

OFFICE OF PETITIONS

In re Application of :
Daniel DILLMANN :
Application No. 29/289,978 : DECISION ON PETITION
Filed: August 09, 2007 :
Attorney Docket No. **BSTE-10017/38** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 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 timely file corrected drawings on or before February 07, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed November 07, 2007, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on February 08, 2008.

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

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

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

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

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

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

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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PO BOX 7021
TROY MI 48007-7021

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AUG 1 1 2008

OFFICE OF PETITIONS

In re Application of :
Daniel DILLMANN :
Application No. 29/289,978 : DECISION ON PETITION
Filed: August 09, 2007 :
Attorney Docket No. **BSTE-10017/38** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 09, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

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

The application became abandoned for failure to timely file corrected drawings on or before February 07, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed November 07, 2007, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on February 08, 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).

Terminal Disclaimer submitted with the petition is not in the proper format and cannot be accepted. See enclosed PTO/SB/63.

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

See Encl: PTO/SB/63

PTO/SB/63 (01-08)
Approved for use through 07/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to a collection of information unless it displays a valid OMB control number.

TERMINAL DISCLAIMER TO ACCOMPANY PETITION	Docket Number (Optional)

In re Application of:

Name:

Application Number:

Filed:

For:

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

Check either box 1 or 2 below, if appropriate.

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

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

_____ _____
Signature Date

_____ _____
Typed or Printed Name Telephone Number

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

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

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

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

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

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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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

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MAR 2 0 2009

OFFICE OF PETITIONS

In re Application of :
Daniel DILLMANN :
Application No. 29/289,978 : DECISION ON PETITION
Filed: August 09, 2007 :
Attorney Docket No. **BSTE-10017/38** :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed September 02, 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 file corrected drawings on or before February 07, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed November 07, 2007, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on February 08, 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).

Terminal Disclaimer submitted with the petition lists Rolf Dillmann AG as the owner but our records shows no assignment to such a person or entity.

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

Docket No.: BSTE-10017/38
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Design Application of:
Daniel Dillmann

Application No.: 29/289,978 | Confirmation No.: 1368

Filed: August 9, 2007 | Art Unit: 2913

For: WATCH FACE | Examiner: Lucy Jo Lieberman

REQUEST FOR RECONSIDERATION

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

Dear Sir:

In response to the Office Action dated August 11, 2008, Applicant respectfully requests that the above-identified design application be reconsidered in view of the remarks which follow, that the claim be allowed, and that the application be passed to issue.

REMARKS

In view of the above, the claim in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claim and to pass this application to issue.

Dated: September 2, 2008

Respectfully submitted,

By: /Avery N. Goldstein, Ph.D./
Avery N. Goldstein, Ph.D.

Registration No.: 39,204
GIFFORD, KRASS, SPRINKLE, ANDERSON
& CITKOWSKI, P.C.
2701 Troy Center Drive, Suite 330
Post Office Box 7021
Troy, Michigan 48007-7021
(248) 647-6000
(248) 647-5210 (Fax)
Attorney for Applicant

UNITED STATES PATENT AND TRADEMARK OFFICE

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PO BOX 7021
TROY MI 48007-7021

MAILED

AUG 11 2009

OFFICE OF PETITIONS

In re Application of :
Daniel DILLMANN :
Application No. 29/289,978 : DECISION ON PETITION
Filed: August 09, 2007 :
Attorney Docket No. **BSTE-10017/38** :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed May 06, 2009, and supplemented on July 21, 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 February 07 2008, as required by the Notice of Allowance and Fee(s) Due, mailed November 07, 2007, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on February 08, 2008. A Notice of Abandonment was mailed on March 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 corrected drawing (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 file corrected drawings as required by the Notice of Allowance is accepted as being unintentionally delayed.

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

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 09-09-09

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/290107 Patent No.: D582848

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

Angela Green
Certificates of Correction Branch
703-756-1541

Thank You For Your Assistance

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

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

Comments: _____

STELLA M. REID
SUPERVISORY PATENT EXAMINER
SPE

2912
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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LITMAN LAW OFFICES, LTD.
P.O. BOX 15035
CRYSTAL CITY STATION
ARLINGTON, VA 22215

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JAN 14 2008

OFFICE OF PETITIONS

In re Application of :
Lawrence Scott St. Peter, et al. :
Application No. 29/290,300 : DECISION ON PETITION
Filed: November 16, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. 29840.00 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 16, 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 Lawrence Arthur St. Peter. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 2911 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HOLLAND & KNIGHT LLP
2099 PENNSYLVANIA AVE
SUITE 100
WASHINGTON DC 20006

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DEC 10 2008

In re Application of	:	
Jacky Li	:	
Application No.: 29/290388	:	DECISION
Filed: 11/29/2007	:	ON PETITION
Atty Docket No.:	:	
106062.00006	:	

This is a decision on the petition to withdraw the holding of abandonment, filed October 23, 2008. The petition is properly treated under 37 CFR 1.181.

The petition is **granted.**

Background

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 December 26, 2007. The Notice set a two (2) month period for reply. No reply having been received, this application became abandoned on February 27, 2008. A Notice of Abandonment was mailed September 4, 2008.

Applicant files the present renewed petition and asserts that a timely reply to the Notice was filed on February 12, 2008. In support of this assertion, Applicant files a copy of the reply, and a copy of a return-receipt postcard acknowledging receipt by this Office of the response, including a Transmittal Form, an Inventor's Declaration and a check for $65.00.

A review of the copy of the "Response to Notice to File Missing Parts of Nonprovisional Application" reveals that the application serial number placed thereon is 11/290,388.

A review of the contents of application no. 11/290,388 reveals that this Office received Applicant's reply on February 12, 2008, and placed the reply in application serial no. 11.290,388.

A further review of the Response to Notice to File Missing Parts of Nonprovisional Application reveals that Applicant included the correct inventor, filing date and attorney docket number thereon. In addition, the Transmittal Form included the correct application number, and

Applicant included a copy of the Notice with the reply, which contained the correct application number.

In view of the above, it is apparent that the Response to Notice was filed in this Office on February 12, 2008, and due to errors on the part of Applicant and this Office, was inadvertently misplaced. Accord MPEP 502.

Accordingly, the holding of abandonment is hereby withdrawn.

The reply filed February 12, 2008 in application no. 11/290,388 has been removed and placed in the present application.

The application is being referred to the Office of Patent Application Processing for processing of the reply in the normal course of business.

Telephone inquiries concerning this matter 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
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P.O. Box 1450
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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

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JUN 02 2008

OFFICE OF PETITIONS

In re Application of :
Jae Joon Yoon et al. :
Application No. 29/290,399 : ON PETITION
Filed: November 30, 2007 :
Attorney Docket No. 069576-0298 :

This is a decision on the petition filed February 26, 2008, requesting that the above-identified application be accorded a filing date of November 30, 2007, in response to the Notice of Omitted Items mailed December 26, 2007. The petition is treated under 37 CFR 1.182.

The petition is **DISMISSED AS INAPPROPRIATE**.

After the application was filed and a filing date accorded, the Office of Initial Patent Examination mailed a "Notice of Omitted Items" on December 26, 2007, stating that while the application had been accorded a filing date, that Figure 7 as described in the specification, appeared to have been omitted. In response to the Notice, petitioner filed, an amendment to the specification to remove reference to Figure 7.

The mailing of a "Notice of Omitted Items" permits the applicant to either: (1) promptly establish prior receipt in the PTO of the drawing(s) at issue (generally by way of a date-stamped postcard receipt (MPEP 503)), or (2) promptly submit the omitted drawing(s) in a nonprovisional application and accept the date of such submission as the application filing date. An applicant asserting that the missing drawings were in fact deposited in the PTO with the application papers must file a petition (and the appropriate petition fee) with evidence of such deposit. An applicant desiring to submit the omitted drawings in a nonprovisional application and accept the date of such submission as the application filing date must file any omitted drawing(s) with an oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such drawing(s) and a petition under 37 CFR 1.182 (with the petition fee under 37 CFR 1.17(h)) requesting the later filing date within two months of the date of the "Notice of Omitted Items" (37 CFR 1.181(f)). Finally, the third option is in the absence of electing options 1) or 2) above, to constructively opt to accept the filing date which has been accorded with the papers filed upon application. With option 3), no petition under 37 CFR 1.182 is necessary for that purpose.

In this case, since applicant neither admits nor denies that Figure 7 was present upon filing and in view of the amendment filed February 26, 2008 with the instant petition, in response to the Notice, it appears that the applicant is constructively electing to have the application accepted as filed on November 30, 2007 without Figure 7.

In view of the above, the Office of Patent Application Processing will continue processing the application with the originally accorded filing date of November 30, 2007 but without Figure 7 as part of the original disclosure. The amendment filed February 26, 2008 will be retained in the file for review by the Examiner in due course.

Any further concerns specific to this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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KRATZ, QUINTOS, & HANSON, LLP
1420 K STREET, N.W.
SUITE 400
WASHINGTON DC 20005

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DEC 03 2008

In re Application of
Satoshi Hikai
Application No. 29/290,446
Filed: December 6, 2007
Attorney Docket No. 070528

DECISION ON PETITION
UNDER 37 CFR 1.313(c)

This is a decision on the petition under 37 CFR 1.313(c), filed November 20, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED**.

The petition to withdraw from issue is accompanied by a request for continued examination (RCE) under 37 CFR 1.114. However, the filing of an RCE is improper in a design application. In this regard, petitioner's attention is directed to 37 CFR 1.114(e), which states that the provisions of this section do not apply if the application is:

(1) A provisional application;
(2) An application for a utility or plant patent filed under 35 U.S.C. 111(a) before June 8, 1995;
(3) An international application filed under 35 U.S.C. 363 before June 8, 1995;
(4) An application for a design patent; or
(5) A patent under reexamination.

37 CFR 1.313(c) provides that:

Once the issue fee has been paid, the application will not be withdrawn from issue upon petition by the applicant for any reason except:
(1) Unpatentability of one of more claims, which petition must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
(2) Consideration of a request for continued examination in compliance with 37 CFR 1.114; or

(3) Express abandonment of the application. Such express abandonment may be in favor of a continuing application.
Accordingly, the petition must be dismissed as failing to comply with the provisions of 37 CFR 1.313(c)(3).

Petitioner's attention is directed to 37 CFR 1.53(d), which states:

(1) A continuation or divisional application (but not a continuation-in-part) of a prior nonprovisional application may be filed as a continued prosecution application under this paragraph, provided that:

(i) The application is for a design patent;

(ii) The prior nonprovisional application is a design application that is complete as defined by § 1.51(b); and

(iii) The application under this paragraph is filed before the earliest of:

(A) Payment of the issue fee on the prior application, unless a petition under § 1.313 is granted in the prior application;

(B) Abandonment of the prior application; or

(C) Termination of proceedings on the prior application.

Accordingly, the appropriate avenue of relief for a grantable petition to withdraw this design application from issue would be to file either a continued prosecution application (CPA) under 37 CFR 1.53(d) or a continuing application under 37 CFR 1.53(b). Any request for reconsideration should be entitled "Renewed Petition under 37 CFR 1.313(c)(3) and be accompanied by a request for a CPA under 37 CFR 1.53(d) or a statement of express abandonment in favor of a concurrently filed continuing application under 37 CFR 1.53(d).

Petitioner is reminded that the renewed petition to withdraw from issue may not be recognized or effective if not received by the appropriate deciding official in time to act prior to issuance. *Note* 37 CFR 1.313(d). It is recommended that the facsimile number listed below be used to file the appropriate documents (*i.e.*, the renewed petition and CPA request) for withdrawing this application from issue.

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

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

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

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

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

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

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KRATZ, QUINTOS & HANSON, LLP
1420 K STREET, N.W.
SUITE 400
WASHINGTON DC 20005

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In re Application of	:	
Satoshi Hikai	:	DECISION GRANTING PETITION
Application No. 29/290,446	:	UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: December 6, 2007	:	
Attorney Docket No. 070528	:	

This is a decision on the petition under 37 CFR 1.313(c)(3), filed December 3, 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 November 4, 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*** December 3, 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 IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
PO BOX 14300
WASHINGTON DC 20044-4300

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OFFICE OF PETITIONS

In re Application of :
Gabath, et al. :
Application No. 29/290,461 : ON PETITION
Filed: December 7, 2007 :
Attorney Docket No. 080437.23831US :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed November 7, 2008.

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

The application was held abandoned due to failure to timely pay the issue fee in response to the Notice of Allowance mailed July 9, 2008. This Notice set a statutory period for reply of three (3) months. No issue fee having been received, the application became abandoned on October 10, 2008. The Office mailed a Notice of Abandonment on November 3, 2008.

To establish nonreceipt of an Office action, a petitioner must: 1) include a statement that the Office action was not received; 2) attest to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and 3) include a copy of the docket record where the nonreceived Office action would have been entered had it been received and

docketed.[1] A proper docket report consists of a "docket record where the nonreceived Office action would have been entered had it been received and docketed."[2] "For example, if a three month period for reply was set in the nonreceived Office action, a copy of the docket record showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted..."[3]

With the instant petition, petitioner has submitted a copy of a master docket report, showing all of his replies docketed for the due date of October 9, 2008. An entry for the instant application is absent, supporting the conclusion that the Notice of Allowance was not received.

The application is being forwarded to Group Art Unit 2916 for re-mailing of the July 9, 2008 Notice of Allowance, setting a new period for reply.

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

Cliff Congo
Petitions Attorney
Office of Petitions

---

[1] See MPEP 711.03(c)(II).

[2] MPEP 711.03(c)(II) (emphasis added).

[3] Id.

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

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JUL 30 2009

OFFICE OF PETITIONS

In re Application of :
Lars Blacken :
Application No. 29/290,589 : DECISION ON PETITION
Filed: December 19, 2007 :
Attorney Docket No. 049159-0376 :

This is a decision on the petition, filed May 26, 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 **GRANTED**.

This application was held abandoned for failure to reply to the Requirement for Restriction/Election mailed August 11, 2008, which set a shortened statutory period for reply of one month or thirty days. A Notice of Abandonment was mailed on May 27, 2009.

Petitioner asserts that the Office action dated August 11, 2008 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 nonreceived Office action would have been entered had it been received and docketed must be attached to and referenced in the practitioner's statement.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

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

This application is being referred to the Technology Center technical support staff of Art Unit 2916 for re-mailing the Office action of August 11, 2008. The period for reply will run from the mailing date of the Office action.

David Bucci
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

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

In re Application of	:	
Lars Blacken	:	
Application No. 29/290,589	:	DECISION ON PETITION
Filed: December 19, 2007	:	TO WITHDRAW
Attorney Docket No. 049159-0376	:	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 29, 2009.

The request is **APPROVED**.

The request was signed by George C. Beck on behalf of the practitioners of record associated with Customer Number 22428.

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

All future correspondence will be directed to inventor Lars Blacken at the address indicated below.

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Lars Blacken
820 Hubble St.
Maumee, Ohio 43537

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
29/290,589	12/19/2007	Lars Blacken	049159-0376

CONFIRMATION NO. 7822

POWER OF ATTORNEY NOTICE

22428
FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

OC000000040535036

Date Mailed: 03/15/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/29/2009.

- 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.

/idingle/

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

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
29/290,589	12/19/2007	Lars Blacken	049159-0376

CONFIRMATION NO. 7822

POA ACCEPTANCE LETTER

Lars Blacken
820 Hubble St.
Maumee, OH 43537

Date Mailed: 03/15/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/29/2009.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/idingle/

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

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MICHAEL N. LAU
LAU & ASSOCIATES, LLC
2121 EISENHOWER AVENUE
SUITE 200
ALEXANDRIA, VA 22314

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OFFICE OF PETITIONS

In re Application of
Wingkin Wong
Application No. 29/290,633
Filed: December 8, 2007
Attorney Docket No. 071201D

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed December 9, 2008.

The application became abandoned for failure to timely pay the issue fee on or before October 29, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed July 29, 2008, which set a statutory period for reply of three (3) months. A Notice of Abandonment was mailed on November 21, 2008. On December 9, 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 and a substitute declaration, (2) the petition fee of $810, (3) an adequate statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to timely pay the issue fee as required by the Notice of July 29, 2008 is accepted as being unintentionally delayed.

The terminal disclaimer filed December 9, 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 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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POST OFFICE BOX 15035
CRYSTAL CITY STATION
ARLINGTON VA 22215-0035

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DEC 22 2008

OFFICE OF PETITIONS

In re Application of :
Dawn Hodges :
Application No. 29/290,651 : ON PETITION
Filed: December 31, 2007 :
Attorney Docket No.:24071.00 :

This is a decision on the petition under 37 CFR 1.181 (no fee) to withdraw the holding of abandonment, filed September 22, 2008.

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

Any request for reconsideration should be filed within **TWO MONTHS** of the mailing date of this decision in order to be considered timely. 37 CFR 1.181(f). This time period may not be extended pursuant to 37 CFR 1.136.

This application became abandoned for failure to timely submit corrected drawings, as required by the Notice of Allowability which was mailed May 12, 2008 and set a 3 month period for reply. Extensions of time were not available under 37 CFR §1.136(a). Accordingly, this application became abandoned on August 13, 2008. A Notice of Abandonment was mailed on September 9, 2008.

Petitioner contends no specific changes were required in the examiner's amendment attached to the Notice of Allowability. Upon the receipt of the Notice of Allowability, which indicated that corrected drawings were required, petitioner's docket clerk called the examiner. Petitioner maintains that the requirement to submit corrected drawings checked on the Notice of Allowability was checked in error. Petitioner argues that the holding of abandonment should be withdrawn.

Petitioner's argument has been considered but it is not convincing to establish the holding of abandonment should be withdrawn.

Pursuant to 37 CFR 1.2 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. The Notice of Allowability clearly states that applicant was required to submit corrected drawings within the three month period of reply. A review of the record shows that corrected drawings in response to the Notice of Allowability were not filed prior to the abandonment of the application. Further review shows petitioner did not file any objections to the Notice of Allowability in writing.

Petitioner may wish to file a 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 Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). Petitioner is reminded design applications require a terminal disclaimer and terminal disclaimer fee.

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

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

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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POST OFFICE BOX 15035
CRYSTAL CITY STATION
ARLINGTON VA 22215-0035

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APR 23 2009

OFFICE OF PETITIONS

In re Application of :
Dawn M. Hodges :
Application No. 29/290,651 : DECISION ON PETITION
Filed: December 31, 2007 :
Attorney Docket No. 24071.00 :

This is a decision on the 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 submit corrected drawings on or before August 12, 2008, as required by the Notice of Allowability, mailed May 12, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on August 13, 2008. A Notice of Abandonment was mailed on September 9, 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 $810, (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. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

It is noted that the Examiner has confirmed that corrected drawings are not required.

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

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

Charlema Grant
Petitions Attorney
Office of Petitions

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WASHINGTON DC 20007

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JAN 30 2009

OFFICE OF PETITIONS

In re Application of
Joel Tetreault, et al.
Application No. 29/290,666
Filed: December 31, 2007
Attorney Docket No. 049159-0377

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 1, 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 request was signed by George C. Beck on behalf of all attorneys of record who are associated with customer No. 22428. All attorneys/agents associated with the Customer Number 22428 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 Joel Tetreault at the address indicated below.

There are no pending Office actions at the present time.

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

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

cc: JOEL TETREAULT
109 EARL NORTH DRIVE
HASKINS, OH 43525-9513

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MAY 12 2009

OFFICE OF PETITIONS

In re Application of :
Joel Tetreault, et al. :
Application No. 29/290,677 : DECISION ON PETITION
Filed: January 2, 2008 : TO WITHDRAW
Attorney Docket No. 5N12 1-210 : 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 1, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Foley & Lardner, LLP has been revoked by the applicant of the patent application on March 16, 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 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.

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

cc: JOEL TETREAULT
109 EARL NORTH DRIVE
HASKINS, OH 43525-9513

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
29/290,677	01/02/2008	Joel Tetreault	049159-0381

CONFIRMATION NO. 4114

POWER OF ATTORNEY NOTICE

22428
FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

Date Mailed: 05/04/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/16/2009.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/amwise/

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

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CRYSTAL CITY STATION
ARLINGTON VA 22215

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MAR 0 3 2008

OFFICE OF PETITIONS

In re Application of :
Kenneth L. Johnson :
Application No. 29/290,682 : DECISION ON PETITION
Filed: January 3, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. 19668.00 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 3, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement from the applicant declaring that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

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.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Patent No. D586073	:	
Issued: February 3, 2009	:	
Application No. 29/290,744	:	ON PETITION
Filed: January 9, 2008	:	
Attorney Docket No. 2410-0234PUS1	:	

This is a decision on the petition under 37 CFR 1.182, filed August 12, 2009, requesting issuance of a duplicate Letters Patent for the above-identified application.

The petition is **GRANTED**.

The Publishing Division is directed to issue a duplicate Letters Patent.

Any questions concerning this matter may be directed to Joan Olszewski at 571-272-7751. Any questions concerning issuance of the duplicate Letters Patent should be directed to Niomi Farmer at (703) 308-9250, ext. 129.

A copy of this decision is being forwarded to Publishing Division for issuance of a duplicate Letters Patent.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: Niomi Farmer, P/ODM, South Tower 8C23 (FAX 571-270-9753)

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OFFICE OF PETITIONS

In re Application of :
GEORGE, Judy J. :
Application No. 29/290,775 : DECISION ON PETITION
Filed: January 11, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. **29909.00** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 11, 2008, 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 the statement of inventor Judy Jonas George, attesting to his age. Accordingly, the above-identified application will be accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Office of Patent Application Processing at 571-272-4000.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

The application is being forwarded to the office of Initial Patent Examination for processing. This application will be accorded "special" status when pre-examination processing is done.

Monica A. Graves
Petitions Examiner
Office of Petitions

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THE NATH LAW GROUP
112 SOUTH WEST STREET
ALEXANDRIA, VA 22314

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In re Patent No. D591,893	:	
Issue Date: May 5, 2009	:	
Application No. 29/290,932	:	DECISION ON PETITION
Filed: January 31, 2008	:	
Attorney Docket No. 28969D	:	

This is a decision on the "Petition under 37 CFR §1.181," filed September 21, 2009, which is being treated as request to issue a duplicate Letters Patent for the above-identified patent.

Petitioner acknowledges receipt of the original letters patent; however, the patent was defective. Petitioner explains that the patent arrived missing the first page of the Patent document, which contained the bibliographic data. Petitioner has surrendered the defective patent and requests that the patent be reprinted with the official seal.

The petition is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. Inquiries regarding the issuance of a duplicate Letters Patent may be directed to Niomi Farmer in the Office of Data Management at (703) 308-9250, Ext. 129.

A copy of this decision is being faxed to Publishing Division for issuance of a duplicate Letters Patent.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: Niomi Farmer, South Tower, 8th Floor, Room C23 (Fax No. (571) 270-9753

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OFFICE OF PETITIONS

MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON, DC 20005-3096

In re Application of
Gary E. Van Deursen
Application No. 29/290,933
Filed: January 31, 2008
Attorney Docket No. 044208-0025

: DECISION GRANTING PETITION
: UNDER 37 CFR 1.313(c)(3) (CPA)

This is a decision on the petition filed June 1, 2009, which is being treated as a petition under 37 CFR 1.313(c)(3), to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on April 23, 2009 in the parent application is not refundable nor can it be applied towards any new Notice of Allowance which may issue on the CPA filed June 1, 2009.

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

This matter is being referred to Technology Center AU 2915 for processing of the CPA and consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

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APR 25 2008

In re Application of	:	
Mei-Chih Liu	:	
Application Number: 29/290983	:	DECISION ON PETITION
Filing Date: 02/06/2008	:	
Attorney Docket Number: 5617-0103PUS1	:	

This is a decision on the "REPLY TO NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION (PTO MISPLACED PAPERS)," filed on March 28, 2008, which is treated as a petition under 37 CFR 1.53 requesting that the above-identified application be accorded a filing date of February 6, 2008, with two (2) sheets of drawings containing Figures 7 & 8, as a part of the original disclosure.

The petition is granted.

The application was filed on February 6, 2008.

Accordingly, on February 29, 2008, the Office of Patent Application Processing (OPAP) mailed a Notice of Omitted Item(s) in a Nonprovisional Application, stating that the application had been accorded a filing date of February 6, 2008, but that Figures 7 and 8 described in the specification appeared to have been omitted from the application.

In response, on March 28, 2008, the present petition and a copy of, *inter alia*, two (2) sheets of drawings containing Figures 7 and 8 were filed. Petitioner argues that two (2) sheets of drawings containing Figures 7 and 8 were filed with the other application papers on February 6, 2008, but were subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioners' postcard receipt was supplied with the present petition. The postcard receipt shows an "Office date" stamp of "020608" and the above-identified application number, and identifies the application by the sole inventor's name, attorney docket number, and invention title, and acknowledges receipt of, *inter alia*, "8 drawings (8 sheets)". Petitioner requests that the application, including two (2)

sheets of drawings containing Figures 7 and 8, be accorded a filing date of February 6, 2008.

A review of the record reveals that six (6) sheets of drawings containing Figures 1-6 were received on February 6, 2008. No sheets of drawings containing Figures 7 and 8 are located among the papers received on that date. However, the evidence is convincing that the application papers deposited on February 6, 2008, included two (2) sheets of drawings containing Figures 7 and 8, which were subsequently misplaced in the Office. Therefore, the application, including two (2) sheet of drawings containing Figures 7 and 8, is entitled to a filing date of February 6, 2008.

The Notice of Omitted Item(s) in a Nonprovisional Application mailed on February 29, 2008, is vacated.

In view of the above, the petition is granted. As the petition was not due to an error on the part of petitioner, the petition fee will be credited to counsel's deposit account.

The application will be processed with the copy of two (2) sheets of drawings containing Figure 7 and 8 described in the specification, and supplied on March 28, 2008, as a part of the original disclosure. The copies of the other sheets of drawings supplied with the present petition will not be used for processing or examination, but will be retained in the application file.

The application is being returned to the Office of Patent Application Processing for further processing with a filing date of February 6, 2008, using the application papers filed on that date and the copy of two (2) sheets of drawings containing Figure 7 and 8 supplied with the present petition, and for an indication in Office records that eight (8) sheets of drawings were present on filing.

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

/D Wood/

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
Ikoma et al. :
Application Number: 29/291022 : DECISION ON PETITION
Filing Date: 08/10/2007 :
Attorney Docket Number: AD232F :

This is a decision on the petition filed on October 27, 2008, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on October 11, 2008, for failure to timely submit the issue fee in response to the Notice of Allowance and Fee(s) Due mailed on July 10, 2008, which set a three (3)-month statutory period for reply. Notice of Abandonment was mailed on November 3, 2008.

The subject petition was filed on October 27, 2008, and is accompanied by payment of the issue fee and a terminal disclaimer.

---

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

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continuing examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may required additional information where there is a question whether the delay was unintentional; and

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

The terminal disclaimer filed on October 27, 2008, under 37 CFR 1.137(c) has been entered and made of record. Effective September 8, 2000, 37 CFR 1.137(c)(1) has been added to state that a terminal disclaimer filed pursuant to this rule must dedicate to the public a terminal part of the term of any patent granted thereon equivalent to the lesser of: 1) the period of abandonment of the application; or 2) the period extending beyond twenty years from the date on which the application for patent was filed in the United States, or, if the application contains a specific reference to an earlier filed application(s) under 35 U.S.C. 120, 121, or 365(c).[2] Accordingly, the period of the terminal disclaimer filed on October 27, 2008, will be equivalent to the lesser period (1) or (2), as noted above, for this application.

Receipt of the issue fee is acknowledged.

The terminal disclaimer fee will be charged to counsel's deposit account, as authorized in the subject petition.

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

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

/D Wood/

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

[2] 65 Fed. Reg. 54,674 (2000).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : Jan. 16, 2008

TO SPE OF : ART UNIT 2912
SUBJECT : Request for Certificate of Correction for Appl. No.: 29/291083 -D575188

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

Magdalene Talley
Certificates of Correction Branch
703-308-9390 ext. 116

Thank You For Your Assistance

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

☑ **Approved** — All changes apply.

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

☐ **Denied** — State the reasons for denial below.

Comments: _____

STELLA M. REID
SUPERVISORY PATENT EXAMINER

2912

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OFFICE OF PETITIONS

In re Application of :
Zoran Matijevic :
Application No. 29/291,145 : DECISION ON PETITION
Filed: August 15, 2007 :
Attorney Docket No. 9010.0004 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 8, 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 May 16, 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

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IRVING KESCHNER
21535 HAWTHORNE BOULEVARD
SUITE 385
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OFFICE OF PETITIONS

In re Application of	:	
Daniel T. BLAIR	:	
Application No. 29/291,159	:	DECISION ON PETITION
Filed: August 17, 2007	:	
Attorney Docket No.	:	

This is a decision on the petition under 37 CFR 1.137(b), filed May 23, 2008, to revive the above-identified design application.

The petition is **GRANTED**.

The application became abandoned for failure to submit corrected formal drawings in a timely manner in reply to the Notice of Allowability, mailed November 19, 2007, which set a period for reply of three (3) months. Accordingly, this application became abandoned on February 20, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected drawings; (2) the petition fee of $770.00; (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 of Allowability of November 19, 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 Michelle R. Eason at (571) 272-4231.

This application is being referred to Office of Data Management.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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RYAN W ROUTH
DBA UNITED ROOFING
2601 HUSBAND ST.
GREENBORO NC 27407

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OFFICE OF PETITIONS

In re Application of	:	
Ryan W. Routh	:	
Application No. 29/291,162	:	DECISION ON PETITION
Filed: August 16, 2007	:	
Attorney Docket No. 99089-02	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 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), since the instant application is a design application, a terminal disclaimer and the $70.00 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

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.

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OFFICE OF PETITIONS

In re Application of	:	
Ryan W. Routh	:	
Application No. 29/291,162	:	DECISION ON PETITION
Filed: August 16, 2007	:	
Attorney Docket No. 99089-02	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed April 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 March 28, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed December 28, 2007, which set a statutory period of reply of three (3) months. Accordingly, the application became abandoned on March 29, 2008. A Notice of Abandonment was mailed April 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 payment of the issue fee of $410.00 (previously paid on June 23, 2008); (2) the petition fee of $770.00 (previously paid on August 20, 2008); (3) a proper statement of unintentional delay; and (4) a Terminal Disclaimer and fee of $70.00.

The renewed petition filed on April 6, 2009 failed to provide a "Renewed Petition" cover sheet as instructed by the previous February 2, 2009 decision. As a result the petition could not have been acted on until now. Accordingly, the petition has now been granted.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ASHKAN NAJAFI, P.A.
6817 SOUTHPOINT PARKWAY
SUITE 3201
JACKSONVILLE, FL 32216

COPY MAILED

OCT 2 7 2008

OFFICE OF PETITIONS

In re Application of :
Kimberly Rochelle Jones :
Application No. 29/291,252 : ON PETITION
Filed: August 21, 2007 :
Attorney Docket No. 18371 :

This is a decision on the petition, filed July 7, 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 January 23, 2008, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on April 24, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(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 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

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MAY 26 2009

OFFICE OF PETITIONS

In re Application of
Kimberly Rochelle Jones
Application No. 29/291,252
Filed: August 21, 2007
Attorney Docket No. 18371

ON PETITION

This is a decision on the renewed petition filed May 6, 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 January 23, 2008, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on April 24, 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 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

DUANE MORRIS LLP - Philadelphia
IP DEPARTMENT
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103-4196

MAILED

JUN 19 2009

OFFICE OF PETITIONS

In re Application of :
Rommel et al. :
Application No. 29/291,257 : DECISION ON PETITION
Filed: August 20, 2007 :
Attorney Docket No. D4695-00172 :

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 **Dismissed**.

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

The application became abandoned for failure to timely submit the issue fee on or before May 24, 2009, as required by the Notice of Allowance, 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.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional"; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). A terminal disclaimer and the $140 terminal disclaimer fee is required under 37 CFR 1.137(c) if the application is: (1) a design application, (2) a utility application filed before June 8, 1995, or (3) a plant application filed before June 8, 1995. Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03 (c)(III)(c) and (D).

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

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

By mail: Mail Stop Petition
Commissioner for Patents

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

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DUANE MORRIS LLP - Philadelphia
IP DEPARTMENT
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103-4196

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SEP 08 2009

OFFICE OF PETITIONS

In re Application of :
Rommel et al. :
Application No. 29/291,257 : DECISION ON PETITION
Filed: August 20, 2007 :
Attorney Docket No. D4695-00172 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed July 7, 2009 to revive the above-identified design application.

The petition is **GRANTED.**

The application became abandoned for failure to timely submit the issue fee on or before May 24, 2009, as required by the Notice of Allowance, 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. A petition under 37 CFR 1.137(b) was dismissed on June 19, 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

EXPRESS MAIL LABEL NO.: EM 031622288 US

UNITED STATES PATENT AND TRADEMARK OFFICE

Title:	Light Assembly For Cane
Inventor:	Bradley H. Harriss and Randy Fore
Application Number:	29/291,263
Filing Date:	
Group Art Unit:	
Examiner Name:	
Attorney Docket Number:	HarrissDesCane

Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN PATENT APPLICATION UNDER 37 C.F.R. §1.155

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The applicant in the above-identified design patent application requests expedited examination under 37 C.F. R. §1.155. A pre-examination search was conducted in the following United States classifications: 135/65; 135/66; 340/407; and 362/102.

The applicant lists the related patent applications as follows: None.

The following items required by 37 C.F.R. §1.155 are submitted with this design patent application:

1. formal drawings under 37 C.F.R. §1.84;

2. the fee set forth under 37 C.F. R. §1.17(k) in the amount of $900.00; and

3. an Information Disclosure Statement in compliance with 37 C.F.R. §1.98.

08/24/2007 LTRUONG 00000011 29291263
05 FC:1802 900.00 OP

Dated this 22 of August, 2007

Respectfully Submitted,

CR MILES, P.C.

By: _____

Craig R. Miles
ATTORNEY FOR APPLICANTS
PTO No. 45,954
405 Mason Court Street, Suite 119
Fort Collins, CO 80524
(970) 492-0000 telephone
(970) 492-0003 facsimile

UNITED STATES 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: August 25, 2008

David C. Coffin
Michaud-Duffy Group LLP
306 Industrial Park Road, Suite 206
Middletown, CT 06457-1532

Patent No: D568,538 S
Applicant: Wes Rhoad, et al.
Issued: May 6, 2008
Title: **SAFETY RAZOR HANDLE**

Request for Certificate 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 Rule 1.323.

A petition under C.F.R. 1.182 is required to correct the alleged errors in incorrect inventor's name or order of the inventor's names, since inventor's names are printed solely in accordance with the typed/printer names (not the signatures), and since unsigned declarations, non-initialed and non-dated changes are not taken into consideration. Therefore, no correction is in order here under the provisions of Rule 1.323, unless a petition is granted (*See M.P.E.P.605.04 b).*

In view of the foregoing, your request in this matter is hereby denied.

Any petition under 1.182 should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-0025
ATTN: Office of Petitions

A certificate of correction will be issued to correct the remaining errors mentioned in your request.

Virginia Tolbert
For Mary Diggs, Supervisor
Decisions and Certificate of Correction
(703) 305-8309 or 308-9390 ext 113

vt

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date: August 25, 2008

David C. Coffin
Michaud-Duffy Group LLP
306 Industrial Park Road, Suite 206
Middletown, CT 06457-1532

Patent No: D568,535 S
Applicant: Wes Rhoad, et al.
Issued: May 6, 2008
Title: **SAFETY RAZOR HANDLE**

Request for Certificate 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 Rule 1.323.

A petition under C.F.R. 1.182 is required to correct the alleged errors in incorrect inventor's name or order of the inventor's names, since inventor's names are printed solely in accordance with the typed/printer names (not the signatures), and since unsigned declarations, non-initialed and non-dated changes are not taken into consideration. Therefore, no correction is in order here under the provisions of Rule 1.323, unless a petition is granted (*See M.P.E.P.605.04 b).*

In view of the foregoing, your request in this matter is hereby denied.

Any petition under 1.182 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
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Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-0025
ATTN: Office of Petitions

A certificate of correction will be issued to correct the remaining errors mentioned in your request.

Virginia Tolbert
For Mary Diggs, Supervisor
Decisions and Certificate of Correction
(703) 305-8309 or 308-9390 ext 113

vt

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date: August 25, 2008

David C. Coffin
Michaud-Duffy Group LLP
306 Industrial Park Road, Suite 206
Middletown, CT 06457-1532

Patent No: D568,536 S
Applicant: Wes Rhoad, et al.
Issued: May 6, 2008
Title: **SAFETY RAZOR HANDLE**

Request for Certificate 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 Rule 1.323.

A petition under C.F.R. 1.182 is required to correct the alleged errors in incorrect inventor's name or order of the inventor's names, since inventor's names are printed solely in accordance with the typed/printer names (not the signatures), and since unsigned declarations, non-initialed and non-dated changes are not taken into consideration. Therefore, no correction is in order here under the provisions of Rule 1.323, unless a petition is granted (*See M.P.E.P.605.04 b).*

In view of the foregoing, your request in this matter is hereby denied.

Any petition under 1.182 should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-0025
ATTN: Office of Petitions

A certificate of correction will be issued to correct the remaining errors mentioned in your request.

Virginia Tolbert
For Mary Diggs, Supervisor
Decisions and Certificate of Correction
(703) 305-8309 or 308-9390 ext 113

vt

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Paper No.

THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY
DIVISION - WEST BLDG.
WINTON HILL BUSINESS CENTER -
BOX 412
6250 CENTER HILL AVENUE
CINCINNATI OH 45224

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MAR 3 1 2008

In re Application of :
Corey Michael Bischoff :
Application No. 29/291,462 : ON PETITION
Filed: November 13, 2007 :
Attorney Docket No. D1250 :

This is a decision on the "PETITION PURSUANT TO 37 C.F.R. §1.181 and 37 C.F.R. §1.53(e) TO ACCORD A FILING DATE" filed November 13, 2007.

Application papers in the above-identified application were deposited on August 30, 2007. However, on September 14, 2007, the Office of Patent Application Processing (formerly known as the Office of Initial Patent Examination) mailed a "Notice of Incomplete Nonprovisional Application," notifying applicants that the application papers had not been accorded a filing date because the application was deposited without a complete specification as prescribed by 35 U.S.C. 112; the specification did not include at least one claim.

In response, applicants timely filed the instant petition, requesting the grant of a filing date of August 30, 2007.

Petitioner does not dispute that the application as filed on August 30, 2007 did not include a formal claim pursuant to 35 USC 171.

Petitioner's arguments have been considered but not found entirely persuasive. The requirement for a claim in a design application is a requirement of the statute. Section 171 of title 35 of the United States Code makes section 112 applicable to design applications. Section 112 requires that the "specification shall conclude with one or more claims..." Thus, the requirement for a claim in a design application is not pro forma, but is a necessary part of a complete design application.

Moreover, given that the requirement is statutory, the Office does not have the authority to waive the requirement. Absent the presence of a claim (or anything that can be construed as a claim), the application cannot be afforded a filing date of August 30, 2007. It is noted that, in this instance, the application was not filed with a declaration stating what the inventors claim to be their invention. Thus, there is no language on filing that can be construed as a claim for the purposes of according a filing date.

The petition is **DISMISSED**.

The application is entitled to a filing date of November 13, 2007 the date the specification was amended to include at least one claim.

Further, a new declaration covering the amended specification is required.

The petition fee will not be refunded, as this petition was necessary to correct applicant's filing error.

The application is being returned to the Office of Patent Application Processing for **according of a filing date of November 13, 2007**, using the application papers deposited on August 30, 2007 and in consideration of the submission of the claim on November 13, 2007, and **to require a new declaration covering the previously omitted claim**.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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KOKKA & BACKUS, PC
200 PAGE MILL ROAD
SUITE 103
PALO ALTO, CA 94306

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OFFICE OF PETITIONS

In re Application of	:	
Ayse Birsel, et. al.	:	
Application No. 29/291,487	:	DECISION GRANTING PETITION
Filed: August 30, 2007	:	
Attorney Docket No. ADE084001D	:	

This is a decision on the petition filed on October 4, 2007, requesting that the above-identified application be accorded a filing date of August 30, 2007, rather than the presently accorded date of August 31, 2007.

Petitioner alleges that the application was deposited in Express Mail Service on August 30, 2007. In support, the petition is accompanied by a copy of Express Mail label No. EM 106118283 US, which bears a handwritten "date-in" of August 30, 2007 and a USPS receipt date stamp of August 30, 2007. It is noted that the Application Transmittal Letter contained the same Express Mail label number.

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. Since the evidence is convincing that the application was in the hands of a U. S. Postal Service employee on August 30, 2007, the petition is **GRANTED**.

This application file is being forwarded to the Office of Patent Application Processing (OPAP) for correction of the filing date to **August 30, 2007, and for issuance of a corrected filing receipt.**

Telephone inquiries relating to this decision should be directed to Andrea Smith at (571) 272-3226. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4000.

Frances Hicks
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20090910

DATE : September 10, 2009

TO SPE OF : ART UNIT 2915

SUBJECT : Request for Certificate of Correction on Patent No.: D588,907

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

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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FEB 24 2010

OFFICE OF PETITIONS

MICHAEL D. YABLONSKY, PH.D., ESQ.
660 ANDERSON AVE
CLIFFSIDE PARK NJ 07010

In re Application of :
Chi-Wah TSU :
Application No. 29/291,620 : DECISION ON PETITION
Filed: September 05, 2007 : TO WITHDRAW
Attorney Docket No. **FHKI 2076 DR4831** : 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 23, 2009.

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

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 cannot be approved because there is no indication that acts (1) and (3) noted in the above-identified certifications have been performed.

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 request to change the correspondence address 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.

The request to withdraw less than all attorneys appointed by customer number 83336 cannot be approved. The addition and/or deletion of a practitioner from the list of practitioners associated with a Customer Number should be made by submitting a "Request for Customer Number Data Change" (PTO/SB/124) which will result in the addition or deletion of such practitioner from the list of persons authorized to represent any applicant or assignee of the entire interest who appointed all of the practitioners associated with such Customer Number. See MPEP 403 Section I. Customer Number Practice.

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.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **FEDERATION OF HONG KONG INDUSTRIES**
4/F, HANKOW CENTRE, 5-15 HANKOW ROAD
TSIMSHATSUI KOWLOON
HONG KONG

UNITED STATES 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 FINCHAM
316 KNOWLTON ROAD
LAC BROME QC J0E 1V0 CA CANADA

COPY MAILED
NOV 19 2008

In re Application of :
Joseph Fotia :
Application No. 29/291,626 : ON PETITION
Filed: September 6, 2007 :
Attorney Docket No. 2942-1A :

This is a decision on the petition, filed August 14, 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 March 6, 2008, which set a period for reply of three (3) months. Accordingly, this application became abandoned on June 7, 2008. A Notice of Abandonment was mailed on June 30, 2008. On August 14, 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).

The petition lacks items (4) above.

---

[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.

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).

Further correspondence with respect to this matter should be addressed as follows:

By mail:
Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand:
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop PETITION
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ERIC FINCHAM
316 KNOWLTON ROAD
LAC BROME QC J0E 1V0 CA CANADA

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MAR 0 6 2009

OFFICE OF PETITIONS

In re Application of
Joseph Fotia
Application No. 29/291,626
Filed: September 6, 2007
Attorney Docket No. 2942-1A

ON PETITION

This is a decision on the renewed petition, filed December 1, 2008, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The above-identified application became abandoned for failure to respond in a timely manner to the Notice of Allowability mailed March 6, 2008. A Notice of Abandonment was mailed on June 30, 2008. On December 1, 2008, the present petition was filed.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected drawings; (2) the petition fee of $770; (3) an adequate statement of unintentional delay; and (4) a terminal disclaimer and the $70 fee required by 37 CFR 1.137(d).

The terminal disclaimer filed December 1, 2008 is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

The application is being referred to the Office of Data Management to be processed into a patent.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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JUL 29 2009

OFFICE OF PETITIONS

GABE CHERIAN
P.O. BOX 1335
SUN VALLEY, ID 83353

In re Application of :
Gabe Cherian :
Application No. 29/291,638 : ON PETITION
Filed: September 6, 2007 :
Attorney Docket No.: None :

This is a decision on the petition, filed June 3, 2009, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The above-identified application became abandoned for failure to respond in a timely manner to the Notice of Allowability mailed July 28, 2008. A Notice of Abandonment was mailed on November 21, 2008. On June 3, 2009, the present petition was filed.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected drawings; (2) the petition fee of $810; (3) an adequate statement of unintentional delay; and (4) a terminal disclaimer and the $70 fee required by 37 CFR 1.137(d).

The terminal disclaimer filed June 3, 2009 is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

The application is being referred to the Office of Data Management to be processed into a patent.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE OF DATA MANAGEMENT

Ralph C. Francis
Francis Law Group
1942 Embarcadero
Oakland CA 94606

JUL 29 2008

In re Application of :
BROUDY, SANDERSON :
Application No. 29/291,659 : **DECISION ON PETITION**
Filed: September 7, 2007 :
Attorney Docket No. SDB-02-002D :

This is a decision on the Petition To Withdraw Holding Of Abandonment, received in the United States Patent and Trademark Office (USPTO) on May 22, 2008.

The petition is **GRANTED**.

The application was held abandoned for failure to timely file formal drawings as required in the Notice of Allowability, mailed January 3, 2008.

Petitioner has submitted a copy of the Transmittal Form checked enclosure(s) Replacement Drawings three (3) sheets of formal drawings, and which acknowledges certificate of transmission/ mailing of the afore-mentioned items on January 15, 2008, as evidenced. The formal drawings, acknowledged as having been received on January 15, 2008, are not of record in the application file and cannot be located. However, MPEP 503 states the following:

A certificate of mailing 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 on the date stamped thereon by the PTO.

In view of the foregoing, the holding of abandonment is hereby withdrawn.

The application will be forwarded to the Publishing Division to be processed into a patent.

Telephone inquires concerning this decision be directed to the undersigned in the Office of Patent Publication at 703-305-9250 x 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
www.uspto.gov

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

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SEP 2 4 2008

OFFICE OF PETITIONS

In re Application of :
Giugiaro, Giorgetto :
Application No. 29/291,777 : ON PETITION
Filed: September 13, 2007 :
Attorney Docket No. 14154/1005B001 :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed June 20, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed September 28, 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 timely obtained. Accordingly, the application became abandoned on November 29, 2007. A Notice of Abandonment was mailed June 4, 2008.

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 petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) a declaration in compliance with 37 CFR 1.67(a), (2) the petition fee of $1540, (3) an adequate statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d).

The terminal disclaimer is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

Further, 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 $2,230 extension of time fee submitted with the petition on June 20, 2008 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

This matter is being referred to the Office of Patent Application Processing for further examination on the merits.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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
29/291,777	09/13/2007	Giorgetto Giugiaro	14154/1005B001

CONFIRMATION NO. 5373

POA ACCEPTANCE LETTER

26646
KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

OC000000032115071

Date Mailed: 09/16/2008

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/20/2008.

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.

/atkelley/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

Application Number	Application/Control No.	Applicant(s)/Patent under Reexamination	
29291777	29/291,777	GIUGIARO, GIORGETTO	

Document Code - DISQ	Internal Document – DO NOT MAIL

TERMINAL DISCLAIMER	☒ APPROVED	☐ DISAPPROVED
Date File: 6/23/08	This Patent is subject to a Terminal Disclaimer	

Approved/Disapproved by:

Alicia Kelley
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

TAROLLI, SUNDHEIM, COVELL, & TUMMINO L.L.P.
SUITE 1700
1300 EAST NINTH STREET
CLEVELAND, OH 44114

Mail Date: 04/27/2010

Applicant	: Sten Drennow	: DECISION ON REQUEST FOR
Patent Number	: D605894	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 29/291,819	: OF WYETH
Filed	: 09/14/2007	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A). Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154 (b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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ROBERT IRELAND
P.O. BOX 273
BANKS, OR 97124

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AUG 13 2008

In re Application of
Tia Ludden-Biegel
Application No. 29/291,826
Filed: September 17, 2007
Attorney Docket No. LUDD01-07

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed April 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 March 11, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed December 11, 2007, which set a statutory period for reply of three (3) months. A Notice of Abandonment was subsequently mailed on April 4, 2008. In response, on April 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 December 11, 2007 is accepted as being unintentionally delayed.

The terminal disclaimer filed April 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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Paper No.

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16152 BEACG BLVD.
SUITE 207
HUNTINGTON BEACH CA 92647

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OFFICE OF PETITIONS

In re Application of	:	
Lev Michaelson	:	
Application No. 29/291,973	:	DECISION ON PETITION
Filed: September 25, 2007	:	PURSUANT TO
Attorney Docket No. 10223-002	:	37 C.F.R. § 1.137(a)
Title: MULTI-TOOL	:	

This is a decision on the petition filed June 12, 2008, pursuant to 37 C.F.R. § 1.137(a), to revive the above-identified application.

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 February 11, 2008, which set a shortened statutory period for reply of three months (it is noted that the issue fee was timely received on May 1, 2008). No extensions of time are permitted for transmitting drawings[1]. Accordingly, the above-identified application became abandoned on May 12, 2008. A Notice of Abandonment was mailed on June 5, 2008.

THE APPLICABLE STANDARD

The Commissioner is responsible for determining the standard for unavoidable delay and for applying that standard:

> In the specialized field of patent law, . . . the Commissioner of Patent and Trademarks is primarily responsible for the

1 See MPEP § 710.02(e).

> application and enforcement of the various narrow and technical statutory and regulatory provisions. The Commissioner's interpretation of those provisions is entitled to considerable deference[2].
>
> [T]he Commissioner's discretion cannot remain wholly uncontrolled, if the facts **clearly** demonstrate that the applicant's delay in prosecuting the application was unavoidable, and that the Commissioner's adverse determination lacked **any** basis in reason or common sense[3].
>
> The court's review of a Commissioner's decision is 'limited, however, to a determination of whether the agency finding was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law[4].'
>
> The scope of review under the arbitrary and capricious standard is narrow and a court is not to substitute its judgment for that of the agency[5].

Nonawarness of a PTO rule will not constitute unavoidable delay[6]

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2 Rydeen v. Quigg, 748 F.Supp. 900, 904, 16 U.S.P.Q.2d (BNA) 1876 (D.D.C. 1990), aff'd without opinion (Rule 36), 937 F.2d 623 (Fed. Cir.1991) (citing Morganroth v. Quigg, 885 F.2d 843, 848, 12 U.S.P.Q.2d (BNA) 1125 (Fed. Cir. 1989); Ethicon, Inc. v. Quigg 849 F.2d 1422, 7 U.S.P.Q.2d (BNA 1152 (Fed. Cir. 1988) ("an agency's interpretation of a statute it administers is entitled to deference"); see also Chevron U.S.A. Inc. v. Natural Resources Defence Council, Inc., 467 U.S. 837, 844, 81 L. Ed. 694, 104 S. Ct. 2778 (1984) ("if the statute is silent or ambiguous with respect to the specific issue, the question for the court is whether the agency's answer is based on a permissible construction of the statute.")

3 Commissariat A L'Energie Atomique et al. v. Watson, 274 F.2d 594, 597, 124 U.S.P.Q. (BNA) 126 (D.C. Cir. 1960) (emphasis added).

4 Haines v. Quigg, 673 F. Supp. 314, 316, 5 U.S.P.Q.2d (BNA) 1130 (N.D. Ind. 1987) (citing Camp v. Pitts, 411 U.S. 138, 93 S. Ct.1241, 1244 (1973) (citing 5 U.S.C. 706 (2)(A)); Beerly v. Dept. of Treasury, 768 F.2d 942, 945 (7th Cir. 1985); Smith v. Mossinghoff, 217 U.S. App. D.C. 27, 671 F.2d 533, 538 (D.C. Cir.1982)).

5 Ray v. Lehman, 55 F.3d 606, 608, 34 U.S.P.Q2d (BNA) 1786 (Fed. Cir. 1995) (citing Motor Vehicles Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29, 43, 77 L.Ed.2d 443, 103 S. Ct. 2856 (1983)).

6 See Smith v. Mossinghoff, 671 F.2d 533, 538, 213 U.S.P.Q. (BNA) 977 (Fed. Cir. 1982) (citing Potter v. Dann, 201 U.S.P.Q. (BNA) 574 (D.D.C. 1978) for the proposition that counsel's nonawarness of PTO rules does not constitute "unavoidable" delay)). Although court decisions have only addressed the issue of lack of knowledge of an attorney, there is no reason to expect a different result due to lack of knowledge on the part of a pro se (one who prosecutes on his own) applicant. It would be inequitable for a court to determine that a client who spends his hard earned money on an attorney who happens not to know a specific rule should be held to a higher standard than a pro se applicant who makes (or is forced to make) the decision to file the application without the assistance of counsel.

The burden of showing the cause of the delay is on the person seeking to revive the application[7].

> "[T]he question of whether an applicant's delay in prosecuting an application was unavoidable must be decided on a case-by-case basis, taking all of the facts and circumstances into account."[8]

The general question asked by the Office is: "[d]id petitioner act as a reasonable and prudent person in relation to his most important business?"[9]

A delay caused by an applicant's lack of knowledge or improper application of the patent statute, rules of practice, or the MPEP is not rendered "unavoidable" due to either the applicant's reliance upon oral advice from USPTO employees or the USPTO's failure to advise the applicant to take corrective action[10].

A petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable[11]."

The Office must rely on the actions or inactions of duly authorized and voluntarily chosen representatives of the applicant, and the applicant is bound by the consequences of those actions or inactions[12]. Specifically, petitioner's delay caused by the mistakes or negligence of his voluntarily chosen representative does not constitute unavoidable delay within the meaning of 35 U.S.C. § 133[13].

The actions of the attorney are imputed to the client, for when a petitioner voluntarily chooses an attorney to represent him, the petitioner cannot later distance himself from this attorney, so as to avoid the repercussions of the actions or inactions of this selected representative, for clients are bound by the acts of their lawyers/agents, and constructively possess "notice of all facts, notice of which can be charged upon the attorney[14]."

Courts hesitate to punish a client for its lawyer's gross negligence, especially when the lawyer affirmatively misled the

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7 Id.
8 See In re Sivertz, 227 USPQ 255, 256 (Comm'r Pat. 1985).
9 See In re Mattulah, 38 App. D.C. 497 (D.C. Cir. 1912).
10 See In re Sivertz, 227 USPQ 255, 256 (Comm'r Pat. 1985).
11 Haines, 673 F. Supp. at 314, 316-17; 5 USPQ2d at 1131-32.
12 Link v. Wabash, 370 U.S. 626, 633-634 (1962).
13 Haines, 673 F.Supp. at 316-17, 5 U.S.P.Q.2d at 1131-32; Smith v. Diamond, 209 USPQ 1091 (D.D.C. 1981); Potter v. Dann, 201 USPQ 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 103, 131 (Comm'r Pat. 1891).
14 Link at 633-634.

client," but "if the client freely chooses counsel, it should be bound to counsel's actions[15]."

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[16].

In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account[17]."

A petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable[18]."

Docketing error

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.

Such a showing should identify the specific error[19], the individual who made the error, and the business routine in place

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15 Inryco, Inc. v. Metropolitan Engineering Co., Inc., 708 F.2d 1225, 1233 (7th Cir. 1983). See also, Wei v. State of Hawaii, 763 F.2d 370, 372 (9th Cir. 1985); LeBlanc v. I.N.S., 715 F.2d 685, 694 (1st Cir. 1983).
16 In re Mattullath, 38 App. D.C. at (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913).
17 Smith v. Mossinghoff, 671 F.2d at 538; 213 USPQ at 982.
18 Haines, 673 F. Supp. at 314, 316-17; 5 USPQ2d at 1131-32.
19 Petitioner must identify the error that caused the delay. If the specific error cannot be identified, the petitioner must identify any and all possible causes and prove that any of them, if they were the true cause, constitute unavoidable delay. A full and complete discussion for each possible error must be presented. Petitioner is reminded that a petitioner has the burden of proof.

for performing the action that resulted in the error. The showing must establish that the individual who erred 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. The showing should include information regarding the training provided to the personnel responsible for the docketing error, degree of supervision of their work, examples of other work functions carried out, and checks on the described work which were used to assure proper execution of assigned tasks.

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) a business routine was in place for performing the clerical function that could reasonably be relied upon to avoid errors in its performance, and;
(3) 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.

See M.P.E.P. § 711.03(c)(III)(C)(2).

An adequate showing should include (when relevant):

(1) statements by all persons with direct knowledge of the circumstances surrounding the delay, setting forth the facts as they know them;
(2) a thorough explanation of the docketing and call-up system in use;
(3) identification of the type of records kept;
(4) identification of the persons responsible for the maintenance of the system;
(5) copies of mail ledger, docket sheets, filewrappers and such other records as may exist which would substantiate an error in docketing;
(6) include an indication as to why the system failed in this instance, and;
(7) information regarding the training provided to the personnel responsible for the docketing error, degree of supervision of their work, examples of other work functions carried out, and checks on the described work which were used to assure proper execution of assigned tasks.

RELEVANT PORTIONS OF THE C.F.R. AND MPEP

37 C.F.R. § 1.134 sets forth, *in toto*:

> An Office action will notify the applicant of any non-statutory or shortened statutory time period set for reply to an Office action. Unless the applicant is notified in writing that a reply is required in less than six months, a maximum period of six months is allowed.

37 C.F.R. § 1.135 sets forth, *in toto*:

> (a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.
> (b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.
> (c) When reply by the applicant is a bona fide attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under § 1.134 to supply the omission.

APPLICATION OF THE STANDARD TO THE PRESENT SET OF FACTS

A grantable petition pursuant to 37 C.F.R. § 1.137(a) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R. § 1.17(l);
(3) A showing to the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unavoidable, and;
(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has included, *inter alia*, corrected drawings, the petition fee, a terminal disclaimer

along with the fee that is associated with the filing of the same, and a statement of facts.

Petitioner has met requirements (1) - (2) and (4) of Rule 1.137(a).

Petitioner has further included an assertion that he has been using Microsoft Outlook™ e-mail software as a docketing system for the past decade. On May 1, 2008, Petitioner received the issue fee from the Applicant, opened the

> Microsoft Outlook (sic) docket notation before paying the issuance fee, (and) the only notation present was for the payment of the allowance fee. The notation identifying the Examiner's comments for new drawings was either not saved or was lost in the notation portion of the task entry for this application... [c]onsequently, when paying the issuance fee on May 1, 2008, there was no indication that an additional filing of amended drawings was required thereby resulting in the current unavoidable abandonment.
>
> Petition, paragraph 6.

Moreover, Petitioner has included a screen-shot that is associated with this docketing system, and in the subject line it reads:

> U.S. Patent Serial No. 29/291973 - Issuance Fee Due

Petitioner has set forth:

> This computer gliche (sic) was the proximate result of the delay at issue.
>
> Id. at 7.

Regarding Petitioner's assertion that the notation regarding the need to submit corrected drawings "was either not saved or was lost," an alternate scenario seems at least equally likely, if not more probable - when Petitioner made this notation, he typed only "issuance fee due," and did not include the need to include corrected drawings. It is noted that Petitioner's statement of facts does not appear to contain an assertion that Petitioner ever made a notation regarding the need to submit corrected drawings.

First, the failure to either make or properly save a notation pertaining to the need for corrected drawings constitutes a **docketing error**. While each of these errors might be considered unintentional, neither rises to the high standard associated with the characterization of a failure to respond as

"unavoidable". Section 711.03(c)(II)(C)(2) of the MPEP sets forth a method where a similar mistake can be characterized as unavoidable, but only when the actor was an employee such as a docket clerk or a paralegal. When the actor is a registered member of the patent bar, he is held to a higher standard than one of these aforementioned employees. As such, failures to either make this notation or to properly save the document cannot be characterized as unavoidable.

Second, regarding the assertion that the notation was somehow lost due to a computer glitch, it does not appear that Petitioner has explained how this could have happened. Rather that merely asserting that a computer error occurred, a showing of unavoidable delay would require Petitioner to point to a **specific error**, **explain precisely how it occurred**, and support this assertion with **documentation**.

Third, in the sixth numbered paragraph of Petitioner's statement of facts, it is explained that when he received the issue fee from the Applicant, Petitioner opened the "Microsoft Outlook (sic) docket notation," saw that the "only notation present was for the payment of the allowance fee," and consequently submitted only the allowance fee. As such, it is clear that after receiving the issue fee from the client, Petitioner based his subsequent actions solely on the notation that appeared in the docket. It is clear that he did not review the Notice of Allowance and Issue Fee Due when preparing his response to the same. **A reasonably prudent and careful man, acting in relation to his most important business, would have reviewed the Notice of Allowance and Issue Fee Due when preparing a response to the same**, and likely would have noticed that corrected drawings had been required.

Moreover, the language in 35 U.S.C. § 41(c)(1) is identical to that in 35 U.S.C. § 133 (i.e., "unavoidable" delay), and therefore, a late maintenance fee for the unavoidable delay standard is considered under the same standard for reviving an abandoned application under 35 U.S.C. § 133. See Ray v. Lehman, 55 F.3d 606, 608-09, 34 USPQ2d 1786, 1787 (Fed. Cir. 1995) (quoting In re Patent No. 4,409,763, 7 USPQ2d 1798, 1800 (Comm'r Pat. 1988), aff 'd sub nom. Rydeen v. Quigg, 748 F. Supp. 900, 16 USPQ2d 1876 (D.D.C. 1990), aff 'd, 937 F.2d 623 (Fed. Cir. 1991) (table), cert. denied, 502 U.S. 1075 (1992)). See MPEP § 711.03(c) for a general discussion of the "unavoidable" delay standard.

Due to the fact that 35 U.S.C. § 41(c) requires the payment of fees at specified intervals to maintain a patent in force, rather than some response to a specific action by the Office under 35 U.S.C. § 133, a reasonably prudent person in the exercise of due care and diligence would enact steps to ensure the timely payment of such maintenance fees. Ray, 55 F.3d at 609, 34 USPQ2d at 1788. That is, an adequate showing that the delay in payment of the maintenance fee at issue was "unavoidable" within the meaning of 35 U.S.C. § 41(c) and 37 C.F.R. § 1.378(b)(3) requires a showing of the steps taken to ensure the timely payment of the maintenance fees for a patent. Id. Thus, where the record fails to disclose that the patentee took reasonable steps, or discloses that the patentee took no steps, to ensure timely payment of the maintenance fee, 35 U.S.C. 41(c) and 37 C.F.R. § 1.378(b)(3) preclude acceptance of the delayed payment of the maintenance fee under 37 C.F.R. § 1.378(b).

It follows that in order for Petitioner to establish that the entire period of delay in submitting the corrected drawings was unavoidable, he will need to establish that **steps were in place for ensuring that corrected drawings were timely submitted in response to the Notice of Allowance and Issue Fee Due**. However, as set forth above, Petitioner has established that this notice was not reviewed concurrently with the preparation of the response to the same - therefore, Petitioner has established that no steps were in place for ensuring that a complete response was submitted in reply to the Notice of Allowance and Issue Fee Due, and it follows that a showing that the entire period of delay was unavoidable has been precluded.

CONCLUSION

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.137(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

Alternatively, Petitioner may wish to consider filing a petition pursuant to 37 C.F.R. § 1.137(b). Unless Petitioner believes that he can successfully assert that the entire period of delay was unavoidable, he may wish to file pursuant to the unintentional standard.

Any response to this decision should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski,

and may be submitted by mail[20], hand-delivery[21], or facsimile[22]. Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web[23].

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

The general phone number for the Office of Petitions that should be used for status requests is (571) 272-3282. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225[24].

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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20 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
21 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
22 (571) 273-8300- please note this is a central facsimile number.
23 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
24 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 of Petitioner's further action(s).

fsUNITED STATES 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.

PLAGER LAW OFFICES
16152 BEACG BLVD.
SUITE 207
HUNTINGTON BEACH CA 92647

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SEP 04 2008

In re Application of	:	
Lev Michaelson	:	
Application No. 29/291,973	:	DECISION ON PETITION
Filed: September 25, 2007	:	PURSUANT TO
Attorney Docket No. 10223-002	:	37 C.F.R. § 1.137(B)
Title: MULTI-TOOL	:	

This is a decision on the petition filed on July 18, 2008, pursuant to 37 C.F.R. § 1.137(b), to revive the above-identified application.

The concurrently submitted Power of Attorney has been entered and made of record.

This 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 February 11, 2008, which set a shortened statutory period for reply of three months (it is noted that the issue fee was timely received on May 1, 2008). No extensions of time are permitted for transmitting drawings.[1] Accordingly, the above-identified application became abandoned on May 12, 2008. A Notice of Abandonment was mailed on June 5, 2008.

A petition pursuant to 37 C.F.R. § 1.137(a) was filed on June 12, 2008, along with, *inter alia*, corrected drawings, a terminal

1 See MPEP § 710.02(e).

disclaimer, and the fee that is associated with the filing of the same. This petition was dismissed via the mailing of a decision on July 8, 2008, for failure to establish that the entire period of delay was unavoidable.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition pursuant to 37 C.F.R. § 1.137(b), Petitioner has submitted another set of corrected drawings along with a request to enter the same, another terminal disclaimer and the associated fee,[2] and the fee that is associated with the filing of this petition.

Each of the four requirements of Rule 1.137(b) has been met.

Pursuant to this decision, the Office of Patent Publication will be notified of this decision so that the present application can be processed into a patent.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Office of Patent Publication in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Office of Patent Publication where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

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2 This duplicate payment will be refunded to Petitioner's credit card in due course.

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

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 FIFTH AVENUE
16TH FLOOR
NEW YORK NY 10001-7708

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JAN 0 3 2008

OFFICE OF PETITIONS

In re Application of :
Masafuku Akatsu et al. :
Application No. 29/292,006 : DECISION GRANTING PETITION
Filed: September 25, 2007 :
Attorney Docket No.: 07603/LH :

This is a decision on the petition filed December 12, 2007, in response to the "Notice to File Missing Parts" mailed October 12, 2007, which is treated under 37 CFR 1.182.

The instant application was filed September 25, 2007 and a filing date was accorded. However, the Notice indicated that Figure 9 described in the specification appeared to have been omitted.

Petitioner asserts that Figure 9 was among the papers filed on September 25, 2007, and submits, *inter alia*, a "legible" postcard receipt in evidence thereof. While only thirty-one (31) sheets of drawing figures is of record, the postcard receipt, identifies the application and acknowledges, inter alia, that the application included 32 sheets of drawings including Figures 1-36 and bears a United States Patent and Trademark Office date-stamp of September 25, 2007. Additionally, the postcard receipt lacks any notation of non-receipt of any item listed. In view thereof, the petition is **GRANTED.**

Given the basis for granting the petition, no petition fee is due. Petitioner's deposit account no. 06-1378 will be credited in the amount of $400.00.

This matter will be forwarded to the Office of Patent Application Processing for further processing, using the application papers received in the Office on September 25, 2007 and Figure 9 submitted on petition December 12, 2007.

Telephone inquiries regarding this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN NJ 08830

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AUG 0 4 2008

OFFICE OF PETITIONS

In re Application of :
Lindner et al. :
Application No. 29/292015 :
Filing or 371(c) Date: 09/25/2007 : ON PETITION
Attorney Docket Number: :
2007M19916US (1009-324) :

This decision is in response to the Petition Under 37 CFR 1.182, filed May 2, 2008, to reflect the name of the second named inventor in the present application as Charles I. Yalowitz.

This Petition is hereby **granted.**.

Applicant files the present petition to change the inventor's name from Chuck Yalowitz, to Charles I. Yalowitz.

MPEP 201.03, Correction of Inventorship in an Application, provides

(B) Where a typographical or transliteration error in the spelling of an inventor 's name is discovered, the Office should simply be notified of the error. A new oath or declaration is not required. See MPEP § 605.04(g). Reference to the notification will be made on the previously filed oath or declaration.

However, "[e]xcept for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 37 CFR 1.182 together with an appropriate petition fee."

MPEP 605.04(b)

In this instance, there existed neither a typographical or transliteration error in the spelling of an inventor's name. Applicant has filed the proper petition and fee.

The name of the inventor has been changed from Chuck Yalowitz, to Charles I. Yalowitz.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

The application is being referred to Technology Center Art Unit 2911 for examination in the normal course of business.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232. All other inquiries should be directed to the applicable Office.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

Enclosure: Corrected Filing Receipt

CC: MICHAEL HAYNES PLC
1341 HUNTERSFIELD CLOSE
KESWICK, VA 22947

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
29/292,015	09/25/2007	2911	560	2007M19916US (1009-324)	1	1

CONFIRMATION NO. 3847

CORRECTED FILING RECEIPT

28524
SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

OC000000031346968

Date Mailed: 08/01/2008

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)

Norbert Lindner, Johnson City, TN;
Charles I. Yalowitz, Johnson City, TN;
Ned Cox, Gray, TN;
Gunter Ott, Erlangen, GERMANY;
Jan Andersson, Erlangen, GERMANY;

Power of Attorney: The patent practitioners associated with Customer Number 28524

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 10/12/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 29/292,015**

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

Title

Programmable logic controller system module

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).

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).

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AUG 0 4 2008

OFFICE OF PETITIONS

In re Application of :
Lindner et al. :
Application No. 29/292016 :
Filing or 371(c) Date: 09/25/2007 : ON PETITION
Attorney Docket Number: :
2007M19915US (1009-323) :

This decision is in response to the Petition Under 37 CFR 1.182, filed May 2, 2008, to reflect the name of the second named inventor in the present application as Charles I. Yalowitz.

This Petition is hereby **granted.**.

Applicant files the present petition to change the inventor's name from Chuck Yalowitz, to Charles I. Yalowitz.

MPEP 201.03, Correction of Inventorship in an Application, provides

(B) Where a typographical or transliteration error in the spelling of an inventor 's name is discovered, the Office should simply be notified of the error. A new oath or declaration is not required. See MPEP § 605.04(g). Reference to the notification will be made on the previously filed oath or declaration.

However, "[e]xcept for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 37 CFR 1.182 together with an appropriate petition fee."

MPEP 605.04(b)

In this instance, there existed neither a typographical or transliteration error in the spelling of an inventor's name. Applicant has filed the proper petition and fee.

The name of the inventor has been changed from Chuck Yalowitz, to Charles I. Yalowitz.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

The application is being referred to Technology Center Art Unit 2911 for examination in the normal course of business.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232. All other inquiries should be directed to the applicable Office.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

Enclosure: Corrected Filing Receipt

CC: MICHAEL HAYNES PLC
1341 HUNTERSFIELD CLOSE
KESWICK, VA 22947

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
29/292,016	09/25/2007	2911	560	2007M19915US (1009-323)	1	1

CONFIRMATION NO. 3838

28524
SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

CORRECTED FILING RECEIPT

OC00000003134697

Date Mailed: 08/01/2008

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)

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Charles I. Yalowitz, Johnson City, TN;
Ned Cox, Gray, TN;
Gunter Ott, Erlangen, GERMANY;
Jan Andersson, Erlangen, GERMANY;

Power of Attorney: The patent practitioners associated with Customer Number 28524

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 10/12/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 29/292,016**

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

Title

Programmable logic controller system module

Preliminary Class

D14

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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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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GRANTED

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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).

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INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN NJ 08830

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AUG 0 4 2008

OFFICE OF PETITIONS

In re Application of :
Lindner et al. :
Application No. 29/292017 :
Filing or 371(c) Date: 09/25/2007 : ON PETITION
Attorney Docket Number: :
2007M19917US (1009-325) :

This decision is in response to the Petition Under 37 CFR 1.182, filed May 2, 2008, to reflect the name of the second named inventor in the present application as Charles I. Yalowitz.

This Petition is hereby **granted.**.

Applicant files the present petition to change the inventor's name from Chuck Yalowitz, to Charles I. Yalowitz.

MPEP 201.03, Correction of Inventorship in an Application, provides

(B) Where a typographical or transliteration error in the spelling of an inventor 's name is discovered, the Office should simply be notified of the error. A new oath or declaration is not required. See MPEP § 605.04(g). Reference to the notification will be made on the previously filed oath or declaration.

However, "[e]xcept for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 37 CFR 1.182 together with an appropriate petition fee."

MPEP 605.04(b)

In this instance, there existed neither a typographical or transliteration error in the spelling of an inventor's name. Applicant has filed the proper petition and fee.

The name of the inventor has been changed from Chuck Yalowitz, to Charles I. Yalowitz.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

The application is being referred to Technology Center Art Unit 2911 for examination in the normal course of business.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232. All other inquiries should be directed to the applicable Office.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

Enclosure: Corrected Filing Receipt

CC: MICHAEL HAYNES PLC
1341 HUNTERSFIELD CLOSE
KESWICK, VA 22947

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
29/292,017	09/25/2007	2911	560	2007M19917US (1009-325)	1	1

CONFIRMATION NO. 3833

CORRECTED FILING RECEIPT

28524
SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

OC000000031346996

Date Mailed: 08/01/2008

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)

Norbert Lindner, Johnson City, TN;
Charles I. Yalowitz, Johnson City, TN;
Ned Cox, Gray, TN;
Gunter Ott, Erlangen, GERMANY;
Jan Andersson, Erlangen, GERMANY;

Power of Attorney: The patent practitioners associated with Customer Number 28524

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 10/12/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 29/292,017**

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

Title

Programmable logic controller system module

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.

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LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

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NOT GRANTED

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OFFICE OF PETITIONS

In re Application of	:	
Lindner et al.	:	
Application No. 29/292018	:	
Filing or 371(c) Date: 09/25/2007	:	ON PETITION
Attorney Docket Number:	:	
2007M17504US (1009-201)	:	

This decision is in response to the Petition Under 37 CFR 1.182, filed May 2, 2008, to reflect the name of the second named inventor in the present application as Charles I. Yalowitz.

This Petition is hereby **granted.**.

Applicant files the present petition to change the inventor's name from Chuck Yalowitz, to Charles I. Yalowitz.

MPEP 201.03, Correction of Inventorship in an Application, provides

(B) Where a typographical or transliteration error in the spelling of an inventor 's name is discovered, the Office should simply be notified of the error. A new oath or declaration is not required. See MPEP § 605.04(g). Reference to the notification will be made on the previously filed oath or declaration.

However, "[e]xcept for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 37 CFR 1.182 together with an appropriate petition fee."

MPEP 605.04(b)

In this instance, there existed neither a typographical or transliteration error in the spelling of an inventor's name. Applicant has filed the proper petition and fee.

The name of the inventor has been changed from Chuck Yalowitz, to Charles I. Yalowitz.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

The application is being referred to Technology Center Art Unit 2913 for examination in the normal course of business.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232. All other inquiries should be directed to the applicable Office.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

Enclosure: Corrected Filing Receipt

CC: MICHAEL HAYNES PLC
1341 HUNTERSFIELD CLOSE
KESWICK, VA 22947

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
29/292,018	09/25/2007	2913	560	2007M17504US (1009-201)	1	1

CONFIRMATION NO. 3823

CORRECTED FILING RECEIPT

28524
SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

Date Mailed: 08/01/2008

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)

Norbert Lindner, Johnson City, TN;
Charles I. Yalowitz, Johnson City, TN;
Ned Cox, Gray, TN;
Gunter Ott, Erlangen, GERMANY;
Jan Anderson, Erlangen, GERMANY;

Power of Attorney: The patent practitioners associated with Customer Number 28524

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 10/12/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 29/292,018**

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

Title

Programmable logic controller system module

Preliminary Class

D14

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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NOT GRANTED

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JUL 24 2008

OFFICE OF PETITIONS

In re Application of :
LINDNER et al. :
Application No. 29/292,019 : DECISION ON PETITION
Filed: 09/25/2007 :
Attorney Docket No. 2007M19918US :
(1009-326) :

This is a decision on the petition under 37 CFR 1.182 filed May 2, 2008, to correct the name of the second named inventor from "Chuck Yalowitz" to – Charles I. Yalowitz --.

The petition is **GRANTED**.

The Office has updated its records to reflect the correction of the above-named inventor. A corrected Filing Receipt, which sets forth the correction of the above-named inventor, accompanies this decision on petition.

The Office acknowledges receipt of the $400.00 fee for the petition under 37 CFR 1.182 and the newly executed Declaration and Power of Attorney.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3211.

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
29/292,019	09/25/2007	2911	560	2007M19918US (1009-326)	1	1

CONFIRMATION NO. 3831

CORRECTED FILING RECEIPT

28524
SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

OC000000031155835

Date Mailed: 07/23/2008

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)

Norbert Lindner, Johnson City, TN;
Charles I. Yalowitz, Johnson City, TN;
Ned Cox, Gray, TN;
Gunter Ott, Erlangen, GERMANY;
Jan Andersson, Erlangen, GERMANY;

Power of Attorney: The patent practitioners associated with Customer Number 28524

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 10/12/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 29/292,019**

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

Title

Programmabel logic controller system module

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.

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NOT GRANTED

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Alexandria, VA 22313-1450
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ALLAN M. SHAPIRO
#202
18401 BURBANK BLVD.
TARZANA CA 91356

MAILED

MAR 25 2009

OFFICE OF PETITIONS

In re Application of
Hideki Okuda
Application No. 29/292,044
Filed: September 25, 2007
Attorney Docket No. 29/292,044

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 9, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the issue fee and terminal disclaimer/fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance mailed February 8, 2008, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to the Office of Data Management to be processed into a patent.

Karen Creasy
Petitions Examiner
Office of Petitions

OIPE
NOV 0 8 2007
PATENT & TRADEMARK OFFICE

PTO/SB/27 (04-07)
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	29/292,218
Filing Date	October 2, 2007
First Named Inventor	LIOW, Tian Kong
Title	SHOE
Atty Docket Number	07-19766

ADDRESS TO:

MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved
Jasemine C. Chambers
Jasemine Chambers
TC 2900 Director

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 923, 926, 969; Class 36, Subclass 50.1

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.

11/08/2007 MGEBREH1 00000004 29292218
01 FC:1802 980.00 OP

Signature

11-5-07
Date

Daniel M. Cislo, Esq.
Typed or printed name

32,973
Registration Number, if applicable

(310) 451-0647
Telephone Number

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.155. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI OH 45202

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OFFICE OF PETITIONS

In re Application of

Floyd, et al.

Application No. 29/292,233

Filed: October 3, 2007

Attorney Docket No. D1262

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed August 31, 2009.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

This application was held abandoned on January 7, 2009, after it was believed that no response was received to the non-final Office action mailed October 6, 2008. The notice allowed a shortened statutory period for reply of three (3) months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A Notice of Abandonment was mailed on July 21, 2009, indicating that a reply to the notice was not received.

A review of the application file record did reveal that a response to the non-final Office action was filed on January 6, 2009, in the form of a terminal disclaimer. Based on the aforementioned, it appears that the application was improperly held abandoned as a response was received prior to expiration of the shortened statutory period for reply. The holding of abandonment is withdrawn, accordingly.

The application file is being forwarded Technology Center 2900, GAU 2912, for further processing, including processing of the response to the non-final Office action which was filed January 6, 2009.

Further inquires regarding this decision may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/292,245	10/04/2007	Maria Krautner		6909

7590 11/08/2007

MARIA KRAUTNER
1208 ROCKLEDGE LN. #6
WALNUT CREEK, CA 94595

EXAMINER	
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.

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

11-8-07

wk

In re Application of :
Maria Karautner :
Serial Number: 29/292,245 : DECISION
Filed: October 4, 2007 : ON
For: Glove With "U" Shaped Elastic Insert : PETITION

This is in response to the request filed October 4, 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 paid the fee for expedited examination as set forth in 37 CFR 1.17(k) and an information disclosure statement in compliance with 37 CFR 1.98 .

The Request is **Denied**.

Jacqueline M. Stone /MK

Jacqueline Stone, Director
Technology Center 2900
Designs

MARIA KRAUTNER
1208 ROCKLEDGE LN. #6
WALNUT CREEK CA 94595

UNITED STATES PATENT AND TRADEMARK OFFICE

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THE GOODYEAR TIRE & RUBBER COMPANY
INTELLECTUAL PROPERTY DEPARTMENT 823
1144 EAST MARKET STREET
AKRON, OH 44316-0001

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OFFICE OF PETITIONS

In re Application of	:	
Keita Nakano	:	
Application No. 29/292,298	:	DECISION ON PETITION
Filed: October 8, 2007	:	
Attorney Docket No. DN2007111	:	

This is a decision on the petition under 37 CFR 1.53(e) filed December 7, 2007, requesting that the above-identified application be accorded a filing date of October 8, 2007.

The application was filed on October 8, 2007. However, on November 13, 2007, the Office of Patent Application Processing mailed a "Notice of Incomplete Nonprovisional Application" notifying applicant that the application papers had not been accorded a filing date, because the application was deposited without a specification, at least one claim and without drawings.

In response, petitioner filed the instant petition along with the petition fee of $400.

Petitioner asserts that the application as deposited with the USPTO was complete with a specification and four (4) sheets of drawings. In support, petitioner submits a copy of a date-stamped postcard receipt, which shows that the application was deposited on October 8 2007, with a cover sheet, a one page specification, an information disclosure statement (IDS) and four pages of drawings.

A review of the application file discloses that no specification and drawings were received by the Office. On the other hand, a postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503. Therefore, the evidence is convincing that the application as filed on October 8, 2007 included a specification and four sheets of drawings. Thus, the above application is entitled to a filing date of October 8, 2007.

In view of the above, the petition is **GRANTED**.

The petition fee of $400 is being credited to petitioner's deposit account.

This application file is being referred to the Office of Patent Application Processing for further **processing with a filing date of October 8, 2007**, using the copy of the specification and drawings supplied on December 7, 2007.

Telephone inquiries concerning this matter may be directed to Andrea Smith at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

David Bucci
Petitions Examiner

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LADAS & PARRY LLP
26 WEST 61ST STREET
NEW YORK NY 10023

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OFFICE OF PETITIONS

In re Application of :
Park, et al. :
Application No. 29/292,319 : ON PETITION
Filed: October 5, 2007 :
Atty. Docket No. UD-051835-4 :

This is a decision on the "Petition in Response to Notice of Incomplete Non-Provisional Application of May 29, 2009" filed on July 1, 2009, which are being treated as a petition requesting that the above-identified application be accorded a filing date of October 5, 2007.[1]

The petition is **GRANTED**.

On October 5, 2007 the application was deposited. The filing included, *inter alia*, a transmittal letter, a declaration, a document titled, "Specification and Claim of Design Application", seven (7) sheets of drawing, and payment of the design application filing fee.

On May 29, 2008, the Office of Patent Application Processing mailed a Notice of Incomplete Nonprovisional Application, stating that the specification did not include at least one claim. The filing date for the application would be the date that a complete specification in compliance with 35 U.S.C. § 112, and a claim in compliance with 35 U.S.C. § 112 was received.

On July 1, 2009, the present paper was filed, accompanied by a preliminary amendment.

It is noted that the application papers deposited on October 5, 2007, included a transmittal letter referring to the application by title and stating that the application contains seven (7) drawings sheets and a declaration in which the inventors state

[1] See MPEP 506.

> "…I believe if am the original, first and joint inventor … of the subject matter which is claimed and for which a patent is sought on the invention entitled: MOBILE PHONE the specification of which is attached hereto."

A formal claim was not included with the application when it was deposited. However, since this is a design application, the transmittal letter (as referred to above) and the above-quoted language in the declaration can be construed as the claim, respectively, required by 35 U.S.C. § 112 insofar as this design application is concerned. The form of a claim in a design application is fixed by rule and is accordingly different from the claims of other applications. Accordingly, since this is a design application and since the claim language quoted above does appear at the conclusion, or end, of the specification, there is no statutory prohibition against construing this language as the statutory required claim. It is also clear that there has been, and is, no doubt as to the form of, and what is to be claimed herein since this is a design application for which the form of the claim is set by 37 CFR 1.153.

Under the circumstances, it is appropriate that the transmittal letter and the language quoted above from the declaration be construed as the claim, respectively for purposes of according this application a filing date of October 5, 2007.

In view of the above, the petition is granted.

The preliminary amendment will be entered in due course, and must be considered by the examiner for entry of new matter not described in the application as filed.[2]

The application is being referred to the Office of Patent Application Processing for further processing with a filing date of October 5, 2007, using the application papers filed on that date.

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[2] 35 U.S.C. § 112, first paragraph; 35 U.S.C. § 132

Telephone 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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Alexandria, VA 22313-1450
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500N AKARD STREET
DALLAS TX 75201

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In re Application of	:	
Brett CURTIN	:	
Application No. 29/292,355	:	DECISION ON PETITION
Filed: October 10, 2007	:	
Attorney Docket No. 5916.73-1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 08, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to correct drawings request in a timely manner in reply to the Notice of Allowability, mailed April 03, 2008, which set a period for reply of three (3) months. Accordingly, this application became abandoned on July 04, 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.

Since the above-identified application is a design application, a terminal disclaimer is required indicating to the public a terminal part of the term of any patent granted on the application or any patent granted on any continuing application that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the application. The period to be disclaimed will be a terminal part of the patent to be granted equivalent to the period of abandonment. The period of abandonment will be computed to be the number of months from the date of abandonment to the date of filing a grantable petition. A terminal disclaimer fee of $130 ($65 if small entity) is required. If the terminal disclaimer is signed by an assignee, the assignee must comply with the requirements of 37 CFR 3.73(b).

Further correspondence with respect to this matter should be addressed as follows:

By Mail:
Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand:
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to the undersigne at (571) 272-4231.

Michelle R. Eason
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

BRACEWELL & GIULIANI LLP
P.O. BOX 61389
HOUSTON TX 77208-1389

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OFFICE OF PETITIONS

In re Application of :
Brett CURTIN :
Application No. 29/292,355 : DECISION ON PETITION
Filed: October 10, 2007 :
Attorney Docket No. 019805-000053 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed December 02, 2008, to revive the above-identified design application.

The petition is **GRANTED**.

The application became abandoned for failure to submit formal drawings in a timely manner in reply to the Notice of Allowability, mailed April 03, 2008, which set a period for reply of three (3) months. Accordingly, this application became abandoned on July 04, 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 April 03, 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 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ROY, KIESEL, KEEGAN & DENICOLA
2355 DRUSILLA LANE
BATON ROUGE LA 70509

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OFFICE OF PETITIONS

In re Application of :
Dickerson-Faust :
Application No. 29/292,376 : DECISION ON PETITION
Filed: October 10, 2007 :
Attorney Docket No. 11211.003 :

This is a decision on the petition under 37 CFR 1.137(b), filed June 5, 2009, to revive the above-identified design application.

The petition is **Dismissed**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. §704.

The application became abandoned for failure to timely submit corrected drawings on or before April 12, 2009, as required by the Notice of Allowability, mailed January 12, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on April 13, 2009. A Notice of Abandonment was mailed on May 8, 2009.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional"; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). A terminal disclaimer and the $70 terminal disclaimer fee is required under 37 CFR 1.137(c) if the application is: (1) a design application, (2) a utility application filed before June 8, 1995, or (3) a plant application filed before June 8, 1995. Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03 (c)(III)(c) and (D).

As to item (4), a terminal disclaimer and terminal disclaimer fee is required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450

	Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By delivery service: (FedEx, UPS, DHL, etc.)	U.S. Patent and Trademark Office Customer Service Window, Randolph Building 401 Dulany Street Alexandria, VA 22314

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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2355 DRUSILLA LANE
BATON ROUGE LA 70509

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NOV 10 2009

OFFICE OF PETITIONS

In re Application of
Dickerson-Faust
Application No. 29/292,376
Filed: October 10, 2007
Attorney Docket No. 11211.003

DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed August 31, 2009, to revive the above-identified design application.

The petition is **GRANTED**.

The application became abandoned for failure to timely submit corrected drawings on or before April 12, 2009, as required by the Notice of Allowability, mailed January 12, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on April 13, 2009. A Notice of Abandonment was mailed on May 8, 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 $430 issue fee, (2) the petition fee of $810, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to timely submit a new declaration as required by the Notice of Allowability is accepted as being unintentionally delayed.

The terminal disclaimer is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

This application is being referred to the Office of Data Management for further processing in accordance with this decision on petition.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20100614

DATE : June 14, 2010

TO SPE OF : ART UNIT 2916

SUBJECT : Request for Certificate of Correction on Patent No.: D597057

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

/Ian Simmons/
Supervisory Patent Examiner.Art Unit 2916

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20100614

DATE : June 14, 2010

TO SPE OF : ART UNIT 2916

SUBJECT : Request for Certificate of Correction on Patent No.: D597058

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

/Ian Simmons/
Supervisory Patent Examiner.Art Unit 2916

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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Jeffrey R. Russell
121 Landmark Drive
Greensboro NC 27409

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OCT 2 4 2008

OFFICE OF PETITIONS

In re Application of :
Brockington et al. :
Application No. 29/292,591 : ON PETITION
Filed: October 18, 2007 :

This is in response to the petition to withdraw the holding of abandonment, filed August 7, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be submitted within two (2) months from the mail date of this decision and be entitled "Renewed Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181." *See* 37 CFR 1.181(f).

On November 9, 2007, the Office mailed a Notice to File Missing Parts of a Nonprovisional Application (Notice), which set a two month shortened statutory period to reply. The application became abandoned on January 10, 2008, for failure to submit a timely response to the Notice. On July 15, 2008, the Office mailed a Notice of Abandonment.

In the present petition, petitioner requests that the Office withdraw the holding of abandonment since the applicants failed to recognize the Notice mailed to them and did not file the required reply.

DISCUSSION OF PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

Where an applicant contends that the application is not in fact abandoned (e.g., there is disagreement as to the sufficiency of the reply, or as to controlling dates), a petition under 37 CFR 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action, and such petition does not require a fee. See the Manual of Patent Examining Procedure (MPEP) 711.03(c)(I). Such a petition may be granted where the petition provides sufficient evidence to establish that either the Office action, such as the Notice mailed November 9, 2007, was not received or a reply to the office action was mailed or filed by the applicants.

In this case, the petition indicates that the Notice was received and a reply was not filed since the applicants failed to recognize the Notice attached to the filing receipt mailed November 9, 2007.

As the Notice was received and a reply was not filed, the abandonment cannot be withdrawn under 37 CFR 1.181. Also, the $5.00 fee and omitted Figure 10 required by the Notice have not yet been filed and must be filed in reply to the Notice in addition to any future petition related to abandonment.

ALTERNATIVE VENUE

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment), a petition under 37 CFR 1.137 (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. See the MPEP 711.03(c)(I).

Petitioner is encouraged to consider filing a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application instead of filing a renewed petition under 37 CFR 1.181 or a petition under 37 CFR 1.137(a).

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;

(2) The petition fee as set forth in 37 CFR 1.17(m) (currently **$810.00** for a small entity);

(3) A terminal disclaimer with fee (currently **$70.00** for a small entity), which is required for all design applications and can be completed using the enclosed petition form (PTO/SB/63); and

(4) A 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.

A form for filing a petition to revive an unintentionally abandoned application accompanies this decision for petitioner's convenience. If petitioner desires to file a petition under 37 CFR 1.137(b) instead of filing a request for reconsideration, petitioner must complete the enclosed petition form (PTO/SB/64) and pay the $810.00 petition fee.

Petitioner may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application. Additionally, petitioner is encouraged to contact the Inventors Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents

P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to Christopher Bottorff at (571) 272-6692.

Christopher Bottorff
Petitions Examiner
Office of Petitions

Enclosures: Form PTO/SB/63, Terminal Disclaimer to Accompany Petition, and Form PTO/SB/64, Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b).

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.

PTO/SB/64 (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 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.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Jeffrey R. Russell
121 Landmark Drive
Greensboro NC 27409

COPY MAILED

JAN 2 8 2009

OFFICE OF PETITIONS

In re Application of :
Brockington et al. :
Application No. 29/292,591 : DECISION ON PETITION
Filed: October 18, 2007 :

This is a decision on the petition under 37 CFR 1.137(b), filed December 5, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed November 9, 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 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(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. *See* MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (1) above.

The amendment and fees submitted with the present petition have been received. However, since the original Notice was mailed on November 9, 2007, the statutory basic filing fee has increased from $105.00 to $110.00. The additional $5.00 must be submitted to complete the reply requirement, and such fee must be submitted within the two month (extendable) period discussed above.

Also, 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 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) 272-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Christopher Bottorff at (571) 272-6692.

Christopher Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Jeffrey R. Russell
121 Landmark Drive
Greensboro NC 27409

MAILED

MAR 27 2009

OFFICE OF PETITIONS

In re Application of
Brockington et al.
Application No. 29/292,591
Filed: October 18, 2007

: DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed February 25, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed November 9, 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 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 an amendment regarding Figure 10 and required fees; (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).

Any questions concerning this matter may be directed to Christopher Bottorff at (571) 272-6692.

This application is being referred to the Office Patent Application Processing.

Christopher Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Howard IP Law Group
P.O. Box 226
Fort Washington PA 19034

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JUL 17 2008

OFFICE OF PETITIONS

In re Application of
Richard E. Feinbloom et al.
Application No. 29/292,604
Filed: October 18, 2007
Attorney Docket No. DVI-45

DECISION ON PETITION
TO WITHFRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR 1.36(b) filed February 29, 2008.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Joseph Carvalko, Edward Howard, Mitesh Mehta and Robert Rosenthal has been revoked by the applicant of the patent application on July 15, 2008. Accordingly, the request to withdraw under 37 CFR 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 inquiries concerning this decision should be directed to Carl Friedman at 571-272-6842.

Carl Friedman
Petitions Examiner
Office of Petitions

Cc: THE PLEVY LAW FIRM
10 RUTGERS PLACE
TRENTON, NJ 08618

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
29/292,604	10/18/2007	Richard E. Feinbloom	DVI-45

CONFIRMATION NO. 7841

POWER OF ATTORNEY NOTICE

45722
Howard IP Law Group
P.O. Box 226
Fort Washington, PA 19034

OC000000031012242

Date Mailed: 07/16/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/25/2008.

- The Power of Attorney to you in this application has been revoked by the applicant. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/cdfriedman/

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

Howard IP Law Group
P.O. Box 226
Fort Washington, PA 19034

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JAN 21 2009

In re Application of :
Steven Petrucelli :
Application No. 29/292,790 : ON PETITION
Filed: October 26, 2007 :
Attorney Docket No. ML-373 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 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 timely pay the issue fee on or before October 1, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed July 1, 2008, 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 October 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) (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 large 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Howard IP Law Group
P.O. Box 226
Fort Washington, PA 19034

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MAR 12 2009

OFFICE OF PETITIONS

In re Application of :
Steven Petrucelli :
Application No. 29/292,790 : ON PETITION
Filed: October 26, 2007 :
Attorney Docket No. ML-373 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed January 29, 2009, to revive the above-identified application.

The petition is **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 October 1, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed July 1, 2008, 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 October 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) (4).

The terminal disclaimer filed with the instant petition lacks the assignee's name on the terminal disclaimer form. Therefore, the terminal disclaimer is not accepted and will not be entered. Petitioner must submit a proper terminal disclaimer before that instant petition can be granted. 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

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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P.O. Box 226
Fort Washington PA 19034

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JUN 2 2 2009

OFFICE OF PETITIONS

In re Application of :
Steven Petrucelli :
Application No. 29/292,790 : DECISION ON PETITION
Filed: October 26, 2007 :
Attorney Docket No. ML-373 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 30, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before October 1, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed July 1, 2008. Accordingly, the date of abandonment of this application is October 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 $860, (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to timely pay the issue fee as required by the Notice of Allowance is accepted as being unintentionally delayed.

The terminal disclaimer is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

Petitioner was charged $70 for the payment for processing the terminal disclaimer. However, petitioner is a large entity and the fee for processing a terminal disclaimer is $140. Therefore, as authorized, the remaining balance of $70 will be charged to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571)272-4584.

This application is being referred to the Office of Data Management to be processed into a patent.

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

ZUBER & TAILLIEU LLP
10866 WILSHIRE BLVD., SUITE 300
LOS ANGELES CA 90024

MAILED

JUN 19 2009

OFFICE OF PETITIONS

In re Application of	:	
Hubert Jyh-Ren Yen	:	
Application No. 29/292,797	:	DECISION ON PETITION
Filed: October 26, 2007	:	
Attorney Docket No. 0928-1007	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 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 items (1) and (4).

With respect to item (1), petitioner has submitted a total of $800.00 towards the required issue fee of $860.00, thus creating a $60.00 shortage.

With respect to item (4), since the instant application is a design application, a terminal disclaimer and fee are required by 37 CFR 1.137(b) for revival.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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10866 WILSHIRE BLVD., SUITE 300
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SEP 10 2009

OFFICE OF PETITIONS

In re Application of	:	
Hubert Jyh-Ren Yen	:	
Application No. 29/292,797	:	DECISION ON PETITION
Filed: October 26, 2007	:	
Attorney Docket No. 0928-1007	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed June 25, 2009 and June 26, 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 April 15, 2009, as required by the Notice of Allowance and Fee(s) Due mailed January 15, 2009. Accordingly, the date of abandonment of this application is April 16, 2009. A Notice of Abandonment was mailed May 13, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of 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.

Petitioner has submitted a statement claiming small entity status that has been accepted and made of record. Additionally, this change in status has created an overage of $380.00 that will be refunded via treasury check in due course.

The request for a terminal disclaimer is accepted and has been made of record.

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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SEP 10 2009

OFFICE OF PETITIONS

In re Application of	:	
Hubert Jyh-Ren Yen	:	
Application No. 29/292,797	:	DECISION ON PETITION
Filed: October 26, 2007	:	
Attorney Docket No. 0928-1007	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed June 25, 2009 and June 26, 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 April 15, 2009, as required by the Notice of Allowance and Fee(s) Due mailed January 15, 2009. Accordingly, the date of abandonment of this application is April 16, 2009. A Notice of Abandonment was mailed May 13, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of 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.

Petitioner has submitted a statement claiming small entity status that has been accepted and made of record. Additionally, this change in status has created an overage of $380.00 that will be refunded via treasury check in due course.

The request for a terminal disclaimer is accepted and has been made of record.

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

UNITED STATES PATENT AND TRADEMARK OFFICE
Certificate

Patent No. D. 581,753 S — Patented: December 2, 2008

On petition requesting issuance of a certificate for correction of inventorship pursuant to 35 U.S.C. 256, it has been found that the above identified patent, through error and without any deceptive intent, improperly sets forth the inventorship.

Accordingly, it is hereby certified that the correct inventorship of this patent is: David Harris, Rio Oso, CA (US); and Charles W. Paddock, Partridge Walk, NY (US).

Signed and Sealed this Twenty-first day of April 2009.

ROBERT M. SPEAR
Supervisory Patent Examiner
Art Unit 2915

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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APR 22 2010

OFFICE OF PETITIONS

BROOKSTONE/GTPP
55 SOUTH COMMERCIAL STREET
MANCHESTER, NH 03101

In re Application of
Danny Luo, et al.
Application No. 29/292,910
Filed: October 31, 2007
Attorney Docket No.: 33964/2540

ON PETITION

This is a decision in response to the petition, filed January 28, 2010, 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 December 22, 2009, as required by the Notice of Allowance and Fee(s) Due mailed September 22, 2009. A Notice of Abandonment was mailed January 5, 2010. On January 28, 2010, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the issue fee of $860, (2) the petition fee of $1,620, (3) an adequate statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d).

The terminal disclaimer filed January 28, 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 for further processing.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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OWEN J. BATES
1143 BEACONSFIELD ROAD
SAN JOSE, CA 95121

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In re Application of
Christopher Mann
Application No. 29/292,945
Filed: November 3, 2007
Attorney Docket No. CM-D01

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 1, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the required fees; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice To File Missing Parts Of Nonprovisional Application mailed December 11, 2007, is accepted as having been unintentionally delayed.

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 $820.00 extension of time fee submitted with the petition on October 1, 2008 was subsequent to the maximum extendable period for reply, this fee is unnecessary. Petitioner may request a refund of the extension fee by writing to the Office of Finance Refund section. A copy of this decision should accompany the request.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

Karen Creasy
Petitions Examiner
Office of Petitions

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MY LAW DADDY, LLC
ATTN: HANS J. CROSBY
SUITE 225
1521 ALTON ROAD
MIAMI BEACH, FL 33139

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MAY 11 2009

OFFICE OF PETITIONS

In re Application of :
Harry P. Kirschmann :
Application No. 29/293,028 : DECISION ON PETITION
Filed: November 8, 2007 : TO WITHDRAW
Attorney Docket No. HPK-0001 : 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 1, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to My Law Daddy, LLC has been revoked by the applicant of the patent application on July 14, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to 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.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: HARRY P. KIRSCHMANN
5529 SOUTHMINSTER LANE
CHARLOTTE, NC 28216-9609

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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WARNER NORCROSS & JUDD LLP
900 FIFTH THIRD CENTER
111 LYON STREET, N.W.
GRAND RAPIDS MI 49503-2487

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OFFICE OF PETITIONS

In re Application of	:	
Matis et al.	:	
Application No. 29/293,082	:	ON PETITION
Filed: 11/07/2007	:	
Attorney Docket No.	:	
001621.123790	:	

This is a decision on the "PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 C.F.R. 1.181(a)," filed on January 29, 2009.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 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 to withdraw the holding of abandonment."

This application became abandoned on December 25, 2008, for failure to properly reply to the Notice of Allowability for A Design Application mailed on September 24, 2008, which set a three (3) month statutory period for reply. In January 22, 2009, Notice of Abandonment was mailed, stating that the application had become abandoned for failure to timely submit corrected drawings in response to the Notice mailed on September 24, 2008.

Petitioners argue that the holding of abandonment should be withdrawn because corrected drawings were not required in the application. Specifically, petitioner asserts that the requirement for drawings was in error, as the Notice also stated that the drawings filed on November 7, 2007, had been accepted by the Examiner.

Petitioners' arguments have been considered, but are not persuasive.

37 CFR 1.2 states that all business with the Patent and Trademark Office should be transacted in writing. 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.

37 CFR 1.135(b) states that prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require.

Petitioner was required to respond to the drawings requirement in writing, but failed so to do. Petitioner's assertion that the requirement for corrected drawings was made in error notwithstanding, petitioner was still required to file a reply. Simply put, petitioner's failure to respond in writing to the requirement for corrected drawings constitutes a failure to file a proper reply within the meaning of 37 CFR 1.135(b).

In view of the above, the application was properly held abandoned.

Under the circumstances of this case, it is suggested that petitioners file a petition under 37 CFR 1.137(a), accompanied by the petition fee, terminal disclaimer, and terminal disclaimer fee. A copy of the petition form and terminal disclaimer form are enclosed.

Further correspondence with respect to this matter should be addressed as follows:

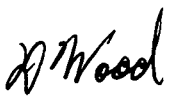
By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street

Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl:

PTO/SB/61
PTO/SB/63

UNITED STATES PATENT AND TRADEMARK OFFICE

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DIW May-09

WARNER NORCROSS & JUDD LLP
900 FIFTH THIRD CENTER
111 LYON STREET, N.W.
GRAND RAPIDS MI 49503-2487

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MAY 07 2009

OFFICE OF PETITIONS

In re Application of	:	
Matis et al.	:	
Application No. 29/293,082	:	ON PETITION
Filed: 11/07/2007	:	
Attorney Docket No.	:	
001621.123790	:	

This is a decision on the petition under 37 CFR 1.137(a),[1] filed on April 1, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on December 25, 2008, for failure to properly reply to the Notice of Allowability for A Design Application mailed on September 24, 2008, which set a three (3) month statutory period for reply. In January 22, 2009, Notice of Abandonment was mailed, stating that the application had become abandoned for failure to timely submit corrected drawings in response to the Notice mailed on September 24, 2008. The petition to withdraw the holding of abandonment filed on January 29, 2009, was dismissed on March 3, 2009.

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[1] A grantable petition under 37 CFR 1.137(a) must be accompanied by:

(1) the required reply, unless previously filed; In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. 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 application has been restored to pending status.

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.

Receipt of the corrected drawings filed with the subject petition is acknowledged.

The application is being forwarded to the Office of Data Management for processing into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

Douglas I. Wood
Senior Petitions Examiner
Office of Petitions

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GRAND RAPIDS, MI 49503-2487

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OFFICE OF PETITIONS

In re Application of Banik et al. :
Application No. 29/293,111 : Decision on Petition
Filing Date: November 7, 2007 :
Attorney Docket No. 001621.124221-0001 :

This is a decision in response to the petition filed January 10, 2008, requesting, in effect, that a drawing sheet containing Figures 5 and 6 filed on January 10, 2008, be entered as part of the original disclosure.

The petition is **granted**.

The application was filed November 7, 2007.

The Office of Initial Patent Examination mailed a "Notice of Omitted Item(s)" on December 11, 2007. The Notice stated Figures 5 and 6 referenced in the specification did not appear to be part of the application as filed.

In response, the present petition was filed. Petitioner alleges Figures 5 and 6 were filed with the original application.

The USPTO file for this application includes only three sheets of drawings filed November 7, 2007. The three sheets contain drawing Figures 1 to 4. The original application papers located in the file do not include the drawing sheet containing Figures 5 and 6, petitioner alleges were filed with the original application. However, petitioner has submitted a postcard receipt acknowledging receipt of four sheets of drawings on November 7, 2007.[1] Therefore, the Office is persuaded the drawing sheet containing Figures 5 and 6 was part of the originally filed application but was later misplaced by the Office.

The Notice mailed December 11, 2007, was sent in error and is hereby vacated.

[1] Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self addressed post card properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the post card in the outgoing mail. "A post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." M.P.E.P. § 503.

A refund of the $400 petition fee has been scheduled.

The Office of Patent Application Processing will be informed of the instant decision and will process the application with a filing date of November 7, 2007, using the application papers filed November 7, 2007, and the drawing sheet containing Figures 5 and 6 filed on January 10, 2008.

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 (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	Filed herewith 29/293,146
Filing Date	Filed herewith
First Named Inventor	LIOW, Tian Kong
Title	SHOE
Atty Docket Number	07-20193

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 923, 926, 969; Class 36, Subclass 50.1

Approved
Jacqueline M. Stone, Director
Technology Center 1700/2900

Related applications:

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:

- Formal drawings (see 37 CFR 1.84).
- The fee set forth in 37 CFR 1.17(k).
- An information disclosure statement in compliance with 37 CFR 1.98.

Signature

11-5-07
Date

Daniel M. Cislo, Esq.
Typed or printed name

32,973
Registration Number, if applicable

(310) 451-0647
Telephone Number

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.155. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

11/09/2007 SSITHIB1 00000066 29293146
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United States Patent and Trademark Office
P.O. Box 1450
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STUART WHITTINGTON, ESQ.
7037 E. MONTE CIRCLE
MESA AZ 85209

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APR 27 2009

OFFICE OF PETITIONS

In re Application of :
Robert Gerald Kushner :
Application No. 29/293,190 : ON PETITION
Filed: November 10, 2007 :
Attorney Docket No. PCI-07-008 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 19, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned for failure to timely pay the issue fee on or before December 11, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed September 11, 2008. Accordingly, the date of abandonment of this application is December 12, 2009. The Notice of Abandonment was mailed January 6, 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(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

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401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to Terri Williams at (571) 272-2991.

Chris Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

STUART WHITTINGTON, ESQ.
7037 E. MONTE CIRCLE
MESA AZ 85209

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JUL 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Robert Gerald Kushner	:	
Application No. 29/293,190	:	ON PETITION
Filed: November 10, 2007	:	
Attorney Docket No. PCI-07-008	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed May 15, 2009, to revive the above-identified design application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee on or before December 8, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed September 11, 2008. Accordingly, the date of abandonment of this application is December 9, 2008. The Notice of Abandonment was mailed January 6, 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) terminal disclaimer and fee set forth in 37 CFR 1.20(d); and (4) a proper statement of unintentional delay.

The terminal disclaimer is accepted and has been made of record.

Telephone inquiries concerning this decision should be directed to Terri Williams at (571) 272-2991.

This application is being referred to the Office of Data Management for processing into a patent.

Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

THOMAS M. SPEAR, JR.
PO BOX 1274
BEND, OR 97709-1274

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DEC 29 2009

OFFICE OF PETITIONS

In re Application of	:	
Daniel Hunter Rey	:	
Application No. 29/293,219	:	DECISION ON PETITION
Filed: November 8, 2007	:	
Attorney Docket No. 54578	:	

This is a decision on the petition under 37 CFR 1.137(b), filed October 19, 2009, to revive the above-identified design 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. 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. All future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

The application became abandoned for failure to timely submit corrected drawings on or before July 1, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed April 1, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on July 2, 2009. A Notice of Abandonment was mailed on July 29, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected formal 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). Accordingly, the failure to timely file corrected formal drawings as required by the Notice of Allowability is accepted as being unintentionally delayed.

In view of the above, 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. 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.

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

Terence P. O'Brien
Precor Incorporated
c/o Amer Sports North America
8750 W. Bryn Mawr Avenue
Chicago IL 60631

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JUN 15 2009

OFFICE OF PETITIONS

In re Application of :
Horita, et al. :
Application No. 29/293,226 : DECISION ON PETITION
Filed: November 9, 2007 :
Attorney Docket No. P23022C :

This is a decision on the petition under 37 CFR 1.181 filed April 6, 2009 to withdraw the holding of abandonment. No fee is due in connection with this matter.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office communication mailed July 31, 2008. The Office communication indicated that "A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION." The Office communication indicated that extensions of time would be governed by 37 CFR 1.136(a). Notice of Abandonment was mailed March 11, 2009.

Petitioners have established, by virtue of a copy of a return postcard date stamped by the USPTO, that a response to the Office communication, including petition for extension of time, was timely filed October 31, 2008.

Review of Office records reveals that the response received at the USPTO on October 31, 2008 while intended for instant application referenced U.S. App. No. 29/292,226. As a result of applicants' error, the application was held abandoned.

Correspondence directed to the Patent and Trademark Office concerning a previously filed application for a patent must identify the application number and filing date assigned to that application by the Office. See, 37 CFR 1.5(a). In the above-referenced application, applicant failed to correctly identify the application by citing an incorrect application number in the response. The Office elects, in this instance, to treat applicant's error as a correctable minor error as permitted under MPEP 502. However, applicants are reminded that minor errors, such as occurred in the instant application, are to be avoided in the future by the careful review of correspondence prior to submission to the Office.

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status.

The copy of the reply supplied with the petition will be accepted in place of the reply shown to have been received by the USPTO on October 31, 2008.

This application is being referred to Technology Center AU 2915 for appropriate action in the normal course of business on the reply received with petition.

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

TY UNG
16830 VENTURA BLVD.
SUITE 360
ENCINO CA 91436

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SEP 15 2008

In re Application of :

DANIELI, Patricia :
Application No. 29/293,323 : DECISION ON PETITION
Filed: November 16, 2007 : TO WITHDRAW
Attorney Docket No. **22650-002** : 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 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 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 cannot be approved because there is no indication that the acts noted in the above-identified certifications have been performed.

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 Michelle R. Eason at 571-272- 4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **PATETL & ALUMIT PC**
16830 VENTURA BLVD
SUITE 360
ENCINO, CA 91436

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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HORST M. KASPER
13 FOREST DRIVE
WARREN NJ 07059

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NOV 0 6 2008

OFFICE OF PETITIONS

In re Application of :
Markus Munch et al :
Application No. 29/293,441 : ON PETITION
Filed: November 26, 2007 :
For: SIMPLE C-CONNECTOR :

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.

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

ATTACHMENT: Blank copy of Terminal Disclaimer Form PTO/SB/63

PTO/SB/63 (12-07)
Approved for use through 12/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to a collection of information unless it displays a valid OMB control number.

TERMINAL DISCLAIMER TO ACCOMPANY PETITION	Docket Number (Optional)

In re Application of:

Name:

Application Number:

Filed:

For:

The owner*, _____ of _____ percent interest in the above-identified application hereby disclaims a terminal part of the term of any patent granted the above-identified application equivalent to: (1) if the above-identified application is a design application, the period of abandonment of the above-identified application, and (2) if the above-identified application is a utility or plant application, the lesser of: (a) the period of abandonment of the application; or (b) the period extending beyond twenty years from the date on which the above-identified application was filed in the United States or, if the application contains a specific reference to an earlier filed application(s) under 35 U.S.C. 120, 121, or 365(c), from the date on which the earliest such application was filed. This disclaimer also applies to any patent granted on a utility or plant application filed before June 8, 1995, or a design application, that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the above-identified application. This disclaimer is binding upon the grantee, and its successors or assigns.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.
2. ☐ The undersigned is an attorney or agent of record. Registration Number_____.

_____ _____
Signature Date

_____ _____
Typed or Printed Name Telephone Number

☐ Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

* Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

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WARREN NJ 07059

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DEC 19 2008

OFFICE OF PETITIONS

In re Application of	:	
Markus Munch et al	:	
Application No. 29/293,441	:	DECISION ON PETITION
Filed: November 26, 2007	:	
Attorney Docket No. IWF212	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed November 14, 2008 and supplemented on December 1, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the issue fee and terminal disclaimer/fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance mailed March 11, 2008, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to the Office of Data Management to be processed into a patent.

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PLANTRONICS, INC.
IP DEPARTMENT/LEGAL
345 ENCINAL STREET
P.O. BOX 635
SANTA CRUZ CA 95060-0635

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FEB 1 0 2009

OFFICE OF PETITIONS

In re Application of :
Steve **SCHLANGEN**, et al. :
Application No. 29/293,459 : DECISION ON PETITION
Filed: November 7, 2007 : UNDER 37 CFR 1.137(b)
Attorney Docket No. **09-0001** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 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.

This application became abandoned for failure to submit corrected formal drawings on or before September 12, 2008 as required by the Notice of Allowance/Allowability mailed June 12, 2008. Accordingly, the date of abandonment of this application is September 13, 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) proper corrected formal drawings (application serial number was omitted) and (4) terminal disclaimer and fee as 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.

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.

for Brian W. Brown
Petitions Examiner
Office of Petitions

Attachment: PTO/SB/63 Terminal Disclaimer Form

PTO/SB/63 (01-09)
Approved for use through 02/28/2009. 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.

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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PLANTRONICS, INC.
IP DEPARTMENT/LEGAL
345 ENCINAL STREET
SANTA CRUZ, CA 95060-0635

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MAR 0 4 2009

OFFICE OF PETITIONS

In re Application of :
Steve **SCHLANGEN, et al.** :
Application No. 29/293,459 : DECISION ON PETITION
Filed: November 7, 2007 : UNDER 37 CFR 1.137(b)
Attorney Docket No. **09-0001** :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed February 19, 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 September 12, 2008, as required by the Notice of Allowance/Allowability mailed, June 12, 2008. Accordingly, the date of abandonment of this application is September 13, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings; (2) the petition fee of $1620, (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 February 19, 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 Office of Data Management for processing into a patent.

Brian W. Brown
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/23/2010

Applicant	: Massimo Nicolini	: DECISION ON REQUEST FOR
Patent Number	: D602727	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 29/293,538	: OF WYETH
Filed	: 11/30/2007	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A). Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154 (b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/23/2010

Applicant	: Massimo Nicolini	: DECISION ON REQUEST FOR
Patent Number	: D605454	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 29/293,540	: OF WYETH
Filed	: 11/30/2007	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A). Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154 (b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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

JAN 1 0 2008

In re Application of	:	
Mina F. Hassman	:	DECISION
Serial No.: 29/293,571	:	ON
Filed: November 30, 2007	:	PETITION
For: STUFFED TOY BIG FOOT	:	UNDER 708.02, VI

This is in response to the petition filed November 30, 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

OFFICE OF DATA MANAGEMENT

BSH HOME APPLIANCES CORP.
INTELLECTUAL PROPERTY DEPT.
100 BOSCH BOULEVARD
NEW BERN, NC 28562

SEP 0 3 2008

In re Application of
RIESER, FRANK
Application No. 29/293,632
Filed: December 4, 2007
Attorney Docket No. 2007M03486US

DECISION ON PETITION

This is a decision on the Request To Withdraw Holding Of Abandonment received in the United States Patent and Trademark Office (USPTO) August 6, 2008.

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 April 3, 2008 which set forth a three (3) month statutory period for reply. The Notice of Abandonment was mailed on July 3, 2008.

A review of the Office records indicates that the issue fee was timely received on June 26, 2008. The Notice of Abandonment was mailed in error.

The Office acknowledges receipt of the authorization to charge the deposit account in the amount of $820.00.

In view of the foregoing, the holding of abandonment for failure to timely pay the issue fee is hereby withdrawn and the application is restored to pending status.

Telephone inquires concerning this decision may be directed to the undersigned in the Office of Data Management at 703-305-9250 x 154.

Anita Greene
Application Assistance Unit
Office of Data Management

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)

46726 7590 04/03/2008

BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
100 BOSCH BOULEVARD
NEW BERN, NC 28562

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.

Russell W. Warnock	(Depositor's name)
	(Signature)
June 26, 2008	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/293,632	12/04/2007	Frank Rieser	2007M03486US	9231

TITLE OF INVENTION: GAS HOB

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$820	$0	$0	$820	07/03/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
CAVANNA, MARK	2914	D07-407000

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 Russell W. Warnock
2 James E. Howard
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: BSH Home Appliances Corporation

(B) RESIDENCE: (CITY and STATE OR COUNTRY): Huntington Beach CALIFORNIA USA

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 3

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 502786 (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 Russell W. Warnock Date June 26, 2008

Typed or printed name Russell W. Warnock Registration No. 32,860

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.

PAGE 2/2 * RCVD AT 6/26/2008 6:56:18 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/44 * DNIS:2732885 * CSID:912526397606 * DURATION (mm-ss):01-00

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Paper No.

NIKOLAI & MERSEREAU, P.A.
900 SECOND AVENUE SOUTH
SUITE 820
MINNEAPOLIS MN 55402

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JUN 18 2008

OFFICE OF PETITIONS

In re Application of :
Chung-Kun Chou : DECISION ON PETITION
Application No. 29/293,656 :
Filed: December 4, 2007 :
Atty Docket No. 0305003-05- :
USA-1 (2007074 :

This is a decision on the PETITION IN RESPONSE TO NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION filed January 14, 2008, requesting that the above-identified application be accorded a filing date of December 4, 2007.

The petition is GRANTED to the extent indicated herein.

Application papers in the above-identified application were deposited on December 4, 2007. However, on December 28, 2007, the Office mailed a NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION, notifying applicant that the application had not been accorded a filing date because the specification did not include at least one claim.

In response, applicant timely filed the instant petition. Applicant asserts that the application as filed included a claim and is entitled to the filing date of December 4, 2007. Applicant maintains that at best, the Examiner can object to the form of the claim as it now stands in the application at issue. However, the application cannot be refused a filing date.

Applicant's arguments have been considered, but not found entirely persuasive. The requirement for a claim in a design application is a requirement of the statute. Section 171 of title 35 of the United States Code makes section 112 applicable to design applications. Section 112 requires that the "specification shall conclude with one or more claims..." Thus, the requirement for a claim in a design application is not pro forma, but is a necessary part of a complete design application.

A review of the record confirms that the specification as deposited on December 4, 2007 did not conclude with one or more claims. However, the application papers deposited December 4, 2007, did include a declaration stating that the inventor believes himself to be

> "the original, first, and sole inventor . . . of the subject matter which is claimed and for which a patent is sought on the invention entitled CLIP the specification of which is attached hereto"

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, second paragraph, 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 claim required by statute. It is also clear that there has been, and is, no doubt as to the form of, and what is to be claimed herein since this is a design application for which the form of the claim is set by 37 CFR 1.153. Under the circumstances, it is appropriate that the language quoted above from the declaration be construed as the claim for filing date purposes.

Applicant is reminded that errors such as occurred herein can result in loss of rights and care must be taken to avoid such.

The petition is granted to the extent that the language cited in the declaration will be construed as a claim. Thus, the application is entitled to a filing date of December 4, 2007.

The request for refund of the petition fee is denied. The filing of the petition was not necessitated by any error on the part of the Office.

The application is being returned to the Office of Patent Application Processing for according of a filing date of December 4, 2007, using the application papers received on that date, and for issuance of a corrected filing receipt.

Applicant will receive appropriate notifications regarding the fees owed, if any, and other information in due course from the Office of Patent Application Processing.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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LUANN CSERR PATENTS & STRATEGIC COUNSELING
5 LINDEN DRIVE
PROVIDENCE, RI 02906-4824

MAILED

JAN 07 2010

OFFICE OF PETITIONS

In re Application of
Donald S. Richardson et al
Application No. 29/293,709
Filed: December 8, 2007
Attorney Docket No. DR-001DES

ON PETITION

This is a decision on the petition filed November 4, 2009 under 37 CFR 1.137(b), to revive the above-identified application.

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 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
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JENNIFER L. BALES
MOUNTAIN VIEW PLAZA
1520 EUCLID CIRCLE
LAFAYETTE, CO 80026-1250

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DEC 15 2008

In re Application of	:	
Gillan et al.	:	
Application No. 29/293,751	:	DECISION ON PETITION
Filed: December 11, 2007	:	
Attorney Docket No. O07.101	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 21, 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 replacement drawings on or before October 28, 2008, as required by the Notice of Allowance and Fee(s) Due mailed July 28, 2008. Accordingly, the application became abandoned on October 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 replacement drawings and the issue fee of $430; (2) the petition fee of $810; (3) an adequate statement of unintentional delay, and (4) a terminal disclaimer and fee of $70 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 processing into a patent.

/SDB/
Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CHARLOTTE JORST
SKAGEN DESIGNS, LTD.
640 MAESTRO DRIVE
SUITE 100
RENO NV 89511

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MAR 18 2010

In re Application of	:	
Charlotte Jorst et al	:	
Application No. 29/293,795	:	DECISION ON PETITION
Filed: December 13, 2007	:	
Attorney Docket No. 005	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 14, 2009 and supplemented on January 21, 2010, 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 August 7, 2009, 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.

/KOC/
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
www.uspto.gov

EDWARD P. DUTKIEWICZ
P.O. BOX 937
DADE CITY, FL 33526

COPY MAILED

JAN 0 8 2008

OFFICE OF PETITIONS

In re Application of :
KELLERMAN, James P. :
Application No. 29/293,804 : DECISION ON PETITION
Filed: December 12, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. **KE01/05-11/07** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 12, 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 inventor James P. Kellerman's driver's license, attesting to his age. Accordingly, the above-identified application will be accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Office of Patent Application Processing at 571-272-4000.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

The application is being forwarded to the office of Initial Patent Examination for processing. This application will be accorded "special" status when pre-examination processing is done.

Monica A. Graves
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

Attention: Thomas A. O'Rourke
Bodner & O'Rourke
425 Broadhollow Road
Melville, NY 11747

COPY MAILED
JAN 14 2009

In re Application of :
Luke Liang, et. al. :
Application No. 29/293,888 : DECISION ON PETITION
Filed: December 14, 2007 :
Attorney Docket No. N/A :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 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 reply in a timely manner to the Office action under Ex parte Quayle, 1935 Dec. Comm'r Pat. 11 (1935), mailed May 14, 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 July 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 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 of the term of any patent granted the application equivalent to the period of abandonment of the application, and must also apply to any patent granted on any application containing a specific reference under 35 U.S.C. 120, 121 or 365(c) to the application from which revival is sought. A Terminal Disclaimer to Accompany Petition form No. PTO/SB/63 is enclosed 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 Denise Williams at (571) 272-8930.

Andrea Smith
Petitions Examiner
Office of Petitions

Enclosure: Terminal Disclaimer to Accompany Petition (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

Attention: Thomas A. O'Rourke
Bodner & O'Rourke
425 Broadhollow Road
Melville, NY 11747

MAILED

MAR 06 2009

OFFICE OF PETITIONS

In re Application of	:	
Luke Liang, et. al.	:	
Application No. 29/293,888	:	DECISION ON PETITION
Filed: December 14, 2007	:	
Attorney Docket No. N/A	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed January 26, 2009, to revive the above-identified design 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 3 pages of replacement drawings (Figs 1-8), (2) the petition fee of $810, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to respond to the Office action under Ex parte Quayle, 1935 Dec. Comm'r Pat. 11 (1935), mailed May 14, 2008 is accepted as being unintentionally delayed.

The terminal disclaimer filed on January 26, 2009 is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

Telephone inquiries concerning this decision should be directed to Denise Williams at (571) 272-8930.

This application is being referred to Technology Center AU 2912 for further processing in accordance with this decision on petition.

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

Date : October 22, 2009

Patent No. :D596321
Inventor(s) :Si Chung NOH
Issued :July 14, 2009
Title :FLUORESCENT LAMP

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction.

Review of the application file has revealed the omission of the Foreign Priority data on the printed patent as a result of applicant's failure to fully comply with 35 U.S.C. 119, in that conditional requirements were not met. Applicant's attention is directed to MPEP 201.14(a), 37 CFR 1.17(i).

In view of the forgoing, applicant's request in this matter is hereby denied. 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

Finnegan, Henderson, Farabow,
Garrett & Dunner, L.L. P.
901 New York Avenue, N.W.
Washington, DC 20001-4413

/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

Kenneth Watov, Esq.
WATOV & KIPNES, P.C.
P.O. Box 247
Princeton Junction NJ 08550

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MAR 03 2008

In re Application of :
Wolfgang Jochum :
Application No. 29/293,912 : DECISION ON PETITION
Filed: December 18, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. 13441001DES : 37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 18, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement from the attorney of record declaring that the applicant is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2912 for action on the merits commensurate with this decision.

T. Williams

Terri Williams
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

KIMBERLY-CLARK WORLDWIDE, INC.
CATHERINE E. WOLF
401 NORTH LAKE STREET
NEENAH WI 54956

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NOV 0 3 2008

OFFICE OF PETITIONS

In re Application of	:	
Wydeven, Dean M.	:	
Application No. 29/293,980	:	ON PETITION
Filed: December 18, 2007	:	
Attorney Docket No. 64376067US02	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed October 22, 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 – Terminal Disclaimer

PTO/SB/63 (10-08)
Approved for use through 11/30/2008. 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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401 NORTH LAKE STREET
NEENAH WI 54956

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OFFICE OF PETITIONS

In re Application of	:	
Wydeven, Dean M.	:	
Application No. 29/293,980	:	ON PETITION
Filed: December 18, 2007	:	
Attorney Docket No. 64376067US02	:	

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed November 18, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition now satisfies all the requirements of 37 CFR 1.137(b) in that petitioner has supplied a terminal disclaimer and fee.

The $1620.00 petition fee was collected again with the renewed petition, which is unnecessary. Accordingly, the fee will be credited to petitioner's deposit account.

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

Design
Attorney's Docket No. 0045259-000002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of	**MAIL STOP: EXPEDITED DESIGN**
J. Steven COUDER	Group Art Unit: To Be Assigned
Application No.: 29/294,002 New Application	Examiner: To Be Assigned
Filed: December 21, 2007	Confirmation No.: To Be Assigned
For: TRACTION CONTROL DEVICE	

PETITION FOR EXPEDITED EXAMINATION UNDER 37 C.F.R. § 1.155 OF A DESIGN PATENT APPLICATION

Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a request for expedited examination under 37 CFR § 1.155 of the above-identified design application filed concurrently herewith.

A preexamination search was conducted. The field of search was as follows:

Class 36 Subclasses 7.1-7.5, 15, 59r, 62, 73, 112

The following items required by 37 CFR § 1.155 are enclosed:

Formal drawings in compliance with 37 CFR § 1.84;

An information disclosure statement in compliance with 37 CFR § 1.98;

The basic design application fee of $220.00 (small entity) set forth in 37 CFR § 1.16(f); and

The fee for expedited examination of $900.00 set forth in 37 CFR § 1.17(k).

In the event that the Patent Office determines that any additional fees are required or that an overpayment has been made, the Patent Office is authorized to charge/credit such fee to Deposit Account No. 02-4800.

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DAVIS WRIGHT TREMAINE LLP/Los Angeles
865 FIGUEROA STREET
SUITE 2400
LOS ANGELES CA 90017-2566

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SEP 0 8 2008

OFFICE OF PETITIONS

In re Application of

SAX, Steve et al.
Application No. 29/294,036
Filed: December 19, 2007
Attorney Docket No. **86982-2**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 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. 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, [no longer with firm], 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.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **PATEL & ALUMIT PC**
16830 VENTURE BLVD.
SUITE 360
ENCINO CA 91436

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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TY UNG
16830 VENTURA BLVD.
SUITE 360
ENCINO, CA 91436

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OFFICE OF PETITIONS

In re Application of :
SAX, Steve et al. :
Application No. 29/294,037 : DECISION ON PETITION
Filed: December 19, 2007 : TO WITHDRAW
Attorney Docket No. **23075-003** : 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 18, 2008.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Ty Ung has been revoked by the applicants of the patent application on May 22, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **DAVIS WRIGHT TREMAINE LLP/LOS ANGELES**
865 FIGUEROA STREET
SUITE 2400
LOS ANGELES CA 90017-2566

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FERRIS GLOVSKY & POPEO
ONE FINANCIAL CENTER
BOSTON MA 02111

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DEC 0 8 2008

OFFICE OF PETITIONS

In re Application of :
Matheny, et al. : DECISION ON PETITION
Application No. 29/294,042 :
Filed: 19 December, 2007 :
Attorney Docket No. 35960-505F01US

This is a decision on the petition filed on 18 August, 2008, under 37 C.F.R. §1.47.

The petition as considered under 37 C.F.R. §1.47(a) is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled: Request for Reconsideration of Petition Under 37 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).

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

A grantable petition under 37 CFR 1.47(a) requires: (1) petition and fee; (2) 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: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address.

Petitioner does not seem to have worked through the requirements of the petition, as set forth above, in satisfaction of those requirements. (*See* MPEP §409.03, and §409.03(a), et seq.)

In particular, Petitioner's attentions are directed to the requirements set forth in the OG Notice of 12 February, 2008, as to the requirements for an oath/declaration filed on or after 1 June, 2008, to state that Applicant acknowledges the duty to disclose information "material to patentability."

A new oath/declaration must be filed.

As to 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: description, claims and drawings): 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, and §409.03(a) and (e): "a *bona fide* attempt."

BACKGROUND

The record indicates:

The instant application was filed on 19 December, 2007, without, inter alia, a fully executed oath/declaration.

On 22 January, 2008, the Office mailed a Notice of Missing Parts indicating, inter alia, that a fully executed oath/declaration (signed and dated) was required.

On 18 August, 2008, Petitioner Brian P. Hopkins (Reg. No. 42,669) filed a request and fee for extension of time and a petition with, *inter alia*, an oath/declaration signed by Mr. Matheny for himself and on behalf of) but not the non-signing co-inventor Will Phillips (Mr. Phillips), and the statement of Petitioner and of Grant Tisdall (a practitioner in Canada who averred to have forwarded the entire application (description, claims, abstract, drawings) to Mr. Phillips). Mr. Mr. Tisdall averred that Phillips accepted the mailing, however, he has since failed and therefore constructively refused to sign/join in the oath/declaration.

However, as noted earlier, Petitioner's attentions are directed to the requirements set forth in the OG Notice of 12 February, 2008, as to the requirements for an oath/declaration filed on or after 1 June, 2008, to state that Applicant acknowledges the duty to disclose information "material to patentability." And that Petitioner nonetheless has submitted an oath/declaration that fails to so state, but rather uses the no-longer-accepted statement of "material to examination."

Thus, the oath/declaration submitted is not a proper oath/declaration.

Petitioner must resolve these matters on any renewed petition.

Petitioner should satisfy the requirements pursuant to the Rule and the guidance in the Commentary at MPEP §409.03, and §409.03(a) et seq., as well as pursuant to the OG Notice of 12 February, 2008.

Thus, the present incompleteness of the record makes granting of the instant petition inappropriate.

Petitioners always are reminded that for transmission by Email of any document to be accepted by the Office, written acknowledgment of receipt and readability will be required.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

The instant petition under 37 C.F.R. §1.47(a) is **dismissed**.

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

[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office). See specifically, the regulations at 37 C.F.R. §10.18.

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

While 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[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[2] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

In re Application of :
Matheny, et al. : DECISION ON PETITION
Application No. 29/294,042 :
Filed: 19 December, 2007 :
Attorney Docket No. 35960-505F01US

This is a decision on the petition filed on 7 July, 2009, under 37 C.F.R. §1.47.

The petition as considered under 37 C.F.R. §1.47(a) is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled: Request for Reconsideration of Petition Under 37 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).

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

A grantable petition under 37 C.F.R. §1.47(a) requires: (1) petition and fee; (2) 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: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §115 and §116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address.

Petitioner does not seem to have worked through the requirements of the petition, as set forth above, in satisfaction of those requirements. (*See* MPEP §409.03, and §409.03(a), et seq.) Petitioner must make a showing as to evidencing that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the proper

oath/declaration along with the entire application (specification: description, claims and drawings): 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, and §409.03(a) and (e): "a *bona fide* attempt."

BACKGROUND

The record indicates:

The instant application was filed on 19 December, 2007, without, inter alia, a fully executed oath/declaration.

On 22 January, 2008, the Office mailed a Notice of Missing Parts indicating, inter alia, that a fully executed oath/declaration (signed and dated) was required.

On 18 August, 2008, Petitioner Brian P. Hopkins (Reg. No. 42,669) filed a request and fee for extension of time and a petition with, *inter alia*, an oath/declaration signed by Mr. Matheny for himself and on behalf of) but not the non-signing co-inventor Will Phillips (Mr. Phillips), and the statement of Petitioner and of Grant Tisdall (a practitioner in Canada who averred to have forwarded the entire application (description, claims, abstract, drawings) to Mr. Phillips). Mr. Mr. Tisdall averred that Phillips accepted the mailing, however, he has since failed and therefore constructively refused to sign/join in the oath/declaration. Petitioner's attentions were directed to the requirements set forth in the OG Notice of 12 February, 2008, as to the requirements for an oath/declaration filed on or after 1 June, 2008, to state that Applicant acknowledges the duty to disclose information "material to patentability." And that Petitioner nonetheless submitted an oath/declaration that fails to so state, but rather contained the no-longer-accepted statement of "material to examination." Thus, the oath/declaration submitted was not a proper oath/declaration, and the petition was dismissed on 8 December, 2008, for failure to make the requisite showings using the proper documents.

On 14 July, 2009, Petitioner requested reconsideration, but submitted only a new partially-executed oath/declaration without a showing that the entire application and the proper oath/declaration were sent to the non-signing inventor as required—i.e., there was, for example, no copy of the transmittal letter evidencing satisfaction of those requirements.

Petitioner must resolve these matters on any renewed petition. (Petitioner is reminded that A grantable petition under 37 C.F.R. §1.47(a) requires: (1) petition and fee; (2) 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: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §115 and §116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain

the validity of the address set forth as the reasonably believed to be last known/current/valid address.)

Thus, the granting of the instant petition is inappropriate in the absence of the showing set forth above.

Petitioners always are reminded that for transmission by Email of any document to be accepted by the Office, written acknowledgment of receipt and readability will be required.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

The instant petition under 37 C.F.R. §1.47(a) is **dismissed**.

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
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401 Dulany Street
Alexandria, VA 22314

By FAX:
(571) 273-8300
ATTN: Office of Petitions

[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office). See specifically, the regulations at 37 C.F.R. §10.18.

While 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[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[2] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of 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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OCT 13 2009

OFFICE OF PETITIONS

In re Application of :
Matheny, et al. : DECISION ON PETITION
Application No. 29/294,042 :
Filed: 19 December, 2007 :
Attorney Docket No. 35960-505F01US

This is a decision on the petition filed on 17 September, 2009, under 37 C.F.R. §1.47, and supplemented on 9 October, 2009.

The petition as considered under 37 C.F.R. §1.47(a) is **GRANTED**.

A grantable petition under 37 C.F.R. §1.47(a) requires: (1) petition and fee; (2) 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: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §115 and §116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address.

BACKGROUND

The record indicates:

The instant application was filed on 19 December, 2007, without, inter alia, a fully executed oath/declaration.

On 22 January, 2008, the Office mailed a Notice of Missing Parts indicating, inter alia, that a fully executed oath/declaration (signed and dated) was required.

On 18 August, 2008, Petitioner Brian P. Hopkins (Reg. No. 42,669) filed a request and fee for extension of time and a petition with, *inter alia*, an oath/declaration signed by Mr. Matheny for himself and on behalf of) but not the non-signing co-inventor Will Phillips (Mr. Phillips), and the statement of Petitioner and of Grant Tisdall (a practitioner in Canada who averred to have forwarded the entire application (description, claims, abstract, drawings) to Mr. Phillips). Mr. Mr. Tisdall averred that Phillips accepted the mailing, however, he has since failed and therefore constructively refused to sign/join in the oath/declaration. Petitioner's attentions were directed to the requirements set forth in the OG Notice of 12 February, 2008, as to the requirements for an oath/declaration filed on or after 1 June, 2008, to state that Applicant acknowledges the duty to disclose information "material to patentability." And that Petitioner nonetheless submitted an oath/declaration that fails to so state, but rather contained the no-longer-accepted statement of "material to examination." Thus, the oath/declaration submitted was not a proper oath/declaration, and the petition was dismissed on 8 December, 2008, for failure to make the requisite showings using the proper documents.

On 14 July, 2009, Petitioner requested reconsideration, but submitted only a new partially-executed oath/declaration without a showing that the entire application and the proper oath/declaration were sent to the non-signing inventor as required—i.e., there was, for example, no copy of the transmittal letter evidencing satisfaction of those requirements. The petition was dismissed on 11 September, 2009.

On 17 September, 2009, Petitioner Brad M. Scheller (Reg. No. 61,022) sought to overcome the former deficiencies, including a statement by (with a copy of the transmittal letter from) foreign Counsel Grant W.C. Tisdall regarding transmittal of the entire application to and refusal of acceptance by Mr. Phillips (and noting Mr. Tisdall's earlier statement of Mr. Phillips' address). And Petitioner supplemented his petition on 9 October, 2009, with a statement as to his own inquiry made to clarify the confusion between the statement and the letter of foreign Counsel—thus demonstrating, *inter alia*, the non-signing inventor's constructive refusal to sign and so Petitioner's compliance with the requirements of a grantable petition under 37 C.F.R. §1.47(a): (1) petition and fee; (2) 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: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address. (Thus, Petitioner sought to satisfy the requirements pursuant to the Rule and the guidance in the Commentary at MPEP §409.03, and §409.03(a) et seq.)

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

CONCLUSION

The instant petition under 37 C.F.R. §1.47(a) is **granted** (status is accorded pursuant to 37 C.F.R. §1.47(a).)

As provided in 37 C.F.R. §1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The instant application is released to the Office of Patent Application Processing (OPAP) for further processing in due course.

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[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

---

[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office). See specifically, the regulations at 37 C.F.R. §10.18.

[2] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt

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OCT 13 2009

OFFICE OF PETITIONS

In re Application of :
Matheny, et al. : COMMUNICATION
Application No. 29/294,042 :
Filed: 19 December, 2007 :
Attorney Docket No. 35960-505F01US

Dear Will Phillips:

You are named as an inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. §116 (United States Code), and 37 C.F.R. §1.47 (Code of Federal Regulations), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as an inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 C.F.R. §1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, 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 C.F.R. §1.63.

Should you elect to join in the application, the contact information for Counsel of Record is set forth at the end of this Communication.

Should you seek to identify independent Counsel, you may find the Patent Attorneys/Agents Search engine of assistance (https://oedci.uspto.gov/OEDCI/).

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).

Telephone inquiries regarding this communication 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[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) Moreover, the Office can neither advise you nor recommend Counsel in this matter.

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

Counsel of Record
MINTZ LEVIN COHN
FERRIS GLOVSKY & POPEO
ONE FINANCIAL CENTER
BOSTON MA 02111

[1] The regulations at 37 C.F.R. §1.2 provide:

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OFFICE OF PETITIONS

In re Application of :
Matheny, et al. : DECISION ON PETITION
Application No. 29/294,043 :
Filed: 19 December, 2007 :
Attorney Docket No. 35960-503F01US

This is a decision on the petition filed on 18 August, 2008, under 37 C.F.R. §1.47.

The petition as considered under 37 C.F.R. §1.47(a) is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled: Request for Reconsideration of Petition Under 37 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).

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

A grantable petition under 37 CFR 1.47(a) requires: (1) petition and fee; (2) 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: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address.

Petitioner does not seem to have worked through the requirements of the petition, as set forth above, in satisfaction of those requirements. (*See* MPEP §409.03, and §409.03(a), et seq.)

In particular, Petitioner's attentions are directed to the requirements set forth in the OG Notice of 12 February, 2008, as to the requirements for an oath/declaration filed on or after 1 June, 2008, to state that Applicant acknowledges the duty to disclose information "material to patentability."

A new oath/declaration must be filed.

As to 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: description, claims and drawings): 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, and §409.03(a) and (e): "a *bona fide* attempt."

BACKGROUND

The record indicates:

The instant application was filed on 19 December, 2007, without, inter alia, a fully executed oath/declaration.

On 25 January, 2008, the Office mailed a Notice of Missing Parts indicating, inter alia, that a fully executed oath/declaration (signed and dated) was required.

On 18 August, 2008, Petitioner Brian P. Hopkins (Reg. No. 42,669) filed a request and fee for extension of time and a petition with, *inter alia*, an oath/declaration signed by Mr. Matheny for himself and on behalf of) but not the non-signing co-inventor Will Phillips (Mr. Phillips), and the statement of Petitioner and of Grant Tisdall (a practitioner in Canada who averred to have forwarded the entire application (description, claims, abstract, drawings) to Mr. Phillips). Mr. Mr. Tisdall averred that Phillips accepted the mailing, however, he has since failed and therefore constructively refused to sign/join in the oath/declaration.

However, as noted earlier, Petitioner's attentions are directed to the requirements set forth in the OG Notice of 12 February, 2008, as to the requirements for an oath/declaration filed on or after 1 June, 2008, to state that Applicant acknowledges the duty to disclose information "material to patentability." And that Petitioner nonetheless has submitted an oath/declaration that fails to so state, but rather uses the no-longer-accepted statement of "material to examination."

Thus, the oath/declaration submitted is not a proper oath/declaration.

Petitioner must resolve these matters on any renewed petition.

Petitioner should satisfy the requirements pursuant to the Rule and the guidance in the Commentary at MPEP §409.03, and §409.03(a) et seq., as well as pursuant to the OG Notice of 12 February, 2008.

Thus, the present incompleteness of the record makes granting of the instant petition inappropriate.

Petitioners always are reminded that for transmission by Email of any document to be accepted by the Office, written acknowledgment of receipt and readability will be required.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

The instant petition under 37 C.F.R. §1.47(a) is **dismissed**.

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

[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office). See specifically, the regulations at 37 C.F.R. §10.18.

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By FAX: (571) 273-8300
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While 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[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[2] The regulations at 37 C.F.R. §1.2 provide:

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OFFICE OF PETITIONS

In re Application of :
Matheny, et al. : DECISION ON PETITION
Application No. 29/294,043 :
Filed: 19 December, 2007 :
Attorney Docket No. 35960-503F01US

This is a decision on the petition filed on 7 July, 2009, under 37 C.F.R. §1.47.

The petition as considered under 37 C.F.R. §1.47(a) is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled: Request for Reconsideration of Petition Under 37 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).

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

A grantable petition under 37 CFR 1.47(a) requires: (1) petition and fee; (2) 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: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address.

Petitioner does not seem to have worked through the requirements of the petition, as set forth above, in satisfaction of those requirements. (*See* MPEP §409.03, and §409.03(a), et seq.) Petitioner must make a showing as to evidencing that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the proper

oath/declaration along with the entire application (specification: description, claims and drawings): 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, and §409.03(a) and (e): "a *bona fide* attempt."

BACKGROUND

The record indicates:

The instant application was filed on 19 December, 2007, without, inter alia, a fully executed oath/declaration.

On 25 January, 2008, the Office mailed a Notice of Missing Parts indicating, inter alia, that a fully executed oath/declaration (signed and dated) was required.

On 18 August, 2008, Petitioner Brian P. Hopkins (Reg. No. 42,669) filed a request and fee for extension of time and a petition with, *inter alia*, an oath/declaration signed by Mr. Matheny for himself and on behalf of) but not the non-signing co-inventor Will Phillips (Mr. Phillips), and the statement of Petitioner and of Grant Tisdall (a practitioner in Canada who averred to have forwarded the entire application (description, claims, abstract, drawings) to Mr. Phillips). Mr. Mr. Tisdall averred that Phillips accepted the mailing, however, he thereafter failed and therefore constructively refused to sign/join in the oath/declaration. Petitioner's attentions were directed to the requirements set forth in the OG Notice of 12 February, 2008, as to the requirements for an oath/declaration filed on or after 1 June, 2008, to state that Applicant acknowledges the duty to disclose information "material to patentability." Petitioner nonetheless submitted an oath/declaration that failed to so state, but rather contained the no-longer-accepted statement of "material to examination." Thus, the oath/declaration submitted was not a proper oath/declaration, and the petition was dismissed on 8 December, 2008, for failure to make the requisite showings using the proper documents.

On 7 July, 2009, Petitioner requested reconsideration, but submitted only a new partially-executed oath/declaration without a showing that the entire application and the proper oath/declaration were sent to the non-signing inventor as required—i.e., there was, for example, no copy of the transmittal letter evidencing satisfaction of those requirements.

Petitioner must resolve these matters on any renewed petition. (Petitioner is reminded that A grantable petition under 37 C.F.R. §1.47(a) requires: (1) petition and fee; (2) 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: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §115 and §116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain

the validity of the address set forth as the reasonably believed to be last known/current/valid address.)

Thus, the granting of the instant petition is inappropriate in the absence of the showing set forth above.

Petitioners always are reminded that for transmission by Email of any document to be accepted by the Office, written acknowledgment of receipt and readability will be required.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

The instant petition under 37 C.F.R. §1.47(a) is **dismissed**.

Further correspondence with respect to this matter should be addressed as follows:

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[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office). See specifically, the regulations at 37 C.F.R. §10.18.

While 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[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

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[2] The regulations at 37 C.F.R. §1.2 provide:

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OFFICE OF PETITIONS

In re Application of :
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Application No. 29/294,043 :
Filed: 19 December, 2007 :
Attorney Docket No. 35960-503F01US

This is a decision on the petition filed on 17 September, 2009, under 37 C.F.R. §1.47, and supplemented on 9 October, 2009.

The petition as considered under 37 C.F.R. §1.47(a) is **GRANTED**.

A grantable petition under 37 CFR 1.47(a) requires: (1) petition and fee; (2) 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: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address.

BACKGROUND

The record indicates:

The instant application was filed on 19 December, 2007, without, inter alia, a fully executed oath/declaration.

On 25 January, 2008, the Office mailed a Notice of Missing Parts indicating, inter alia, that a fully executed oath/declaration (signed and dated) was required.

On 18 August, 2008, Petitioner Brian P. Hopkins (Reg. No. 42,669) filed a request and fee for extension of time and a petition with, *inter alia*, an oath/declaration signed by Mr. Matheny for himself and on behalf of) but not the non-signing co-inventor Will Phillips (Mr. Phillips), and the statement of Petitioner and of Grant Tisdall (a practitioner in Canada who averred to have forwarded the entire application (description, claims, abstract, drawings) to Mr. Phillips). Mr. Mr. Tisdall averred that Phillips accepted the mailing, however, he thereafter failed and therefore constructively refused to sign/join in the oath/declaration. Petitioner's attentions were directed to the requirements set forth in the OG Notice of 12 February, 2008, as to the requirements for an oath/declaration filed on or after 1 June, 2008, to state that Applicant acknowledges the duty to disclose information "material to patentability." Petitioner nonetheless submitted an oath/declaration that failed to so state, but rather contained the no-longer-accepted statement of "material to examination." Thus, the oath/declaration submitted was not a proper oath/declaration, and the petition was dismissed on 8 December, 2008, for failure to make the requisite showings using the proper documents.

On 7 July, 2009, Petitioner requested reconsideration, but submitted only a new partially-executed oath/declaration without a showing that the entire application and the proper oath/declaration were sent to the non-signing inventor as required—i.e., there was, for example, no copy of the transmittal letter evidencing satisfaction of those requirements. The petition was dismissed on 11 September, 2009.

On 17 September, 2009, Petitioner Brad M. Scheller (Reg. No. 61,022) sought to overcome the former deficiencies, including a statement by (with a copy of the transmittal letter from) foreign Counsel Grant W.C. Tisdall regarding transmittal of the entire application to and refusal of acceptance by Mr. Phillips (and noting Mr. Tisdall's earlier statement of Mr. Phillips' address). And Petitioner supplemented his petition on 9 October, 2009, with a statement as to his own inquiry made to clarify the confusion between the statement and the letter of foreign Counsel—thus demonstrating, *inter alia*, the non-signing inventor's constructive refusal to sign and so Petitioner's compliance with the requirements of a grantable petition under 37 C.F.R. §1.47(a): (1) petition and fee; (2) 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: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address. (Thus, Petitioner sought to satisfy the requirements pursuant to the Rule and the guidance in the Commentary at MPEP §409.03, and §409.03(a) et seq.)

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

CONCLUSION

The instant petition under 37 C.F.R. §1.47(a) is **granted** (status is accorded pursuant to 37 C.F.R. §1.47(a).)

As provided in 37 C.F.R. §1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The instant application is released to the Office of Patent Application Processing (OPAP) for further processing in due course.

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[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

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[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office). See specifically, the regulations at 37 C.F.R. §10.18.

[2] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WILL PHILLIPS
1605 PATERNA ROAD
SANTA BARBARA, CA 93103

COPY MAILED

OCT 13 2009

OFFICE OF PETITIONS

In re Application of :
Matheny, et al. : COMMUNICATION
Application No. 29/294,043 :
Filed: 19 December, 2007 :
Attorney Docket No. 35960-503F01US

Dear Will Phillips:

You are named as an inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. §116 (United States Code), and 37 C.F.R. §1.47 (Code of Federal Regulations), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as an inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 C.F.R. §1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, 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 C.F.R. §1.63.

Should you elect to join in the application, the contact information for Counsel of Record is set forth at the end of this Communication.

Should you seek to identify independent Counsel, you may find the Patent Attorneys/Agents Search engine of assistance (https://oedci.uspto.gov/OEDCI/).

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).

Telephone inquiries regarding this communication 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[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) Moreover, the Office can neither advise you nor recommend Counsel in this matter.

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

Counsel of Record
MINTZ LEVIN COHN
FERRIS GLOVSKY & POPEO
ONE FINANCIAL CENTER
BOSTON MA 02111

[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

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KOKKA & BACKUS, PC
200 PAGE MILL ROAD
SUITE 103
PALO ALTO, CA 94306

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JUL 29 2008

OFFICE OF PETITIONS

In re Application of
Anita S. Sun, et al.
Application No. 29/294,101
Filed: December 21, 2007
Attorney Docket No. SNM-002D

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 24, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Kokka & Backus, PC has been revoked by the assignee of the patent application on May 5, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272- 1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: ANITA SCHU-CHIAM SHYUM SUN
1666 VETERAN AVENUE
APT. #2
LOS ANGELES, CA 90024

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KEVIN L KLUG
ATTORNEY AT LAW
11237 CONCORD VILLAGE AVENUE
ST. LOUIS, MO 63123-2273

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FEB 12 2008

OFFICE OF PETITIONS

In re Application of	:	
Arthur L. LOEFFELMAN	:	
Application No. 29/294,189	:	DECISION ON PETITION
Filed: December 27, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. LOEFFELWASH	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 27, 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 the applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned 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 Technology Center Art Unit 2913 for action on the merits commensurate with this decision.

Diane Goodwyn
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

Karl M. Steins
Steins & Associates
Suite 120
2333 Camino del Rio South
San Diego CA 92108

COPY MAILED
DEC 03 2008

In re Application of :
LONG, CHANTOU :
Application No. 29/294,238 : DECISION ON PETITION
Filed: 12/27/2007 :
Attorney Docket No. CLO2-L36 :

This is a decision on the petition under 37 CFR 1.181, filed July 28, 2008, to withdraw the holding of abandonment in the above-identified application.

On March 28, 2008, the Office mailed a Notice of Allowance and Fee(s) Due and Notice of Allowability For A Design Application, which set a three-month statutory period for reply. In the absence of the timely reply, the application became abandoned on June 29, 2008. On July 23, 2008, the Office mailed a Notice of Abandonment.

Petitioner asserted that he did not receive the Notice of Allowance and Fee(s) Due or the Notice of Allowability For A Design Application mailed March 28, 2008. In support of that allegation, petitioner submitted a copy of a one-page docket report entitled "Case Docket – Upcoming Deadlines." Additionally, registered patent practitioner, Karl M. Steins, stated that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed was referenced in the practitioner's statement.

A review of the written record indicates no irregularity in the mailing of the Notice of Allowance and Fee(s) Due and the Notice of Allowability and in the absence of any irregularity, there is a strong presumption that the Office communications were properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Notices were 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 evidence submitted on petition, the Office concludes that the showing of record is insufficient at this time to warrant withdrawal of the holding of abandonment. In accordance with MPEP 711.03(c), a copy of the practitioner's record(s) required to show non-receipt of the Notice of Allowance and Fee(s) Due and the Notice of Allowability For A Design Application mailed March 28,

2008, should include the master docket for the firm. In this instance, the practitioner did not submit a copy of the master docket for the firm showing all replies docketed for a date three months from the mail date of the non-received Office communications as documentary proof of non-receipt of the Notice of Allowance and the Notice of Allowability. 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. Additionally, petitioner did not include a statement from the practitioner describing the system used for docketing an Office communication received at the correspondence address of record with the USPTO, and establishing that the docketing system is sufficiently reliable.

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. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." This time period is not extendable. See 37 CFR 1.181(f). Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Correspondence may also be submitted via the Electronic Filing System of the USPTO.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosures: copy of Notice of Allowance and Fee(s) Due and Notice of Allowability For A Design Application

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

7590 03/28/2008

Karl M. Steins
Steins & Associates
Suite 120
2333 Camino del Rio South
San Diego, CA 92108

EXAMINER	
OSWECKI, ELIZABETH J	
ART UNIT	PAPER NUMBER
2912	

DATE MAILED: 03/28/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/294,238	12/27/2007	Chantou Long	CLO2-L36	4351

TITLE OF INVENTION: DOUBLE-SIDED ORNAMENT WREATH

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$410	$0	$0	$410	06/30/2008

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590 03/28/2008

Karl M. Steins
Steins & Associates
Suite 120
2333 Camino del Rio South
San Diego, CA 92108

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/294,238	12/27/2007	Chantou Long	CLO2-L36	4351

TITLE OF INVENTION: DOUBLE-SIDED ORNAMENT WREATH

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$410	$0	$0	$410	06/30/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
OSWECKI, ELIZABETH J	2912	D11-120000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

☐ Issue Fee

☐ Publication Fee (No small entity discount permitted)

☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): **(Please first reapply any previously paid issue fee shown above)**

☐ A check is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/294,238	12/27/2007	Chantou Long	CLO2-L36	4351

7590 03/28/2008

Karl M. Steins
Steins & Associates
Suite 120
2333 Camino del Rio South
San Diego, CA 92108

EXAMINER	
OSWECKI, ELIZABETH J	
ART UNIT	PAPER NUMBER
2912	

DATE MAILED: 03/28/2008

Determination of Patent Term Extension or Adjustment under 35 U.S.C. 154 (b)

Design patents have a term measured from the issue date of the patent and the term remains the same length regardless of the time that the application for the design patent was pending. Since the above-identified application is an application for a design patent, the patent is not eligible for Patent Term Extension or Adjustment under 35 U.S.C. 154(b).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.

Notice of Allowability For A Design Application	Application No. 29/294,238	Applicant(s) LONG, CHANTOU
	Examiner ELIZABETH J. OSWECKI	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 20080227.

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 _____.

NOTE: *Please print from Edan.*

EXAMINER'S AMENDMENT/COMMENTS

An examiner's amendment to the record appears below. No further correspondence with the examiner is needed unless the changes and/or additions are unacceptable to applicant. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Objections to the Drawings

The lines of the pine needles appear very dark and heavy in weight. These lines should be made lighter. All lines of the claim must be clear and well defined. Better line quality is required. (Note 37 CFR 1.84 (l)). When preparing drawings, applicant must use proper drafting tools to enhance the quality of the claim.

The necessity for good drawings in a design patent application cannot be overemphasized. As the drawing constitutes the whole disclosure of the design, it is of utmost importance that it be so well executed both as to clarity of showing and completeness, that nothing regarding the design sought to be patented is left to conjecture. An insufficient drawing may be fatal to validity (35 U.S.C. 112, first paragraph). Moreover, an insufficient drawing may have a negative effect with respect to the effective filing date of a continuing application.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if

only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

When preparing new drawings in compliance with the requirement therefor, care must be exercised to avoid introduction of anything which could be construed to be new matter prohibited by 35 U.S.C. 132 and 37 CFR 1.121.

Objection to the Specification

The preamble has been amended by deleting the words beginning and ending with "The petitioner whose signature.....Return Receipt Postcard" and substituting the following:

--I, Chantou Long have invented a new design for a Double Sided Ornament Wreath as set forth in the following specification:--

Figure Descriptions

The alignment of the figure descriptions in the specification by applicant is a little confusing. For clarity and brevity, the figure descriptions should be amended to read:

--Figure 1 is a front perspective view of a Double sided Ornament Wreath showing my new design;

Figure 2 is a front elevation view thereof;

Figure 3 is a back elevation view thereof;

Figure 4 is a top plan view thereof; and

Figure 5 is a side elevation view thereof.--

Claim

For a single inventor, "I," should be placed prior to the word, "claim." For proper form (37 CFR 1.153), the claim has been amended to read:

--"I claim:

The ornamental design for a Double Sided Ornament Wreath as shown and described."--

Prosecution on the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire TWO MONTHS from the mailing date of this letter.

The art of record not relied upon is cited as cumulative art.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth J. Oswecki whose telephone number is 571-272-4335. The examiner can normally be reached on 8:30-5pm ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stella Reid can be reached on 571-272-2656. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EJO

/Stella M. Reid/
Supervisory Patent Examiner, Art Unit 2912

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Karl M. Steins
Steins & Associates
Suite 120
2333 Camino del Rio South
San Diego CA 92108

COPY MAILED

MAR 10 2009

OFFICE OF PETITIONS

In re Application of :
LONG, CHANTOU :
Application No. 29/294,238 : DECISION ON PETITION
Filed: 12/27/2007 :
Attorney Docket No. CLO2-L36 :

This is a decision on the petition under 37 CFR 1.181, filed February 3, 2009, to withdraw the holding of abandonment in the above-identified application.

On March 28, 2008, the Office mailed a Notice of Allowance and Fee(s) Due and Notice of Allowability For A Design Application, which set a three-month statutory period for reply. In the absence of the timely reply, the application became abandoned on June 29, 2008. On July 23, 2008, the Office mailed a Notice of Abandonment.

Petitioner asserted that he did not receive the Notice of Allowance and Fee(s) Due or the Notice of Allowability For A Design Application mailed March 28, 2008.

A review of the written record indicates no irregularity in the mailing of the Notice of Allowance and Fee(s) Due and the Notice of Allowability and in the absence of any irregularity, there is a strong presumption that the Office communications were properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Notices were 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 a master docket for the relevant period where the Notice of Allowance and Notice of Allowability would have been entered had they been received and docketed. Furthermore, the practitioner attested to the fact that a search of these records indicated that the Notices were not received at the correspondence address of record. Accordingly, petitioner presented the required showing under 37 CFR 1.181.

The petition under 37 CFR 1.181 is **GRANTED**. The holding of abandonment is hereby withdrawn. No petition fee is required.

Technology Center Art Unit 2912 has been advised of this decision. The matter is being referred to the Technology Center's technical support staff for re-mailing of the Notice of Allowance and Notice of Allowability. The period for reply to the Notice of Allowance and Notice of Allowability will be set to run from the re-mailing date of the Notices.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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Leo Chen
No. 23 Jishi Road
Ji Da District
Zhuhai 51901-5 CN **CHINA**

COPY MAILED
NOV 19 2008

In re Application of :
Leo Chen :
Application No. 29/294,274 : ON PETITION
Filed: January 3, 2008 :
Attorney Docket No. N/A :

This is a decision on the petition under 37 CFR 1.137(b), filed on September 19, 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 April 4, 2008. A Notice of Abandonment was mailed on 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). 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, and five sheets of replacement drawings containing Figures 1-7 filed on September 19, 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. A Terminal Disclaimer Form for complying with the requirements of 37 CFR 1.137(d) 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 $65 fee." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

Enclosure: Privacy Act Statement
Terminal Disclaimer to Accompany Petition (Form No. PTO/SB/63)

UNITED STATES PATENT AND TRADEMARK OFFICE

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Leo, Chen
No. 23 Jishi Road
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Zhuhai 51901-5 CN **CHINA**

MAILED

NOV 05 2009

OFFICE OF PETITIONS

In re Application of :
Leo Chen :
Application No. 29/294,274 : ON PETITION
Filed: January 3, 2008 :
Attorney Docket No. N/A :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed December 15, 2008, to revive the above-identified application. The delay in responding is sincerely regretted.

In response to the decision mailed November 19, 2008, petitioner submits a Terminal Disclaimer and $65 fee.

The renewed petition is dismissed.

It is noted that the decision mailed November 19, 2008, improperly stated that the terminal disclaimer fee required was $65 instead of $70[1]. The undersigned apologizes for this mistake and any inconvenience caused to petitioner. In view of the above, the fee deficiency of $5 must be submitted before revival can occur.

This application file is being referred to Technology Center Art Unit 1631 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

[1] Petitioner should note that effective October 2, 2008 the terminal disclaimer fee is listed as $70.

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No. 23 Jishi Road
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MAILED

JAN 21 2010

OFFICE OF PETITIONS

In re Application of :
Leo Chen :
Application No. 29/294,274 : ON PETITION
Filed: January 3, 2008 :
Attorney Docket No. N/A :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed December 7, 2009, to revive the above-identified application.

In response to the decision mailed November 5, 2009, petitioner submits the present renewed petition along with the fee of $5 to complete the $70 Terminal Disclaimer fee. Therefore, 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 December 15, 2008, has been accepted and made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

This application file is being referred to the Office of Data Management for further processing into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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ENRICO BELLISARIO
9009 BARNES LAKE ROAD
NORTH HUNTINGDON, PA 15642

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JAN 29 2010

In re Application of :
Enrico Bellisario :
Application No. 29/294,281 : DECISION ON PETITION
Filed: January 2, 2008 :
Attorney Docket No. :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 23, 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 October 23, 2009, as required by the Notice of Allowance and Fee(s) Due mailed July 23, 2009. Accordingly, the date of abandonment of this application is July 23, 2009. A Notice of Abandonment was mailed on December 1, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of 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(d). Accordingly, the issue fee is accepted as being unintentionally delayed.

The terminal disclaimer is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Data Management for further processing into a patent.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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Commissioner for Patents
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Paper No.

LAW OFFICE OF JOHN C. MCMAHON
P.O. BOX 30069
KANSAS CITY MO 64112

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DEC 0 1 2008

OFFICE OF PETITIONS

In re Application of	:	
Ronald Meyer	:	DECISION ON
Application No. 29/294,317	:	PETITION
Filed: January 4, 2008	:	
Attorney Docket No. 10,863	:	

This is a decision on the PETITION TO REVIVE filed October 14, 2008.

The petition is **GRANTED**.

The above-identified application became abandoned September 3, 2008 for failure to submit corrected drawings in response to the Notice of Allowability mailed June 2, 2008. The Notice set a three-month non-extendable period for submitting the drawings. A courtesy Notice of Abandonment was mailed on September 25, 2008.

The petition includes the required reply in the form of corrected drawings[1], the required statement of unintentional delay, payment of the petition fee and a terminal disclaimer. All requirements of 37 CFR 1.137(b) have been met.

The application is being forwarded to the 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

[1] The issue fee was timely paid on July 18, 2008.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE 10/29/08 Paper No.

TO SPE OF : ART UNIT 2911

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/314,720 Patent No. D576,525

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: USPTO printed incorrect drawings in Patent No. D576552. Please correct to print the drawings submitted by applicant in the certificate of correction, which correspond to the drawings of 1/11/08 containing 8 sheets and 16 figures.

Cathron Brooks — SPE

2911 — Art Unit

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SEP 29 2009

OFFICE OF PETITIONS

ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK NY 10017

In re Application of :
Malcolm WARD :
Application No. 29/294,475 : DECISION ON PETITION
Filed: January 10, 2008 :
Attorney Docket No. 209,408 :

This is a decision on the petition, filed May 22, 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 reply in a timely manner to the Office action under Ex parte Quayle, 1935 Dec. Comm'r Pat. 11 (1935), mailed October 17, 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 December 18, 2008.

Petitioner asserts that the Office action dated October 17, 2008 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 nonreceived 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).

Accordingly, absent the required evidence to establish nonreceipt of the Office action of October 17, 2008, the petition requesting withdrawal of the holding of abandonment cannot be granted at this time.

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 $1,6 20.00 petition fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

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

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MAR 12 2010

OFFICE OF PETITIONS

ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK NY 10017

In re Application of :
Malcolm WARD :
Application No. 29/294,475 : DECISION ON PETITION
Filed: January 10, 2008 :
Attorney Docket No. 209,408 :

This is a decision on the renewed petition, filed October 27, 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 **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 October 17, 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 December 18, 2008.

Petitioner asserts that the Office action dated October 17, 2008 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 nonreceived Office action would have been entered had it been received and docketed must be attached to and referenced in the practitioner's statement.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

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 appropriate action in the normal course of business on the reply received with petition.

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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Paper No.

KAMRATH & ASSOCIATES P.A.
4825 OLSON MEMORIAL HIGHWAY
SUITE 245
GOLDEN VALLEY MN 55422

COPY MAILED

AUG 0 7 2007

OFFICE OF PETITIONS

In re Application of :
Tsong-Yow Lin : DECISION ON PETITION
Application No. 11/744,958 :
Received: May 7, 2007 :
Attorney Docket No. CFP-3868 :

This is a decision on the REQUEST TO CONVERT TO DESIGN APPLICATION filed June 7, 2007, which is properly treated as a petition under 37 CFR 1.182[1], requesting that the above-identified application be processed as a design application.

The petition is **GRANTED**.

A review of the application papers present on filing reveals that applicant submitted an Electronic Patent Application Fee transmittal identifying the type of application as utility and paid the utility application filing, search, and examination fees, but included in the filing one (1) page of written description referencing a design patent application and containing a claim to an ornamental design, and 3 sheets of drawing figures.

Applicant promptly filed this petition, stating that they intended to file a design application, but paid the utility application fees.

It is clear, based on the specification and claim filed, that applicant intended to file a design application, but submitted

[1] § 1.182 Questions not specifically provided for.
All situations not specifically provided for in the regulations of this part will be decided in accordance with the merits of each situation by or under the authority of the Director, subject to such other requirements as may be imposed, and such decision will be communicated to the interested parties in writing. Any petition seeking a decision under this section must be accompanied by the petition fee set forth in § 1.17(f)

Copied from 11744958 on 01/31/2008

an electronic filing of this application with the type of application identified as a utility application and inadvertently paid the utility application fees.

Accordingly, on petition, the application will be reprocessed as a design application as requested using the application papers filed on May 7, 2007.

The correct small entity basic filing fee on May 7, 2007 for a design application was $100, the search fee was $50 and the examination fee was $65. Applicant had paid $425 in filing fees on May 7, 2007. Accordingly, applicant is due a refund of $210.

The overpayment of the filing fees will be credited to petitioner's Deposit Account, as authorized. Office records will also be corrected to show that the $100 design filing fee, $50 design search fee, and $65 design examination fee, have been paid.

The petition fee of $400 has been charged to petitioner's Deposit Account, as authorized. As the petition was necessitated by an error on the part of applicant, however, the petition fee will not be refunded.

Thereafter, the application will be referred to the Office of Initial Patent Examination for **reprocessing as a design application, not a utility application**, with a filing date of May 7, 2007, using the one (1) page of written description and a claim to an ornamental design, and 3 sheets of drawing figures filed on May 7, 2007, and **issuance of a new Notice of Corrected Application Papers for the design application requiring, if appropriate, the claim to commence on a separate page and an abstract**. The application will be assigned a new design application number. The new design application number will be communicated to applicant by the Office of Initial Patent Examination in due course.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Copied from 11744958 on 01/31/2008

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CURTIS L. HARRINGTON
SUITE.250
6300 STATE UNIVERSITY DRIVE
LONG BEACH CA 90815

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MAY 22 2008

OFFICE OF PETITIONS

In re Application of :
Robert Roy McMath :
Application Number: 29/294583 : DECISION ON PETITION
Filing Date: 01/18/2008 :
Attorney Docket Number: MCMATH-29 :

This is a decision on the "PETITION TO AFFORD FILING DATE and SECOND RESPONSE TO NOTICE OF NONPROVISIONAL APPLICATION PARTS NOT MISSING," filed on April 4, 2008, which is treated as a petition under 37 CFR 1.53 requesting that the above-identified application, including one (1) page of specification, be accorded a filing date of January 18, 2008.

The petition is **GRANTED**.

On January 18, 2008, the application was filed.

On February 12, 2008, the Office of Patent Application Processing mailed a Notice of Incomplete Nonprovisional Application, stating the application had not been accorded a filing date because the specification, including a claim, was missing. The Notice stated that the filing date would be the date of receipt of a complete specification as prescribed by 35 U.S.C. 112.

In response, on February 18, 2008, petitioner supplied a copy of one (1) page of specification, including one (1) claim, and a copy of petitioner's postcard showing that the one (1) page of specification was present on January 18, 2008.

The application was accorded a filing date of the date the page of specification was received (*i.e.*, February 18, 2008).

On March 17, 2008, a Notice to File Missing Parts of Nonprovisional Application was mailed, stating the application had been accorded a filing date of February 18, 2008, and that an oath or declaration covering the newly submitted items, and a surcharge for its late filing, was required.

In response, on April 4, 2008, the subject petition was filed. Petitioner asserts that one (1) page of specification was present among the application papers filed on January 18, 2008. In support, petitioner has again supplied a copy of the itemized return receipt postcard. The postcard identifies the application by the inventor's name, invention title, and attorney docket number. The postcard contains an "Office date" stamp of "011808" with the above-identified application number, and itemizes the filing of, *inter alia*, 1 page of specification.

Petitioner requests that the application, including the one (1) page of specification, be accorded a filing date of January 18, 2008.

A review of the record reveals that no (0) pages of specification received on January 18, 2008, are located among the application papers received on that date. However, the evidence is convincing that the application papers deposited on January 18, 2008, included one (1) pages of specification, including a claim, which was subsequently misplaced in the Office. Therefore, the application, including one (1) page of specification, including a claim, is entitled to a filing date of January 18, 2008.

In view of the above, the petition is granted. No petition fee is due.

The application will be processed with the copy of the one (1) page of specification, including one claim, supplied on February 18, 2008, as a part of the original disclosure.

The application is being referred to the Office of Patent Application Processing for correction of the filing date to **January 18, 2008**, using the application papers filed on that date, and the copy of one (1) page of specification, including one (1) claim, supplied in response to the Notice of Incomplete Nonprovisional Application.

Telephone inquiries should be directed to the undersigned at 571-272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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8-25-09

Patent No. : D596,815 S
Ser. No. : 29/294635
Inventor(s) : Byung Kook Baek
Issued : July 21, 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

Raymond A. Diperna
% Ladas & Parry LLP
26 West 61st Street
New York, NY 10023

ej

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LADAS & PARRY LLP
26 WEST 61ST STREET
NEW YORK, NY 10023

In re Patent No. D596815	:	
Issue Date: July 21, 2009	:	
Application No. 29/294,635	:	ON PETITION
Filed: January 18, 2008	:	
Attorney Docket No. UD 051856-6	:	

This is a decision on the petition November 10, 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**.

Telephone inquiries concerning this decision may be directed to Diane C. Goodwyn at (571) 272-6735. 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.

for Thurman K. Page
Petitions Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

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BERGMAN & JECKLE P.L.L.C.
421 W. RIVERSIDE
SUITE 717
SPOKANE WA 99201

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AUG 20 2008

In re Application of :
GAUSS, KURT FREDERICK :
Application No. 29/294,639 : DECISION ON PETITION
Filed: January 22, 2008 :
Attorney Docket No. Gauss, Kurt :

This is a decision on the petition filed February 25, 2008, requesting that the application be accorded a filing date of January 22, 2008, with Figures 1 and 2 as part of the original disclosure.

On January 22, 2008, applicant filed the above-identified application. On February 13, 2008, the Office mailed a Notice of Omitted Item(s) in a Nonprovisional Application ("Notice of Omitted Item(s)", stating that the application had been accorded a filing date of January 22, 2008, and advising applicant that Figures 1 and 2 appeared to have been omitted.

In response, February 25, 2008, applicant submitted the present petition, one drawing sheet containing Figures 1 and 2, and a $400.00 petition fee. Additionally, applicant submitted a copy of applicant's date-stamped return receipt postcard acknowledging receipt of, inter alia, three sheets of drawings in the USPTO on January 22, 2008.

Upon review of the record, Figures 1 and 2, deposited on January 22, 2008, have not been located among the application papers. However, the evidence is convincing that the application papers deposited on January 22, 2008, included Figures 1 and 2, which were subsequently misplaced in the USPTO. Therefore, the application, including

Figures 1 and 2, was complete on filing and will be accorded a filing date of January 22, 2008.

Accordingly, the petition is **GRANTED**.

The Notice of Omitted Item(s) was sent in error and is hereby withdrawn. The $400.00 petition fee will be refunded to the Deposit Account as it is unnecessary.

This application is being referred to the Office of Patent Application Processing to accord the above-identified application a filing date of **January 22, 2008**, using the Figures filed on that date and Figures 1 and 2 submitted with the petition as part of the original disclosure.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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OCT 26 2009

OFFICE OF PETITIONS

ORIGINATIC LLC
28 E. JACKSON BOULEVARD
SUITE 10-C82
CHICAGO IL 60604

In re Application of	:	
Renato L. SMITH et al.	:	
Application No. 29/294,642	:	DECIDION ON PETITION
Filed: January 18, 2008	:	
Attorney Docket No. 200-13	:	

This is a decision on the petition under 37 CFR 1.137(b), filed September 21, 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 June 14, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed June 12, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on September 15, 2009.

The terminal disclaimer is accepted and has been made of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

This application is being referred to the Office of Data Management.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 06-05-09

TO SPE OF : ART UNIT 2915

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/294650 Patent No.: d582801

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 703-756-1541
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.

- [x] **Approved** — **All** changes apply.
- [ ] **Approved in Part** — Specify below which changes **do not** apply.
- [ ] **Denied** — State the reasons for denial below.

Comments: _____

Php Sutyl 29/7

SPE **Art Unit**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 06-05-09

TO SPE OF : ART UNIT 2915

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/294652 Patent No.: D582803

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

Angela Green
Certificates of Correction Branch
703-756-1541

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

SPE — Art Unit 2917

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 06-05-09

TO SPE OF : ART UNIT 2915

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/294649 Patent No.: D582800

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

Angela Green 703-756-1541
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: _____

_____

_____

_____

_____

SPE 2917 Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 06-05-09

TO SPE OF : ART UNIT 2915

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/294652 Patent No.: D582803

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

Angela Green
Certificates of Correction Branch
703-756-1541

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒ **Approved**	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: _____

_____

_____

_____

_____

_____ 2917
SPE **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE
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OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8403

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OCT 0 6 2008

OFFICE OF PETITIONS

In re Application of :
William Pedersen :
Application No. 29/294,699 :
Filed: January 24, 2008 :
Attorney Docket No. D/3687-112 (DIV)(V6520) :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3213.

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

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Serial No. :29/295092
Patent No. : D588967
Inventor(s) :Michael Tsay, et al.
Issued : March 24, 2009
Title : VEHICLE THROTTLE

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of 37 CFR 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Fee(s) Transmittal Form PTOL-85B. After payment of the issue fee, correction of assignment data submitted on the PTOL-85B can only be done by Certificate of Correction under 37 CFR 1.323, with a request under 37 CFR 3.81(b).

A request for a patent to be corrected to state the name of the assignee must:

A. state that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent;
B. include a request for a certificate of correction under 37 CFR 1.323 along with the fee set forth in 37 CFR 1.20(a); and
C. include the processing fee set forth in 37 CFR 1.17(i).

If the request is granted, Certificates of Correction Branch will be notified that a Certificate of Correction may be issued.
See Manual of Patent Examining Procedure, Section 1481.01 (Rev. 3) (Oct. 2005).

Applicant has not included items A and or C above, accordingly, the request for Certificate of Correction to add or change the assignee data is dismissed.
Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
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Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: 571-273-0025
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

A certificate of correction will be issued to correct the remaining errors noted in your request.

Magdalene Talley
For Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) 308-9390 ext. 1

Plumsea Law Group
10411 Motor City Dr., Ste. 320
Bethesa, MD 20817

CBN/mt

UNITED STATES 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 : June 10, 2009
Serial No. : D588,967 S
Patent No. :29/295092
Patent Issued : March 24, 2009
Inventor(s) :Michael Tsay, et al.
Title :VEHICLE THROTTLE

Re: Request for Certificate of Correction
Please disregard letter sent on June 1, 2009, and respond to this one.

Respecting the alleged error(s) in the Attorney, Agent, or Firm, since the Attorney, Agent, or Firm is printed *solely* in accordance with the PTOL-85b (Issue Fee Transmittal), submitted at time of payment of the base issue fee, no correction is in order here under the provisions of Rules 1.322.

In view of the foregoing, your request is hereby denied.

If, the petition under 37 CFR 1.182 (required fee currently $130), is filed and granted, the patentee would be entitled to a certificate of correction under 37 CFR 1.323 (required fee currently $100).

Magdalene Talley
For Mary Diggs, Supervisor
Decisions and Certificate
Of Correction Branch
(703)756-1540
FAX 571-270-9942

Patricia E. Hong
Plumsea Law Group
10411 Motor City Dr., Ste. 320
Bethedsa, MD 20817

MD/mt

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.
29/295,100	09/21/2007	Mitsunori MIYAZAKI	1720.110	3733

26396 7590 09/29/2009

SAIDMAN DESIGNLAW GROUP
8601 GEORGIA AVE
SUITE 603
SILVER SPRING, MD 20910

EXAMINER	
BROWN, MELODY NOEL	
ART UNIT	**PAPER NUMBER**
2915	

MAIL DATE	DELIVERY MODE
09/29/2009	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

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9/28/09

SAIDMAN DESIGNLAW GROUP
8601 GEORGIA AVENUE
SUITE 603
SILVER SPRING MD 20910

In re Application of
MIYAZAKI, MITSUNORI ET AL :
Serial No.: 29/295,100 : DECISION ON PETITION
Filed: 09/21/2007 :

This is a decision on the petition filed December 02, 2008 pursuant to 37 CFR 1.144, from the final restriction requirement made by the examiner on October 02, 2008.

The Petition is **DENIED**.

The original 12 figures make up 2 embodiments. The examiner grouped the embodiments into 2 groups of patentably distinct designs. Applicant provisionally elected Group 1 and traverses the restriction between Groups 1 and 2.

Design applications are confined to one claim. Variations of a single inventive concept may be presented and covered by the single claim. Variations are usually presented in the form of separate embodiments. Embodiments that are considered patentably distinct by the standard of Obviousness-Type Double Patenting do not share a single inventive concept. Restriction practice is employed to remove patentably distinct embodiments from applications.

There are two consecutive steps in determining whether two designs may be kept in the same application:

1. The embodiments must have design characteristics that are basically the same. If this is true and the two designs look like one another overall, step two is required.

2. The differences between the two designs must be considered. When the differences between the two designs are insufficient to patentably distinguish one design from the other, no restriction is required.

Differences may be considered insufficient for patentable distinction when they are *de minimis* in nature or obvious to a designer of ordinary skill in the art. A difference is *de minimis* in nature when its visual effect is unrelated to the overall aesthetic appearance of the design – so minimal or so minor that it has insignificant impact on the overall visual impression. A difference is obvious when it is taught or suggested in analogous prior art. Differences may also be obvious if they are among design features, which have been declared obvious in case law.

Applicant argues that Groups 1 and 2 should stay together saying: "since the number and character of the similarities are more substantial than the differences, the visual appearance of the two embodiments are basically the same."

Group 1

FIG. 1

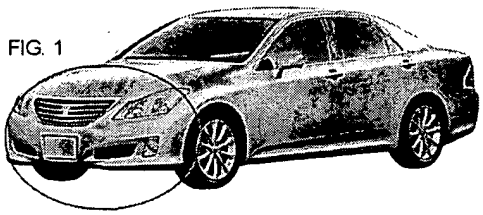


FIG. 2

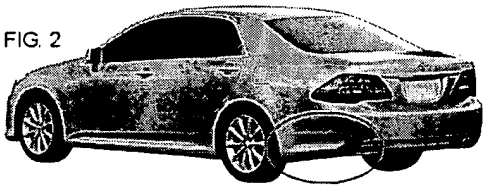
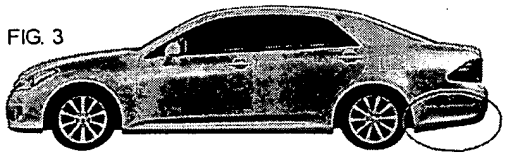


FIG. 3



Group 2

FIG. 7

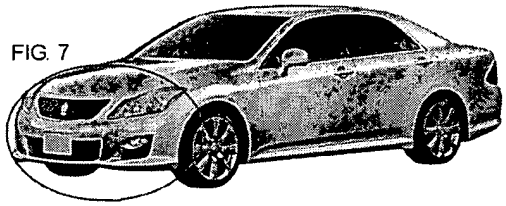


FIG. 8

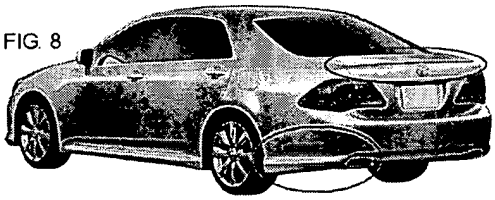


FIG. 9

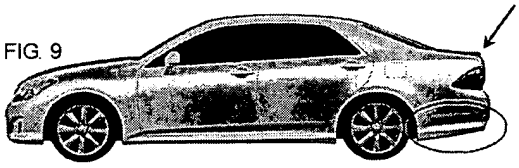


FIG. 4

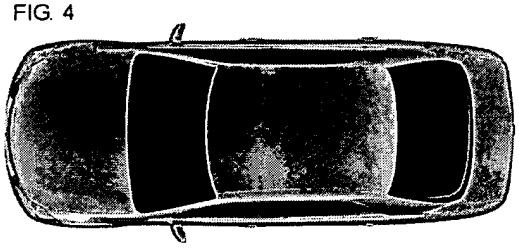


FIG. 10

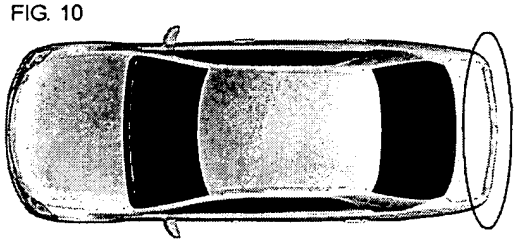


FIG. 5

FIG. 11

FIG. 6

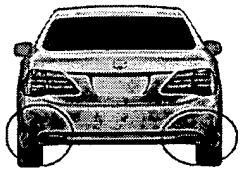
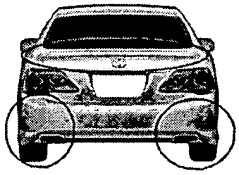


FIG. 12



Applying step one above, the embodiments do have design characteristics that are basically the same and the two designs look alike overall. Applying step two, while looking at the pictures above, we see Group 2 is different from Group 1 in that the grill, the entire bumper area across the front of the automobile along with the rear quarter panels and the spoiler on top of the trunk lid have a different visual appearance from Group 1. These differences as a whole are not *de minimis* in nature or so minor that they have an insignificant impact on the overall visual impression. There is no prior art of record that suggests the presence of these differently shaped areas as a whole in Group 2 is obvious to a designer of ordinary skill in the art. There also is no court that has declared this difference obvious.

Should there be any questions with regard to this letter please contact Caron D. Veynar by letter addressed to the Director, Technology Center 2900, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at (571) 272-2646.

/Jasemine C. Chambers/
Jasemine C. Chambers, Ph.D., J.D.
Director, Technology Center 2900
Designs

cdv

UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE OF DATA MANAGEMENT

SAIDMAN DESIGNLAW GROUP
8601 GEORGIA AVE
SUITE 603
SILVER SPRING MD 20910

AUG 21 2008

In re Application of :
MAEDA KENICHIRO :
Application No. 29/295,132 :
Filed: September 21, 2007 :
Attorney Docket No. 1720.117 :

DECISION ON PETITION

This is a decision on the Request To Withdraw Holding Of Abandonment received in the United States Patent and Trademark Office (USPTO) May 16, 2008.

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 January 11, 2008 which set forth a three (3) month statutory period for reply. The Notice of Abandonment was mailed on May 13, 2008.

A review of the Office records indicates that the issue fee was timely received on March 31, 2008. The Notice of Abandonment was mailed in error.

The Office acknowledges receipt of the Credit Card Payment in the amount of $820.00.

In view of the foregoing, the holding of abandonment for failure to timely pay the issue fee is hereby withdrawn and the application is restored to pending status.

Telephone inquires concerning this decision may be directed to the undersigned in the Office of Data Management at 703-305-9250 x 154.

Anita Greene
Application Assistance Unit
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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OFFICE OF PETITIONS

In re Application of :
Meade :
Application No. 29/295,144 : DECISION
Filed 21 September, 2007 :
Attorney Docket No. 20159/SAW 101388 :

This is a decision on the petition filed on 30 July, 2008, considered as a petition under 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition as considered under 37 C.F.R. §1.181 is **GRANTED**.

As to the Request to Withdraw
the Holding of Abandonment

A proper showing (for relief under 37 C.F.R. §1.181):

- (as to non-receipt) requires at the very minimum: a statement from practitioner stating that the Office action was not received by the practitioner; a statement from the practitioner attesting to the fact that a search of the file jacket and docket records for the application indicates that the Office action was not received with a copy of those docket records; and a brief statement of the calendaring process and a copy of the due-date (calendar) docket record(s) where the nonreceived Office action would have been scheduled for reply had it been received must be attached to and referenced in the practitioner's statement; alternatively,

- (for a showing of timely and proper reply) requires a statement from practitioner stating that the reply was timely submitted by the practitioner; and copies of all papers submitted as and/or in support of that reply, with/and a copy of the date-stamped receipt card, Office FAX receipt acknowledgement (not simply Petitioner's FAX transmittal), or EFS receipt acknowledgment from the Office, along with practitioner's attestation as to the correctness/completeness of his/her records.

The showing(s) must include that of the person(s) with first-hand knowledge and an acknowledgment by the Petitioner that he/she has reviewed that information in compliance with his/her duty of candor to the Office.

Petitioners' attentions always are drawn to the Commentary at MPEP §711.03(c).[1]

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[1] The Commentary at MPEP §711.03(c) provides in pertinent part:

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I. PETITION TO WITHDRAW HOLDING OF ABANDONMENT

A petition to revive an abandoned application (discussed below) should not be confused with a petition from an examiner's holding of abandonment. Where an applicant contends that the application is not in fact abandoned (e.g., there is disagreement as to the sufficiency of the reply, or as to controlling dates), a petition under 37 C.F.R. 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action, and such petition does not require a fee. Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment), a petition under 37 C.F.R. 1.137 (accompanied by the appropriate petition fee) is necessary to revive the abandoned application.

Two additional procedures are available for reviving an application that has become abandoned due to a failure to reply to an Office Action: (1) a petition under 37 C.F.R. 1.137(a) based on unavoidable delay; and (2) a petition under 37 C.F.R. 1.137(b) based on unintentional delay.

A. Petition To Withdraw Holding of Abandonment Based on Failure To Receive Office Action

In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of *Delgar* is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner **>describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.<

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).

Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

B. Petition To Withdraw Holding of Abandonment Based on Evidence That a Reply Was Timely Mailed or Filed

Petitioner seeks to provide the documentation in compliance with the Commentary at MPEP §711.03(c)(A) and/or (B) as it is set forth on the website (and included for reference herein).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice of Allowance and Fees Due mailed on 20 March, 2008, with reply due under a non-extendable deadline on or before 20 June, 2008.

The instant application went abandoned by operation of law after midnight 20 June, 2008.

It does not appear that the Office mailed the Notice of Abandonment before the instant petition was filed.

---

37 C.F.R. 1.10(c) through 1.10(e) and 1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 C.F.R. 1.10(c), (d), (e), or (g) (see MPEP § 513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.

Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP § 503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.

Where a certificate of mailing under 37 C.F.R. 1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 C.F.R. 1.8(b) and MPEP § 512. As stated in 37 C.F.R. 1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 C.F.R. 1.8).

37 C.F.R. 1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. 1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP §512.

C. Treatment of Untimely Petition To Withdraw Holding of Abandonment

37 C.F.R. 1.181(f) provides that, *inter alia*, except as otherwise provided, any petition not filed within 2 months from the action complained of may be dismissed as untimely. Therefore, any petition (under 37 C.F.R. 1.181) to withdraw the holding of abandonment not filed within 2 months of the mail date of a notice of abandonment (the action complained of) may be dismissed as untimely. 37 C.F.R. 1.181(f). Rather than dismiss an untimely petition to withdraw the holding of abandonment under 37 C.F.R. 1.181(f), the Office may require a terminal disclaimer as a condition of granting an untimely petition to withdraw the holding of abandonment.

*****

Petitioner submitted the instant petition on 30 July, 2008, with, *inter alia*, a reply to the Office action in the form of fees due and drawings, and made the statement of non-receipt and search of the file and Petitioner's office systems and a discussion of Petitioner's docketing method and produced a calendar/due-date docket for the date on which the reply was due and evidenced that the reply was not scheduled. Moreover, the Office record reflects that the Notice of Allowance and Fees Due was returned to the Office on 26 March, 2008, by the U.S. Postal Service as undelivered.

The Office mailed the Notice of Abandonment on 25 September, 2008.

Petitioner appears to comply with the guidance in the Commentary at MPEP §711.03(c), which sets forth the showing requirements herein.

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (see: 37 C.F.R. §1.181(f)), and that those registered to practice and all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[2]

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.

Allegations as to the Request to
Withdraw the Holding of Abandonment

The courts have determined the construct for properly supporting a petition seeking withdrawal of a holding of abandonment.[3] (See, also, the commentary at MPEP §711.03(c)(I)(A) and (B).)

And the regulation requires that relief be sought within two (2) months of the act complained of.

Petitioner appears to have satisfied the showing requirements as discussed hereinabove.

---

[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] See: Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971).

CONCLUSION

The petition under 37 C.F.R. §1.181 is **granted**, and the 25 September, 2008, Notice of Abandonment is **vacated**.

The instant application is released to Publications Branch to be processed into a patent in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the Publications Branch in response to this decision—and it is noted that all inquiries with regard to that change in status should be directed to the Publications Branch where that change of status must be effected.

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[4]) 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] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

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PATENT GROUP
C/O DLA PIPER US LLP
203 N. LASALLE ST., SUITE 1900
CHICAGO IL 60601

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In re Application of	:	
Vendl et al.	:	
Application No. 29/295,182	:	ON PETITION
Filed: September 21, 2007	:	
Attorney Docket No. WLI-07-5013	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed August 29, 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 the Issue Fee Transmittal with payment of the issue fee, (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 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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OFFICE OF PETITIONS

In re Application of :
Boies, et al. :
Application No. 29/295,232 : DECISION DISMISSING PETITION
Deposited: September 24, 2007 :
Filed: October 29, 2007 :
Attorney Docket No. 773/14227.18

This is a decision on the petition under 37 CFR 1.53(b), filed October 29, 2007, to accord the above-identified application a filing date of September 24, 2007.

Application papers in the above-identified application were deposited on September 24, 2007. However, on October 10, 2007, the Office of Initial Patent Examination mailed applicant a "Notice of Incomplete Nonprovisional Application." Applicant was notified that the application papers had not been accorded a filing date because the application was deposited without drawings. The Notice set a two month period for reply.

In response, on October 29, 2007, applicants filed the present petition to accord a filing date of September 24, 2007. Applicants have submitted drawings, together with a newly executed declaration, and a priority claim under 37 CFR 1.78 to a Canadian application.

The PTO file is the official record of papers originally filed in this application. A review of the official file reveals that no drawings were filed on September 24, 2007, since those papers are not present in the file. An applicant alleging that a paper was filed in the PTO and later misplaced has the burden of proving the allegation by a preponderance of the evidence. Applicants have not submitted a USPTO date stamped, postcard receipt in accordance with MPEP 503 to establish that drawings were present on that date.

With respect to applicants' priority claim, the Notice of Incomplete Nonprovisional Application stated that applicants could rely on 37 CFR 1.57(a) to add the inadvertently omitted drawings to the application, provided that the application contained "a priority claim under 37 CFR 1.55 or benefit claim under 37 CFR 1.78 of a prior-filed application that was **present on the filing date of the application**" (emphasis added). Here, there is no indication that the application as filed contained a priority claim under 37 CFR 1.55 or a benefit claim under 37 CFR 1.78.

Because no drawings were present on September 24, 2007, the date the application was deposited, the application can not be accorded a filing date of September 24, 2007.

Accordingly, the petition is **DISMISSED**.

The application will be accorded a filing date based upon the date that the missing drawings were received in the Office.

Applicant may file a request for reconsideration providing they submit a proper postcard receipt showing that the application was filed on September 24, 2007, including drawings. Any request for reconsideration of this decision should be filed within **TWO (2) MONTHS** of the date of this decision in order to be considered timely. 37 CFR 1.181(f). This time period may not be extended pursuant to 37 CFR 1.136.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

By FAX: (571)273-8300
Attn: Office of Petitions

The application file will be forwarded to the Office of Initial Patent Examination for further processing with a **filing date of October 10, 2007**, using the application papers submitted on September 24, 2007, together with the four (4) sheets of drawings submitted on petition filed October 10, 2007.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

In re Application of :
Boies, et al. :
Application No. 29/295,232 : DECISION DISMISSING PETITION
Deposited: September 24, 2007 :
Filed: October 29, 2007 :
Attorney Docket No. 773/14227.18

This is a decision on the "RESPONSE TO DECISION DISMISSING PETITION",, filed June 6, 2008, to accord the above-identified application a filing date of September 24, 2007.

The petition is **DISMISSED**.

Application papers in the above-identified application were deposited on September 24, 2007. However, on October 10, 2007, the Office of Initial Patent Examination mailed applicant a "Notice of Incomplete Nonprovisional Application." Applicant was notified that the application papers had not been accorded a filing date because the application was deposited without drawings. The Notice set a two month period for reply.

In response, on October 29, 2007, applicants filed the present petition to accord a filing date of September 24, 2007. Applicants submitted drawings, together with a newly executed declaration, and a priority claim under 37 CFR 1.78 to a Canadian application.

The petition was dismissed in a decision mailed on April 29, 2008. The decision noted that the PTO file is the official record of papers originally filed in this application. Because a review of the official file revealed no drawings filed

on September 24, 2007, the application could not be accorded the September 24, 2007 filing date.

With respect to applicant's priority claim, the decision pointed out that the Notice of Incomplete Nonprovisional Application stated that applicants could rely on 37 CFR 1.57(a) to add the inadvertently omitted drawings to the application, provided that the application contained "a priority claim under 37 CFR 1.55 or benefit claim under 37 CFR 1.78 of a prior-filed application that was **present on the filing date of the application**" (emphasis added). As there was no indication that the application as filed contained a priority claim under 37 CFR 1.55 or a benefit claim under 37 CFR 1.78, applicants could not rely on 37 CFR 1.57(a).

On request for reconsideration, applicant admits that the drawings were inadvertently omitted, and that the application as filed did not contain a priority claim. Nevertheless, applicant argues that the application should be accorded the September 24, 2007 filing date. According to applicant, because he did not realize the drawings were omitted at the time of filing, he could not, at that time, claim priority to the Canadian application.

Applicant's argument has been considered, but is not persuasive. "The purpose of 37 CFR 1.57(a) is to provide a safeguard for applicants when all or a portion of the specification and/or drawing(s) is (are) inadvertently omitted from an application."[1]

As the petition fee was previously paid on October 29, 2007, the $400 submitted with the instant petition has been refunded to Deposit Account No. 07-1742.

The application file will be forwarded to the Office of Initial Patent Examination for further processing with a **filing date of October 10, 2007**, using the application papers submitted on September 24, 2007, together with the four (4) sheets of drawings submitted with the first petition filed October 10, 2007.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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[1] MPEP 201.06(c)

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

In re Application of :
Boies, et al. : CORRECTED
Application No. 29/295,232 : DECISION DISMISSING PETITION
Deposited: September 24, 2007 :
Filed: October 29, 2007 :
Attorney Docket No. 773/14227.18

This is a decision on the "RESPONSE TO DECISION DISMISSING PETITION", filed June 6, 2008, to accord the above-identified application a filing date of September 24, 2007.

The petition is **DISMISSED**.

Application papers in the above-identified application were deposited on September 24, 2007. However, on October 10, 2007, the Office of Initial Patent Examination mailed applicant a "Notice of Incomplete Nonprovisional Application." Applicant was notified that the application papers had not been accorded a filing date because the application was deposited without drawings. The Notice set a two month period for reply.

In response, on October 29, 2007, applicants filed the present petition to accord a filing date of September 24, 2007. Applicants submitted drawings, together with a newly executed declaration, and a priority claim under 37 CFR 1.78 to a Canadian application.

The petition was dismissed in a decision mailed on April 29, 2008. The decision noted that the PTO file is the official record of papers originally filed in this application. Because a review of the official file revealed no drawings filed

on September 24, 2007, the application could not be accorded the September 24, 2007 filing date.

With respect to applicant's priority claim, the decision pointed out that the Notice of Incomplete Nonprovisional Application stated that applicants could rely on 37 CFR 1.57(a) to add the inadvertently omitted drawings to the application, provided that the application contained "a priority claim under 37 CFR 1.55 or benefit claim under 37 CFR 1.78 of a prior-filed application that was **present on the filing date of the application**" (emphasis added). As there was no indication that the application as filed contained a priority claim under 37 CFR 1.55 or a benefit claim under 37 CFR 1.78, applicants could not rely on 37 CFR 1.57(a).

On request for reconsideration, applicant admits that the drawings were inadvertently omitted, and that the application as filed did not contain a priority claim. Nevertheless, applicant argues that the application should be accorded the September 24, 2007 filing date. According to applicant, because he did not realize the drawings were omitted at the time of filing, he could not, at that time, claim priority to the Canadian application.

Applicant's argument has been considered, but is not persuasive. "The purpose of 37 CFR 1.57(a) is to provide a safeguard for applicants when all or a portion of the specification and/or drawing(s) is (are) inadvertently omitted from an application."[1]

As the petition fee was previously paid on October 29, 2007, the $400 submitted with the instant petition has been refunded to Deposit Account No. 07-1742.

The application file will be forwarded to the Office of Initial Patent Examination for further processing with a **filing date of October 29, 2007**, using the application papers submitted on September 24, 2007, together with the four (4) sheets of drawings submitted with the first petition filed October 29, 2007.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

---

[1] MPEP 201.06(c)

UNITED STATES PATENT AND TRADEMARK OFFICE

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TY UNG
16830 VENTURA BLVD.
SUITE 360
ENCINO CA 91436

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JUL 24 2008

In re Application of :
VANTINE, Lee W. :
Application No. 29/295,276 : DECISION ON PETITION
Filed: September 25, 2007 : TO WITHDRAW
Attorney Docket No. **22599-011** : 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 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. 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, **(no longer with firm),** does not meet any the conditions set forth in 37 CFR 10.40.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272- 4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **PATEL & ALUMIT PC**
16830 VENTURA BLVD., SUITE 360
ENCINO, CA 91436

29/295,287

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	Not Yet Assigned
Filing Date	Herewith
First Named Inventor	Dayan
Title	LICENSE PLATE FRAME
Atty Docket Number	INT245-025-US-DES

ADDRESS TO:

MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 10-4-07
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:

D12/193; D6/300, D6/301, D6/302, D6/303, D6/308; 362/497; 40/200, 40/204, 40/205, 40/209, 40/210

Related applications: _____

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:

- Formal drawings (see 37 CFR 1.84).
- The fee set forth in 37 CFR 1.17(k).
- An information disclosure statement in compliance with 37 CFR 1.98.

Brian L Belles
Signature

September 25, 2007
Date

Brian L. Belles
Typed or printed name

51,322
Registration Number, if applicable

215-977-2127
Telephone Number

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.155. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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BLACK LOWE & GRAHAM, PLLC
701 FIFTH AVENUE
SUITE 4800
SEATTLE WA 98104

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MAR 17 2009

OFFICE OF PETITIONS

In re Application of :
Leung, et al. :
Application No. 29/295,304 : ON PETITION
Filed: September 25, 2007 :
Attorney Docket No. EMPR-1-1016 :
For: VEHICLE EXPANSION DOCK

This is a decision on the petition under 37 CFR 1.137(b), filed February 24, 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)." Petitioners are advised that this is not a final agency decision.

This application became abandoned for failure to timely reply to the Notice of Allowability, mailed October 20, 2008, which set a three month period for reply. This application became abandoned on January 21, 2009 for failure to file corrected drawings. A Notice of Abandonment was mailed on February 12, 2009.

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed;

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d).

The instant petition does not satisfy requirement (4) above.

37 CFR 1.137(d)(1) requires that a petition under 37 CFR 1.137(b) be accompanied by a terminal disclaimer and fee in a design application, regardless of the design application's filing date. As this application is a design application, petitioners are required to submit a terminal disclaimer and required fee.

Further correspondence with respect to this matter should be addressed as follows:

By mail:
Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand:
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300 - ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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BLACK LOWE & GRAHAM, PLLC
701 FIFTH AVENUE
SUITE 4800
SEATTLE WA 98104

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APR 27 2009

OFFICE OF PETITIONS

ON PETITION

In re Application of
Leung, et al.
Application No. 29/295,304
Filed: September 25, 2007
Attorney Docket No. EMPR-1-1016
For: VEHICLE EXPANSION DOCK

This is a decision on the renewed petition under 37 CFR 1.137(b), filed March 23, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the Notice of Allowability, mailed October 20, 2008, which set a three month period for reply. This application became abandoned on January 21, 2009 for failure to file corrected drawings. A Notice of Abandonment was mailed on February 12, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a corrected drawing [filed on February 24, 2009] (2) the petition fee of $810.00; (3) a proper statement of unintentional delay, and (4) a terminal disclaimer accompanied by the required $70.00 fee.

The terminal disclaimer, filed March 23, 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.

This application is being referred to Publishing Division for consideration of the drawings filed on February 24, 2009.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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BURBANK CA 91505

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OFFICE OF PETITIONS

In re Application of :
Brenda Venus :
Application Number: 29/295322 : DECISION ON PETITION
Filing Date: 09/26/2007 :
Attorney Docket Number: BV-001 :
:

This is a decision on the petition filed on April 9, 2009, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover

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[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continuing examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

letter entitled "Renewed Petition Under 37 CFR 1.137(b)." This is not a final agency decision.

The application became abandoned on August 3, 2008, for failure to timely submit corrected drawings as required by the Notice of Allowability For A Design Application mailed on May 2, 2008, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on August 25, 2008.

On April 9, 2009, the subject petition was filed, accompanied by two (2) sheets of corrected drawings.

The petition lacks a terminal disclaimer and fee as required by 37 CFR 1.137(c), which states that any petition to revive pursuant to this section in a design application must be accompanied by a terminal disclaimer and fee as set forth in § 1.321 dedicating to the public a terminal part of the term of any patent granted thereon equivalent to the period of abandonment of the application.

A copy of the terminal disclaimer form is enclosed for petitioner's use.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: PTO/SB/63

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OFFICE OF PETITIONS

In re Application of :
Brenda Venus :
Application Number: 29/295322 : DECISION ON PETITION
Filing Date: 09/26/2007 :
Attorney Docket Number: BV-001 :
:

This is a decision on the renewed petition filed on June 3, 2009, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on August 3, 2008, for failure to timely submit corrected drawings as required by the Notice of Allowability For A Design Application mailed on May 2, 2008,

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[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continuing examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

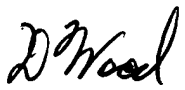
which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on August 25, 2008. On April 9, 2009, an initial petition petition was filed, accompanied by two (2) sheets of corrected drawings. On May 14, 2009, the petition was dismissed for lack of a terminal disclaimer.

On June 3, 2009, the subject renewed petition was filed, accompanied by a terminal disclaimer.

The terminal disclaimer filed on June 3, 2009, under 37 CFR 1.137(c) has been entered and made of record. Effective September 8, 2000, 37 CFR 1.137(c)(1) has been added to state that a terminal disclaimer filed pursuant to this rule must dedicate to the public a terminal part of the term of any patent granted thereon equivalent to the lesser of: 1) the period of abandonment of the application; or 2) the period extending beyond twenty years from the date on which the application for patent was filed in the United States, or, if the application contains a specific reference to an earlier filed application(s) under 35 U.S.C. 120, 121, or 365(c).[2] Accordingly, the period of the terminal disclaimer filed on June 3, 2009, will be equivalent to the lesser period (1) or (2), as noted above, for this application.

The application is referred to the Office of Data Management for Processing into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

[2] 65 Fed. Reg. 54,674 (2000).

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THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH PA 15219

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DEC 11 2009

OFFICE OF PETITIONS

In re Application of :
Hideaki Kawamura :
Patent No. D,595,406 : NOTICE
Application No. 29/295,369 :
Filed: September 27, 2007 :
Attorney Docket No. 1217-072611

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to Terri Johnson at (571) 272-2991.

Chris Bottorff
Petitions Examiner
Office of Petitions

RAM Fee History Query

Revenue Accounting and Management

Name/Number: 29295369 Total Records Found: 8

Start Date: Any Date End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
12/15/2009	00000006	4	2502	-$430.00	05/27/2009	OP
05/27/2009	00014615	4	8001	$30.00	05/27/2009	CC
05/27/2009	00014614	4	2502	$430.00	05/27/2009	CC
03/18/2009	00000001	3	1251	$130.00	03/12/2009	DA 230650
09/28/2007	00002698	4	1312	$130.00	09/27/2007	CC
09/28/2007	00002697	4	1112	$100.00	09/27/2007	CC
09/28/2007	00002696	4	1012	$200.00	09/27/2007	CC
09/28/2007	00003039	4	8021	$40.00	09/27/2007	CC

Adjustment date: 12/15/2009 LDIEP1
05/27/2009 LDIEPSW 00000003 29295369
12/15/2009
01 FC:2502 -430.00 OP
01 FC:1461 430.00 OP

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DYKAS, SHAVER & NIPPER, LLP
P.O. BOX 877
BOISE ID 83701-0877

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JUL 31 2008

OFFICE OF PETITIONS

In re Application of :
Jianwei, Sun :
Application No. 29/295,383 : ON PETITION
Filed: September 27, 2007 :
Attorney Docket No. AECI202 :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed July 10, 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 the Issue Fee Transmittal with payment of the issue fee, (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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 9/15/09 Paper No.: —

TO SPE OF : ART UNIT 2915

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/295390 Patent No.: D577365

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 9D62-B
Palm Location 7580

Virginia Tolbert
Certificates of Correction Branch
703-756-1591

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

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KATTEN MUCHIN ROSENMAN LLP
575 MADISON AVENUE
NEW YORK, NY 10022-2585

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APR 09 2010

OFFICE OF PETITIONS

In re Application of :
Ryan Rutherford et al : DECISION GRANTING PETITION
Application No. 29/295,543 : UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: October 1, 2007 :
Attorney Docket No. JWIL 23.058A :

This is a decision on the petition filed April 8, 2010, which is being treated as a petition under 37 CFR 1.313(c)(3), to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is hereby withdrawn from issue in favor of a continued prosecution application (CPA) under 37 CFR 1.53(d).

Petitioner is advised that the issue fee paid on March 9, 2010 in the parent application is not refundable nor can it be applied towards any new Notice of Allowance which may issue on the CPA filed April 8, 2010.

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2914 for processing of the CPA and consideration of the concurrently filed amendment.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LAW OFFICE OF WILLIAM BODNAR
1600 HUMBOLDT RD.
SUITE 4
CHICO CA 95928-8100

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AUG 04 2008

In re Application of :
Todd F. Radke :
Application No. 29/295,688 : DECISION ON PETITION
Filed: October 3, 2007 :
Attorney Docket No. ATC-012 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 7, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed October 18, 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 December 19, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an 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.

The terminal disclaimer filed under 37 CFR 1.137(d) on October 25, 2007 is accepted and made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

Telephone inquiries concerning this decision should be directed to Denise Williams at (571) 272-8930.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

Andrea Smith
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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1600 HUMBOLDT ROAD, SUITE 4
CHICO CA 95928-8100

In re Application of :
Todd F. RADKE :
Application No. 29/295,688 : DECISION ON PETITION
Filed: October 3, 2007 : UNDER 37 CFR 1.137(b)
Attorney Docket No. **ATC-012** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 21, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee on or before July 7, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed April 7, 2009. Accordingly, the date of abandonment of this application is July 8, 2009.

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 $430, a terminal disclaimer and fee of $70, (2) the petition fee of $810; and (3) an adequate statement of unintentional delay.

The terminal disclaimer filed September 21, 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

4-29-09

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Patent No. : D584,270 S
Ser. No. : 29/295714
Inventor(s) : Chih-ling Chien, et. al.
Issued : January 6, 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) **308-9390 ext. 124** or 125

GTPP
55 S. Commericial Street
Manchester, NH 03101

ej

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Foley Hoag, LLP
Patent Group (w/ISA)
155 Seaport Boulevard
Boston, MA 02210-2600

COPY MAILED

APR 25 2008

OFFICE OF PETITIONS

In re Application of
He Xiaowei
Application No. 29/295,726
Filed: October 4, 2007
Attorney Docket No. ISA-156.01

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R § 1.36(b), filed March 14, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Beth E. Arnold on behalf of all attorneys associated with customer number 63767. All attorneys/agents associated with customer number 63767 have been withdrawn.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. Accordingly, all correspondence will be mailed to the sole inventor. A courtesy copy of this decision is being mailed to the address noted on the request for withdrawal as attorney. If this firm desires to receive future correspondence regarding this application, the proper power of attorney documents must be submitted.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: He Xiaowei
198 12th Street
Hangzhou Economic &
Technological Area
Hangzhou, China

cc: Karen K. Wong
Wilson, Sonsini, Goodrich & Rosati
650 Page Mill Road
Palo Alto, CA 94304

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
29/295,726	10/04/2007	He Xiaowei	ISA-156.01

CONFIRMATION NO. 8998

POWER OF ATTORNEY NOTICE

63767
FOLEY HOAG, LLP
PATENT GROUP (w/ISA)
155 SEAPORT BLVD.
BOSTON, MA 02210-2600

OC000000029588024

Date Mailed: 04/25/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/14/2008.

- 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Karen K. Wong
Wilson, Sonsini, Goodrich & Rosati
650 Page Mill Road
Palo Alto, CA 94304

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APR 25 2008

OFFICE OF PETITIONS

In re Application of

He Xiaowei
Application No. 29/295,726
Filed: October 4, 2007
Attorney Docket No. 32209-739.997

DECISION ON REQUEST FOR REVOCATION OF POWER 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 April 1, 2008.

The request is **NOT 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 request cannot be approved because compliance with 3.73(b) has not been satisfied. A proper chain of title has not been provided on the Statement under 37 CFR 3.73(b).

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).

All future correspondence will be directed to the inventor until the Office is notified by the applicant or an assignee who has properly intervened in this application.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 5/5/09

TO SPE OF : ART UNIT 2914

SUBJECT : Request for Certificate of Correction for Appl. No.: 29295750 Patent No.: D580561 S

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580
You can fax the Directors/SPE response to 571-270-9990

LAMONTE NEWSOME
Certificates of Correction Branch
703-308-9390 ext. 112

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

_____

_____

_____

_____

2914

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

SPE Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 5/5/09

TO SPE OF : ART UNIT 2914

SUBJECT : Request for Certificate of Correction for Appl. No.: 29295750 Patent No.: D580561 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
[redacted]

LAMONTE NEWSOME
Certificates of Correction Branch
703-308-9390 ext. 112

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒ **Approved**	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: _____

_____

_____

_____

_____

2914

PAGE 2/3 * RCVD AT 7/29/2009 1:14:07 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/45 * DNIS:2709990 * CSID: * DURATION (mm-ss):01-18

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

SPE Art Unit

PAGE 3/3 * RCVD AT 7/29/2009 1:14:07 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/45 * DNIS:2709990 * CSID: * DURATION (mm-ss):01-18

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

FORD GLOBAL TECHNOLOGIES, LLC
FAIRLANE PLAZA SOUTH, SUITE 800
330 TOWN CENTER DRIVE
DEARBORN, MI 48126

COPY MAILED
OCT 01 2008

In re Application of :
Addam Ebel, et al. :
Application No. 29/295,765 : DECISION ON PETITION
Filed: October 5, 2007 :
Attorney Docket No. 81168277 :

This is a decision on the petition under 37 CFR 1.314, filed August 19, 2008, to defer issuance of the patent.

The petition is **GRANTED**.

Issuance will be deferred for a period of one month from the date of this decision. At the end of this period, the application will be 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 regarding this decision should be directed to April M. Wise at (571) 272-1642.

/SDB/

Sherry Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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FAIRLANE PLAZA SOUTH, SUITE 800
330 TOWN CENTER DRIVE
DEARBORN MI 48126

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NOV 10 2008

In re Application of :
Addam Ebel et al :
Application No. 29/295,769 : DECISION ON PETITION
Filed: October 5, 2007 :
Attorney Docket No. 81168281 :

This is a decision on the petition under 37 CFR 1.314, filed August 19, 2008, to defer issuance of the patent.

The petition is **GRANTED** for a period of only **ONE MONTH** which has now passed.

If an additional deferral period is required, another petition and fee should be promptly submitted. The petition must include a showing of extraordinary circumstances. Otherwise, the application will be referred to the Office of Data Management to be published into a patent. 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FAIRLANE PLAZA SOUTH, SUITE 800
330 TOWN CENTER DRIVE
DEARBORN, MI 48126

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AUG 2 9 2008

In re Application of :
Addam Ebel et al :
Application No. 29/295,772 : DECISION ON PETITION
Filed: October 5, 2007 :
Attorney Docket No. 81168282 :

This is a decision on the petition under 37 CFR 1.314, filed August 19, 2008, to defer issuance of the patent.

The petition is **GRANTED**.

Issuance will be deferred for a period of one month from the date of this decision. At the end of this period, the application will be 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 Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SWANSON & BRATSCHUN, L.L.C.
8210 SOUTHPARK TERRACE
LITTLETON CO 80120

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MAY 18 2009

OFFICE OF PETITIONS

In re Application of :
Ali Topcuoglu :
Application No. 29/295,790 : ON PETITION
Filed: October 5, 2007 :
Attorney Docket: 0285.D1

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b) filed March 20, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to submit formal drawings in a timely manner in reply to the Notice of Allowability, mailed November 17, 2008, which set a period for reply of three (3) months. Accordingly, this application became abandoned on February 18, 2009. The Notice of Abandonment was mailed March 19, 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(s) (4).

All design application petitions must be accompanied with a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) as required by 37 CFR 1.137(d). A copy of the terminal disclaimer form PTO/SB/63 is enclosed for your convenience.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:
Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand:
U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to Terri Williams at (571) 272-2991.

Brian Brown
Petitions Examiner
Office of Petitions

Enclosed: Terminal Disclaimer to Accompany Petition (PTO/SB/63)

PTO/SB/63 (04-09)
Approved for use through 05/31/2009. 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 abov e-identified applic ation is a uti lity or plant appl ication, the less er of: (a) the period of abandonment of the application; or (b) the per iod ex tending bey ond twenty years from the date on which the above-identified application was filed in the United States or, if the appl ication contains a specific reference to an earlier filed application(s) und er 35 U.S.C. 120, 121, or 365(c), from the date on which the earliest s uch application was filed. This disclaimer also applies to any patent granted on a utility or plant application filed before June 8, 199 5, or a des ign application, that conta ins 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 SE ND FEES OR CO MPLETED 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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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SWANSON & BRATSCHUN, L.L.C.
8210 SOUTHPARK TERRACE
LITTLETON CO 80120

MAILED

JUN 19 2009

OFFICE OF PETITIONS

In re Application of	:	
Ali Topcuoglu	:	
Application No. 29/295,790	:	DECISION ON PETITION
Filed: October 5, 2007	:	
Attorney Docket No. 0285.D1	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed May 20, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit formal drawings in a timely manner in reply to the Notice of Allowability, mailed November 17, 2008, which set a period for reply of three (3) months. Accordingly, this application became abandoned on February 18, 2009. The Notice of Abandonment was mailed March 19, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected drawings, (2) the petition fee of $810, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d).

The terminal disclaimer is accepted and has been made of record.

Telephone inquiries concerning this decision should be directed to Terri Williams at (571) 272-2991.

This application is being referred to the Office of Data Management for processing into a patent.

Chris Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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 05 2008

OFFICE OF PETITIONS

CHARLES C.H. WU
98 DISCOVERY
IRVINE, CA 92618-3105

In re Application of
Jason Guidry
Application No. 29/295,793
Filed: October 5, 2007
Attorney Docket No. 997-06071104

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 7, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely file corrected drawings on or before March 26, 2008, as required by the Notice of Allowability (Notice), mailed December 26, 2007. Accordingly, the date of abandonment of this application is 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 drawings, (2) the petition fee of $770; and (3) an adequate statement of unintentional delay (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d) required by 37 CFR 1.137(d).

The terminal disclaimer filed under 37 CFR 1.137(d) on May 7, 2008 is accepted and made of record. Any continuing application filed from this 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 Management for processing into a patent.

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

STETINA BRUNDA GARRED & BRUCKER
75 ENTERPRISE, SUITE 250
ALISO VIEJO CA 92656

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JAN 08 2010

In re Application of	:	
Daniel Richard Bathey	:	
Application No. 29/295823	:	ON PETITION
Filing or 371(c) Date: 10/08/2007	:	
Attorney Docket Number: WENDN-009D	:	

This is a decision on the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b), filed September 15, 2009.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowability, mailed May 15, 2009. The Notice set a non-extendable three (3) month period for reply. No complete and proper reply having been received, the application became abandoned on August 16, 2009. A Notice of Abandonment was mailed September 9, 2009.

Applicant files the present petition, corrected Drawings in response to the Notice of Allowability.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply; (2) the petition fee; (3) the required statement of unintentional delay, and a Terminal Disclaimer. Accordingly, the reply is accepted as having been unintentionally delayed.

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

OFFICE OF DATA MANAGEMENT

ILLINOIS TOOL WORKS INC.
3600 WEST LAKE AVENUE
PATENT DEPARTMENT
GLENVIEW, IL 60025

In re Application of :
MOERKE BENJAMIN H
Application No. 29/295,914 : DECISION ON PETITION
Filed: October 10, 2007
Attorney Docket No. 14964-10

NOV 19 2008

This is a decision on the Request To Withdraw Holding Abandonment received in the United States Patent and Trademark Office (USPTO) July 16, 2008 .

The petition is **GRANTED**.

The application was held abandoned for failure to timely submitting the CORRETED DRAWINGS as required by the Notice of Allowability mailed March 10, 2008, which set forth a three (3) month statutory period for reply. Accordingly, the Notice of Abandonment was mailed on July 9, 2008.

The petitioner has demonstrated that the drawings were indeed sent timely, but do to a typographic error put in the wrong case.

In view of the foregoing, the holding of abandonment is hereby withdrawn and the application restored to pending status.

Telephone inquires concerning this decision be directed to the undersigned in the Office of Patent Publication at 703-305-9250 x 154.

Anita Greene
Application Assistance Unit
Office of Data Management

7-29-09

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Patent No. : D 592,304S
Application No: 29/295,930
Inventor(s) :. Andrreas Kuehfuss
Issued : May 12, 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 Rules 1.322.

Respecting the alleged error, the inventor's name (s) and address is printed in accordance with the Declaration submitted at the time of filing the application. There is no sub-declaration or post card receipt adding or deleting inventor's name under Rule 1.324. Therefore, no correction(s) is in order here under United States Codes (U.S.C.) 224 and the Code of Federal Regulation (C.F.R.) 1.322.

In view of the foregoing your request is hereby denied.

However, your attention is directed to C.F.R. 1.324, wherein a request is being made to add or delete inventor(s), after issuance of the patent, which a decision is rendered on, by the Supervisory Patent Examiner.

Eva James
For Mary F. Diggs
Decisions & Certificates
of Correction Branch
(703) 756 – 1583 or 1580

Wesley W. Whitmyer, Jr.
St. Onge Steward Johnston & Reens
986 Bedford Street
Stamford, Connecticut 06905-5619

ej

29/295,942

SPECIAL PROCEDURES SUBMISSION

Atty. Dkt. No.: V101-114

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Victoria Jean Van Dyn Hoven

Title: STAR BULB

Appl. No.: Unknown

Filing Date: Herewith

Examiner: Unknown

Art Unit: Unknown

Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.

Todd A. Rathe
(Printed Name)

(Signature)

(Date of Deposit)

REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

SPECIAL PROCEDURES SUBMISSION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a request for expedited examination of the design application under 37 CFR 1.155.

A pre-examination search was conducted. The field of search was:

Class 362	ILLUMINATION		
	121		**WITH STAR OR CROSS**
	551		LIGHT FIBER, ROD, OR PIPE
	566		**With star or cross**
		806	ORNAMENTAL OR DECORATIVE
	807		**Star**

The emboldened subclasses were searched, the others are shown to indicate the relationship between them.

In addition to the above indicated classified art search a Boolean search was conducted on the. The terms used included **silicone, plastic, lamp, light, molded, star,** and **cast**. A boolean search was also conducted for **Design Class D26 LIGHTING,** and **star.**

Related applications include: 29/263370; 29/263389; 29/263369

The following items required by 37 CFR 1.155 are enclosed:

[X] Fee set forth in 37 CFR 1.17(k).

[X] information disclosure statement in compliance with 37 CFR 1.98

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-3815. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-3815. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-3815.

SPECIAL PROCEDURES SUBMISSION

Atty. Dkt. No.: V101-114

Respectfully submitted,

Date October 10, 2007

By Todd A. Rathe

RATHE PATENT & IP LAW
Customer No. 59555
Telephone: (262) 478-9353
Facsimile: (262) 238-1469

Todd A. Rathe
Attorney for Applicant
Registration No. 38,276

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

FULWIDER PATTON LLP
HOWARD HUGHES CENTER
6060 CENTER DRIVE TENTH FLOOR
LOS ANGELES CA 90045

In re Application of :
Kanghong Zhang :
Application No. 29/295,943 : ON PETITION
Filed: October 10, 2007 :
Attorney Docket No. JIMWA-78287 :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed August 29, 2008.

The petition under 37 CFR 1.181 is **GRANTED**.

The application was held abandoned due to failure to timely file a proper reply to the Notice to File Missing Parts mailed October 24, 2007. This Notice set an extendable period for reply of two (2) months. No reply having been received, the application became abandoned on December 25, 2007. The Office mailed a Notice of Abandonment on June 30, 2008.

Petitioner asserts that he didn't receive the October 24, 2007 Notice to File Missing Parts.

To establish nonreceipt of an Office action, a petitioner must: 1) include a statement that the Office action was not received;

2) attest to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and 3) include a copy of the docket record where the nonreceived Office action would have been entered had it been received and docketed.[1] A proper docket report consists of a "docket record where the nonreceived Office action would have been entered had it been received and docketed."[2] "For example, if a three month period for reply was set in the nonreceived Office action, a copy of the docket record showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted..."[3]

With the instant petition, petitioner has submitted a copy of a master docket report, showing all of his replies docketed for the period from December 22, 2007 to December 26, 2007. An entry for the instant application is absent, supporting the conclusion that the Notice to File Missing Parts was not received. In addition, petitioner has stated that the Notice was not received, and attested to the fact that he searched the file jacket and docket records.

The matter is being forwarded to the Office of Patent Application Processing for re-mailing of the October 24, 2007 Notice to File Missing Parts, setting a new period for reply.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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[1] See MPEP 711.03(c)(II).

[2] Id.

[3] Id.

UNITED STATES PATENT AND TRADEMARK OFFICE

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FAIRLANE PLAA SOUTH, SUITE 800
330 TOWN CENTER DRIVE
DEARBORN MI 48126

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MAY 28 2008

OFFICE OF PETITIONS

In re Application of :
Solomon H. Song et al :
Application No. 29/295,951 : DECISION ON PETITION
Filed: October 11, 2007 :
Attorney Docket No. 81168211 :

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

Karen Creasy
Petitions Examiner
Office of Petitions

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330 TOWN CENTER DRIVE
DEARBORN MI 48126

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AUG 2 6 2008

OFFICE OF PETITIONS

In re Application of :
Solomon H. Song, et al. :
Application No. 29/295,957 : DECISION ON PETITION
Filed: October 11, 2007 :
Attorney Docket No. 81168218 :

This is a decision on the petition under 37 CFR 1.314, filed August 19, 2008, to defer issuance of the patent.

The petition is **GRANTED**.

Issuance will be deferred for a period of one month from the date of this decision. At the end of this period, the application will be 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 Terri Williams at (571) 272-2991.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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330 TOWN CENTER DRIVE
DEARBORN MI 48126

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OFFICE OF PETITIONS

In re Application of :
Christopher George Walter et al. :
Application No. 29/295,967 : DECISION ON PETITION
Filed: October 11, 2007 :
Attorney Docket No. 81168226 :

This is a decision on the petition under 37 CFR 1.314, filed August 19, 2008, to defer issuance of the patent.

The petition is **GRANTED**.

Issuance will be deferred for a period of one month from the date of this decision. At the end of this period, the application will be 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 Terri Williams at (571) 272-2991.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

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THOMAS & RARING, P.C.
536 GRANITE AVENUE
RICHMOND VA 23226

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OFFICE OF PETITIONS
ON PETITION

In re Application of :
Olson et al. :
Application Number: 29/295977 :
Filing Date: 10/11/2007 :
Attorney Docket Number: HAMBE :
222 DIV :

This is a decision on the petition to withdraw the holding of abandonment filed on July 17, 2008.

This application was held abandoned for failure to timely respond to the Notice to File Missing Parts of Nonprovisional Application mailed on October 23, 2007, which set a two (2) month shortened period for reply. Notice of Abandonment was mailed on June 30, 2008. On July 17, 2008, the subject petition was filed.

Petitioner requests that the Office withdraw the holding of abandonment due to non-receipt of the Notice to File Missing Parts of Nonprovisional Application mailed on October 23, 2007. In support of the allegation that the Notice to File Missing Parts of Nonprovisional Application mailed on October 23, 2007 was never received, petitioner has submitted a copy of a docket record and provided a statement by registered patent practitioner Alexander D. Raring, stating that a search of the file jacket, application contents, and docket records indicates that there is no indication that the Notice to File Missing Parts of Nonprovisional Application was ever received at counsel's office.

A review of the record indicates no irregularity in the mailing of the Notice to File Missing Parts of Nonprovisional Application mailed on October 23, 2007, and in the absence of any irregularity in the mailing, there is a strong presumption that the Notice to File Missing Parts of Nonprovisional Application mailed on October 23, 2007 was properly mailed to the address of record. This presumption may be overcome by a showing that the Notice to File Missing Parts of Nonprovisional Application mailed on October 23, 2007 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 provided a copy of the docket record. The docket record supplied appears to be a master docket record and is being construed as such. Petitioner **must** inform the Office if this is an incorrect statement.

Accordingly, there was no abandonment in fact. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The petition is **GRANTED.**

The application is being referred to the Office of Patent Application Processing for remailing of the Notice to File Missing Parts of Nonprovisional Application mailed on October 23, 2007. The period for reply will be reset from the mailing date thereof.

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

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

FORD GLOBAL TECHNOLOGIES, LLC
FAIRLANE PLAZA SOUTH, SUITE 800
330 TOWN CENTER DRIVE
DEARBORN MI 48126

In re Application of
Christopher George Walter
Application No. 29/296,011
Filed: October 12, 2007
Attorney Docket No. **81167642**

ON PETITION

This is a decision on the petition filed February 4, 2010 under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition under 37 CFR 1.137 (b) is **GRANTED**.

A Notice of Allowability, mailed October 6, 2009, required the submission of corrected drawings on or before January 6, 2010. This application became abandoned January 7, 2010. Accordingly, a Notice of Abandonment was mailed January 20, 2010.

All other requirements under 37 CFR 1.137(b) having been met, including the filing of a terminal disclaimer and fee, this matter is being referred to the Publishing Division.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

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30 ROCKEFELLER PLAZA
44TH FLOOR
NEW YORK NY 10112-4498

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MAY 10 2010

OFFICE OF PETITIONS

In re Application of	:	
Zeidan, Rony	:	DECISION ON PETITION
Application No. 29/296,049	:	TO WITHDRAW
Filed: October 12, 2007	:	FROM RECORD
Attorney Docket No. 070284.0677	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 12, 2010.

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 Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

Petitioner has not complied with item (1) of the above certifications.

Further, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Date: 08/04/08

Patent No. : D572543 S
Ser. No. : 29/296,072
Inventor(s) : KOENNECKE, WESTON S.
Issued : 07/08/08
Title : **FLATWARE HANDLE**
Docket No. : **110047-165**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this mater, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-0025
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Lamonte M. Newsome
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(703) 305-8309 or (703) 308-9390 #112

BELL, BOYD & LLOYD, LLP
P.O. Box 1135
CHICAGO IL 60690

LMN

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BELL, BOYD & LLOYD, LLP
P.O. Box 1135
CHICAGO, IL 60690

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SEP 30 2008

OFFICE OF PETITIONS

In re Patent No. D,572,543	:	
Issue Date: July 8, 2008	:	
Application No. 29/296,072	:	ON PETITION
Filed: October 12, 2007	:	
Patentee(s): Weston S. Koennecke	:	

This is a decision on the request under 37 CFR 3.81(b) filed on August 25, 2008, to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED.**

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3226. Inquiries regarding the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

Andrea Smith
Petitions Examiner
Office of Petitions

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900 SOUTH GAY STREET
2200 RIVERVIEW TOWER
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OFFICE OF PETITIONS

In re Application of :
Morris Bozof :
Application No. 29/296,112 : DECISION ON PETITION
Filed: October 13, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. 2907180-000005 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 24, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement from the applicant declaring that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2912 for action on the merits commensurate with this decision.

T. Williams

Terri Williams
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

HELLER EHRMAN LLP
4350 LA JOLLA VILLAGE DRIVE, 7TH FLOOR
SAN DIEGO CA 92122

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OFFICE OF PETITIONS

In re Application of :
FOWLER, David :
Application No. 29/296,154 : DECISION ON PETITION
Filed: October 15, 2007 : TO WITHDRAW
Attorney Docket No. **43918-0008 DES** : 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 October 22, 2008.

The request is **NOT APPROVED**.

A review of the file record indicates that Richard Thill 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 above-listed address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **BETTER ENERGY SYSTEMS LTD.**
1508-1510 SIXTH STREET
BERKELEY CA 97410

UNITED STATES PATENT AND TRADEMARK OFFICE

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LAW OFFICE OF JAY R. YABLON
910 NORTHUMBERLAND DRIVE
SCHENECTADY NY 12309-2814

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In re Application of :
Anthony S. Petrocofski :
Application No.: 29/296268 : ON PETITION
Filing or 371(c) Date: 10/17/2007 :
Attorney Docket Number: PETRD002US :

This is a decision on the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b), filed June 26, 2008.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowability, mailed February 25, 2008. The Notice set a non-extendable three (3) month period for reply. No reply having been received, the application became abandoned on May 26, 2008. A Notice of Abandonment was mailed June 26, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply to the Notice; (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

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

MORGAN & FINNEGAN, LLP
3 WORLD FINANCIAL CENTER
NEW YORK, NY 10281-2101

In re Application of
Sanae Mori, et al.
Application No. 29/296,306
Filed: October 17, 2007
Attorney Docket No. 0891-4169

: 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 October 29, 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 October 15, 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 29, 2008.

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642.

This matter is being referred to Technology Center AU 2912 for processing of the CPA and consideration of the concurrently filed information disclosure statement.

/April M. Wise/
April M. Wise
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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BURNS & LEVINSON, LLP
125 SUMMER STREET
BOSTON MA 02110

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OFFICE OF PETITIONS

In re Patent of Smith :
Patent No. D567,477 :
Issue Date: April 29, 2008 : Decision on Petition
Application No. 29/296,312 :
Filing Date: October 17, 2007 :
Attorney Docket No. 41649-101DES :

This is a decision on the petition under 37 CFR 1.182, filed August 4, 2008, requesting issuance of duplicate Letters Patent for the above-identified application.

The petition is **granted**.

The Publishing Division is directed to issue duplicate Letters Patent.

A copy of this decision is being forwarded to the Office of Data Management for issuance of duplicate Letters Patent.

Telephone inquiries related to the petition should be directed to Petitions Attorney Steven Brantley at (571) 272-3203. Any questions concerning delays in the issuance of the duplicate Letters Patent should be directed to Niomi Farmer at (703) 308-9250 ext. 129.

Charles Steven Brantley
Petitions Attorney
Office of Petitions

cc: Kimberly Terrell (FAX 571-273-9740)
Niomi Farmer, Office of Data Management, (FAX 571-270-9753)

UNITED STATES DEPARTMENT OF COMMERCE
COMMISSIONER FOR PATENTS
P. O. BOX 1450
ALEXANDRIA, VA 22313-1450

Date : 9/10/2008
Patent No. : D574,057 S
Inventor(s) : Tibbs
Issue Date : July 29, 2008
Title : **ANGLER'S ADVANTAGE**
Doc./File No. : **07-121-IH**

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, inspection of the file of the application for the patent reveals that in item (54) Tilte, and column 1 in the patent, is/are printed in accordance with the record in the Patent and Trademark Office as shown on the (85B) Issue Fee Transmittal, as passed to issued by the examiner. There being no fault on the part of the Patent and Trademark Office. No correction is in order here.

In view of the foregoing, your request in this matter is 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

OFFICE OF KYLE FLETCHER
806 WEST 5TH STREET
APT# 410
CHARLOTTE NC 28202

ecw

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

CROSSLEY PATENT LAW
236 South Third Street
#287
MONTROSE CO 81401

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NOV 2 4 2008

OFFICE OF PETITIONS

In re Application of	:	
Jackie L. Thompson	:	
Application No. 29/296387	:	DECISION ON
Filing or 371(c) Date: 10/18/2007	:	PETITION
Title of Invention:	:	
STAIR-CLIMBING HAND CART	:	

This is a decision in response to the "Petition to Withdraw Holding of Abandonment Under 37 C.F.R. § 1.181," filed October 22, 2008.

This Petition is hereby **dismissed**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowance and Issue Fee Due, mailed May 29, 2008. The Notice required the issue fee in the amount of $410.00, and set a non-extendable three (3) month period for reply.

Applicant submitted an issue fee payment of $220 on August 13, 2008. The issue fee as stated in the Notice of Allowance is $410. As such, the reply was not a complete and proper reply to the Notice. No complete and proper reply having been received, the application became abandoned on August 30, 2008. A Notice of Abandonment was mailed on September 24, 2008.

The present petition

Applicant files the present petition and states that the issue fee of $220.00 was paid. The exact date of payment as stated in the petition is either October 18, 2008, or August 13, 2008; however, as stated above, Office records reveal that this Office received $220.00 on August 13, 2008.

Applicable Law, Rules and MPEP

Applicant is advised that the applicable statute, 35 U.S.C. § 151, Issue of patent, states that

> if it appears that applicant is entitled to a patent under the law, a written notice of allowance of the application shall be given or mailed to the applicant. The notice shall specify a sum, constituting the issue fee or a portion thereof, which shall be paid within three months thereafter.
> Upon payment of this sum the patent shall issue, but if payment is not timely made, the application shall be regarded as abandoned.
> Any remaining balance of the issue fee shall be paid within three months from the sending of a notice thereof, and, if not paid, the patent shall lapse at the termination of this three- month period. In calculating the amount of a remaining balance, charges for a page or less may be disregarded. (Emphasis supplied).

Petitioner is reminded that the use of "shall" appears in 35 USC § 151 pertaining to payment of the issue fee. It is well settled that the use of "shall" in a statute is the language of command, and where the directions of a statute are mandatory, strict compliance with the statutory terms is essential. Farrel Corp. v. U.S. Int'l Trade Comm'n, 942 F.2d 1147, 20 USPQ2d 1912 (Fed. Cir. 1991). That is, it is mandatory that the Director charge, and the applicant pay, the issue fee within three months from the sending of a notice thereof. See BEC Pressure Controls Corp. v. Dwyer Instruments, Inc., 380 F.Supp. 1397, 1399, 182 USPQ 190, 192 (N.D. Ind. 1974). As such, the complete issue fee was due within three (3) months from the mailing of the Notice. Id. The language of the statute does not permit the Director any discretion with respect to the status of the application when the issue fee has not been timely paid. Id.

In this instance, Applicant admittedly failed to pay the issue fee[1]. As such, the application is properly held abandoned.

Applicant is further advised that, as provided in the Manual of Patent Examining Procedure,

> [w]here an applicant contends that the application is not in fact abandoned (e.g., there is disagreement as to the sufficiency of the reply, or as to controlling dates), a petition under 37 CFR 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action, and such petition does not require a fee. Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment), a petition under 37 CFR 1.137 (accompanied by the appropriate petition fee) is necessary to revive the abandoned application.

MPEP 711.03(c).

Here, there is no dispute as to the status of the application. The application is abandoned. A petition to withdraw the holding of abandonment is therefore not the appropriate venue. A petition to revive the application (and fee) is the appropriate course of action.

---

[1] Applicant submitted $220.00; however, the issue fee due was $410.00.

Applicant is urged to file 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 was "unavoidable." An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required fee, currently $810.00 for a small entity[2].

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay can not make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revive under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

[2] Applicant is further advised that a grantable petition under 37 CFR 1.137(b) requires, in addition to the petition and petition fee, the required reply, to wit, the balance of the issue fee CURRENTLY due in view of the revised fee schedule of October 2, 2008. The current Design Issue Fee is $430.00. Applicant must submit an additional $210.00 for the issue fee, as well as the petition fee, and a terminal disclaimer.

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236 South Third Street
#287
MONTROSE CO 81401

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OFFICE OF PETITIONS

In re Application of :
Jackie L. Thompson :
Application No. 29/296387 : DECISION ON
Filing or 371(c) Date: 10/18/2007 : PETITION
Title of Invention: :
STAIR-CLIMBING HAND CART :

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 January 7, 2009.

This Petition is hereby granted.

Background

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowance and Issue Fee Due, mailed May 29, 2008. The Notice required the issue fee in the amount of $410.00, and set a non-extendable three (3) month period for reply.

Applicant submitted an issue fee payment of $220 on August 13, 2008. The issue fee as stated in the Notice of Allowance is $410. As such, the reply was not a complete and proper reply to the Notice. No complete and proper reply having been received, the application became abandoned on August 30, 2008. A Notice of Abandonment was mailed on September 24, 2008.

The present petition

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the issue fee and corrected drawings; (2) the petition fee, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to timely pay the issue fee as required by the Notice is accepted as being unintentionally delayed.

The terminal disclaimer is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

Applicant submitted $410 for the issue fee with the present petition; however, the issue fee is currently $430.00. Applicant submitted $220.00 for the issue fee with a petition to withdraw the holding of abandonment that was filed on August 13, 2008. The $220 was insufficient and held by the Office. The Office has applied $20.00 from the $220.00 to the issue fee and has scheduled a refund of the balance, $200.00, via Treasury Check, to Petitioner.

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
www.uspto.gov

COZEN O'CONNOR
277 PARK AVENUE
20TH FLOOR
NEW YORK, NY 10172

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MAR 15 2010

In re Patent No. D586685 :
Issue Date: February 17, 2009 :
Application No. 29/296,474 : NOTICE
Filed: October 22, 2007 :
Attorney Docket No. GIAMBROCONO-255801 :

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 **NOT ACCEPTED**.

The fee deficiency cannot be accepted because no itemization has been submitted, as required by 37 CFR 1.28(C) (ii) which states:

(2) Payment of deficiency owed. The deficiency owed, resulting from the previous erroneous payment of small entity fees, must be paid.

(ii) *Itemization of the deficiency payment.* An itemization of the total deficiency payment is required. The itemization must include the following information:

(A) Each particular type of fee that was erroneously paid as a small entity, (e.g., basic statutory filing fee, two-month extension of time fee) along with the current fee amount for non-small entity;

(B) The small entity fee actually paid, and when. This will permit the Office to differentiate, for example, between two one-month extension of time fees erroneously paid as a small entity but on different dates;

(C) The deficiency owed amount (for each fee erroneously paid); and

(D) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section.

The fee submitted December 17, 2009, is acknowledged, however, a proper itemization is required for the issue fee, as indicated above.

Inquiries related to this communication should be directed to Diane C. Goodwyn at (571) 272-6735.

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DAVID WILLIAM LAITURI
37 ALDEN ROAD
WAYLAND, MA 01778

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OCT 2 4 2008

OFFICE OF PETITIONS

In re Application of	:	
Laituri et al.	:	
Application No. 29/296,478	:	ON PETITION
Filed: October 22, 2007	:	
Title: MP3 SOUND SYSTEM	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed September 26, 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 the issue fee in a timely manner in reply to the Notice of Allowance mailed March 26, 2008, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on June 27, 2008. A Notice of Abandonment was mailed on July 23, 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 none of the above items. The Office acknowledges receipt of the Issue Fee Transmittal with payment of the issue fee and the terminal disclaimer with requisite fee.

However, the petition must be signed by:

(1) An attorney or agent of record appointed in compliance with § 1.34(b);
(2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a);
(3) The assignee of record of the entire interest, if there is an assignee of record of the entire interest;
(4) An assignee of record of an undivided part interest, and any assignee(s) of the remaining interest and any applicant retaining an interest, if there is an assignee of record of an undividing part interest; or
(5) All of the applicants (§§ 1.42. 1.43 and 1.47) for patent, unless there is an assignee of record of the entire interest and such assignee has taken action in the application in accordance with §§ 3.71 and 3.73.

The instant petition was only signed by one of the two listed applicants. To revive the instant application, Mr. Timothy L. Trzepacz must submit a signed copy of the petition.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Window located at:

U.S. Patent and Trademark Office
Customer Service Window Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.

Liana 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

DAVID WILLIAM LAITURI
37 ALDEN ROAD
WAYLAND MA 01778

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MAR 2 0 2009

OFFICE OF PETITIONS

In re Application of	:	
Laituri et al.	:	
Application No. 29/296,478	:	ON PETITION
Filed: October 22, 2007	:	
Title: MP3 Sound System	:	

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed November 26, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition now satisfies all of the requirements of 37 CFR 1.137(b) in that both applicants have signed the petition.

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 (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 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 29/296,501
Filing Date	October 22, 2007
First Named Inventor	Fung Ying LAU
Title	FLYING DEVICE
Atty Docket Number	058084-018401

ADDRESS TO:

MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

This is a request for expedited examination of a design application under 37 CFR 1.155.

NOTE: If the Request made by this form accompanies original application papers, include form PTO/SB/18 "Design Patent Application Transmittal" or its equivalent.

A preexamination search was conducted. The field of search was:

Class D11, Subclasses 14, 31, 49, 57, 82, 100, 204, 224, 233, 239
Class D21, Subclasses 436, 438, 441, 442
Class 446, Subclasses 34, 35, 36, 37

Approved 11-1-07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

Related applications: US Patent Application Serial Number 29/283,036, filed on August 3, 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). **(8 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

October 22, 2007
Date

Charles Berman, Esq.
Typed or printed name

29,249
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.

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3/10/09

Patent No. :D579658S
Ser. No. :29/296505
Inventor(s) :XINYUE WENG
Issued : 11/4/08
Title : TOOLBOX
Docket No. :

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this mater, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, , no additional fee is required.

A certificate of correction will be issued to correct the remaining errors noted in your request.

Henry Randall
For Mary Diggs
Decisions & Certificates
of Correction Branch
(703) 308-9390 Ext. 108

GLOBAL IP SERVICES
7285 W. EAGLE COURT
WINTON, CA 95388

HR

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

3/10/09

Patent No. :D5801717S
Ser. No. :29/296506
Inventor(s) :Xinyue Weng
Issued : 11/11/08
Title : Toolbox
Docket No. :

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