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KIRK HAHN
14431 HOLT AVE
SANTA ANA CA 92705

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FEB 06 2009

OFFICE OF PETITIONS

In re Application of	:	
Mark Robert Lorbek	:	
Application No. 29/296,508	:	DECISION ON PETITION
Filed: October 22, 2007	:	
Attorney Docket No. DS-008	:	

This is a decision on the petition to revive the above-identified application under 37 CFR 1.137(b), filed January 11, 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(b)." No further petition fee is due for a renewed petition. This is **not** a final agency decision within the meaning of 5 USC 704.

The above-identified application became abandoned for failure to timely file corrected drawings in response to the Notice of Allowability, mailed August 12, 2008. This Notice set a statutory period for reply of three (3) months. No reply having been received, the application became abandoned on November 13, 2008. The Office mailed a Notice of Abandonment on December 5, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that

the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d).

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

Receipt of the petition fee is acknowledged. No further petition fee is required on renewed petition.

Further correspondence concerning this application should be addressed as follows:

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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KIRK HAHN
14431 HOLT AVE
SANTA ANA CA 92705

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MAR 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Mark Robert Lorbek	:	
Application No. 29/296,508	:	DECISION ON PETITION
Filed: October 22, 2007	:	
Attorney Docket No. DS-008	:	

This is a decision on the renewed petition to revive the above-identified application under 37 CFR 1.137(b), filed February 15, 2009.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely file corrected drawings in response to the Notice of Allowability, mailed August 12, 2008. This Notice set a statutory period for reply of three (3) months. No reply having been received, the application became abandoned on November 13, 2008. The Office mailed a Notice of Abandonment on December 5, 2008. Applicant filed a petition to revive under 37 CFR 1.137(b) on January 11, 2009. However, the petition was dismissed in a decision mailed on February 6, 2009. The petition was dismissed because applicant did not submit the required terminal disclaimer.

With the instant petition, petitioner has submitted a terminal disclaimer. The other requirements for a grantable petition under 37 CFR 1.137(b) were previously satisfied in the petition filed on January 11, 2009.

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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INTERNATIONAL TRUCK INTELLECTUAL PROPERTY COMPANY
4201 WINFIELD ROAD
WARRENVILLE IL 60555

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JAN 26 2009

OFFICE OF PETITIONS

In re Application of
Beigel et al.
Application No. 29/296,551
Filed: October 23, 2007
Attorney Docket No. D6369

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 9, 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 October 9, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed July 9, 2008, which set a statutory period of reply of three (3) months. Accordingly, the application became abandoned on October 10, 2008. A Notice of Abandonment was mailed November 5, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the 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 failed to pay the issue fee of $860.00. Further, petitioner has not submitted a completed PTOL-85, therefore one is enclosed.

With respect to item (4), petitioner has failed to submit the terminal disclaimer fee of $140.00.

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

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

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571) 273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.

TITLE OF INVENTION:

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE

EXAMINER	ART UNIT	CLASS-SUBCLASS

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

☐ Issue Fee

☐ Publication Fee (No small entity discount permitted)

☐ Advance Order - # of Copies _____

4b. Payment of Fee(s):

☐ A check in the amount of the fee(s) is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number _____.

5. **Change in Entity Status** (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.
NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Privacy Act Statement

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

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

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

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WARRENVILLE IL 60555

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APR 03 2009

OFFICE OF PETITIONS

In re Application of	:	
Beigel et al.	:	
Application No. 29/296,551	:	DECISION ON PETITION
Filed: October 23, 2007	:	
Attorney Docket No. D6369	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed March 25, 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 9, 2008, as required by the Notice of Allowance and Fee(s) Due mailed July 9, 2008. Accordingly, the date of abandonment of this application is October 10, 2008. A Notice of Abandonment was mailed November 5, 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 $860.00; (2) the petition fee of $1,620.00 (previously paid on January 9, 2009); (3) a proper statement of unintentional delay; and (3) a Terminal Disclaimer (previously filed on January 9, 2009) and fee of $140.00.

Petitioner has submitted an unnecessary duplicate petition fee of $1,620.00, as well as an unnecessary publication fee of $300.00. This overage of $1,920.00 will be refunded to petitioner's deposit account in due course.

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

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

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

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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

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DEC 03 2007

OFFICE OF PETITIONS

In re Application of	:	
Bartley K. Andre et al.	:	
Application No. 29/296,566	:	DECISION ON PETITION
Filed: October 23, 2007	:	TO WITHDRAW
Attorney Docket No. APL1D481C1/P4397USC1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 7, 2007.

The request is **NOT APPROVED**.

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

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reason set forth in the request, "Transfer to new counsel," does not meet any of the conditions set forth in 37 CFR 10.40.

A courtesy copy of this decision is being mailed to the assignee.

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

There are no pending Office actions at this time.

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Apple Computer, Inc.
1 Infinite Loop
Cupertino, CA 95014

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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SECOND SIGHT MEDICAL PRODUCTS, INC.
12744 SAN FERNANDO ROAD
BUILDING 3
SYLMAR, CA 91342

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APR 22 2009

OFFICE OF PETITIONS

In re Application of	:	
Sanjay Gaikwad, et. al.	:	
Application No. 29/296,571	:	DECISION ON PETITION
Filed: October 23, 2007	:	
Attorney Docket No. S494-DES	:	

This is a decision on the petition under 37 CFR 1.137(b), filed April 3, 2009, to revive the above-identified design application.

The petition is **dismissed**.

The application became abandoned for failure to reply in a timely manner to the Office action under Ex parte Quayle, 1935 Dec. Comm'r Pat. 11 (1935) mailed, September 8, 2008. A Notice of Abandonment was mailed on April 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(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 filed on April 3, 2009. However, a Terminal Disclaimer and $70 fee is required under 37 CFR 1.137(d) if the application is: (1) a design application, (2) a utility application filed before June 8, 1995, or (3) a plant application filed before June 8, 1995. The Terminal Disclaimer must dedicate to the public a terminal part of the term of any patent granted the application equivalent to the period of abandonment of the application, and must also apply to any patent granted on any application containing a specific reference under 35 U.S.C. 120, 121 or 365(c) to the application for which revival is sought. For petitioner's convenience, a blank Terminal Disclaimer form accompanies this decision.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b), and be accompanied by the required Terminal Disclaimer and $70 fee." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

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

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

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

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

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

Andrea Smith
Petitions Examiner
Office of Petitions

Enclosure: Terminal Disclaimer Form No. PTO/SB/63

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SECOND SIGHT MEDICAL PRODUCTS, INC.
12744 SAN FERNANDO ROAD
BUILDING 3
SYLMAR, CA 91342

MAILED

MAY 19 2009

OFFICE OF PETITIONS

In re Application of	:	
Sanjay Gaikwad, et. al.	:	
Application No. 29/296,571	:	DECISION ON PETITION
Filed: October 23, 2007	:	
Attorney Docket No. S494-DES	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed April 24, 2009, to revive the above-identified design application.

In response to the decision mailed April 22, 2009, petitioner submits the present renewed petition and a terminal disclaimer with the $70 fee.

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 April 24, 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 Technology Center Art Unit 2914 for further processing in accordance with this decision and for review of the Request under 37 CFR 1.48 filed on April 3, 2009.

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

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DIW Mar-10

THE MARBURY LAW GROUP, PLLC
11800 SUNRISE VALLEYDRIVE
SUITE 1000
RESTON VA 20191

MAILED

MAR 17 2010

OFFICE OF PETITIONS

In re Application of :
Candace Lamonl :
Application No.: 29/296,578 : ON PETITION
Filing Date: October 23, 2007 :
Attorney Docket No. 1355-003 :

This is a decision on the petition under 37 CFR 1.137(a), filed on December 4, 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(a)" or "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency decision.

This application became abandoned on November 7, 2009, for failure to timely pay the issue fee on or before November 6, 2009, as indicated in the Notice of Allowance mailed August 6, 2009. A Notice of Abandonment was mailed on December 1,, 2009.

Petitioner asserts that the Notice of Allowance mailed August 6, 2009, was never received

A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by:

> (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. 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 § 1.17(l);

(3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and

(4) any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (c) of this section.

This petition lacks item (3) above.

As to item (3), 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 "avoidable." **See**, 37 CFR 1.137(a)(3). Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[1]

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

1. a statement from practitioner stating that the Office action was not received by the practitioner;

---

[1] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account."

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicate that the Office action was not received;

3. 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, and

4. 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.

Petitioner has failed to meet (4). A copy of a master docket or a statement that a master docket does not exist has not been provided. A copy of the practitioner's record(s) required to show non-receipt of the Notice of Allowance should include the master docket for the firm. That is, if a three month period for reply was set in the Notice of Allowance, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the Notice of Allowance on August 6, 2009, must be submitted as documentary proof of nonreceipt of the Notice of Allowance. If no such master docket exists, the practitioner should so state.

Additionally, since the above application is a design application, a Terminal Disclaimer and fee under 37 CFR 1.20(d) ($70.00 small entity status) is required.

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 petition fee set forth in 37 CFR 1.17(m).

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 delivered through one of the following mediums:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By internet:	EFS-Web www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DIW Mar-10

THE MARBURY LAW GROUP, PLLC
11800 SUNRISE VALLEYDRIVE
SUITE 1000
RESTON VA 20191

MAILED

MAR 17 2010

OFFICE OF PETITIONS

In re Application of	:	
Candace Lamonl	:	
Application No.: 29/296,578	:	ON PETITION
Filing Date: October 23, 2007	:	
Attorney Docket No. 1355-003	:	

This is a decision on the petition under 37 CFR 1.137(a), filed on December 4, 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(a)" or "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency decision.

This application became abandoned on November 7, 2009, for failure to timely pay the issue fee on or before November 6, 2009, as indicated in the Notice of Allowance mailed August 6, 2009. A Notice of Abandonment was mailed on December 1,, 2009.

Petitioner asserts that the Notice of Allowance mailed August 6, 2009, was never received

A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by:

> (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. 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 § 1.17(l);

(3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and

(4) any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (c) of this section.

This petition lacks item (3) above.

As to item (3), 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 "avoidable." **See**, 37 CFR 1.137(a)(3). Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[1]

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

1. a statement from practitioner stating that the Office action was not received by the practitioner;

---

[1] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account."

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicate that the Office action was not received;

3. 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, and

4. 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.

Petitioner has failed to meet (4). A copy of a master docket or a statement that a master docket does not exist has not been provided. A copy of the practitioner's record(s) required to show non-receipt of the Notice of Allowance should include the master docket for the firm. That is, if a three month period for reply was set in the Notice of Allowance, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the Notice of Allowance on August 6, 2009, must be submitted as documentary proof of nonreceipt of the Notice of Allowance. If no such master docket exists, the practitioner should so state.

Additionally, since the above application is a design application, a Terminal Disclaimer and fee under 37 CFR 1.20(d) ($70.00 small entity status) is required.

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 petition fee set forth in 37 CFR 1.17(m).

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 delivered through one of the following mediums:

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

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

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

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

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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JUN 07 2010

OFFICE OF PETITIONS

THE MARBURY LAW GROUP, PLLC
11800 SUNRISE VALLEY DRIVE
SUITE 1000
RESTON VA 20191

In re Application of	:	
Candace Lamon	:	
Application No. 29/296,578	:	DECISION ON PETITION
Filed: October 23, 2007	:	
Attorney Docket No. 1355-003	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 7, 2010, 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, (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 of Allowance mailed August 6, 2009, 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) 272-3208.

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
P.O. Box 1450
Alexandria, VA 22313-1450
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SEP 15 2009

OFFICE OF PETITIONS

3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL MN 55133-3427

In re Application of	:	
Craig Thompson et al.	:	
Application No. 29/296,612	:	DECISION ON PETITION
Filed: October 24, 2007	:	
Attorney Docket No. 63737US002	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 16, 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 February 26, 2009, which set a period for reply of three (3) months. Accordingly, this application became abandoned on May 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 corrected formal drawings, (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 the Office of Data Management to be processed into a patent.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20090211

DATE : February 11, 2009

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction on Patent No.: D580789

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

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.
29/296,698	10/25/2007	Daniel E. DeBrunner	27451C-000900US	1298

7590 11/24/2009

Kelly S.K. Klsea
Intellectual Property Counsel for
The Coleman Company, Inc.
3600 N. Hydraulic
Wichita, KS 67219

EXAMINER
SIPOS, DANA L

ART UNIT	PAPER NUMBER
2916	

MAIL DATE	DELIVERY MODE
11/24/2009	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA22313-1450
www.uspto.gov

Kelly S.K. Klsea NOV 24 2009
Intellectual Property Counsel for
The Coleman Company, Inc.
3600 N. Hydraulic
Wichita KS 67219

In re Application of DEBRUNNER, DANIEL E.
Appl. No.: 29/296698
Filed: 10/25/2007
For: LANTERN

PETITION DECISION

This is a decision on the petition under 37 CFR 1.181(a) received April3, 2009, to withdraw holding of abandonment.

The petition is DENIED.

USPTO records show that on December 1, 2008 applicant was mailed a Notice of Allowabilitythat included a requirement for corrected drawings. On March 3, 2009, two days after the end of the statutory period for applicant to respond, the examiner mailed a Supplemental Notice of Allowance explaining her reasons for allowing the claim. Twentyfour days later Patent Publication Branch of the Office of Data Management mailed a Notice of Abandonment for failure to timely pay the required issue fee and publication fee within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85) and failure to timely file corrected drawings as required in the examiner's amendmenmtwithin the three-month period set in, the Notice of Allowability (PTO-37).

Petitioner asserts, failure to reply in a timely manner to the Notice of Allowabilitymailed December 1, 2008 manner was unintentional and occurred because the deadline for reply to the Notice of Allowabilityand payment of the issue fee had not been entered into applicant's computerized patent docketing system and, therefore, applicant was not reminded of the upcoming deadline. Petitioner also asserts that receipt of the March 3, 2009 Supplemental Notice of Allowability led Applicant to believethat the application was still pending and that there was availabletime to submit the issue fee and the replacement drawing sheet.

The following facts support the decision to deny petitoner's request: The Supplemental Notice of Allowability was mailed after the statutory period for response had expired, made no further requirements of applicant and stated in the second paragraph: "Applicant should note that the time period in which the required replacement drawings must be submited does NOT restart. Attention is directed to the original Notice of Allowance of December 1, 2008."

/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

KELLY S.K. KLSEA
INTELLECTUAL PROPERTY COUNSEL FOR
THE COLEMAN COMPANY, INC.
3600 N. HYDRAULIC
WICHITA KS 67219

MAILED

APR 05 2010

OFFICE OF PETITIONS

In re Application of	:	
Daniel E. DEBRUNNER	:	
Application No. 29/296,698	:	DECISION ON PETITION
Filed: October 25, 2007	:	
Attorney Docket No. 27451C-000900US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 11, 2010, to revive the above-identified design application.

The petition is **GRANTED**.

The application became abandoned for failure to pay the required issue fee and submit corrected drawings in a timely manner in reply to the Notice of Allowance and Fee(s) Due, mailed December 1, 2008, which set a period for reply of three (3) months. Accordingly, this application became abandoned on March 2, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the issue fee and 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 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.

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

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

/DCG/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: ROGER D. WYLIE
TOWNSEND AND TOWNSEND AND CREW LLP
TWO EMBARCADERO CENTER, 8TH FLOOR
SAN FRANCISCO, CA 94111

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

HOWARD & HOWARD ATTORNEYS, P.C.
THE PINEHURST OFFICE CENTER, SUITE #101
39400 WOODWARD AVENUE
BLOOMFIELD HILLS MI 48304-5151

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JUN 20 2008

OFFICE OF PETITIONS

In re Application of :
Miller et al. :
Application No. 29/296,707 :
Filed: October 25, 2007 :
Attorney Docket No.:062522.00846 :

ON PETITION

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed May 8, 2008. In the alternative petitioner has requested that the petition be considered under 37 CFR 1.137(b).

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

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

This application became abandoned for failure to timely submit corrected drawings, as required by the Notice of Allowability which was mailed December 27, 2007 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 March 28, 2008. A Notice of Abandonment was mailed on April 22, 2008.

Petitioner contends that an attempt to advance the application was made with the payment of the issue fee. Petitioner insists that the receipt of the Notice of Abandonment was the first time applicant became aware of the inadvertent omission regarding the Examiner's prior objections to the drawings. Petitioner suggest that an equitable solution should have involved, the Office sending out a Notice of Defective response. Thus, giving applicant an opportunity to reply prior to the abandonment of the application. Petitioner maintains that the holding of abandonment should be withdrawn.

Petition under 37 CFR 1.181

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.

Petitioner's argument has been considered but it is not convincing to establish the holding of abandonment should be withdrawn. The Notice of Allowability was mailed on December 27, 2007 with the Notice of Allowance. 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.

The Office does not send out defective response notices when an applicant fails to submit drawings or other documents which may be required in the Notice of Allowability. Although petitioner timely submitted the issue fee, a complete reply would have consisted of the issue fee and the corrected drawings. The incomplete reply to the Notice of Allowance and the Notice of Allowability did not advance the application towards issuance to the patent.

Accordingly, the abandonment was proper and will not be withdrawn.

Petition under 37 CFR 1.137(b)

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

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." 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). Petitioner has failed to meet requirement (4).

Pursuant to petitioner's request deposit account no. 08-2789 will be charged the

$1540.00 petition fee.

As to item (4), petitioner has failed to submit a terminal disclaimer and the terminal disclaimer fee. All design applications require the submission of a terminal disclaimer.

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

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

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UNITED STATES PATENT AND TRADEMARK OFFICE

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

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THE PINEHURST OFFICE CENTER, SUITE #101
39400 WOODWARD AVENUE
BLOOMFIELD HILLS MI 48304-5151

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SEP 15 2008

In re Application of	:	
Miller et al.	:	
Application No.29/296,707	:	DECISION ON PETITION
Filed: October 25, 2007	:	
Attorney Docket No. 062522.00846	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 30, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit corrected formal drawings on or before March 27, 2008, as required by the Notice of Allowability, mailed December 27, 2007. Accordingly, the date of abandonment of this application is March 28, 2008. A Notice of Abandonment was mailed of March 13, 2008. Petitions under 37 CFR 1.181 and a.137(b) were dismissed on June 18, 2008

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the 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 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

Charlema Grant
Petitions Attorney
Office of Petitions

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

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

Application Number	29/296,723
Filing Date	TBD
First Named Inventor	Sebastien Mermet
Title	SHOE UPPER
Atty Docket Number	015127.01052

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

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

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

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

D2/896, 902, 907, 908, 909, 910, 911, 943, 944, 946, 969, 970, 972, 973, 977, 978

Related applications: _____

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:
- Formal drawings (see 37 CFR 1.84).
- The fee set forth in 37 CFR 1.17(k).
- An information disclosure statement in compliance with 37 CFR 1.98.

Approved 11/5/07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

/Elizabeth A. Almeter/ — Signature

October 26, 2007 — Date

Elizabeth A. Almeter — Typed or printed name

57,019 — Registration Number, if applicable

(202) 824-3000 — Telephone Number

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

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

PTO/SB/27 (09-04)
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)		
	Application Number	29/296,725
	Filing Date	TBD
	First Named Inventor	Andrew Caine
	Title	SHOE UPPER
	Atty Docket Number	015127.01051

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, 909, 910, 911, 924, 943, 945, 946, 969, 970, 971, 972, 973, 974, 978

Related applications: _____

Approved 11/5/07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:
- Formal drawings (see 37 CFR 1.84).
- The fee set forth in 37 CFR 1.17(k).
- An information disclosure statement in compliance with 37 CFR 1.98.

/Elizabeth A. Almeter/ — Signature

October 26, 2007 — Date

Elizabeth A. Almeter — Typed or printed name

57,019 — 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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OVERHAUSER LAW OFFICES, LLC
DOCKETING DEPARTMENT
737 W. GREEN MEADOWS DRIVE, SUITE 300
GREENFIELD, IN 46140

In re Application of Vincenzo Guercio Application No. 29/296,733 Filed: October 26, 2007 Attorney Docket No. RABL-P0008	: : : : :	ON PETITION

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

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue fee on or before September 29, 2006, as required by the Notice of Allowance and Fee(s) Due, mailed April 21, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on July 22, 2008. A Notice of Abandonment was subsequently mailed on August 12, 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) an adequate statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to timely pay the issue fee as required by the Notice of April 21, 2008 is accepted as being unintentionally delayed.

The terminal disclaimer filed August 8, 2008 has been accepted and made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

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

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 4/29/09 **Paper No.:** —

TO SPE OF : ART UNIT 2911

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/296733 Patent No.: D582600S

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: _____

CATHRON C. BROOKS
SUPERVISORY PATENT EXAMINER

SPE **Art Unit** 2911

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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OVERHAUSER LAW OFFICES, LLC
DOCKETING DEPARTMENT
737 W. GREEN MEADOWS DRIVE, SUITE 300
GREENFIELD, IN 46140

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In re Application of
Vincenzo Guercio
Application No. 29/296,734
Filed: October 26, 2007
Attorney Docket No. RABL-P0009

ON PETITION

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

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue fee on or before July 21, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed April 21, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on July 22, 2008. On August 8, 2008, the present petition was filed. A Notice of Abandonment was subsequently mailed on August 12, 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) 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 August 8, 2008 is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

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

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

HUGHES HUBBARD & REED LLP
ONE BATTERY PARK PLAZA
NEW YORK, NY 10004

In re Application of
Jan Willem Luinstra et al
Application No. 29/296,749
Filed: October 26, 2007
Attorney Docket No. 79348.1201

ON PETITION

This is a decision on the petition filed April 29, 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 August 28, 2008, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on November 29, 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
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HUGHES HUBBARD & REED LLP
ONE BATTERY PARK PLAZA
NEW YORK, NY 10004

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JUN 12 2009

OFFICE OF PETITIONS

In re Application of :
Jan Willem Luinstra :
Application No. 29/296,749 :
Filed: October 26, 2007 :
Attorney Docket No. 79348.1201 :

ON PETITION

CORRECTED DECISION

This is a decision on the petition under 37 CFR 1.137(b), filed April 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** 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 28, 2008, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on November 28, 2008.

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

The Issue fee was previously received on April 29, 2009. However, Office record does not show the formal drawings have been submitted. This petition can not be treated until the formal drawings are received.

The decision mailed May 26, 2009 is hereby vacated as of the mail date of this decision.

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/
Irvin Dingle
Petitions Examiner
Office of Petitions

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Commissioner for Patents
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OFFICE OF PETITIONS

HUGHES HUBBARD & REED LLP
ONE BATTERY PARK PLAZA
NEW YORK, NY 10004

In re Application of
Jan Willem Luinstra
Application No. 29/296,749
Filed: October 26, 2007
Attorney Docket No. 79348.1201

ON PETITION

This is a decision on the renewed petition filed June 26, 2009 under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED.**

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the issue fee and 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 (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	TBD 29/296,757
Filing Date	October 26, 2007
First Named Inventor	Sean McDowell
Title	Shoe Upper
Atty Docket Number	015127.01046

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, 908, 909, 910, 911, 943, 944, 946, 969, 970, 972, 973, 977, and 978

Related applications: _____

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

Formal drawings (see 37 CFR 1.84).

The fee set forth in 37 CFR 1.17(k).

An information disclosure statement in compliance with 37 CFR 1.98.

Approved 11/5/07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

October 26, 2007	/Matthew Kohner/
Date	Signature
202-824-3000	Matthew J. Kohner
Telephone Number	Typed or printed name

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

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

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

PTO/SB/27 (05-03)
Approved for use through 04/30/2003. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

Application Number	TBD 29/296,759
Filing Date	October 26, 2007
First Named Inventor	Tetsuya T. Minami
Title	Shoe Upper
Atty Docket Number	015127.01047

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, 909, 910, 911, 924, 943, 945, 946, 969, 970, 971, 972, 973, 974, and 978

Related applications: _____

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

Formal drawings (see 37 CFR 1.84).

The fee set forth in 37 CFR 1.17(k).

An information disclosure statement in compliance with 37 CFR 1.98.

11/5/07
Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

October 26, 2007	/Matthew Kohner/
Date	Signature
202-824-3000	Matthew J. Kohner
Telephone Number	Typed or printed name

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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GARCIA-ZAMOR INTELLECTUAL PROPERTY LAW
ATTN: RUY GARCIA-ZAMOR
12960 LINDEN CHURCH ROAD
CLARKSVILLE MD 21029

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OCT 30 2009

OFFICE OF PETITIONS

In re Patent No. D570276	:	
Issue Date: June 3, 2008	:	
Application No. 29/296,768	:	ON PETITION
Filed: October 26, 2007	:	
Attorney Docket No. WPI-PT007	:	

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

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

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

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

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

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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GIFFORD KRASS SPRINKLE ANDERSON & CITKOWSKI PC
PO BOX 7021
TROY MI 48007-7021

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OFFICE OF PETITIONS

In re Application of	:	
Mytych, et al.	:	
Application No. 29/296,808	:	DECISION ON PETITION
Filed: October 29, 2007	:	
Attorney Docket No. ETI-10117/36	:	

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

The petition is **DISMISSED**.

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

The above-identified application became abandoned for failure to timely pay the issue fee in response to the Notice of Allowance, mailed June 17, 2008. This Notice set a statutory period for reply of three (3) months for issue fee transmittal. No issue fee having been received, the application became abandoned on September 18, 2008. A Notice of Abandonment was mailed September 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).

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

Further correspondence concerning this application should be addressed as follows:

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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GIFFORD KRASS SPRINKLE ANDERSON & CITKOWSKI PC
PO BOX 7021
TROY MI 48007-7021

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OFFICE OF PETITIONS

In re Application of	:	
Mytych, et al.	:	
Application No. 29/296,808	:	DECISION ON PETITION
Filed: October 29, 2007	:	
Attorney Docket No. ETI-10117/36	:	

This is a decision on the renewed petition to revive the above-identified application under 37 CFR 1.137(b), filed November 13, 2008.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely pay the issue fee in response to the Notice of Allowance, mailed June 17, 2008. This Notice set a statutory period for reply of three (3) months for issue fee transmittal. No issue fee having been received, the application became abandoned on September 18, 2008. A Notice of Abandonment was mailed September 26, 2008. Applicants filed a petition to revive under 37 CFR 1.137(b) on September 18, 2008. However, the petition was dismissed in a decision mailed on October 22, 2008. The decision explained that the petition lacked the required terminal disclaimer.

With the instant renewed petition, applicants have filed a terminal disclaimer and paid the appropriate fee. The other requirements for a grantable petition were satisfied in the petition filed September 18, 2008.

The application is being forwarded to the Office of Patent Publication for processing into a patent.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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DERGOSITS & NOAH LLP
FOUR EMBARCADERO CENTER, SUITE 1450
SAN FRANCISCO CA 94111

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AUG 14 2008

In re Application of	:	
McLaughlin, Karen	:	
Application No. 29/296,847	:	ON PETITION
Filed: October 30, 2007	:	
Attorney Docket No. 1052.02	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed May 20, 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 for revival under 37 CFR 1.137(b). A blank form is enclosed for petitioner's convenience.

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

---

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

[2] See MPEP 711.03(c)(III)(C) and (D).

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

By hand: Customer Window located at:

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

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

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

Liana Walsh
Petitions Examiner
Office of Petitions

Enclosure: PTO/SB/63

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

Docket Number (Optional)

In re Application of:

Name:

Application Number:

Filed:

For:

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

Check either box 1 or 2 below, if appropriate.

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

Signature	Date
Typed or Printed Name	Telephone Number

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

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

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

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

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

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DERGOSITS & NOAH LLP
FOUR EMBARCADERO CENTER, SUITE 1450
SAN FRANCISCO CA 94111

MAILED

FEB 27 2009

OFFICE OF PETITIONS

In re Application of	:	
Karen MCLAUGHLIN	:	
Application No. 29/296,847	:	DECISION ON PETITION
Filed: October 30, 2007	:	
Attorney Docket No. **1052.02**	:	

This is a decision on the Terminal Disclaimer filed August 25, 2008, that is being construed as a renewed petition under 37 CFR 1.137(b), to revive the above-identified design application.

The petition is **GRANTED**.

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

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $820 issue fee, and the required 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 January 14, 2008 is accepted as being unintentionally delayed.

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

Telephone inquiries concerning this decision should be directed to 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Crossley Patent Law
236 South Third Street
#287
Montrose, CO 81401

In re Application of	:	
Dale F. Konecny	:	
Application No. 29/296,868	:	DECISION ON PETITION
Filed: October 30, 2007	:	
Attorney Docket No. 07-09-19.5DA	:	

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

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee on or before March 31, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed December 31, 2007. Accordingly, the date of abandonment of this application is April 1, 2008. A Notice of Abandonment was mailed on May 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 $410, (2) the petition fee of $770, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the issue fee is accepted as being unintentionally delayed.

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

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

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

Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

MAILED

APR 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Boone et al.	:	
Application No. 29/296,883	:	ON PETITION
Filed: October 30, 2007	:	
Attorney Docket No. CMC5042USOP2	:	

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 **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). The Office acknowledges receipt of the Replacement Drawings. However, since the instant application is a design application, a terminal disclaimer and fee must be submitted for revival, as stated in 37 CFR 1.137(d). A blank form is enclosed for petitioner's convenience.

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

[2] See MPEP 711.03(c)(III)(C) and (D).

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

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

By hand: Customer Window located at:

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

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

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

Liana Walsh
Petitions Examiner
Office of Petitions

Enclosure: PTO/SB/63 – Terminal Disclaimer

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

MAILED

JUL 09 2009

OFFICE OF PETITIONS

In re Application of	:	
Boone et al.	:	
Application No. 29/296,883	:	ON PETITION
Filed: October 30, 2007	:	
Attorney Docket No. CMC5043USDP2	:	

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed June 4, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition now satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied a terminal disclaimer and fee.

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

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

Liana Walsh
Petitions Examiner
Office of Petitions

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 29/296,926
Filing Date	October 31, 2007
First Named Inventor	Alexander VAN DE ROSTYNE et al.
Title	HELICOPTER
Atty Docket Number	058084-018200/US

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: 244, Subclasses: 4R, 6, 7A, 7B, 7C, 8, 12.3, 17.11, 17.23, 30, 35R
Class: 416, Subclasses: 223R, 243, Dig. 2
Class: 446, Subclasses: 34-45 inclusive, 230, 232
Class: D12, Subclasses: 319, 327, 328, 329
Class: D21, Subclasses: 436, 441, 442, 446

11/5/07
Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

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

- Formal drawings (see 37 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	October 31, 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.

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 29/296,934
Filing Date	October 31, 2007
First Named Inventor	Alexander VAN DE ROSTYNE et al.
Title	HELICOPTER ROTORS
Atty Docket Number	058084-018201/US

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: 244, Subclasses: 4R, 6, 7A, 7B, 7C, 8, 12.3, 17.11, 17.23, 30, 35R
Class: 416, Subclasses: 223R, 243, Dig. 2
Class: 446, Subclasses: 34-45 inclusive, 230, 232
Class: D12, Subclasses: 319, 327, 328, 329
Class: D21, Subclasses: 436, 441, 442, 446

11/5/07
Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

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

- Formal drawings (see 37 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	October 31, 2007 Date
Charles Berman, Esq. Typed or printed name	29,249 Registration Number, if applicable
(310) 586-7700 Telephone Number	

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

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

PTO/SB/27 (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 29/296,945
Filing Date	October 31, 2007
First Named Inventor	Alexander VAN DE ROSTYNE et al.
Title	HELICOPTER BODY
Atty Docket Number	058084-018202/US

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: 244, Subclasses: 4R, 6, 7A, 7B, 7C, 8, 12.3, 17.11, 17.23, 30, 35R
Class: 416, Subclasses: 223R, 243, Dig. 2
Class: 446, Subclasses: 34-45 inclusive, 230, 232
Class: D12, Subclasses: 319, 327, 328, 329
Class: D21, Subclasses: 436, 441, 442, 446

11/5/07
Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

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

- Formal drawings (see 37 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	October 31, 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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : January 26, 2010

TO SPE OF : ART UNIT 2913 - SPE Caron D. Veynar.

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/296,951 Patent No.: D602,844 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)
Randolph Square Building
2800 South Randolph Street
Arlington, VA 22206

Antonio Johnson

Should the FIG. 6 be substituted as shown in COCIN dated 01-21-2010

Certificates of Correction Branch

(571)272-0483

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

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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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE NW, SUITE 700
WASHINGTON, DC 20036

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NOV 17 2008

OFFICE OF PETITIONS

In re Application of	:
TAKAHASHI, Toshihiko	: DECISION GRANTING PETITION
Application No. 29/296,953	: UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: October 31, 2007	:
Attorney Docket No. **072002**	:

This is a decision on the petition under 37 CFR 1.313(c)(3), filed November 13, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on October 14, 2008 in the parent application is not refundable nor can it be applied towards any new Notice of Allowance which may issue on the CPA filed November 13, 2008.

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

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

Monica A. Graves
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 29/296,960
Filing Date	October 31, 2007
First Named Inventor	Alexander VAN DE ROSTYNE et al.
Title	ROTORS FOR HELICOPTER
Atty Docket Number	058084-018203/US

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.

Class: 244, Subclasses: 4R, 6, 7A, 7B, 7C, 8, 12.3, 17.11, 17.23, 30, 35R
Class: 416, Subclasses: 223R, 243, Dig. 2
Class: 446, Subclasses: 34-45 inclusive, 230, 232
Class: D12, Subclasses: 319, 327, 328, 329
Class: D21, Subclasses: 436, 441, 442, 446

Approved 11/5/07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

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

- Formal drawings (see 37 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	October 31, 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.

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www.uspto.gov

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON DC 20036

COPY MAILED

NOV 1 7 2008

OFFICE OF PETITIONS

In re Application of	:
Toshihiko Takahashi	: DECISION GRANTING PETITION
Application No. 29/296,967	: UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: October 31, 2007	:
Attorney Docket No. 072001	:

This is a decision on the petition under 37 CFR 1.313(c)(3), filed November 12, 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 14, 2008 in the parent application is not refundable nor can it be applied towards any new Notice of Allowance which may issue on the CPA filed November 12, 2008.

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

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

Terri 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
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LAW OFFICES OF JAMES R. CYPHER
409 13TH STREET, 11TH FLOOR
OAKLAND CA 94612

MAILED

APR 08 2010

OFFICE OF PETITIONS

In re Application of
Jin-Jie Lin et al.
Application No. 29/296,983
Filed: October 31, 2007
Attorney Docket Number: SST-1646

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 is **GRANTED**.

This application became abandoned January 7, 2010 for failure to timely pay the issue fee in response to the Notice of Allowance mailed October 6, 2009 which set a three month statutory period for response. Accordingly, a Notice of Abandonment was mailed January 21, 2010.

All other requirements of 37 CFR 1.137(b), including the filing of a terminal disclaimer, having now been met, this matter is being referred to the Publishing Division to be processed into a patent.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

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

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

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

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

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

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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)		
	Application Number	29/297,018
	Filing Date	November 1, 2007
	First Named Inventor	Eric P. Avar
	Title	Portion of a Shoe Outsole
	Atty Docket Number	015127.01058

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

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

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

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

D2/896, 902, 908, 947, 948, 949, 951, 952, 953, 957, 959

Approved 11/15/07
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.

/H. Wayne Porter/	November 1, 2007
Signature	Date
H. Wayne Porter	42,084
Typed or printed name	Registration Number, if applicable
202-824-3000	
Telephone Number	

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

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

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U.S. Patent and Trademark Office, U.S DEPARTMENT OF COMMERCE
Under the Paperwork Reduction ACT of 1995, no persons are required to respond to 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	29/297,021
Filing Date	November 1, 2007
First Named Inventor	Eric P. Avar
Title	Shoe
Atty Docket Number	015127.01059

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

Approved 11-5-07
Jacqueline M. Stone, Director
Technology Center 1700/2900

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

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

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

D2/896, 902, 907, 908, 943, 944, 947, 948, 949, 951, 952, 953, 957, 959, 969, 972, 973, 974

Related applications: _____

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

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

/H. Wayne Porter/	November 1, 2007
Signature	Date
H. Wayne Porter	42,084
Typed or printed name	Registration Number, if applicable
202-824-3000	
Telephone Number	

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

Application Number	TBA 29/297,114
Filing Date	2007-11-05
First Named Inventor	Jason Gregory Petrie
Title	Shoe Upper
Atty Docket Number	015127.01061

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

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

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

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

D2/896, 902, 907, 908, 909, 910, 911, 943, 944, 946, 969, 970, 972, 973, 977 and 978

Approved 11-15-07
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.

/David R. Gerk/ — Signature

2007-11-05 — Date

David R. Gerk — Typed or printed name

56901 — Registration Number, if applicable

202-824-3000 — Telephone Number

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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)		
	Application Number	TBA 29/297,115
	Filing Date	November 5, 2007
	First Named Inventor	Octavio Lubrano
	Title	Shoe Upper
	Atty Docket Number	015127.01071

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

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

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

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

D2/896, 902, 907, 908, 909, 910, 911, 943, 944, 946, 969, 970, 972, 973, 977, 978

Approved 11-5-07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

Related applications: _____

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:
- Formal drawings (see 37 CFR 1.84).
- The fee set forth in 37 CFR 1.17(k).
- An information disclosure statement in compliance with 37 CFR 1.98.

/David R. Gerk/	11/05/07
Signature	Date
David R. Gerk	56901
Typed or printed name	Registration Number, if applicable
202-824-3000	
Telephone Number	

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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)		
	Application Number	TBA 29/297,116
	Filing Date	November 5, 2007
	First Named Inventor	Justin R. Taylor
	Title	Shoe Upper
	Atty Docket Number	015127.01044

ADDRESS TO:
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P.O. Box 1450
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This is a request for expedited examination of a design application under 37 CFR 1.155.

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

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

D2/896, 902, 907, 908, 909, 910, 911, 943, 944, 946, 969, 970, 972, 973, 977 and 978.

Related applications: _____

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:
- Formal drawings (see 37 CFR 1.84).
- The fee set forth in 37 CFR 1.17(k).
- An information disclosure statement in compliance with 37 CFR 1.98.

Approved 11-15-07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

/David R. Gerk/ — Signature
11-5-07 — Date

David R. Gerk — Typed or printed name
56901 — Registration Number, if applicable

202-824-3000 — Telephone Number

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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)		
	Application Number	TBA 29/297,120
	Filing Date	November 5, 2007
	First Named Inventor	Jason Carter Mayden
	Title	Shoe Upper
	Atty Docket Number	015127.01042

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

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

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

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

D2/896, 902, 907, 908, 909, 910, 911, 943, 944, 946, 969, 970, 972, 973, 977 and 978

Related applications: _____

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:
- Formal drawings (see 37 CFR 1.84).
- The fee set forth in 37 CFR 1.17(k).
- An information disclosure statement in compliance with 37 CFR 1.98.

Approved 11-15-07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

/David R. Gerk/ — Signature

11-05-07 — Date

David R. Gerk — Typed or printed name

56901 — Registration Number, if applicable

202-824-3000 — Telephone Number

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

Application Number	TBA 29/297,121
Filing Date	November 5, 2007
First Named Inventor	Jason Gregory Petrie
Title	Shoe Upper
Atty Docket Number	015127.01060

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

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

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

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

D2/896, 902, 907, 908, 909, 910, 911, 943, 944, 946, 969, 970, 972, 973, 977 and 978

Related applications: _____

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:
- Formal drawings (see 37 CFR 1.84).
- The fee set forth in 37 CFR 1.17(k).
- An information disclosure statement in compliance with 37 CFR 1.98.

11-26-07
Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

/David R. Gerk/ — Signature

2007-11-05 — Date

David R. Gerk — Typed or printed name

56901 — Registration Number, if applicable

202-824-3000 — Telephone Number

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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)		
	Application Number	TBA 29/297,123
	Filing Date	November 5, 2007
	First Named Inventor	Charlie Narito Alfaro
	Title	Shoe Upper
	Atty Docket Number	015127.01062

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

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

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

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

D2/896, 902, 907, 908, 909, 910, 911, 943, 944, 946, 969, 970, 972, 973, 977 and 978

Related applications: _____

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:
- Formal drawings (see 37 CFR 1.84).
- The fee set forth in 37 CFR 1.17(k).
- An information disclosure statement in compliance with 37 CFR 1.98.

Approved 11-15-07 Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

/David R. Gerk/ — Signature

2007-11-05 — Date

David R. Gerk — Typed or printed name

56901 — Registration Number, if applicable

202-824-3000 — Telephone Number

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

PTO/SB/27 (05-03)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

Application Number	TBD 29/297,224
Filing Date	November 7, 2007
First Named Inventor	Paul Eugene Caron
Title	Portion of a Shoe Upper
Atty Docket Number	015127.01056

HAND DELIVER TO THE DESIGN GROUP DIRECTOR'S OFFICE
-or- ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

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

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

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

D/2 896, 902, 907, 909, 910, 946, 969, 970, 972, 973 and 977.

Related applications: _____

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

Formal drawings (see 37 CFR 1.84).

The fee set forth in 37 CFR 1.17(k).

An information disclosure statement in compliance with 37 CFR 1.98.

Approved 11-15-07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

11/7/07
Date

Anthony W. Kandare
Signature

202-824-3000
Telephone Number

Anthony W. Kandare, reg. no. 48,830
Typed or printed name

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

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

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

PTO/SB/27 (05-03)
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	TO BE ASSIGNED 29/297,231
Filing Date	November 7, 2007
First Named Inventor	Andrew G.V. Oldknow
Title	Golf Club Head for a Putter
Atty Docket Number	015127.01028

HAND DELIVER TO THE DESIGN GROUP DIRECTOR'S OFFICE
-or- ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

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

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

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

Class D21/736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746 and 759;
Class 473/251, 252, 253, 254, 255, 324, 325, 326, 327, 328, 329, 330, 331, 340 and 341.

Related applications: 015127.01081

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

Formal drawings (see 37 CFR 1.84).

The fee set forth in 37 CFR 1.17(k).

An information disclosure statement in compliance with 37 CFR 1.98.

11-15-07
Approved Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

11-7-07	/David R. Gerk/
Date	Signature
202-824-3000	David R. Gerk-Registration No. 56,901
Telephone Number	Typed or printed name

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

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

Application Number	TO BE ASSIGNED 29/297,233
Filing Date	November 7, 2007
First Named Inventor	Andrew G.V. Oldknow
Title	Golf Club Head
Atty Docket Number	015127.01078

HAND DELIVER TO THE DESIGN GROUP DIRECTOR'S OFFICE
-or- ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

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

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

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

Class D21/736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746 and 759;
Class 473/251, 252, 253, 254, 255, 324, 325, 326, 327, 328, 329, 330, 331, 340 and 341.

Related applications: _____

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

Formal drawings (see 37 CFR 1.84).

The fee set forth in 37 CFR 1.17(k).

An information disclosure statement in compliance with 37 CFR 1.98.

Approved 11-15-07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

11-07-07
Date

/David R. Gerk/
Signature

202-824-3000
Telephone Number

David R. Gerk-Registration No. 56,901
Typed or printed name

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PTO/SB/27 (05-03)
Approved for use through 04/30/2003. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	TO BE ASSIGNED 29/297,237
Filing Date	
First Named Inventor	Andrew G.V. Oldknow
Title	Golf Club Head for a Putter
Atty Docket Number	015127.01080

HAND DELIVER TO THE DESIGN GROUP DIRECTOR'S OFFICE
-or- ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

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

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

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

Class D21/736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746 759;
Class 473/251, 252, 253, 254, 255, 324, 325, 326, 327, 328, 329, 330, 331, 340 and 341.

Related applications: _____

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

Formal drawings (see 37 CFR 1.84).

The fee set forth in 37 CFR 1.17(k).

An information disclosure statement in compliance with 37 CFR 1.98.

Approved 11/15/07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

11/7/07	/David R. Gerk/
Date	Signature
202-824-3000	David R. Gerk-Registration No. 56,901
Telephone Number	Typed or printed name

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

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

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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	TO BE ASSIGNED 29/297,239
Filing Date	November 7, 2007
First Named Inventor	Andrew G.V. Oldknow
Title	Golf Club Head for a Putter
Atty Docket Number	015127.01081

HAND DELIVER TO THE DESIGN GROUP DIRECTOR'S OFFICE
-or- ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

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

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

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

Class D21/736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746 and 759;
Class 473/251, 252, 253, 254, 255, 324, 325, 326, 327, 328, 329, 330, 331, 340 and 341.

Related applications: 015127.01028

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

Formal drawings (see 37 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 11/15/07
Jacqueline M. Stone, Director
Technology Center 1700/2900

11-07-07	/David R. Gerk/
Date	Signature
202-824-3000	David R. Gerk-Registration No. 56,901
Telephone Number	Typed or printed name

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

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SLOBODAN URDAREVIK
2750 BURNOCK DRIVE
PORTAGE MI 49024

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APR 0 9 2009

OFFICE OF PETITIONS

In re Application of	:	
Urdarevik, Slobodan	:	
Application No. 29/297,285	:	ON PETITION
Filed: November 8, 2007	:	
Attorney Docket No. 28668-00009	:	

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 **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) for revival. Petitioner submitted the $70.00 terminal disclaimer fee, but the file does not contain the actual terminal disclaimer. 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).

The Office acknowledges payment of the issue fee with the instant petition. However, there is no indication that petitioner has submitted an Issue Fee Transmittal Form (PTOL-85b). Accordingly, if petitioner desires to have the information normally found thereon printed on the patent, the attached Issue Fee Transmittal Form should be completed and returned to the Publishing Division within **ONE MONTH** from the mail date of this decision.

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

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

By hand: Customer Window located at:

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

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

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

Liana Walsh
Petitions Examiner
Office of Petitions

Enclosure: PTO/SB/63 – Terminal Disclaimer
PTOL-85B – Issue Fee Transmittal

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 10/03/2008

SLOBODAN URDAREVIK
2750 BURNOCK DRIVE
PORTAGE, MI 49024

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.
29/297,285	11/08/2007	SLOBODAN URDAREVIK	28668-00009	1657

TITLE OF INVENTION: WELDING EDUCATIONAL DISPLAY

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$430	$0	$0	$430	01/05/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
CAVANNA, MARK	2914	D19-062000

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.

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to a collection of information unless it displays a valid OMB control number.

TERMINAL DISCLAIMER TO ACCOMPANY PETITION

Docket Number (Optional)

In re Application of:

Name:

Application Number:

Filed:

For:

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

Check either box 1 or 2 below, if appropriate.

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

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

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

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

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

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

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

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

In re Application of	:	
Urdarevik, Slobodan	:	
Application No. 29/297,285	:	ON PETITION
Filed: November 8, 2007	:	
Attorney Docket No. 28668-00009	:	

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

The petition is **GRANTED**.

The petition satisfies now the requirements of 37 CFR 1.137(b) in that petitioner has supplied the Terminal Disclaimer form. Petitioner has also provided a properly filled out Issue Fee Transmittal.

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

GARCIA-ZAMOR INTELLECTUAL PROPERTY LAW
ATTN: RUY GARCIA-ZAMOR
12960 LINDEN CHURCH ROAD
CLARKSVILLE MD 21029

MAILED

APR 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Suny Chung	:	
Application No. 29/297,287	:	ON PETITION
Filed: November 8, 2007	:	
Attorney Docket No. WPI-PT011	:	

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

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

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

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

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

Liana Walsh
Petitions Examiner
Office of Petitions

IFW

Grant.

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
MAR 3 1 2009
OFFICE OF PETITIONS

In the **PATENT APPLICATION** of:
Michael Aroney
Application No.: 29/297,287
Filed: November 8, 2007
For: WHEEL

Our File: WPI-PT011
Date: 3-24-2009

Via Facsimile To: 571-273-8300

CHANGE OF ENTITY STATUS

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

Applicant respectfully requests that the entity status for this application be changed to large entity status. Wheel Pros, the assignee for this application, was part of a complex merger in March 31, 2008. After extended contacts with Wheel Pros corporate counsel it was recently determined that Wheel Pros may have lost eligibility for small entity status briefly after the merger. Almost immediately after the merger different divisions of the parent company where closed, sold, or consolidated which most likely brought Wheel Pros back into conformity with the requirements for small entity status. However, in an abundance of caution, and due to the constantly changing business conditions of the assignee, it is now respectfully requested that the entity status of this application be changed to large entity status.

An itemization of the fees paid, the current fees now due for a large entity, and the total amount due for this application to change status is as follows. A Filing Fee of $220.00 was paid, the current large entity Filing Fee is $460.00. The total balance of fees due for the above-identified application is $240.00.

It is respectfully requested that the entity status for this application be corrected to large. If further information is required, please do not hesitate to contact the undersigned, by telephone, at your soonest convenience.

Respectfully submitted,
Michael Aroney

03/27/2009 DALLEN 00000064 29297287
01 FC:1461 240.00 OP

Rua M. Garcia-Zamor
Registration No. 44,117
(410) 531-9853

Garcia-Zamor Intellectual Property Law
12960 Linden Church Road
Clarksville, MD 21029
(O) 410-531-9853
(F) 410-531-9854
www.garcia-zamor.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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GARCIA-ZAMOR INTELLECTUAL PROPERTY LAW
ATTN: RUY GARCIA-ZAMOR
12960 LINDEN CHURCH ROAD
CLARKSVILLE MD 21029

COPY MAILED

APR 28 2009

OFFICE OF PETITIONS

In re Application of	:	
Suny Chung	:	
Application No. 29/297,287	:	DECISION ON PETITION
Filed: November 8, 2007	:	
Attorney Docket No. WPI-PT011	:	

This is a decision on the renewed 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.

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 items (1), (2) and (4), since this application is no longer entitled to small entity status, all required fees must be paid at the large entity rate (Change of Entity Status filed March 24, 2009). Therefore, petitioner has submitted: $430.00 towards the required $860.00 design issue fee; $810.00 towards the required $1,620.00 petition fee; and $70.00 towards the required $140.00 terminal disclaimer fee; thus creating a shortage of $1,310.00.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

GARCIA-ZAMOR INTELLECTUAL PROPERTY LAW
ATTN: RUY GARCIA-ZAMOR
12960 LINDEN CHURCH ROAD
CLARKSVILLE MD 21029

MAILED

MAY 20 2009

OFFICE OF PETITIONS

In re Application of	:	
Suny Chung	:	
Application No. 29/297,287	:	DECISION ON PETITION
Filed: November 8, 2007	:	
Attorney Docket No. WPI-PT011	:	

This is a decision on the renewed 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 fee on or before August 4, 2008, as required by the Notice of Allowance and Fee(s) Due mailed May 2, 2008. Accordingly, the date of abandonment of this application is August 5, 2008. A Notice of Abandonment was mailed November 7, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $860.00; (2) the petition fee of $1,620.00; (3) a proper statement of unintentional delay; and (3) a Terminal Disclaimer and fee of $140.00.

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

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

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

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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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AUG 03 2009

OFFICE OF PETITIONS

QUICKPATENTS, INC.
32861 CALLE PERFECTO
SUITE A
SAN JUAN CAPISTRANO, CA 92675

In re Application of	:	
Hoskins et al.	:	
Application No. 29/297,294	:	DECISION ON PETITION
Filed: November 8, 2007	:	
Attorney Docket No. 3049862	:	

This is a decision on the petition under 37 CFR 1.137(b), filed April 29, 2009, to revive the above-identified design application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Office action under Ex parte Quayle, 1935 Dec. Comm'r Pat. 11 (1935), mailed September 4, 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 timely obtained. Accordingly, the application became abandoned on November 5, 2008. A Notice of Abandonment was mailed April 3, 2009.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office.

The Power of Attorney filed April 27, 2009, is hereby accepted and made of record. The Notice of Acceptance of Power of Attorney is enclosed.

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, (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 respond to the Office action under Ex parte Quayle, 1935 Dec. Comm'r Pat. 11 (1935), mailed September 4, 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.

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 $865 extension of time fee submitted with the petition on April 29, 2009 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's credit card account.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

This application is being referred to Technology Center AU 2912 for further processing in accordance with this decision on petition.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Enclosed: Notice of Acceptance of Power of Attorney

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
29/297,294	11/08/2007	Gary F. Hoskins	3049862

CONFIRMATION NO. 1816

POA ACCEPTANCE LETTER

56029
QUICKPATENTS, INC.
32861 CALLE PERFECTO
SUITE A
SAN JUAN CAPISTRANO, CA 92675

OC000000037120120

Date Mailed: 07/29/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/27/2009.

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.

/atkelley/

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

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

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

Application Number	TBA 29/297,298
Filing Date	November 8, 2007
First Named Inventor	Tinker L. Hatfield
Title	Shoe Upper
Atty Docket Number	015127.01038

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, 909, 910, 911, 924, 943, 945, 946, 969, 970, 971, 972, 973, 974 and 978.

Related applications: _____

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:
Formal drawings (see 37 CFR 1.84).
The fee set forth in 37 CFR 1.17(k).
An information disclosure statement in compliance with 37 CFR 1.98.

11/15/07
Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

Signature — Date: 11/8/07

David R. Gerk — Typed or printed name

56901 — Registration Number, if applicable

202-824-3000 — Telephone Number

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

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

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

REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)		
	Application Number	TBA 29/297,299
	Filing Date	November 8, 2007
	First Named Inventor	Jason Carter Mayden
	Title	Shoe Upper
	Atty Docket Number	015127.01040

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, 909, 910, 911, 924, 943, 945, 946, 969, 970, 971, 972, 973, 974 and 978.

Related applications: _____

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:
- Formal drawings (see 37 CFR 1.84).
- The fee set forth in 37 CFR 1.17(k).
- An information disclosure statement in compliance with 37 CFR 1.98.

11/15/07
Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

David R. Gerk — Signature

11/8/07 — Date

David R. Gerk — Typed or printed name

56901 — Registration Number, if applicable

202-824-3000 — Telephone Number

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

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

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.
29/297,300	11/08/2007	Lanny Leo Johnson		1044

7590 03/07/2008

Lanny Leo Johnson
4658 Chippewa Drive
Okemos, MI 48864

EXAMINER
SIEGEL, MITCHELL

ART UNIT	PAPER NUMBER
2912	

MAIL DATE	DELIVERY MODE
03/07/2008	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

3-7-08

wk

In re Application of David A. Petersen Serial Number: 29/297,300 Filed: December 21, 2007 For: Putter Head With Vertical Radius Face with Horizontal Grooves Perpendicular to the Tangent of the Radius	: : : : :	DECISION ON PETITION

This is in response to the request filed December 21, 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 the information (A) – (F) as set forth in 37 CFR 1.155.

The Request is **Denied**.

Jacqueline M. Stone

Jacqueline Stone, Director
Technology Center 2900
Designs

Lanny Leo Johnson
4658 Chippewa Drive
Okemos MI 48864

PTO/SB/27 (11-07)
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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	29/297,307
Filing Date	November 8, 2007
First Named Inventor	Andrew G.V. Oldknow
Title	Golf Club Head for a Putter
Atty Docket Number	015127.01035

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:

D21/736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 759

473/251, 252, 253, 254, 255, 324, 325, 326, 327, 328, 329, 330, 331, 340, 341

Related applications: Attorney Docket Nos. 015127.01036 and 015127.01083

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

- Formal drawings (see 37 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 11/15/07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

Signature	November 8, 2007
	Date
David R. Gerk	58,901
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: Commissioner for Patents, P.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 (11-07)
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U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE
Under the Paperwork Reduction ACT of 1995, no persons are required to respond to collection of information unless it displays a valid OMB control number.

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

Application Number	29/297,310
Filing Date	November 8, 2007
First Named Inventor	Andrew G.V. Oldknow
Title	Golf Club Head for a Putter
Atty Docket Number	015127.01036

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
11/15/07

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

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

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

D21/736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 759

473/251, 252, 253, 254, 255, 324, 325, 326, 327, 328, 329, 330, 331, 340, 341

Related applications: Attorney Docket Nos. 015127.01035 and 015127.01083

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

- Formal drawings (see 37 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	November 8, 2007 Date
David R. Gerk Typed or printed name	56,901 Registration Number, if applicable
202-824-3000 Telephone Number	

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

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

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

PTO/SB/27 (11-07)
Approved for use through 11/30/2007. 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	29/297,316
Filing Date	November 8, 2007
First Named Inventor	Andrew G.V. Oldknow
Title	Golf Club Head for a Putter
Atty Docket Number	015127.01083

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

Approved 11/15/07
Jacqueline M. Stone, Director
Technology Center 1700/2900

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

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

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

D21/736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 759

473/251, 252, 253, 254, 255, 324, 325, 326, 327, 328, 329, 330, 331, 340, 341

Related applications: Attorney Docket Nos. 015127.01035 and 015127.01036

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

- Formal drawings (see 37 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	November 8, 2007 Date
David R. Gerk Typed or printed name	56,901 Registration Number, if applicable
202-824-3000 Telephone Number	

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

This collection of information is required by 37 CFR 1.155. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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

Application Number	29/297,319
Filing Date	November 8, 2007
First Named Inventor	Andrew G.V. Oldknow
Title	Golf Club Head for a Putter
Atty Docket Number	015127.01082

ADDRESS TO:

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

Approved 11/15/07
Jacqueline M. Stone, Director
Technology Center 1700/2900

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

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

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

D21/736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 759
473/251, 252, 253, 254, 255, 324, 325, 326, 327, 328, 329, 330, 331, 340, 341

Related applications: Attorney Docket Nos. 015127.01030, 015127.01031 and 015127.01032

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

- Formal drawings (see 37 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	November 8, 2007 Date
David R. Gerk Typed or printed name	56,901 Registration Number, if applicable
202-824-3000 Telephone Number	

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

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

Application Number	29/297,320
Filing Date	November 8, 2007
First Named Inventor	Andrew G.V. Oldknow
Title	Golf Club Head for a Putter
Atty Docket Number	015127.01032

ADDRESS TO:

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

Approved 11/15/07
Jacqueline M. Stone, Director
Technology Center 1700/2900

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

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

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

D21/736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 759

473/251, 252, 253, 254, 255, 324, 325, 326, 327, 328, 329, 330, 331, 340, 341

Related applications: Attorney Docket Nos. 015127.01082, 015127.01030 and 015127.01031

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

- Formal drawings (see 37 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	November 8, 2007 Date
David R. Gerk Typed or printed name	56,901 Registration Number, if applicable
202-824-3000 Telephone Number	

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

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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)		
	Application Number	29/297,323
	Filing Date	November 8, 2007
	First Named Inventor	Andrew G.V. Oldknow
	Title	Golf Club Head for a Putter
	Atty Docket Number	015127.01031

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

Approved 11/15/07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

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

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

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

D21/736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 759
473/251, 252, 253, 254, 255, 324, 325, 326, 327, 328, 329, 330, 331, 340, 341

Related applications: Attorney Docket Nos. 015127.01082, 015127.01030 and 015127.01032

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

- Formal drawings (see 37 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	November 8, 2007 Date
David R. Gerk Typed or printed name	56,901 Registration Number, if applicable
202-824-3000 Telephone Number	

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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)		
	Application Number	29/297,329
	Filing Date	November 8, 2007
	First Named Inventor	Andrew G.V. Oldknow
	Title	Golf Club Head for a Putter
	Atty Docket Number	015127.01030

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

Approved 11/15/07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

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

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

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

D21/736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 759

473/251, 252, 253, 254, 255, 324, 325, 326, 327, 328, 329, 330, 331, 340, 341

Related applications: Attorney Docket Nos. 015127.01082, 015127.01031 and 015127.01032

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

- Formal drawings (see 37 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	November 8, 2007 Date
David R. Gerk Typed or printed name	56,901 Registration Number, if applicable
202-824-3000 Telephone Number	

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NEW YORK, NY 10017

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OFFICE OF PETITIONS

In re Application of
Hee Ja Lee
Application No. 29/297,332
Filed: November 8, 2007
Attorney Docket No. 209,230

ON PETITION

This is a decision in response to the petition, filed January 12, 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 and submit corrected formal drawings on or before September 15, 2008, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed June 13, 2008. Accordingly, the date of abandonment of this application is September 14, 2008. A Notice of Abandonment was mailed October 6, 2008. On January 12, 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 and corrected formal drawings, (2) the petition fee of $810, (3) an adequate statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d).

The terminal disclaimer filed January 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 for further processing, including overseeing the review of the drawing.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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NEW YORK, NY 10017

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OFFICE OF PETITIONS

ON PETITION

In re Application of
Hee Ja Lee
Application No. 29/297,334
Filed: November 8, 2007
Attorney Docket No. 209,231

This is a decision in response to the petition, filed January 12, 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 and submit corrected drawings on or before September 9, 2008, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed June 9, 2008. A Notice of Abandonment was mailed October 2, 2008. On January 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 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 January 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 for further processing.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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NEW YORK NY 10017

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OFFICE OF PETITIONS

In re Application of	:	
Hee Ja Lee	:	
Application No. 29/297,336	:	ON PETITION
Filed: November 8, 2007	:	
Attorney Docket No. 209,232	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 12, 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 September 9, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed June 9, 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 September 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 $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 is accepted as being unintentionally delayed.

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

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

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

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

PTO/SB/27 (05-03)
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	TBD 29/297,375
Filing Date	11/09/2007
First Named Inventor	Tinker L. Hatfield, et al.
Title	Portion of a Shoe Upper
Atty Docket Number	015127.01063

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, 909, 910, 924, 946, 969, 970, 971, 972, 973, 971, and 977

Related applications: _____

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

Formal drawings (see 37 CFR 1.84).

The fee set forth in 37 CFR 1.17(k).

An information disclosure statement in compliance with 37 CFR 1.98.

Approved 11-26-07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

11/09/2007	/Richard S. Stockton/
Date	Signature
312-463-5000	Richard S. Stockton
Telephone Number	Typed or printed name

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

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

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

Application Number	TBD 29/297,376
Filing Date	11/09/07
First Named Inventor	Tinker L. Hatfield, et al.
Title	Portion of a Shoe
Atty Docket Number	015127.01064

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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, 897, 899, 902, 907, 909, 910, 946, 961, 964, 968, 969, 970, 971, 972, 973, 974, 975, 976, and 977

Related applications: _____

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

Formal drawings (see 37 CFR 1.84).

The fee set forth in 37 CFR 1.17(k).

An information disclosure statement in compliance with 37 CFR 1.98.

11-26-07
Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

11/09/2007	/Richard S. Stockton/
Date	Signature
312-463-5000	Richard S. Stockton
Telephone Number	Typed or printed name

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

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

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

Application Number	TBD 29/297,378
Filing Date	11/09/2007
First Named Inventor	Tinker L. Hatfield, et al.
Title	Portion of a Shoe Midsole
Atty Docket Number	015127.01065

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-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, 897, 899, 902, 907, 909, 910, 946, 961, 964, 968, 969, 970, 971, 972, 973, 974, 975, 976, and 977

Related applications: _____

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

Formal drawings (see 37 CFR 1.84).

The fee set forth in 37 CFR 1.17(k).

An information disclosure statement in compliance with 37 CFR 1.98.

Approved 11-26-07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

11/09/2007	/Richard S. Stockton/
Date	Signature
312-463-5000	Richard S. Stockton
Telephone Number	Typed or printed name

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

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

Application Number	TBD 29/297,380
Filing Date	11/09/2007
First Named Inventor	Tinker L. Hatfield, et al.
Title	Portion of a Shoe
Atty Docket Number	015127.01066

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, 909, 910, 924, 946, 969, 970, 971, 972, 973, and 977

Related applications: _____

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

Formal drawings (see 37 CFR 1.84).

The fee set forth in 37 CFR 1.17(k).

An information disclosure statement in compliance with 37 CFR 1.98.

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

11/09/2007	/Richard S. Stockton/
Date	Signature
312-463-5000	Richard S. Stockton
Telephone Number	Typed or printed name

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

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

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

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

Application Number	TBD 29/297,383
Filing Date	11/09/07
First Named Inventor	Tinker L. Hatfield, et al.
Title	Portion of a Shoe Upper
Atty Docket Number	015127.01067

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, 897, 899, 902, 907, 909, 910, 946, 961, 964, 968, 969, 970, 971, 972, 973, 974, 975, 976, and 977

Related applications: _____

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

Formal drawings (see 37 CFR 1.84).

The fee set forth in 37 CFR 1.17(k).

An information disclosure statement in compliance with 37 CFR 1.98.

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

11/09/07	/Richard S. Stockton/
Date	Signature
312-463-5000	Richard S. Stockton
Telephone Number	Typed or printed name

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

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

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

PTO/SB/27 (05-03)
Approved for use through 04/30/2003. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

Application Number	TBD 29/297,386
Filing Date	11/09/07
First Named Inventor	Tinker L. Hatfield, et al.
Title	Portion of a Shoe Outsole
Atty Docket Number	015127.01069

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, 908, 946, 947, 948, 949, 950, 951, 952, 953, 955, 956, 957, 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.

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

11/09/2007	/Richard S. Stockton/
Date	Signature
312-463-5000	Richard S. Stockton
Telephone Number	Typed or printed name

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

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

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PTO/SB/27 (05-03)
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

Application Number	TBD 29/297,388
Filing Date	11/09/07
First Named Inventor	Tinker L. Hatfield, et al.
Title	Portion of a Shoe Outsole
Atty Docket Number	015127.01070

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, 908, 946, 947, 948, 949, 950, 951, 952, 953, 955, 956, 957, 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.

Approved 11-26-07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

11/09/2007	/Richard S. Stockton/
Date	Signature
312-463-5000	Richard S. Stockton
Telephone Number	Typed or printed name

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

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

PTO/SB/27 (11-07)
Approved for use through 11/30/2007. 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	29/297,398
Filing Date	November 9, 2007
First Named Inventor	Eric P. Avar
Title	Portion of a Shoe Upper
Atty Docket Number	015127.01057

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

Approved
Jacqueline W. 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.

/H. Wayne Porter/	November 9, 2007
Signature	Date
H. Wayne Porter	42,084
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: Commissioner for Patents, P.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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1940 DUKE STREET
ALEXANDRIA VA 22314

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NOV 0 5 2008

OFFICE OF PETITIONS

In re Patent No. D579888 :
Issue Date: 11/04/2008 :
Application No. 29/297410 : ON PETITION
Filed: 11/09/2007 :
Attorney Docket No. 316623US8DES :

This is a decision on the request under 37 CFR 3.81(b), filed October 22, 2008, to correct the assignment data on the front page of the above-identified patent by way of a Certificate of Correction.

The request is GRANTED.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3211. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

29/297,478

PTO/SB/27 (11-07)
Approved for use through 11/30/2007. 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	November 12, 2007
First Named Inventor	Alexander Jozef Magdalena Van De Rostyne
Title	HELICOPTER
Atty Docket Number	058084-014205

ADDRESS TO:

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

Approved 11-21-07
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 Des Pat Appl 29/282,581 filed 07/24/07; US Des Pat Appl 29/280,187 filed 05/18/07; US Des Pat Appl 29/277,652 filed 03/05/06; US Des Pat Appl 29/275,322 filed 12/20/06; US Des Pat Appl 29/275,323 filed 12/20/06; US Des Pat Appl 29/275,324 filed 12/20/06; US Util Pat Appl 11/462,177 filed 08/03/06; US Util Pat Appl 11/465,781 filed 08/18/06; BE Pat Appl 2006/0043 filed 01/19/06

If not previously 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	November 12, 2007 Date
Charles Berman Typed or printed name	29,249 Registration Number, if applicable
(310) 586-7770 Telephone Number	

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

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

29/297,479

PTO/SB/27 (11-07)
Approved for use through 11/30/2007. 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	November 12, 2007
First Named Inventor	Alexander Jozef Magdalena Van De Rostyne
Title	HELICOPTER
Atty Docket Number	058084-014206

ADDRESS TO:

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

Approved 11-21-07
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 Des Pat Appl 29/282,581 filed 07/24/07; US Des Pat Appl 29/280,187 filed 05/18/07; US Des Pat Appl 29/277,652 filed 03/05/06; US Des Pat Appl 29/275,322 filed 12/20/06; US Des Pat Appl 29/275,323 filed 12/20/06; US Des Pat Appl 29/275,324 filed 12/20/06; US Util Pat Appl 11/462,177 filed 08/03/06; US Util Pat Appl 11/465,781 filed 08/18/06; BE Pat Appl 2006/0043 filed 01/19/06

If not previously 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	November 12, 2007 Date
Charles Berman Typed or printed name	29,249 Registration Number, if applicable
(310) 586-7770 Telephone Number	

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

November 12, 2008

Michael R. Cammarata
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P. O. Box 747
Falls Church, VA 22040-0747

Patent No.: D575, 322 S
Application No.: 29/297,563
Inventor(s): Daigo Aiba
Issued: August 19, 2008
Title: **LENS FOR MONITORING CAMERA**

Re: Request for Certificate of Correction

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

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

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

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

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

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

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

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-0025 ATTN: Office of Petitions

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

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

vt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED
JUN 04 2009
OFFICE OF PETITIONS

In re Patent No. D575322	:	
Issue Date: August 19, 2008	:	
Application No. 29/297,563	:	ON PETITION
Filed: November 14, 2007	:	
Attorney Docket No. 1259-0344PUS2	:	

This is a decision on the petition filed October 27, 2008, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3208. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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

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	TBD 29/297,578
Filing Date	November 13, 2007
First Named Inventor	Leo S. Chang
Title	Portion of a Shoe Upper
Atty Docket Number	015127.01072

HAND DELIVER TO THE DESIGN GROUP DIRECTOR'S OFFICE
-or- ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

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

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

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

D/2 896, 902, 907, 909, 910, 924, 946, 969, 970, 971, 972, 973, and 977

Related applications: 015127.01073

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

Formal drawings (see 37 CFR 1.84).

The fee set forth in 37 CFR 1.17(k).

An information disclosure statement in compliance with 37 CFR 1.98.

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

11/14/07	/Anthony W. Kandare/
Date	Signature
202-824-3000	Anthony W. Kandare, reg. no. 48,830
Telephone Number	Typed or printed name

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

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

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

PTO/SB/27 (05-03)
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	TBD 29/297,579
Filing Date	November 13, 2007
First Named Inventor	Leo S. Chang
Title	Portion of a Shoe Upper
Atty Docket Number	015127.01073

HAND DELIVER TO THE DESIGN GROUP DIRECTOR'S OFFICE
-or- ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

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

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

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

D/2 896, 902, 907, 909, 910, 924, 946, 969, 970, 971, 972, 973, and 977

Related applications: 015127.01072

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

Formal drawings (see 37 CFR 1.84).

The fee set forth in 37 CFR 1.17(k).

An information disclosure statement in compliance with 37 CFR 1.98.

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

11/14/07	/Anthony W. Kandare/
Date	Signature
202-824-3000	Anthony W. Kandare, reg. no. 48,830
Telephone Number	Typed or printed name

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

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

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

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

DEC 1 1 2007

In re Application of Alice McCarthy Serial No.: 29/297,594 Filed: November 14, 2007 For: TRAY	: : : : :	DECISION ON PETITION UNDER 708.02, VI

This is in response to the petition filed November 14, 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 4/15/04

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction for Appl. No. 29/297607 Patent No. D588669

Should Drawings be Approved

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

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

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

Emma Yamb

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: Remove drawings and insert the new replacement drawings. ~~with~~

STELLA M. REID
SUPERVISORY PATENT EXAMINER

SPE

2912
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WIGGIN AND DANA LLP
ATTENTION: PATENT DOCKETING
ONE CENTURY TOWER, P.O. BOX 1832
NEW HAVEN CT 06508-1832

COPY MAILED
DEC 10 2008

In re Application of	:	
Ernest O. Evans	:	
Application No. 29/297,666	:	DECISION ON PETITION
Filed: November 15, 2007	:	TO WITHDRAW
Attorney Docket No. 103064-100	:	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 9, 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 Anthony P. Gangemi on behalf of all attorneys of record who are associated with customer No. 27267 All attorneys/agents associated with the Customer Number 27267 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

There is an outstanding Office action mailed September 24, 2008 that requires a reply from the applicant.

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

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

cc: ERNEST O. EVANS
1550 SWEDESFORD ROAD
PAOLI, PA 19301

cc: ERNEST O. EVANS
THE LAST TWIST, INC
320 FAYETTE STREET
2ND FLOOR
CONSHOHOCKEN, PA 19428

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	TBD 29/297,693
Filing Date	November 15, 2007
First Named Inventor	Jeffrey Henderson
Title	Shoe Upper
Atty Docket Number	015127.01050

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, 908, 909, 910, 911, 943, 944, 946, 969, 970, 972, 973, 977, and 978

Related applications: _____

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

Formal drawings (see 37 CFR 1.84).

The fee set forth in 37 CFR 1.17(k).

An information disclosure statement in compliance with 37 CFR 1.98.

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

November 15, 2007 — Date

/Matthew Kohner/ #51,892 — 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.**

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

MEYER CORPORATION, U.S.
ATTN: EDWARD S. SHERMAN, ESQ.
ONE MEYER PLAZA
VALLEJO CA 94590

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MAR 27 2009

OFFICE OF PETITIONS

In re Application of
Robert Rae
Application No. 29/297,752
Filed: November16, 2007
Attorney Docket No. 137.78.2DNP

DECISION ON PETITION

This is a decision on the petition under the unavoidable provisions of 37 CFR 1.137(a), filed March 6, 2009, 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 above-identified application became abandoned for failure to timely file a proper response to a Ex Parte Quayle, which was mailed on May 20, 2008. The Ex Parte Quayle set a two (2) month shortened statutory period for reply. No extension of time was obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on July 21, 2008. A Notice of Abandonment as mailed on December 19, 2008.

Petitioner contends that a reply was submitted to the Ex Parte Quayle on June 2, 2008. The reply included an amendment and drawings. In support of petitioner's contention, a stamped postcard receipt dated June 2, 2008 has been provided. Petitioner acknowledges that the reply included incorrect application number 29/293,752. Further review of the record shows that the Office has located the reply in application no. 29/293,752.

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). 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. The instant petition lacks item(s) (4).

Treatment under 37 CFR 1.137(b) is being held in abeyance to allow petitioner the opportunity to file a renewed petition. However, if petitioner desires to pursue a petition under 1.137(b) a statement to that effect should be provided.

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) 272-3215

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

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

MAILED

JUN 12 2009

OFFICE OF PETITIONS
ON PETITION

In re Application of :
Robert Rae :
Application No. 29/297,752 :
Filed: November16, 2007 :
Attorney Docket No. 137.78.2DNP :

This is a decision on the renewed petition under 37 CFR 1.137(a), filed April 6, 2009, to revive the above-identified application.

The petition is **GRANTED.**

This above-identified application became abandoned for failure to timely file a proper response to a Ex Parte Quayle, which was mailed on May 20, 2008. The Ex Parte Quayle set a two (2) month shortened statutory period for reply. No extension of time was obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on July 21, 2008. A Notice of Abandonment as mailed on December 19, 2008.

The petition satisfies the requirements of 37 CFR 1.137(a) in that petitioner has supplied (1) the required reply in the form of an amendment and drawings (2) the petition fee of $540.00; and (3) a showing to the satisfaction of the Director that the entire delay was unavoidable 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 Art Unit 2915 for processing of the reply submitted with the petition.

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

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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DEC 1 1 2008

OFFICE OF PETITIONS

In re Application of :
Daniel Wang et al :
Application No. 29/297,754 :
Filed: November 16, 2007 :
Attorney Docket No. PCDNT.003DA :

ON PETITION

This is a decision on the petition, filed October 31, 2008 under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **DISMISSED.**

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

The above-identified application became abandoned for failure to submit the Issue fee in a timely manner in reply to the Notice of Allowance mailed May 20, 2008, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on August 21, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(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

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

MAILED

MAR 03 2009

OFFICE OF PETITIONS

In re Application of	:	
Daniel Wang et al	:	
Application No. 29/297,754	:	ON PETITION
Filed: November 16, 2007	:	
Attorney Docket No. PCDNT.003DA	:	

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.**

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

This matter is being referred to Technology Center AU 2911 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

PTO/SB/27 (11-07)
Approved for use through 11/30/2007. 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	to be assigned 29/297,765
Filing Date	November 16, 2007
First Named Inventor	Alexander Jozef Magdalena Van De Rostyne
Title	HELICOPTER
Atty Docket Number	058084-014207

ADDRESS TO:

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

Approved 12-3-07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

This is a request for expedited examination of a design application under 37 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 29/282,581 filed 07/24/07; US Des Pat Appl 29/280,187 filed 05/18/07; US Des Pat Appl 29/277,652 filed 03/05/06; US Des Pat Appl 29/275,322 filed 12/20/06; US Des Pat Appl 29/275,323 filed 12/20/06; US Des Pat Appl 29/275,324 filed 12/20/06; US Util Pat Appl 11/462,177 filed 08/03/06; US Util Pat Appl 11/465,781 filed 08/18/06; BE Pat Appl 2006/0043 filed 01/19/06

If not previously 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	November 16, 2007 Date
Charles Berman Typed or printed name	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.

PTO/SB/27 (11-07)
Approved for use through 11/30/2007. 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	to be assigned 29/897,769
Filing Date	November 16, 2007
First Named Inventor	Alexander Jozef Magdalena Van De Rostyne
Title	FLYING OBJECT
Atty Docket Number	058084-020400

ADDRESS TO:

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

Approved 12-3-07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

This is a request for expedited examination of a design application under 37 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 446, Subclasses 34, 57, 61
Class D21, Subclasses 436, 447, 449, 450, 576, 597, 599
Class 428, Subclass 16

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). **(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.

Signature	November 16, 2007 Date
Charles Berman Typed or printed name	29,249 Registration Number, if applicable
(310) 586-7770 Telephone Number	

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
29/297,774	11/16/07	WASHAM KAELA CELESTE	AZWAS.0101

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

EXAMINER	
SEEGER, JANICE	
ART UNIT	PAPER NUMBER
2913	00

DATE MAILED: 10/23/08

NOTICE OF RESCINDED ABANDONMENT

☒ **In response to your communication filed** 10/23/2008

☒ **Through inadvertence, a Notice of Abandonment was mailed in the above identified application. The Notice of Abandonment is hereby rescinded. The issue fee receipt will be mailed within six weeks.**

for **Manager, Publishing Division**
Office of Patent Publication

PTO/SB/27 (11-07)
Approved for use through 11/30/2007. 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	to be assigned 29/297,775
Filing Date	November 16, 2007
First Named Inventor	Alexander Jozef Magdalena Van De Rostyne
Title	FLYING OBJECT
Atty Docket Number	058084-020600

ADDRESS TO:

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

Approved 12-3-07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

This is a request for expedited examination of a design application under 37 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 446, Subclasses 34, 57, 61
Class D21, Subclasses 436, 447, 449, 450, 576, 597, 599
Class 428, Subclass 16

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). **(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.

Signature	November 16, 2007 Date
Charles Berman Typed or printed name	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 8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

UNITED STATES 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

SEP 28 2009

OFFICE OF PETITIONS

Andrew F. Bodendorf
P.O. BOX 34175
WASHINGTON DC 20043

In re Application of	:	
Mimi Wang	:	
Application No. 29/297,783	:	ON PETITION
Filed: November 18, 2007	:	
Attorney Docket No. RNGMW.D002	:	

This is a decision on the petition under 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 reply in a timely manner to the non-final Office action mailed, January 23, 2009, 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 April 24, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-2991.

The application file is being referred to Technology Center AU 2914 for appropriate action on the concurrently filed amendment.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Kevin J. McNeely**
1156 15th Street, NW
Suite 603
Washington, DC 20005

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

MAR 1 8 2009

OFFICE OF PETITIONS

In re Application of Takumi Yoneyama Application No. 29/297,797 Filed: November 19, 2007 Attorney Docket No. 040302-0724	: : : : :	DECISION ON PETITION

This is a decision on the petition, filed November 21, 2008, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely pay the issue fee on or before October 9, 2008, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed July 9, 2008.

Petitioner asserts that the Notice dated July 9, 2008 was not received.

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

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

Further, a petition to expunge/fee is required if applicant desires to have material expunged from the application file.

This application is being referred to the Technology Center AU 2916 technical support staff for **re-mailing** the Notice of Allowability and the Notice of Allowance and Fee(s) Due of July 9, 2008. The period for paying the issue and publication fees and submitting corrected drawings will be reset to expire three (3) months from the date the Notices are re-mailed. This period is not extendable under the provisions of 37 CFR 1.136.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 10/23/09

TO SPE OF : ART UNIT 2911

SUBJECT : Request for Certificate of Correction for Appl. No.: 29297827 Patent No.: D584668

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 9D40-D
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome

Certificates of Correction Branch

703-756-1574

Thank You For Your Assistance

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

X	**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/
SPE

2915
Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 10/15/09

Paper No.: ____

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/297858 Patent No. D597846S

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

Virginia Tolbert
Certificates of Correction Branch
571-272-0460

Thank You For Your Assistance

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

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

Comments: See applicant's replacement Oath filed 4/22/08. for corrected Foreign Priority document number.

STELLA M. REID
SUPERVISORY PATENT EXAMINER 2912

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.
29/297,869	11/20/2007	Charlie Narito Alfaro	015127.01049	2867

22907 7590 02/20/2008
BANNER & WITCOFF, LTD.
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON, DC 20005-4051

EXAMINER

ART UNIT	PAPER NUMBER
2913	

MAIL DATE	DELIVERY MODE
02/20/2008	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.

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	TBD 29/297,869
Filing Date	November 20, 2007
First Named Inventor	Charlie Narito Alfaro
Title	Shoe Upper
Atty Docket Number	015127.01049

HAND DELIVER TO THE DESIGN GROUP DIRECTOR'S OFFICE
-or- ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved FEB 19 2008
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, 909, 910, 911, 924, 943, 945, 946, 969, 970, 971, 972, 973, 974, and 978

Related applications: _____

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

Approved FEB 19 2008
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.

November 20, 2007	/Matthew Kohner/
Date	Signature
202-824-3000	Matthew J. Kohner
Telephone Number	Typed or printed name

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

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OCT 0 8 2008

OFFICE OF PETITIONS

In re Application of	:	
Martyn Beedham	:	
Application No. 29/297,886	:	DECISION ON PETITION
Filed: November 21, 2007	:	
Attorney Docket No. D5207	:	

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

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee on or before April 24, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed January 24, 2008. Accordingly, the date of abandonment of this application is April 25, 2008.

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

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.

Brian 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

5/1/09

Patent No. :D589386
Ser. No. :29/297923
Inventor(s) :Mark Gretton
Issued : 3/31/09
Title : MOUNT EFOR AN ELECTRONIC DEVICE
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
40l Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

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

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

EPSTEIN DRANGEL BAZERMAN & JAMES
60 EAST 42ND STREET, SUITE 820
NEW YORK, NEW YORK 10165

HR

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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BAKER & DANIELS LLP
300 NORTH MERIDIAN STREET
SUITE 2700
INDIANAPOLIS, IN 46204

MAILED

JUN 08 2009

OFFICE OF PETITIONS

In re Application of	:	
James HOLDER	:	
Application No. 29/297,954	:	ON PETITION
Filed: November 23, 2007	:	
Attorney Docket No. VS-P0001-US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 17, 2009.

The petition is **DISMISSED**.

The application became abandoned for failure to timely submit corrected drawings on or before January 14, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed October 14, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on January 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.

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

small entity) is required. If the terminal disclaimer is signed by an assignee, the assignee must comply with the requirements of 37 CFR 3.73(b).

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

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

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

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

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

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

Thurman Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BAKER & DANIELS LLP
300 NORTH MERIDIAN STREET
SUITE 2700
INDIANAPOLIS, IN 46204

MAILED

JUL 17 2009

OFFICE OF PETITIONS

In re Application of	:	
James HOLDER	:	
Application No. 29/297,954	:	DECISION ON PETITION
Filed: November 23, 2007	:	
Attorney Docket No. VS-P0001-US	:	

This is a decision on the supplemental response filed June 23, 2009, which is being treated as a renewed petition under the unintentional provisions of 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue fee on or before January 27, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed October 27, 2008, which set a statutory period for reply of three (3) months. Accordingly, the 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 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 further processing.

Thurman Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BAKER & DANIELS LLP
300 NORTH MERIDIAN STREET
SUITE 2700
INDIANAPOLIS IN 46204

COPY MAILED
JAN 12 2010

In re Application of
James Holder
Application No. 29/297,954
Filed: November 23, 2007
Attorney Docket No. VS-P0001-US

DECISION ON REQUEST FOR REFUND

This is a decision on the Request For Refund filed December 11, 2009.

The request is **DISMISSED**.

A petition under 37 CFR 1.137(b) was filed on June 23, 2009, for the above application. The petition fee as set forth in 37 CFR 1.17(m) of $810.00 was due upon filing of the above petition. A decision was rendered and mailed on July 17, 2009.

Petitioner states that, "The petition was the result of a Notice of Abandonment issued on February 19, 2009. The Notice was issued for Applicant's failure to respond to an Examiner's Amendment which included a Notice to Correct Drawings that was to be [sic] have been attached to the Corrected Notice of Allowance mailed on October 27, 2008. Due to a clerical error by the United States Patent and Trademark Office the Examiner's Amendment was not attached so the Applicant was not given proper notice of the drawing correction notice resulting in abandonment."

Petitioner is encouraged to note MPEP 711.03 (c) which states that:

[T]he petition fee is required for the filing ***(and not merely the grant)*** *of a petition under 37 CFR 1.137. See H.R. Rep. No. 542, 97th Cong., 2d Sess. 6 (1982), reprinted in 1982 U.S.C.C.A.N. 770 ("[t]he fees set forth in this section are due on filing the petition")*. ***Therefore, the Office: (A) will not refund the petition fee required by 37 CFR 1.17(1) or 1.17(m), regardless of whether the petition under 37 CFR 1.137 is dismissed or denied; and (B) will not reach the merits of any petition under 37 CFR 1.137 lacking the requisite petition fee.***

Petitioner could have filed a petition under 37 CFR 1.181(a), to Withdraw Holding of Abandonment (no fee required).

In view of the above, the request for refund of the petition fee ($810.00) is dismissed.

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

PTO/SB/27 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to 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	29/298,049
Filing Date	TBD
First Named Inventor	Tate E. Kuerbis
Title	SHOE UPPER
Atty Docket Number	015127.01053

Approved
Jacqueline M. Stone
12-3-07
Jacqueline M. Stone, Director
Technology Center 1700/2900

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

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

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

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

D2/896, 902, 907, 909, 910, 911, 924, 943, 945, 946, 969, 970, 971, 972, 973, 974, and 978

Related applications: _____

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:
- Formal drawings (see 37 CFR 1.84).
- The fee set forth in 37 CFR 1.17(k).
- An information disclosure statement in compliance with 37 CFR 1.98.

/Elizabeth A. Almeter/ — Signature

November 28, 2007 — Date

Elizabeth A. Almeter — Typed or printed name

57,019 — Registration Number, if applicable

(202) 824-3000 — Telephone Number

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

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

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

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

Application Number	29/298,052
Filing Date	TBD
First Named Inventor	Tate E. Kuerbis
Title	SHOE UPPER
Atty Docket Number	015127.01054

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

Approved 12-3-07
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, 909, 910, 911, 924, 943, 945, 946, 969, 970, 971, 972, 973, 974, and 978

Related applications: _____

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:
- Formal drawings (see 37 CFR 1.84).
- The fee set forth in 37 CFR 1.17(k).
- An information disclosure statement in compliance with 37 CFR 1.98.

/Elizabeth A. Almeter/ — Signature

November 28, 2007 — Date

Elizabeth A. Almeter — Typed or printed name

57,019 — Registration Number, if applicable

(202) 824-3000 — Telephone Number

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

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

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

Application Number	
Filing Date	TBD 29/298,055
First Named Inventor	Tate E. Kuerbis
Title	SHOE UPPER
Atty Docket Number	015127.01055

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, 909, 910, 911, 924, 943, 945, 946, 969, 970, 971, 972, 973, 974, and 978

Approved 12-3-07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

Related applications: _____

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:
- Formal drawings (see 37 CFR 1.84).
- The fee set forth in 37 CFR 1.17(k).
- An information disclosure statement in compliance with 37 CFR 1.98.

/Elizabeth A. Almeter/ — Signature

November 27, 2007 — Date

Elizabeth A. Almeter — Typed or printed name

57,019 — Registration Number, if applicable

(202) 824-3000 — Telephone Number

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LUTRON ELECTRONICS CO., INC.
MARK E. ROSE
7200 SUTER ROAD
COOPERSBURG PA 18036-1299

COPY MAILED
JUL 18 2008

In re Application of

Hewson, et al.

Application No. 29/298,067

Filed: November 28, 2007

Attorney Docket No. 07-13173-D2 DV1

DECISION ON PETITION

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed June 26, 2008.

The petition is **granted**.

This application was held abandoned May 2, 2008, after no reply was received to the Notice of Allowability mailed February 1, 2008. The notice set forth a statutory period for reply of three months from its mailing date and required corrected drawings to be filed. No response was received within the allowable period and the application became abandoned on May 2, 2008. A Notice of Abandonment was mailed May 29, 2008. The instant petition was filed on June 26, 2008. Petitioner maintains that the requirement for corrected drawings was made in error.

The undersigned contacted Examiner Thomas Johannes who confirmed that the requirement for corrected drawings as set forth in the Notice of Allowability was made in error. The holding of abandonment was improperly imposed and is withdrawn accordingly.

The application file is being forwarded to the Office of Data Management for further processing.

Questions 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

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

COPY MAILED
DEC 08 2008

In re Application of
Elvir Causevic et al
Application No. 29/298,138
Filed: November 29, 2007
Attorney Docket No. 10329-0015-01000

ON PETITION

This is a decision on the petitions filed December 5, 2008 under 37 CFR 1.137(b), to revive the above-identified application and under 37 CFR 1.313(c)(3) to withdraw the above-identified application from issue after payment of the issue fee.

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

The above-identified application became abandoned for failure to submit the Issue fee in a timely manner in reply to the Notice of Allowance mailed August 14, 2008, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on November 15, 2008.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the issue fee; (2) the petition fee; (3) the required statement of unintentional delay have been received and (4) Terminal Disclaimer. Accordingly, the issue fee is accepted as having been unintentionally delayed.

The petition under 37 CFR 1.313(c)(3) is **GRANTED.**

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

Petitioner is advised that the issue fee paid on December 5, 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 5, 2008.

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 Information Disclosure Statement.

/Irvin Dingle/
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

BARLOW, JOSEPHS & HOLMES, LTD.
101 DYER STREET
5TH FLOOR
PROVIDENCE RI 02903

MAILED
MAR 29 2010
OFFICE OF PETITIONS

In re Application of	:	
Peter A. Moscovita et al.	:	
Application No. 29/298,203	:	DECISION ON PETITION
Filed: November 30, 2007	:	
Attorney Docket No. **U007 P01561-US**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 25, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowability, mailed August 21, 2009, which set a period for reply of three (3) months. Accordingly, this application became abandoned on November 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 corrected formal drawings, (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 the Office of Data Management to be processed into a patent.

JoAnne Burke
Petitions Examiner
Office of Petitions

PTO/SB/27 (05-03)
Approved for use through 04/30/2003. OMB 0651-0031
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	TBD 29/298,255
Filing Date	11/30/2007
First Named Inventor	James Molyneux
Title	Watch
Atty Docket Number	015127.01143

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:

D10 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 122, 123, 124, 125, 127, 128, 129, 130, 131, and 132
D11 3, 4, 5, 12; D14 435, 436; 63 3, 3.1, 12; 368 9, 10, 223, 242, 251, 276, 277, 278, 281, 282,
283, 285, 316

Related applications: _____

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

Formal drawings (see 37 CFR 1.84).

The fee set forth in 37 CFR 1.17(k).

An information disclosure statement in compliance with 37 CFR 1.98.

Approved 12/18/07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

11/30/2007	/Richard S. Stockton/
Date	Signature
312-463-5000	Richard S. Stockton
Telephone Number	Typed or printed name

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

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

PTO/SB/27 (05-03)
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	TBD 29/298,257
Filing Date	11/30/2007
First Named Inventor	James Molyneux
Title	Portion of a Watch
Atty Docket Number	015127.01144

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:

D10 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, and 132
D11 3, 4, 5, 12; D14 435, 436; 63 3, 3.1, 12; 368 9, 10, 223, 242, 251, 276, 277, 278, 281, 282,
283, 285, 316

Related applications: _____

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

Formal drawings (see 37 CFR 1.84).

The fee set forth in 37 CFR 1.17(k).

An information disclosure statement in compliance with 37 CFR 1.98.

Approved 12/18/07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

11/30/2007	/Richard S. Stockton/
Date	Signature
312-463-5000	Richard S. Stockton
Telephone Number	Typed or printed name

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

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

Application Number	TBD 29/298,259
Filing Date	11/30/2007
First Named Inventor	James Molyneux
Title	Portion of a Watch
Atty Docket Number	015127.01145

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:

D10 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 122, 123, 124, 125,126, 127, 128, 129, 130, 131, and 132
D11 3, 4, 5, 12; D14 435, 436; 63 3, 3.1, 12; 368 9, 10, 223, 242, 251, 276, 277, 278, 281, 282, 283, 285, 316

Related applications: _____

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

Formal drawings (see 37 CFR 1.84).

The fee set forth in 37 CFR 1.17(k).

An information disclosure statement in compliance with 37 CFR 1.98.

Approved 12/18/07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

11/30/2007	/Richard S. Stockton/
Date	Signature
312-463-5000	Richard S. Stockton
Telephone Number	Typed or printed name

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

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PTO/SB/27 (05-03)
Approved for use through 04/30/2003. OMB 0651-0031
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	TBD 29/298,261
Filing Date	11/30/2007
First Named Inventor	James Molyneux
Title	Portion of a Watch
Atty Docket Number	015127.01146

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:

D10 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 122, 123, 124, 125,126, 127, 128, 129, 130, 131, and 132
D11 3, 4, 5, 12; D14 435, 436; 63 3, 3.1, 12; 368 9, 10, 223, 242, 251, 276, 277, 278, 281, 282, 283, 285, 316

Related applications: _____

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

Formal drawings (see 37 CFR 1.84).

The fee set forth in 37 CFR 1.17(k).

An information disclosure statement in compliance with 37 CFR 1.98.

Approved 12/18/07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

11/30/2007	/Richard S. Stockton/
Date	Signature
312-463-5000	Richard S. Stockton
Telephone Number	Typed or printed name

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UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Application of
RICHARD E. SWAN

Application No. 29298301

Filed: December 3,2007

Attorney Docket No. A042 P01503-US1

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1) ,filed 04-APR-2008 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded “special” status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquires concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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

PTO/SB/130 (03-08)
Approved for use through 03/31/2008. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	29298301	Confirmation Number	4329	Filing Date	2007-12-03
Attorney Docket Number (optional)	A042 P01607-US	Art Unit	2915	Examiner	BAYNHAM, HOLLY H
First Named Inventor	Richard E. Swan				
Title of Invention	MOUNTING ASSEMBLY				

Attention: Office of Petitions

An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).

APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.

A grantable petition requires one of the following items:
(1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or
(2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.

Name of Inventor who is 65 years of age, or older

Given Name	Middle Name	Family Name	Suffix
Richard	E.	Swan	

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18.
Please see 37 CFR 1.4(d) for the format of the signature.

Select (1) or (2) :

○ (1) I am an inventor in this application and I am 65 years of age, or more.

◉ (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.

Signature	/Stephen J. Holmes/	Date (YYYY-MM-DD)	2008-04-04
Name	Stephen J. Holmes	Registration Number	34621

PTO/SB/130 (03-08)
Approved for use through 03/31/2008. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Privacy Act Statement

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

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

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Fr eedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about indivi duals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 10/26/09

TO SPE OF : ART UNIT 2913

SUBJECT : Request for Certificate of Correction for Appl. No.: 29298303 Patent No.: D568236

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 9D40-D
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome
Certificates of Correction Branch
703-756-1574

Thank You For Your Assistance

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

☒ **Approved**	**All** changes apply.
☐ **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

2913

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.
29/298,306	12/03/2007	David A. Petersen	14XL-134529	4395

68850 7590 03/07/2008
DON J. PELTO
Sheppard, Mullin, Richter & Hampton LLP
1300 I STREET, NW
11TH FLOOR EAST
WASHINGTON, DC 20006

EXAMINER

ART UNIT	PAPER NUMBER
2913	

MAIL DATE	DELIVERY MODE
03/07/2008	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

3-7-08

W

In re Application of	:	
David A. Petersen	:	
Serial Number: 29/298,306	:	DECISION
Filed: February 21, 2008	:	ON
For: Drill Guide Design	:	PETITION

This is in response to the request filed February 21, 2008, requesting expedited examination of a design application under 37 CFR 1.155.

37 CFR 1.155 establishes an expedited procedure for design applications. A design application may qualify for expedited examination provided the following requirements are met:

(A) A request for expedited examination is filed (Form PTO/SB/27 may be used);

(B) The design application is complete and it includes drawings in compliance with 37 CFR 1.84 (see 37 CFR 1.154 and MPEP § 1503 concerning the requirements for a complete design application);

(C) A statement is filed indicating that a preexamination search was conducted (a search made by a foreign patent office satisfies this requirement). The statement must also include a list of the field of search such as by U.S. Class and Subclass (including domestic patent documents, foreign patent documents and nonpatent literature);

(D) An information disclosure statement in compliance with 37 CFR 1.98 is filed;

(E) The basic design application filing fee set forth in 37 CFR 1 .16(f) is paid; and

(F) The fee for expedited examination set forth in 37 CFR 1.17(k) is paid.

If an application requesting expedited examination fails to comply with one or more of the requirements for expedited examination under 37 CFR 1.155, but the application is otherwise complete, the applicant will be promptly notified and required to comply with all requirements under 37 CFR 1.155 within a shortened time period extendable under 37 CFR 1.136(a). Unless all requirements under 37 CFR 1.155 are timely met, the application will await action in its regular turn.

29/298,306

In this case, applicant has not provided the fee for expedited examination as set forth in 37 CFR 1.17(k).

The Request is **Denied**.

Jacqueline M. Stone

Jacqueline Stone, Director
Technology Center 2900
Designs

DON J. PELTO
Sheppard, Mullin, Richter & Hampton LLP
1300 I STREET, NW
11TH FLOOR EAST
WASHINGTON DC 20006

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:	29/298,306	Confirmation No.: 4395
Applicant:	David A. Petersen	
Filed:	December 3, 2007	
TC/Art Unit:	Not yet assigned	
Examiner:	Not yet assigned	
Docket No.:	14XL-134529	
Customer No.	68850	

Approved 3-26-08
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

REPLY TO DECISION ON PETITION WITH COMPLIANCE REQUIREMENT UNDER 37 CFR§ 1.155

MAIL STOP EXPEDITED DESIGN
Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

Responsive to the Decision on Petition mailed March 7, 2008, regarding the failure to comply with one or more of the requirements for expedited examination under 37 CFR § 1.155, which were not met.

Applicant advises that on February 21, 2008, applicant did file with the U. S. Patent & Trademark Office, via facsimile to the attention of Special Procedures Submission, documents (A) thru (E), listed on the Decision On Petition (copy attached).

Applicant requests that the fee for expedited examination set forth under 37 § CFR 1.17(k), be deducted from Applicant's Deposit Account 50-1067. Applicant further attaches Fee Transmittal Form PTO/SB/17.

Applicant requests Reconsideration of the Decision on Petition with regard to the Request for Expedited Examination filed February 21, 2008, now that all filing requirements have been met.

U. S. Serial No. 29/298,306 Atty. Docket No. 14XL-134529

If there are any further fees due in connection with the filing of the present reply, please charge the fees to the deposit account of the undersigned, No. 50-1067. If a fee is required for an extension of time not accounted for, such an extension is requested and the fee should also be charged to the deposit account of the undersigned.

Respectfully submitted,

/djpelto Reg. No. 33754/

March 13, 2008

Don J. Pelto
Reg. No. 33,754

Sheppard, Mullin, Richter & Hampton LLP
1300 I Street NW, 11th Floor East
Washington, DC 20005
Telephone: 202-218-0000
Facsimile: 202-218-0020

PAGE 5/18 * RCVD AT 3/13/2008 3:03:54 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/39 * DNIS:2738300 * CSID:2022180020 * DURATION (mm-ss):03-26

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.
29/298,308	12/03/2007	David A. Petersen	14XL-134528	4428

68850 7590 03/07/2008
DON J. PELTO
Sheppard, Mullin, Richter & Hampton LLP
1300 I STREET, NW
11TH FLOOR EAST
WASHINGTON, DC 20006

EXAMINER

ART UNIT	PAPER NUMBER
2913	

MAIL DATE	DELIVERY MODE
03/07/2008	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

3-7-08

W

In re Application of	:	
David A. Petersen	:	
Serial Number: 29/298,308	:	DECISION
Filed: February 21, 2008	:	ON
For: Bone Plug Holder Design	:	PETITION

This is in response to the request filed February 21, 2008, requesting expedited examination of a design application under 37 CFR 1.155.

37 CFR 1.155 establishes an expedited procedure for design applications. A design application may qualify for expedited examination provided the following requirements are met:

(A) A request for expedited examination is filed (Form PTO/SB/27 may be used);

(B) The design application is complete and it includes drawings in compliance with 37 CFR 1.84 (see 37 CFR 1.154 and MPEP § 1503 concerning the requirements for a complete design application);

(C) A statement is filed indicating that a preexamination search was conducted (a search made by a foreign patent office satisfies this requirement). The statement must also include a list of the field of search such as by U.S. Class and Subclass (including domestic patent documents, foreign patent documents and nonpatent literature);

(D) An information disclosure statement in compliance with 37 CFR 1.98 is filed;

(E) The basic design application filing fee set forth in 37 CFR 1 .16(f) is paid; and

(F) The fee for expedited examination set forth in 37 CFR 1.17(k) is paid.

If an application requesting expedited examination fails to comply with one or more of the requirements for expedited examination under 37 CFR 1.155, but the application is otherwise complete, the applicant will be promptly notified and required to comply with all requirements under 37 CFR 1.155 within a shortened time period extendable under 37 CFR 1.136(a). Unless all requirements under 37 CFR 1.155 are timely met, the application will await action in its regular turn.

29/298,308

In this case, applicant has not provided the fee for expedited examination as set forth in 37 CFR 1.17(k).

The Request is **Denied**.

Jacqueline M. Stone

Jacqueline Stone, Director
Technology Center 2900
Designs

DON J. PELTO
Sheppard, Mullin, Richter & Hampton LLP
1300 I STREET, NW
11TH FLOOR EAST
WASHINGTON DC 20006

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.
29/298,308	12/03/2007	David A. Petersen	14XL-134528	4428

68850 7590 11/17/2008
DON J. PELTO
Sheppard, Mullin, Richter & Hampton LLP
1300 I STREET, NW
11TH FLOOR EAST
WASHINGTON, DC 20005

EXAMINER
CAVANNA, MARK

ART UNIT	PAPER NUMBER
2914	

MAIL DATE	DELIVERY MODE
11/17/2008	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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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:	29/298,308	Confirmation No.: 4428
Applicant:	David A. Petersen	
Filed:	December 3, 2007	
TC/Art Unit:	Not yet assigned	
Examiner:	Not yet assigned	
Docket No.:	14XL-134528	
Customer No.	68850	

11/17/08
APPROVED
JASEMINE C. CHAMBERS, DIRECTOR
TECHNOLOGY CENTER 2900

REPLY TO DECISION ON PETITION WITH COMPLIANCE REQUIREMENT UNDER 37 CFR§ 1.155

MAIL STOP EXPEDITED DESIGN
Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

Responsive to the Decision on Petition mailed March 7, 2008, regarding the failure to comply with one or more of the requirements for expedited examination under 37 CFR § 1.155, which were not met.

Applicant advises that on February 21, 2008, applicant did file with the U. S. Patent & Trademark Office, via facsimile to the attention of Special Procedures Submission, documents (A) thru (E), listed on the Decision On Petition (copy attached).

Applicant requests that the fee for expedited examination set forth under 37 § CFR 1.17(k), be deducted from Applicant's Deposit Account 50-1067. Applicant further attaches Fee Transmittal Form PTO/SB/17.

Applicant requests Reconsideration of the Decision on Petition with regard to the Request for Expedited Examination filed February 21, 2008, now that all filing requirements have been met.

03/14/2008 HVUONG1 00000059 501067 29298308
01 FC:1002 900.00 DA

U. S. Serial No. 29/298,308 Atty. Docket No. 14XL-134528

If there are any further fees due in connection with the filing of the present reply, please charge the fees to the deposit account of the undersigned, No. 50-1067. If a fee is required for an extension of time not accounted for, such an extension is requested and the fee should also be charged to the deposit account of the undersigned.

Respectfully submitted,

/djpelto Reg. No. 33754/

March 13, 2008

Don J. Pelto
Reg. No. 33,754

Sheppard, Mullin, Richter & Hampton LLP
1300 I Street NW, 11th Floor East
Washington, DC 20005
Telephone: 202-218-0000
Facsimile: 202-218-0020

PAGE 5/12 * RCVD AT 3/13/2008 3:07:25 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-4/6 * DNIS:2738300 * CSID:2022180020 * DURATION (mm-ss):04-36

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PTO/SB/27 (01-08)
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U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE

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

Application Number	29/298,308
Filing Date	12/03/2007
First Named Inventor	David A. Petersen
Title	Bone Plug Holder Design
Atty Docket Number	14XL-134528

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

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

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

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

US Field of Search: Classes and Subclasses Searched: D3/313; D7/550.1, 553.4, 553.5 and 701; D9/755; D24/224, 227, 229and 230 US Patent Database - US-PGPUB, US PAT; Foreign Dbase EPO, JPO, DERWENT; UK Patent Database - Locarno Classification/Proprietor Search; Google Image

Related applications: 29/302,962; 29/298,309; 29/298,306; 29/299,918; 29/302,961; 29/302,954

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

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

/djpelto Reg. No. 33754/
Signature

February 21, 2008
Date

Don J. Pelto
Typed or printed name

33,754
Registration Number, if applicable

(202) 218-0000
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.

03/14/2008 HVUONG1 00000059 29298308
01 FC:1802 900.00 DA

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/298,309	12/03/2007	David A. Petersen	14XL-134530	4445

68850 7590 03/07/2008
DON J. PELTO
Sheppard, Mullin, Richter & Hampton LLP
1300 I STREET, NW
11TH FLOOR EAST
WASHINGTON, DC 20006

EXAMINER

ART UNIT	PAPER NUMBER
2913	

MAIL DATE	DELIVERY MODE
03/07/2008	PAPER

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

3-7-08

W

In re Application of
David A. Petersen
Serial Number: 29/298,309
Filed: February 21, 2008
For: Surgical Impacter Design

DECISION ON PETITION

This is in response to the request filed February 21, 2008, requesting expedited examination of a design application under 37 CFR 1.155.

37 CFR 1.155 establishes an expedited procedure for design applications. A design application may qualify for expedited examination provided the following requirements are met:

(A) A request for expedited examination is filed (Form PTO/SB/27 may be used);

(B) The design application is complete and it includes drawings in compliance with 37 CFR 1.84 (see 37 CFR 1.154 and MPEP § 1503 concerning the requirements for a complete design application);

(C) A statement is filed indicating that a preexamination search was conducted (a search made by a foreign patent office satisfies this requirement). The statement must also include a list of the field of search such as by U.S. Class and Subclass (including domestic patent documents, foreign patent documents and nonpatent literature);

(D) An information disclosure statement in compliance with 37 CFR 1.98 is filed;

(E) The basic design application filing fee set forth in 37 CFR 1 .16(f) is paid; and

(F) The fee for expedited examination set forth in 37 CFR 1.17(k) is paid.

If an application requesting expedited examination fails to comply with one or more of the requirements for expedited examination under 37 CFR 1.155, but the application is otherwise complete, the applicant will be promptly notified and required to comply with all requirements under 37 CFR 1.155 within a shortened time period extendable under 37 CFR 1.136(a). Unless all requirements under 37 CFR 1.155 are timely met, the application will await action in its regular turn.

29/298,309

In this case, applicant has not provided the fee for expedited examination as set forth in 37 CFR 1.17(k).

The Request is **Denied**.

Jacqueline M. Stone

Jacqueline Stone, Director
Technology Center 2900
Designs

DON J. PELTO
Sheppard, Mullin, Richter & Hampton LLP
1300 I STREET, NW
11TH FLOOR EAST
WASHINGTON DC 20006

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	29/298,455
Filing Date	
First Named Inventor	Robert E. Lash
Title	Portion of Surgical Retractor with Sensor
Atty Docket Number	VIOPD018

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:

433/136, 433/141, 433/148

600/201, 600/202, 600/237

D24/135, D24/152

Approved: 12/13/07
Jacqueline M. Stokes, Director
Technology Center 1700/2900

Related applications: 29/281,422; 29/284,745; 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/	December 5, 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

Ballard Spahr LLP
SUITE 1000
999 PEACHTREE STREET
ATLANTA GA 30309-3915

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JAN 04 2010

In re Application of	:	
Mark A. Stiles	:	
Application No. 29/298,467	:	NOTICE
Filed: December 5, 2007	:	
Attorney Docket No. **08185.0003U1**	:	

This is a notice regarding your request filed November 9, 2009, for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BRIAN D. SMITH, P.C.
1125 SEVENTEENTH STREET
SUITE 600
DENVER CO 80202

COPY MAILED
SEP 29 2008

In re Application of

Richard G. White

Application No. 29/298,567

Filed: December 7, 2007

Attorney Docket No. S267-1DES

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed September 2, 2008.

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

This application was held abandoned on August 2, 2008, after it was believed that a proper response was received to the Notice of Allowance and Issue Fee Due mailed May 1, 2008, which set a statutory period for reply of three months from its mailing date. A Notice of Abandonment was mailed August 25, 2008.

Petitioner maintains that a proper and timely response to the Notice of Allowance and Issue Fee Due was deposited with the United States Postal Service, first class mail on July 24, 2008. The response was in the form of a completed Issue Fee Transmittal Form and payment of the issue fee in the form of a check. As evidence of the same, petitioner provides a copy of the Issue Fee Transmittal containing a certificate of mailing dated July 24, 2008, and a copy of the check sent for the issue fee payment.

Section 711.03 of the *Manual of Patent Examining Procedure* provides, in pertinent part, that

> Where a certificate of mailing under 37 CFR 1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 CFR 1.8(b) and MPEP § 512. As stated in 37 CFR 1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 CFR 1.8).

Petitioner's argument has been considered and is persuasive in light of Section 711.03(c) cited above, however; the petition cannot be granted because no payment for the issue fee accompanied the petition and is not of record on the application. It would not be proper to direct the application to the Office of

Data Management for issuance of the patent without payment of the issue fee. Accordingly, the renewed petition must be accompanied by payment of the issue fee in order to be considered grantable.

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

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

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

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BRIAN D. SMITH, P.C.
1125 SEVENTEENTH STREET
SUITE 600
DENVER CO 80202

COPY MAILED

NOV 0 7 2008

OFFICE OF PETITIONS

In re Application of

Richard G. White

Application No. 29/298,567

Filed: December 7, 2007

Attorney Docket No. S267-1DES

DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed October 14, 2008.

The renewed petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

This application was held abandoned on August 2, 2008, after it was believed that a proper response was received to the Notice of Allowance and Issue Fee Due mailed May 1, 2008, which set a statutory period for reply of three months from its mailing date. A Notice of Abandonment was mailed August 25, 2008.

Petitioner maintains that a proper and timely response to the Notice of Allowance and Issue Fee Due was deposited with the United States Postal Service, first class mail on July 24, 2008. The response was in the form of a completed Issue Fee Transmittal Form and payment of the issue fee in the form of a check. As evidence of the same, petitioner provides a copy of the Issue Fee Transmittal containing a certificate of mailing dated July 24, 2008, and a copy of the check sent for the issue fee payment.

Petitioner's argument has been considered and is persuasive. Section 711.03(c) of the MPEP provides, in pertinent part, that:

> Where a certificate of mailing under 37 CFR 1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 CFR 1.8(b) and MPEP § 512. As stated in 37 CFR 1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into

PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 CFR 1.8).

A review of the copy of the Issue Fee Transmittal Form reveals that it contains a certificate of mailing dated July 24, 2008, that is signed by Brian D. Smith who also signed the petition document. Petitioner properly used the protections offered by 37 CFR 1.8 and is, therefore, entitled to assert that the response mailed July 24, 2008, is timely by virtue of the certificate of mailing dated July 24, 2008, contained thereon. The petition is granted, accordingly.

The issue fee payment filed October 14, 2008, is noted.

Further inquires regarding this decision may be directed to the undersigned at (571) 272-3222.

The application file is being forwarded to the Office of Data Management for further processing.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Michael L. Leetzow, Esq.
Michael L. Leetzow, P.A.
5213 SHORELINE CIRCLE
SANFORD, FL 32771

COPY MAILED
NOV 19 2008

In re Application of	:	
Steve Stepp	:	
Application No. 29/298,576	:	ON PETITION
Filed: December 7, 2007	:	
Attorney Docket No. STAG-004	:	

This is a decision on the petition under 37 CFR 1.137(b), filed on September 16, 2008, to revive the above-identified application.

The above application became abandoned for failure to file a reply to the Notice of Allowance and Fee(s) Due mailed on May 15, 2008. A Notice of Abandonment was mailed 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 Commissioner may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (4).

The Office acknowledges receipt of $770 for the petition to revive fee and $410 for payment of the issue fee. 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

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

Michael L. Leetzow, Esq.
Michael L. Leetzow, P.A.
5213 Shoreline Circle
Sanford, FL 32771

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SEP 02 2009

OFFICE OF PETITIONS

In re Application of
Steve Stepp
Application No. 29/298,576
Filed: December 7, 2007
Attorney Docket No. STAG-004

ON PETITION

This is a decision on the terminal disclaimer and fee filed on May 31, 2009, which is being treated as a renewed petition under 37 CFR 1.137(b), to revive the above-identified application.

The original petition to revive under 37 CFR 1.137(b) was filed on September 16, 2008. Said petition was dismissed November 19, 2008 because petitioner did not file a terminal disclaimer and $65 fee as required by 37 CFR 1.137(d). The decision set a two (2) month time period for filing a renewed petition and extensions of time under 37 CFR 1.136 of this period were permitted. As no extensions of time under 37 CFR 1.136 were timely filed, the renewed petition is considered untimely.

37 CFR 1.137(b)(3) says:

> "A grantable petition pursuant to this paragraph must be accompanied by a statement that 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."**

37 CFR 1.137(b) requires that the entire delay, including the delay between the date it was discovered that the application was abandoned up until the petition to revive was actually filed (and not just the abandonment itself), was unintentional; that is, an applicant who intentionally delays filing a petition to revive cannot meet the requirement in 37 CFR 1.137(b)(3) for a statement that the delay was unintentional.

While the Office generally will require only the statement that the entire delay in providing the required 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 Office may require an applicant to carry the burden of proof to establish that the delay from the due date for the reply until the filing of a grantable petition was unintentional within the meaning of 35 U.S.C. 41(a)(7) and where there is a question whether the entire delay was unintentional under 37 CFR 1.137(b).

Likewise, where the applicant deliberately chooses not to seek or persist in seeking the revival of an application, or where the applicant deliberately chooses to delay seeking the revival of an abandoned application, the resulting delay in seeking revival of an abandoned application cannot be considered as "unintentional" within the meaning of 37 CFR 1.137(b).

In view of the above, there is a question whether the delay in filing the present petition from the mail date of the previous decision was unintentional. The present petition was filed over six (6) months after the mailing date of the first decision, which certainly cannot be construed as prompt. The present petition, by Mr. Michael Leetzow, is not accompanied by a sufficient explanation of the delay in filing the petition nor is an explanation given to support the statement that "the entire delay was unintentional." Unless an explanation of the delay is given, it can be assumed by the Office that petitioner, by deliberate intent, delayed filing the renewed petition to revive under 37 CFR 1.137(b) and that course of action precludes revival under 37 CFR 1.137.

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

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

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

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

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

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

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

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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NOV 05 2009

OFFICE OF PETITIONS

Michael L. Leetzow, P.A.
2393 Crest Ridge Ct
SANFORD, FL 32771

In re Application of	:	
Steve Stepp	:	
Application No. 29/298,576	:	ON PETITION
Filed: December 7, 2007	:	
Attorney Docket No. STAG-004	:	

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

On November 19, 2008, a decision was mailed which set a time period of two months to respond. On May 31, 2009, petitioner filed a renewed petition along with a terminal disclaimer and fee. On July 19, 2009, a corrected Terminal Disclaimer was filed. A decision on the petition filed May 31, 2009 was rendered on September 2, 2009. In response, the present renewed was filed on November 2, 2009.

It is noted that the statement contained in the present petition varies from the language required by 37 CFR 1.137(b)(3). Therefore, the statement is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement.

Additionally, since petitioner failed to timely respond within two months from the decision mailed on November 19, 2008, the Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting the statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178; 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109) (applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the Patent and Trademark Office).

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 July 19, 2009, has been accepted and made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

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

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

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OCT 23 2009

OFFICE OF PETITIONS

Law Office Of Robert E. Kasody,
Professional Corporation
6601 Center Drive West, Suite #500
Los Angeles CA 90045

In re Application of	:	
Scalisi	:	
Application No. 29/298,605	:	DECISION ON PETITION
Filed: December 7, 2007	:	
Attorney Docket No. LBTECH.010D	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 3, 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 April 30, 2009, which set a period for reply of three (3) months. Accordingly, this application became abandoned on July 31, 2009. A Notice of Abandonment was mailed on August 26, 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 drawings, (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.

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

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

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

STURM & FIX LLP
206 SIXTH AVENUE
SUITE 1213
DES MOINES IA 50309-4076

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OFFICE OF PETITIONS

In re Application of	:	
Aniceto Canamasas	:	
Application No.: 29/298624	:	ON PETITION
Filing or 371(c) Date: 12/10/2007	:	
Attorney Docket Number: 2-1038-056	:	

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 September 29, 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 May 30, 2008. The Notice set a non-extendable three (3) month period for reply. No reply having been received, the application became abandoned on August 31, 2008. A Notice of Abandonment was mailed September 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 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
www.uspto.gov

MAYER BROWN LLP
P.O. BOX 2828
CHICAGO IL 60690

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APR 13 2009
OFFICE OF PETITIONS

In re Application of
Carsten Waldeck
Application No. 29/298,669
Filed: December 10, 2007
Attorney Docket No. 07146520

ON PETITION

This is a decision on the petition under 37 CFR 1.181 filed on March 17, 2009, to withdraw the holding of abandonment.

The petition is **DISMISSED**.

The application became abandoned on February 19, 2009, after no response was received to the Notice of Allowability mailed November 18, 2008, which set a statutory period for reply of three-months from its mailing date. The Notice required corrected drawings to be filed. No response was received within the allowable period, and the application became abandoned on February 19, 2009. A Notice of Abandonment was mailed on March 17, 2009.

In the instant petition, petitioner maintains that the requirement for corrected drawings was made in error as petitioner filed a replacement drawing sheet on November 10, 2008, which addressed the objection made in the Notice of Allowability.

Petitioner's argument is not persuasive. Applicant is not a liberty to ignore a requirement made in the Notice of Allowability regardless of whether the correction required by the Notice of Allowability was previously made. The Notice of Allowability made a requirement for corrected drawings and set a three-month statutory period for reply. Applicant was obligated to file a timely response to the Notice of Allowability or file a request to restart or reset the time period for responding to the Notice of Allowability because it was defective. See MPEP 710.06. Section 711.02 of the Manual of Patent Examining Procedure, citing 37 CFR 1.135(a) states, in pertinent part, that, "...an application becomes abandoned if applicant "fails to reply" to an office action within the fixed statutory period. This failure may result either from (A) failure to reply within the statutory period, or (B) insufficiency of reply, i.e., failure to file a "complete and proper reply, as the condition of the case may require" within the statutory period (37 CFR 1.135(b))." In this case, applicant failed to respond to the Notice of Allowability, and the application was properly held abandoned on February 19, 2009.

Alternatively, petitioner may revive the application based on unintentional abandonment under 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply, the required petition fee ($1,620.00 for a large entity and $810.00 for a verified small entity), and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

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

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

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

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAYER BROWN LLP
P.O. BOX 2828
CHICAGO IL 60690

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OFFICE OF PETITIONS

In re Application of	:	
Carsten Waldeck	:	
Application No. 29/298,669	:	ON PETITION
Filed: December 10, 2007	:	
Attorney Docket No. 07146520	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 28 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 18, 2008, which set a period for reply of three (3) months. Accordingly, this application became abandoned on February 19, 2009. The Notice of Abandonment was mailed March 17, 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

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) 272-2991.

Terri Johnson

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

MAYER BROWN LLP
P.O. BOX 2828
CHICAGO IL 60690

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FEB 22 2010

In re Application of	:	
Carsten Waldeck	:	
Application No. 29/298,669	:	DECISION ON PETITION
Filed: December 10, 2007	:	
Attorney Docket No. 07146520	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed January 14, 2010, 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 18, 2008, which set a period for reply of three (3) months. Accordingly, this application became abandoned on February 19, 2009. The Notice of Abandonment was mailed March 17, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of formal drawings, (2) the petition fee of $810, (3) terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d), and (4) a proper statement of unintentional delay.

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

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Data Management for appropriate action on the reply received.

Terri Johnson

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

MAYER BROWN LLP
P.O. Box 2828
Chicago, IL 60690

MAILED

MAR 08 2010

OFFICE OF PETITIONS

In re Application of	:	
Carsten Waldeck	:	
Application No. 29/298,669	:	DECISION ON PETITION
Filed: December 10, 2007	:	TO WITHDRAW
Attorney Docket No. 07146520	:	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, 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 Joseph A. Mahoney on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Carsten Waldeck at the address indicated below.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Carsten Waldeck**
Bergstrasse 34
Seeheim, D64347
Germany

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
29/298,669	12/10/2007	Carsten Waldeck	07146520

CONFIRMATION NO. 2801

POWER OF ATTORNEY NOTICE

26565
MAYER BROWN LLP
P.O. BOX 2828
CHICAGO, IL 60690

OC000000040470770

Date Mailed: 03/08/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/18/2009.

- 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.

/tsjohnson/

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

DATE : 6-2-09 Paper No.: _____

TO SPE OF : ART UNIT 2913

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/298,689 Patent No. ~~[illegible]~~ D587304

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

FOR IFW FILES: Check Drawings

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.

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

Comments: _____

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

2913
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PERKINS COIE LLP
Post Office Box 1208
Seattle, WA 98111-1208/

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OCT 19 2009

OFFICE OF PETITIONS

In re Application of	:	
Marcus G. Hays	:	
Application No. 29/298,695	:	DECISION ON PETITION
Filed: December 11, 2007	:	TO WITHDRAW
Attorney Docket No. 54791.8006.US00	:	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 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 Kenneth H. Ohriner on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Kenneth H. Ohriner at the address indicated below.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Marcus Hays**
39 Mesa Street, Suite 106
San Francisco, CA 94129

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
29/298,695	12/11/2007	Marcus G. Hays	54791.8006.US00

CONFIRMATION NO. 3255

POWER OF ATTORNEY NOTICE

34055
PERKINS COIE LLP
POST OFFICE BOX 1208
SEATTLE, WA 98111-1208

OC000000038336876

Date Mailed: 10/19/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/10/2008.

- 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.

/tsjohnson/

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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HOVEY WILLIAMS LLP
10801 MASTIN BLVD., SUITE 1000
OVERLAND PARK KS 66210

MAILED

MAY 12 2009

OFFICE OF PETITIONS

In re Application of Chistine K. Hogan et al Application No. 29/298,746 Filed: December 12, 2007 Attorney Docket No. 38696-DSG	: : : : :	DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 31, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of 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/Notice of Allowability mailed February 12, 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.

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

Kelly S.K. Elsea
Intellectual Property Counsel for
The Coleman Company, Inc.
3600 N. Hydraulic
Wichita KS 67219

COPY MAILED

MAR 2 6 2009

OFFICE OF PETITIONS

In re Application of :
Mary K. RICHARDSON et al. :
Application No. 29/298,765 : DECISION ON PETITION
Filed: December 12, 2007 :
Attorney Docket No. **308159** :

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

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue fee on or before September 03, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed June 03, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on September 04, 2008. A Notice of Abandonment was mailed on September 26, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $860 issue fee, (2) the petition fee of $1640, (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 June 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 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

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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FORD GLOBAL TECHNOLOGIES, LLC
FAIRLANE PLAZA SOUTH, SUITE 800
330 TOWN CENTER DRIVE
DEARBORN MI 48126

COPY MAILED

FEB 13 2008

OFFICE OF PETITIONS

In re Application of	:	
Gueler et al.	:	
Application No. 29/298786	:	
Filing or 371(c) Date: 12/13/2007	:	ON PETITION
Attorney Docket Number: 81166599	:	

This is a decision on the "Petition to Replace Oath or Declaration," filed December 13, 2007, requesting replacement of an incorrect oath/declaration.

This Petition is hereby **granted**.

The incorrect oath/declaration has been replaced with the oath/declaration filed with the present petition.

The application is being referred to Technology Center Art Unit 2916 for examination in due course.

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

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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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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FEB 13 2008

OFFICE OF PETITIONS

In re Application of	:	
Gueler et al.	:	
Application No. 29/298787	:	
Filing or 371(c) Date: 12/13/2007	:	ON PETITION
Attorney Docket Number: 81166602	:	

This is a decision on the "Petition to Replace Oath or Declaration," filed December 13, 2007, requesting replacement of an incorrect oath/declaration.

This Petition is hereby **granted**.

The incorrect oath/declaration has been replaced with the oath/declaration filed with the present petition.

The application is being referred to Technology Center Art Unit 2916 for examination in due course.

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

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
29/298,850	12/13/2007	Mark E. Oakley	OAKMD003	6666

51111 7590 12/31/2007
AKA CHAN LLP
900 LAFAYETTE STREET
SUITE 710
SANTA CLARA, CA 95050

EXAMINER

ART UNIT	PAPER NUMBER
2914	

NOTIFICATION DATE	DELIVERY MODE
12/31/2007	ELECTRONIC

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

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

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-INBOX@AKACHANLAW.COM

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	29/298,850
Filing Date	
First Named Inventor	Mark E. Oakley
Title	Trailer-Hitch Flagpole
Atty Docket Number	OAKMD003

ADDRESS TO:

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

Approved 12-27-07
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

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

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

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

D11/165-168, 172, 181-183; 116/173-175; 248/519, 538; 473/479, 481, 483, 492; 224/519; 362/485, 540, 505, 191, 190, 296, 398, 486, 413, 430; 340/431, 468

Related applications: 29/281,384

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

- Formal drawings (see 37 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/	December 13, 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

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875 THIRD AVE
18TH FLOOR
NEW YORK NY 10022

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SEP 05 2008

OFFICE OF PETITIONS

In re Application of :
Bruno Lablaine :
Application No. 29/298,869 :
Filed: December 14, 2007 :
Attorney Docket No. 102792-816

ON PETITION

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

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

The above-identified application became abandoned for failure to respond to the Notice of Allowance and Issue Fee Due mailed February 25, 2008, that allowed a period for reply of three months from its mailing date. No response was received within the allowable period and the application became abandoned on May 26, 2008. A Notice of Abandonment was mailed June 20, 2008.

A grantable petition under 37 CFR 1.137(a)[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(1); (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and (4) any terminal disclaimer required by 37 CFR 1.137(c).

The instant petition lacks items (3) and (4).

The Commissioner is responsible for determining the standard for unavoidable delay and for applying that standard.

[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 the specialized field of patent law, . . . the Commissioner of Patent and Trademarks is primarily responsible for the 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."[3]

"[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."[4]

"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.'"[5]
"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."[6]

The standard

"[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."[7] The general question asked by the Office is: "Did petitioner act as a reasonable and prudent person in relation to his most important business?"[8] Nonawarness of a PTO rule will not constitute unavoidable delay.[9]

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[3]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' 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.")

[4]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).

[5]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)).

[6]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)).

[7]Id.

[8]See In re Mattulah, 38 App. D.C. 497 (D.C. Cir. 1912).

[9]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

Application of the standard to the current facts and circumstances

In the instant petition, petitioner maintains that the circumstances leading to the abandonment of the application meet the aforementioned unavoidable standard and, therefore, petitioner qualifies for relief under 37 CFR 1.137(a). In support thereof, petitioner essentially asserts that a clerical and or docketing error resulted in a delay in responding to the Notice of Allowance and Issue Fee Due.

With regard to item (3) above, the aforementioned argument of petitioner in support of petitioner's belief that the above-cited application was unavoidably abandoned is not persuasive. The reason petitioner's argument must necessarily fail is addressed below.

When a clerical error is alleged to be the reason for the delay in responding to an Office action, Section 711.03(c) of the *Manual of Patent Examining Procedure* explains that petitioner must establish that:

> (A) the error was the cause of the delay at issue;
> (B) there was in place a business routine for performing the clerical function that could reasonably be relied upon to avoid errors in its performance; and
> (C) 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.

In this case, petitioner is arguing that a docketing/clerical error resulted in the failure to pay the issue fee. Petitioner has not established, however, that the employee, Nancy Manfredi, 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 statement from Ms. Manfredi as to her docketing experience is noted, however, the renewed petition is required to be accompanied by a statement from a supervisor of Ms. Manfredi detailing Ms. Manfredi's training and experience with the firm's docketing procedures and how reliance on Ms. Manfredi represented the exercise of due care.

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.

---

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.

Petitioner may wish to consider filing a petition to revive based on unintentional abandonment under 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply (already submitted), the required petition fee ($1,540.00 for a large entity and $770.00 for a verified small entity), and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

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

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

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

Telephone inquiries regarding 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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875 THIRD AVE
18TH FLOOR
NEW YORK NY 10022

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OCT 1 0 2008

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Bruno Lablaine :
Application No. 29/298,869 :
Filed: December 14, 2007 :
Attorney Docket No. 102792-816 :

This is a decision on the renewed petition under 37 CFR 1.137(a) filed September 26, 2008.

The renewed petition is **GRANTED.**

This application became abandoned for failure to timely reply to the Notice of Allowance and Issue Fee Due mailed February 25, 2008. The notice set a statutory period for reply of three months from its mailing date. A reply was not received within the allowable period, and the application became abandoned on May 29, 2008. A Notice of Abandonment was mailed on June 20, 2008. A petition under 37 CFR 1.137(a) was filed on August 20, 2008, and dismissed by a decision mailed September 5, 2008.

The issue fee and Form PTOL85-b were received on August 20, 2008, is noted.

The terminal disclaimer filed September 26, 2008, is noted and made of record.

The file is now being forwarded to Office of Data Management for further processing.

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

K. A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.:	unassigned
Filing Date:	Herewith
Inventor(s):	Henrik Olov Johansson
For:	LATCH
Examiner:	unassigned
Art Unit:	unassigned
Attorney Docket No.:	350-07
Confirmation No.:	unassigned

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted to the U.S. Patent and Trademark Office via the EFS-Web electronic filing system of the U.S. Patent and Trademark Office

on December 17, 2007.
(Date)

Typed or printed name of person signing this certificate:
Ourmazd S. Ojan

Signature: /Ourmazd S. Ojan/

Registration Number: 38,065

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

COVER LETTER

Sir:

The following papers are attached to this letter and are being filed herewith in the United States Patent and Trademark Office:

1) Patent application data sheet (4 pages);

2) Application for a design patent (5 pages);

3) Drawings (66 sheets);

4) Copy of the executed declaration and power of attorney form of the parent application; and

5) $440.00 for the design application filing fee (electronically paid).

In the event that any additional fees are required with respect to this communication or the application being filed herewith, the Commissioner is hereby authorized to charge any additional fees, or credit any overpayment, to Paul & Paul Deposit Account No. 16-0750.

Respectfully submitted,

Date: December 17, 2007

/Ourmazd S. Ojan/

Ourmazd S. Ojan
Reg. No. 38,065
Paul & Paul
2000 Market Street
Suite 2900
Philadelphia, PA 19103
(215) 568-4900

Order No. __5698__

UNITED STATES 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 W HIGHET VP & CHIEF IP COUNSEL
BECTON DICKINSON AND COMPANY
(KIRTON & MCCONKIE)
1 BECTON DRIVE MC 110
FRANKLIN LAKES NJ 07417-1880

COPY MAILED
SEP 22 2008
OFFICE OF PETITIONS

In re Application of	:	DECISION GRANTING
Stokes, et al.	:	PETITION
Application No. 29/298,998	:	
Filed: December 17, 2007	:	
Attorney Docket No. P-8130	:	

This is in response to the petition under 37 CFR 1.47(a), filed June 4, 2008.

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

On petition, petitioner has established that inventor Powell has refused to sign the application papers. Specifically, petitioner has included a copy of a e-mail from Powell, stating his refusal to sign the application papers without compensation.

The above-identified application and papers have been reviewed and found to be in compliance with 37 CFR 1.47(a). Accordingly, the above-identified application is hereby accorded Rule 1.47(a) status. As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the last known address provided on the declaration. Notice of the filing of this application will also be published in the Official Gazette.

The matter is being forwarded to the Office of Patent Application Processing for pre-examination processing.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WADE A POWELL
744 EMMETT CREEK LANE
LEXINGTON KY 40515

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SEP 22 2008

OFFICE OF PETITIONS

In re Application of
Stokes, et al.
Application No. 29/298,998
Filed: December 17, 2007
Title: Integrated Catheter System

LETTER

Dear Mr. Powell:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 USC 116 (United States Code) and 37 CFR 1.47(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 joint inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, agent of record would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Cliff Congo at (571)272-3207. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LARSON AND LARSON
111999 69TH STREET NORTH
LARGO FL 33773

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DEC 0 2 2009

OFFICE OF PETITIONS

In re Application of :
Bumkee Kim :
Application No. 29/299,002 : ON PETITION
Filed: December 17, 2007 :
For: LITTER BOX :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 28, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

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

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

A terminal disclaimer and fee is required for design applications in accordance with 37 CFR 1.137(d).

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

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By internet:	EFS-Web www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LARSON AND LARSON
11199 69TH STREET NORTH
LARGO FL 33773

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DEC 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Bumkee Kim	:	
Application No. 29/299,002	:	DECISION ON PETITION
Filed: December 17, 2007	:	
Attorney Docket No. 2269.4	:	

This is a decision on the renewed petition filed December 8, 2009 and supplemented on December 14, 2009, under the unintentional provisions of 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of 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 May 1, 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 via review of the replacement drawing sheet submitted August 26, 2009.

/KOC/
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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JUL 29 2009

OFFICE OF PETITIONS

MIDDLETON & REUTLINGER
2500 BROWN & WILLIAMSON TOWER
LOUISVILLE, KY 40202

In re Application of
Yuichi Kosaka, et al.
Application No. 29/299,030
Filed: December 18, 2007
Attorney Docket No. D10710025US

ON PETITION

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 December 30, 2008. A Notice of Abandonment was mailed on April 28, 2009. 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 $1,620; (3) an adequate statement of unintentional delay; and (4) a terminal disclaimer and the $140 fee required by 37 CFR 1.137(d).

The terminal disclaimer filed 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

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

March 25, 2009

Carl J. Pellegrim
Sughrue Mion, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037

Patent No.: D579,459 S
Application No.: 29/299,034
Inventor(s): Michio Tomizawa, et al.
Issued: October 28, 2008
Title: **PROJECTOR SCREEN WITH AN IMAGE**

Re: Request for Certificate of Correction

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

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

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

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

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

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

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

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-0025 ATTN: Office of Petitions

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

V.

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

vt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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MAY 2 7 2009

OFFICE OF PETITIONS

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

In re Patent No. D579,459	:	
Issue Date: December 28, 2008	:	
Application No. 29/299,034	:	ON PETITION
Filed: December 18, 2002	:	
Attorney Docket No. Q105673	:	

This is a decision on the petition filed April 3, 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) 272-3204. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

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JAECKLE FLEISCHMANN & MUGEL, LLP
190 LINDEN OAKS
ROCHESTER NY 14625-2812

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MAR 11 2009

OFFICE OF PETITIONS

In re Application of	:	
Robert C. Lux	:	
Application No. 29/299,038	:	ON PETITION
Filed: December 18, 2007	:	
For: DUAL ROLLER LOTION BOTTLE	:	

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

The petition is **DISMISSED**.

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

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

A terminal disclaimer and fee is required for design applications in accordance with 37 CFR 1.137(d).

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

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

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

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

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

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

Attachment: Blank Terminal Disclaimer Form PTO/SB/63

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.

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JAECKLE FLEISCHMANN & MUGEL, LLP
190 LINDEN OAKS
ROCHESTER NY 14625-2812

MAILED

MAR 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Robert C. Lux	:	
Application No. 29/299,038	:	DECISION ON PETITION
Filed: December 18, 2007	:	
Attorney Docket No. 91584.136807	:	

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 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 substitute 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 October 7, 2008, is accepted as having been unintentionally delayed.

Petitioner should note that the required fee for the above petition under small entity status is $810.00 and not the $270.00 as stated in the petition received February 10, 2009. Therefore, a total of $540.00 ($810.00 - $270.00) is being charged to petitioner's deposit account, as authorization has been provided.

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 10, 2009.

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.
29/299,127	12/19/2007	Anthony D. Serrano	KMC-844	4698

39915 7590 12/31/2007
KARSTEN MANUFACTURING CORPORATION
LEGAL DEPARTMENT
2201 WEST DESERT COVE
PHOENIX, AZ 85029

EXAMINER

ART UNIT	PAPER NUMBER
2913	

MAIL DATE	DELIVERY MODE
12/31/2007	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.

EXPEDITED PROCEDURE – MAIL STOP EXPEDITED DESIGN
U.S. Serial No. 29/299,127
Attorney Docket No. KMC-844

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	:	Serrano et al.
U.S. Serial No.	:	29/299,127
Filed	:	December 19, 2007
Title	:	Golf Club Head
Art Unit	:	TBD
Examiner	:	TBD

Approved 12-31-07
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, and 759 in Class D21; and

   b. Subclasses 324, 344, and 345 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 application:

U.S. Serial No. 29/299,130, Anthony D. Serrano, et al., "Golf Club Head," filed December 19, 2007, Docket No. KMC-845

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

December 20, 2007 /Frankie Ho/

Date

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : February 5, 2009

TO SPE OF : ART UNIT 2914 Chase T. Nelson

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/299,219 Patent No.: D571,256 S

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

SHOULD DRAWINGS FILED May 6, 2009 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.

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

Comments: _____

SPE

2914
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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DORSEY & WHITNEY, LLP
INTELLECTUAL PROPERTY DEPARTMENT
370 SEVENTEENTH STREET
SUITE 4700
DENVER CO 80202-5647

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NOV 25 2008

In re Application of	:
Leland C. Leber	: DECISION GRANTING PETITION
Application No. 29/299,247	: UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: December 20, 2007	:
Attorney Docket No. 189808/US	:

This is a decision on the petition under 37 CFR 1.313(c)(3), filed November 21, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on August 8, 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 21, 2008.

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

This matter is being referred to Technology Center AU 2911 for processing of the CPA and consideration of the concurrently filed information disclosure statement.

Terri 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
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DORSEY & WHITNEY LLP
INTELLECTUAL PROPERTY DEPARTMENT
370 SEVENTEENTH STREET, SUITE 4700
DENVER, CO 80202-5647

MAILED

FEB 27 2009

OFFICE OF PETITIONS

In re Application of	:
Leland C. Leber	: DECISION GRANTING PETITION
Application No. 29/299,247	: UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: December 20, 2007	:
Attorney Docket No. 189808/US	:

This is a decision on the petition under 37 CFR 1.313(c)(3), filed February 25, 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 January 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 February 25, 2009.

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

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

/Irvin Dingle/
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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DORSEY & WHITNEY, LLP
INTELLECTUAL PROPERTY DEPARTMENT
370 SEVENTEENTH STREET
SUITE 4700
DENVER, CO 80202-5647

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DEC 0 1 2008

OFFICE OF PETITIONS

In re Application of	:
Leland C. Leber	: DECISION GRANTING PETITION
Application No. 29/299,256	: UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: December 20, 2007	:
Attorney Docket No. 189809/US	:

This is a decision on the petition under 37 CFR 1.313(c)(3), filed November 26, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on August 8, 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 26, 2008.

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

This matter is being referred to Technology Center AU 2911 for processing of the CPA and consideration of the concurrently filed information disclosure statement.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No.

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DEC 0 5 2008

OFFICE OF PETITIONS

LUEDEKA, NEELY & GRAHAM, P.C.
P O BOX 1871
KNOXVILLE TN 37901

In re Application of	:	
John M. Jansheski	:	
Application No. 29/299,274	:	DECISION ON PETITION
Filed: December 21, 2007	:	PURSUANT TO
Attorney Docket No.: 63321.US	:	37 C.F.R. § 1.137(A)
Title: LOW PROFILE MOUTHGUARD	:	

This is a decision on the petition submitted on November 7, 2008 pursuant to 37 C.F.R. § 1.137(a).

This petition is **DISMISSED.**

The correspondence address and power of attorney have been updated, pursuant to the executed declaration that was submitted concurrently with this petition.

BACKGROUND

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed January 10, 2008, which set a shortened statutory period for reply of two months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-

identified application became abandoned on March 11, 2008. A notice of abandonment was mailed on September 18, 2008.

RELEVANT PORTIONS OF THE C.F.R. and MPEP

37 C.F.R. §§ 1.33(a) sets forth, *in toto*:

> (a) Correspondence address and daytime telephone number. **When filing an application, a correspondence address must be set forth in either an application data sheet (§ 1.76), or elsewhere, in a clearly identifiable manner, in any paper submitted with an application filing. If no correspondence address is specified, the Office may treat the mailing address of the first named inventor (if provided, see §§ 1.76 (b)(1) and 1.63 (c)(2)) as the correspondence address. The Office will direct, or otherwise make available, all notices, official letters, and other communications relating to the application to the person associated with the correspondence address** (emphasis added). For correspondence submitted via the Office's electronic filing system, however, an electronic acknowledgment receipt will be sent to the submitter. The Office will generally not engage in double correspondence with an applicant and a patent practitioner, or with more than one patent practitioner except as deemed necessary by the Director. If more than one correspondence address is specified in a single document, the Office will select one of the specified addresses for use as the correspondence address and, if given, will select the address associated with a Customer Number over a typed correspondence address. For the party to whom correspondence is to be addressed, a daytime telephone number should be supplied in a clearly identifiable manner and may be changed by any party who may change the correspondence address. The correspondence address may be changed as follows:
> (1) Prior to filing of § 1.63 oath or declaration by any of the inventors. If a § 1.63 oath or declaration has not been filed by any of the inventors, the correspondence address may be changed by the party who filed the application. If the application was filed by a patent practitioner, any other patent practitioner named in the transmittal papers may also change the correspondence address. Thus, the inventor(s), any patent practitioner named in the transmittal papers accompanying the original application, or a party that will be the assignee who filed the application, may change the correspondence address in that application under this paragraph.
> (2) Where a § 1.63 oath or declaration has been filed by any of the inventors. If a § 1.63 oath or declaration has been filed, or is filed concurrent with the filing of an application, by any of the inventors, the correspondence address may be changed by the parties set forth in paragraph (b) of this section, except for paragraph (b)(2).

MPEP § 403 sets forth, *in pertinent part*:

> 37 CFR 1.33(a) provides that in a patent application the applicant must specify a correspondence address to which the Office will send notices, letters and other communications relating to the application. The correspondence address must appear either in an application data sheet (37 CFR 1.76) or in a clearly identifiable manner elsewhere in any papers submitted with an application filing.

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 included the petition fee, a declaration along with the surcharge associated with the late submission of the same, and a statement of facts.

Petitioner has also submitted a four-month extension of time. An extension of time under 37 C.F.R. § 1.136 must be filed prior to the expiration of the maximum extendable period for reply.[1] Accordingly, since the $865 extension of time submitted with the petition on November 7, 2008 was filed subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to Petitioner's Deposit Account.

Requirements (1) and (2) of Rule 1.137(a) have been satisfied. The fourth requirement is not applicable, as a terminal disclaimer is not required. The record does not support a finding that the entire period of delay was unavoidable, and as such, t**he third requirement has not been met**, as will now be pointed out.

With this petition, Petitioner has alleged that the Office "mistakenly" changed the correspondence address to "the inventor's address on the specification," and consequently, the notice of January 10, 2008 was not received by Petitioner.

Petitioner will note that the Office correctly upated the correspondence address to that of the inventor, pursuant to 37 C.F.R. § 1.33(a).

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1 See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988).

On filing, an Application Data Sheet (ADS), a Power of Attorney, an oath, or a declaration was not included. The papers that were deposited on filing have been reviewed:

- an explicit instruction to send all correspondence to a particular address has not been located;
- Petitioner's address does not appear on any of these papers, and;
- the specification sets forth the address of the inventor "in a clearly identifiable manner."[2]

Consequently, **the Office treated "the mailing address of the first named inventor…as the correspondence address,"[3] and Office records were properly updated to reflect the address of the inventor as the correspondence address.**

It follows that the notice of January 10, 2008 was properly mailed to the correspondence address of record.

It is noted in passing that Petitioner has not asserted that the inventor failed to receive the notice of January 10, 2008.

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 submit a petition pursuant to 37 C.F.R. § 1.137(b).

Petitioner will note that a third option is to concurrently file both a renewed petition pursuant to Rule 1.137(a) and a petition pursuant to Rule 1.137(b). If the former petition is granted, the fee that is associated with the filing of the latter petition will be refunded to Petitioner.

Any subsequent filing pertaining to the abandonment of this application should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[4] hand-delivery,[5] or facsimile.[6]

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2 37 C.F.R. § 1.33(a).
3 Id.
4 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
5 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

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

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

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

6 (571) 273-8300- please note this is a central facsimile number.
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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

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JUN 08 2009

OFFICE OF PETITIONS

LUEDEKA, NEELY & GRAHAM, P.C.
P O BOX 1871
KNOXVILLE TN 37901

In re Application of	:	
John M. Jansheski	:	
Application No. 29/299,274	:	DECISION ON PETITION
Filed: December 21, 2007	:	PURSUANT TO
Attorney Docket No.: 63321.US	:	37 C.F.R. § 1.137(B)
Title: LOW PROFILE MOUTHGUARD	:	

This is a decision on the petition filed January 15, 2009, pursuant to 37 C.F.R. § 1.137(b) to revive the above-identified application.

The petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed January 10, 2008, which set a shortened statutory period for reply of two months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on March 11, 2008. A notice of abandonment was mailed on September 18, 2008.

A petition pursuant to 37 C.F.R. § 1.137(a) was submitted on November 7, 2008, and was dismissed via the mailing of a decision on December 5, 2008.

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

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

Both a declaration along with the surcharge associated with the late submission of the same were submitted with the petition pursuant to 37 C.F.R. § 1.137(a).

With this petition, Petitioner has submitted the petition fee, the proper statement of unintentional delay, and both a terminal disclaimer and the associated fee.

As such, each of the four requirements of Rule 1.137(b) has been met.

The Office of Patent Application Processing (OPAP) will be notified of this decision, and jurisdiction over the application is transferred to OPAP, so that the application may receive further processing.

Petitioner will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OPAP.

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 OPAP 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 OPAP where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status**.

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.[1]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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PROSKAUER ROSE LLP
ONE INTERNATIONAL PLACE
BOSTON MA 02110

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MAR 01 2010

In re Application of	:	
John M.. JANSHESKI	:	
Application No. 29/299,274	:	DECISION ON PETITION
Filed: December 21, 2007	:	
Attorney Docket No. DTK-016D	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 17, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue fee on or before December 14, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed September 14, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on December 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 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 the undersigned at (571) 272-6735.

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

/DCG/
Diane C. 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
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DORSEY & WHITNEY, LLP
INTELLECTUAL PROPERTY DEPARTMENT
370 SEVENTEENTH STREET
SUITE 4700
DENVER CO 80202-5647

MAILED

MAY 1 2 2009

OFFICE OF PETITIONS

In re Application of	:
Leland C. Leber	: DECISION GRANTING PETITION
Application No. 29/299,418	: UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: December 26, 2007	:
Attorney Docket No. 189804/US	:

This is a decision on the petition under 37 CFR 1.313(c)(3), filed May 11, 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 December 12, 2008 in the parent application is not refundable nor can it be applied towards any new Notice of Allowance which may issue on the CPA filed May 11, 2009.

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

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

Terri 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

WRIGHT LAW GROUP, PLLC
7201 WEST OAKLAND
SUITE 2
CHANDLER AZ 85226

MAILED

AUG 26 2009

OFFICE OF PETITIONS

In re Application of
Chris A. Regan et al
Application No. 29/299,441
Filed: December 26, 2007
Attorney Docket No. REG-6558

DECISION ON PETITION

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

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of corrected drawings and terminal disclaimer/fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance/Notice of Allowability mailed October 30, 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.

/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
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DYKAS, SHAVER & NIPPER, LLP
P.O. BOX 877
BOISE ID 83701-0877

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MAR 19 2010

OFFICE OF PETITIONS

In re Application of	:	
Philip Ross	:	
Application No. 29/299,484	:	DECISION ON PETITION
Filed: December 27, 2007	:	
Attorney Docket No. SAFE201	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 13, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue fee on or before December 22, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed September 22, 2009, which set a statutory period of reply of three (3) months. Accordingly, the application became abandoned on December 23, 2009. A Notice of Abandonment was mailed January 7, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $430.00; (2) the petition fee of $810.00; (3) a proper statement of unintentional delay; and (4) a Terminal Disclaimer and fee of $70.00.

The request for a terminal disclaimer is accepted.

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

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

Joan Olszewski
Petitions Examiner
Office of Petitions

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P.O. BOX 10395
CHICAGO IL 60610

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OFFICE OF PETITIONS

In re Application of	:	
MYERS, Todd	:	
Application No. 29/299,520	:	DECISION ON PETITION
Filed: December 28, 2007	:	TO WITHDRAW
Attorney Docket No. **13603-4**	:	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 23, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by the applicant, Todd Myers. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Todd Myers at the address indicated below.

There is an outstanding Office action mailed July 09, 2008 that requires a reply from the 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: **TODD MYERS**
1530 N. ELK GROVE AVE.
UNIT J
CHICAGO, IL 60622

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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LAW OFFICES OF BRIAN S STEINBERGER
101 BREVARD AVENUE
COCOA, FL 32922

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DEC 10 2009

OFFICE OF PETITIONS

In re Application of Moody et al. :
Application No. 29/299,531 : Decision on Petition
Filing Date: December 28, 2007 :
Attorney Docket No. PC-2072D.CIP.B :

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

The petition is **DISMISSED**.

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

The above-identified application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowability mailed May 6, 2009, which set a period for reply of three (3) months. The above-identified application became abandoned on August 7, 2009. A Notice of Abandonment was mailed on August 31, 2009.

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.

Unfortunately, the petition fails to satisfy requirement (4). Specifically, the petition is not accompanied by a terminal disclaimer.

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

Since a terminal disclaimer has not been filed, the petition must be dismissed.

Any request for reconsideration should include a terminal disclaimer and the required fee. A copy of a PDF "fillable" terminal disclaimer form can be found at: http://www.uspto.gov/web/forms/sb0063.pdf.

The Office notes the petition and accompanying drawing figure were filed by facsimile transmission which resulted in a reduction in the quality of the drawing. The Office requests petitioner *mail* the request for reconsideration along with a new copy of the drawing.

A grantable petition under 37 CFR 1.137(b) must be accompanied by a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Although the instant petition includes such a statement, the statement should also appear in any request for reconsideration. In other words, any request for reconsideration should include the following statement, or a similar statement: "The entire delay in filing the required reply from the due date for the reply until the filing the instant petition pursuant to 37 CFR 1.137(b) was unintentional."

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

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

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

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Commissioner for Patents
United States Patent and Trademark Office
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DEC 30 2009

OFFICE OF PETITIONS

LAW OFFICES OF BRIAN S STEINBERGER
101 BREVARD AVENUE
COCOA, FL 32922

In re Application of Moody et al. :
Application No. 29/299,531 :
Filing Date: December 28, 2007 :
Attorney Docket No. PC-2072D.CIP.B :

Decision on Petition

This is a decision on the petition under 37 CFR 1.137(b), filed December 17, 2009, 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 May 6, 2009, which set a period for reply of three (3) months. The above-identified application became abandoned on August 7, 2009. A Notice of Abandonment was mailed on August 31, 2009.

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.

A corrected drawing has been filed with the petition. The petition was previously paid on September 10, 2009. The petition states the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. An acceptable terminal disclaimer was filed with the petition.

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

The Office of Data Management, Patent Publication Branch, will be informed of the instant decision and the application will be issued as a patent in due course.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Fay Kaplun & Marcin, LLP/ Motorola
150 Broadway Suite 702
New York, NY 10038

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DEC 3 1 2008

OFFICE OF PETITIONS

In re Application of :
Curt Croley et al. :
Application No. 29/299,569 :
Filed: December 28, 2007 :
Attorney Docket No. 40146/23101 (134-125) :

ON PETITION

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

The petition is **DISMISSED**.

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

The application became abandoned for failure to timely pay the issue fee on or before 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. Accordingly, the application became abandoned on October 30, 2008.

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

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

Fay Kaplun & Marcin, LLP/ Motorola
150 Broadway Suite 702
New York, NY 10038

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JAN 30 2009

OFFICE OF PETITIONS

In re Application of Curt Croley et al. Application No. 29/299,569 Filed: December 28, 2007 Attorney Docket No. 40146/23101 (134-125)	: : : : :	ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed January 7, 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 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. Accordingly, the application became abandoned on October 30, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $830 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 JoAnne Burke at (571) 272-4584.

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

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20100405

DATE : April 05, 2010

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction on Patent No.: D596,145 S

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - 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:

Regarding: Item (57), CLAIM, delete "The" and insert --We claim the--. Do NOT change the wording of Claim; the current Claim wording is typical and appropriate for a published Design Patent front page.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20100708

DATE : July 08, 2010

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction on Patent No.: D596,146

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:

As to the request CLAIM to delete "The" and insert --We Claim the-- Denied. (Because current patent shows typical claim language & heading).

STELLA M. REID
SUPERVISORY PATENT EXAMINER

A.U. 2912

PTO/SB/44 (09-07)
Approved for use through 08/31/2010. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : D596,146 S

APPLICATION NO.: 29/299,635

ISSUE DATE : July 14, 2009

INVENTOR(S) : Shawn R. Vasichek et al.

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

Item (57),
CLAIM, delete "The" and insert --We claim the--. NO (typical phrasing of claim for published patent.)

CLAIM, delete ",". OK

DESCRIPTION, delete "entitled "Display Panel for Power Machine" and insert --currently pending,--. OK

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Westman, Champlin & Kelly, P.A.
900 Second Avenue South, Suite 1400
Minneapolis, MN 55402-3244

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

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P.O. Box 1450
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www.uspto.gov

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

MAILED

MAR 3 1 2009

OFFICE OF PETITIONS

In re Application of
Joel **TETREAULT, et al.**
Application No. 29/299,642
Filed: December 31, 2007
Attorney Docket No. **5N12.190**

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 and re-submitted February 12, 2009.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to **FOLEY AND LARDNER, LLP** has been revoked by the assignee 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 the undersigned at 571-272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **GARDNER GROFF GREENWALD & VILLANUEVA, PC**
2018 POWERS FERRY ROAD, SUITE 800
ATLANTA, GA 30339

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BAKER BOTTS L.L.P.
30 ROCKEFELLER PLAZA
44TH FLOOR
NEW YORK NY 10112-4498

COPY MAILED

OCT 17 2008

OFFICE OF PETITIONS

In application of	:	
David Ching hi Chu et al	:	
Application No. 29/299,645	:	NOTICE
Filed: December 31, 2007	:	
Attorney Docket No. 072841.0324	:	

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 application file 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) 272-3208.

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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BAKER BOTTS LLP
30 ROCKEFELLER PLAZA, 44TH FLOOR
NEW YORK, NY 10112-4498

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OCT 28 2008

OFFICE OF PETITIONS

In re Application of :
David Ching Chi et al :
Application No. 29/299,646 :
Filed: December 31, 2007 :
Attorney Docket No. 072841.0325

NOTICE

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

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

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

Inquiries related to this communication should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Paper No.

Latham, Wagner, Steele &
Lehman, P.C.
Spirit Tower
1800 South Baltimore
Suite 500
Tulsa OK 74119

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APR 28 2008

OFFICE OF PETITIONS

In re Application of	:
Kathleen Tipton and Karlie Tipton	: DECISION REFUSING STATUS
Application No. 29/299,662	: UNDER 37 C.F.R. § 1.47
Filed: December 31, 2007	:
Attorney Docket No. 0151-0014	:

This is a decision on the "Petition To Permit Application By Fewer Than All Inventors Due to Refusal By An Inventor To Join In Application" filed December 31, 2007.

The petition is **DISMISSED**.

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

For the reasons set forth herein, if filing of a request for reconsideration of 37 C.F.R. §1.47(a) is inappropriate, filing of a 37 C.F.R. 1.48 petition (or other option determined to be appropriate by applicant i.e., filing of a continuing application) is necessary to correct any error in the inventorship.

The above-identified application was filed on December 31, 2007, with an application data sheet identifying Kathleen Tipton,

Karlie Tipton and Heidi Davis as joint inventors. Applicants also filed a declaration identifying the inventive entity as Kathleen Tipton and Karlie Tipton, executed by both inventors. Accompanying this declaration was the instant petition requesting that the Director permit the application to proceed upon signature of fewer than all of the inventors due to the refusal of Heidi Davis to sign the application.

The first executed declaration submitted in an application sets the inventorship. The declaration executed by inventors Kathleen and Karlie Tipton does not identify inventor Davis as a third inventor. As such, as executed it sets the inventorship as that of Kathleen and Karlie Tipton. This is not overcome by the identification of all three inventors in the application data sheet also filed December 31, 2007. As stated in 37 CFR 1.76(d)(3), regarding inconsistencies between application data sheet and other documents,

> The oath or declaration under § 1.63 or § 1.67 governs inconsistencies with the application data sheet in the naming of inventors (§ 1.41 (a)(1)) and setting forth their citizenship (35 U.S.C. 115);

Petitioner may request reconsideration of the petition under 1.47(a) with a showing that a declaration executed by inventors Kathleen and Karlie Tipton on behalf of themselves and on behalf of the non-signing inventor Davis was in fact filed (i.e., that there is an error in the receipt of the one-page declaration). An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated. Thus, if in fact, there was a second page of the declaration with the signature block of inventor Davis left blank, then applicants can properly request reconsideration of this petition under 37 CFR 1.47(a). Petitioner must show that such a page was among the papers filed on December 31, 2007, but lost by the Office.

Otherwise, the petition is not grantable because petitioner by his filing of an executed declaration identifying Kathleen and Karlie Tipton as the inventive entity has rendered 1.47(a) status inapplicable. Petitions under 37 CFR 1.47 are only applicable to an original oath or declaration and are not applicable to the reexecution of another oath or declaration. A

first-filed oath or declaration under 37 CFR 1.63 executed by less than all of the inventors initially identified will, under 37 CFR 1.48(f)(1), determine the inventorship in the application. Any subsequent oath or declaration filed by a different inventive entity will not be effective under 37 CFR 1.48(f)(1) to correct the inventorship that was specified in the first-filed oath or declaration.

Thus, with the filing of the first-filed executed declaration on December 31, 2007, applicant determined the inventive entity to be joint inventors Kathleen and Karlie Tipton. As the Office has a declaration executed by all of the named inventors, 1.47 status is inappropriate. Petitioner cannot submit a second-filed declaration executed by inventors Kathleen and Karlie Tipton on behalf of themselves and on behalf of Davis as 1.47 status is inapplicable to subsequently filed declarations.

In addition, applicant may not simply file a new declaration under 1.48(f)(1) to correct the inventive entity. A petition under 1.48(a) to correct inventorship is required. If all of the inventors will not re-execute the declaration or sign statements that the error in inventorship occurred without deceptive intent then separate petitions under 37 CFR 1.183 should be considered requesting waiver of the requirement of 37 CFR 1.64 that each of the actual inventors reexecute the declaration and that each of the added inventors make the statement, particularly where assignee consent is given to the requested correction. Absent assignee consent, the petition under 37 CFR 1.183 requesting waiver will be evaluated as to whether the nonsigning inventor was actually given the opportunity to reexecute the oath or declaration and execute the statement, or whether the nonsigning inventor could not be reached.

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

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

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

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

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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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INTELLECTUAL PROPERTY ATTORNEYS
2030 MAIN STREET, SUITE 1300
IRVINE, CA 92614

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FEB 17 2009

OFFICE OF PETITIONS

In re Patent No. D577991 :
Issue Date: October 7, 2008 :
Application No. 29/299,854 :
Filed: January 4, 2008 :
Attorney Docket No. 18606-004DES :

ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed January 20, 2009, requesting issuance of a duplicate Letters Patent for the above-identified application.

The petition is **granted**.

The Publishing Division is directed to issue duplicate Letter Patent.

Any questions concerning this matter may be directed to Irvin Dingle at (571) 272-3210. Any questions concerning issuance of the duplicate Letters Patent should be directed to either Niomi Farmer at (703) 308-9250 ext. 119.

A copy of this decision is being forwarded to Publishing Division for issuance of a duplicate Letters Patent.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Niomi Farmer, Fax (571) 270-9753.

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PTO/SB/27 (01-08)
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	29/299,918
Filing Date	01/07/2008
First Named Inventor	David A. Petersen
Title	Bone Plug Design
Atty Docket Number	14XL-134817

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

4-28-08 Approved Jacqueline M. Stone (signature) Jacqueline M. Stone, Director Technology Center 1700/2900

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

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

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

US Field of Search: Classes and Subclasses Searched: D24/107, 112, 145, 146, 147, 155 and 156;

US Patent Database - US-PGPUB, US PAT; Foreign Database - EPO,

JPO, DERWENT; UK Patent Database - Locarno Classification/Proprietor Search; Google Image

Related applications: 29/302,962; 29/298,309; 29/298,306; 29/298,308; 29/302,961; 29/302,954

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

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

/Don J. Pelto, Reg.#33754/	April 17, 2008
Signature	Date
Don J. Pelto	33,754
Typed or printed name	Registration Number, if applicable
(202) 218-0000	
Telephone Number	

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

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

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

04/22/2008 PCHOMP 00000031 501067 29299918
01 FC:1802 900.00 DA

PTO/SB/27 (11-07)
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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	UNASSIGNED 29/299,965
Filing Date	UNASSIGNED
First Named Inventor	Savva Teteriatnikov
Title	SHOE UPPER
Atty Docket Number	210859.18884

ADDRESS TO:

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

Approved Jacqueline M. Stone 2-1-08
Jacqueline M. Stone, Director
Technology Center 1700/2900

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

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

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

CLASS: D2

SUBCLASS: 896, 897, 902, 907, 924, 929, 935, 939, 943, 944, 971, 972, 973, 974, 977, 978, 979

Related applications: _____

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

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

/Marshall A. Lerner/	01/07/2008
Signature	Date
MARSHALL A. LERNER	24,108
Typed or printed name	Registration Number, if applicable
(310) 557-1511	
Telephone Number	

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

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CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
PO BOX 14300
WASHINGTON DC 20044-4300

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OFFICE OF PETITIONS

In re Application of	:	
Pierre Leclercq	:	
Application No. 29/300,130	:	ON PETITION
Filed: February 22, 2008	:	
Attorney Docket No. 080437.23885US	:	

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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OFFICE OF PETITIONS

DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington DC 20006-5403

In re Patent No. D597,085 :

Issue Date: July 28, 2009 :

Application No. 29/300,149 : ON PETITION

Filed: February 27, 2008 :

Attorney Docket No. E0226.0069/P069

This is a decision on the petition filed August 31, 2009, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **granted**.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The file is being directed to the Certificate of Correction Branch for issuance of the requested Certificate of Correction.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

[1] See *Official Gazette* of June 22, 2004.

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Paper No.

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

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MAY 26 2009

OFFICE OF PETITIONS

In re Application of	:	
Kumai et al.	:	
Application No. 29/300,159	:	DECISION ON
Filed: February 27, 2008	:	PETITION
Atty Docket No. 05435.0063-00000	:	

This is a decision on the PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION filed February 11, 2009.

The above-identified application became abandoned for failure to timely pay the required issue fee within the statutory period of three months from the mailing date, July 9, 2008, of the notice of allowance[1]. This period is not extendable. No reply having been received, the above-identified application became abandoned effective October 10, 2008. A courtesy Notice of Abandonment was mailed on December 17, 2008.

In response, applicants timely filed the instant petition within two months of mailing of the notice of abandonment. Petitioner asserts that the Notice was never received by the undersigned counsel (the correspondence address of record) and requests that the holding of abandonment be withdrawn.

[1] The Notice of Allowability mailed July 9, 2008 did not set forth a distinct but concurrent requirement.

A review of the application file reveals no irregularities in the mailing of the Notice mailed July 9, 2008. Thus, there is a strong presumption that the correspondence was properly mailed to the applicants at the correspondence address of record. In the absence of demonstrated irregularities in mailing of this Notice, petitioner must submit evidence to overcome this presumption. The showing required to establish non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. In addition, a copy of the master docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. The showing must be sufficient to establish a reliable docketing system.

Petitioner has supported his claim of non-receipt with such evidence.

In view thereof, the notice of abandonment mailed November 28, 2008 and the holding of abandonment are hereby **WITHDRAWN**.

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

No fee is required on petition under § 1.181.

Technology Center AU 2916 has been advised of this decision. The application is, thereby, forwarded to the Technology Center's technical support staff to withdraw the holding of abandonment and for re-mailing of the Notice of Allowance (and Notice of Allowability) and restarting of the period for reply.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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TROXELL LAW OFFICE PLLC
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5205 LEESBURG PIKE
FALLS CHURCH VA 22041

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JUN 23 2008

OFFICE OF PETITIONS

In re Application of	:	
Shan-Wen Chang	:	DECISION ON PETITION
Application No. 29/300,171	:	PURSUANT TO
Filed: February 28, 2008	:	37 C.F.R. § 1.182
Attorney Docket No.: 3214-291	:	
Title: ELECTRIC METER (I)	:	

This is a decision on the petition filed March 25, 2008, requesting that the above-identified application, including Figures 3-7, be accorded a filing date of February 28, 2008 as part of the original disclosure.

The application was deposited on February 28, 2008. However, on March 17, 2008, 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 3-7 appeared to have been omitted on filing. The notice set a two-month period of reply.

In response, on March 25, 2008, applicants filed this petition. The petition is further accompanied by, *inter alia*, a copy of Figures 3-7, along with a copy of Applicants' postcard receipt acknowledging receipt of "5 sheets of Drawings; Figs. 1-7"

in the United States Patent and Trademark Office (Office) on February 28, 2008. Applicants request that Figures 3-7 be accorded a filing date of February 28, 2008.

Upon review of the electronic file, 2 sheets of drawings have been located, containing Figures 1-2. Figures 3-7 have not been located among the application papers. However, the evidence is convincing that the application papers deposited on February 28, 2008 included 5 drawing sheets containing Figures 1-7, and the latter three of these sheets (containing Figures 3-7) were subsequently misplaced in the Office.

Therefore, the application, including Figures 3-7, was complete on filing and entitled to a filing date of February 28, 2008 as part of the original disclosure.

Accordingly, the petition pursuant to 37 C.F.R. § 1.182 is **GRANTED**.

The notice mailed March 17, 2008 was sent in error, and is hereby **VACATED**. Therefore, no petition fee is necessary, and the petition fee will be credited to Petitioner's Deposit Account in due course.

Pursuant to this decision, the application will be referred to the Office of Patent Application Processing (OPAP) for:

- Processing the application with a filing date of February 28, 2008, using the original application papers filed on that date, as well as Figures 3-7 submitted on March 25, 2008, and;
- noting in Office records that the 3 sheets of drawings containing Figures 3-7 were present on filing.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the withdrawal of the holding of abandonment has been acknowledged by OPAP 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 OPAP where that change of status must be effected – **the Office of Petitions cannot effectuate a change of status.**

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225[1].

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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DIW Mar-09

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

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MAR 09 2009

OFFICE OF PETITIONS

In re Application of :
Keiko Densho :
Application No.: 29/300195 :
Filed: February 29, 2008 :
Attorney Docket No.: SDE-2304-4 :

DECISION ON PETITION

This is a decision on the petition, filed on May 20, 2008, which is treated as a petition under 37 CFR 1.53 requesting that the above-identified application, including 2 pages of specification, be accorded a filing date of February 29, 2008.

The petition is **GRANTED**.

The application was deposited on February 29, 2008. On April 22, 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 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, May 20, 2008, petitioners filed the present petition, accompanied by a copy of an itemized return receipt postcard and a copy of, *inter alia*, 2 pages of specification.

Petitioner argues that 2 pages of specification were filed with the other application papers on February 29, 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 date of February 29, 2008. The postcard identifies the application by the inventor's name, invention title, and attorney docket number, and acknowledges receipt of, Design Patent Application Transmittal (1 page), Fee Transmittal (1 page), Application Data Sheet (2 pages), Specification (2 pages), Drawings (12 sheets). Petitioner request that the application, including the 2 pages containing the specification, be accorded a filing date of February 29, 2008.

A review of the record reveals that no (0) pages of specification received on February 29, 2008, are located among the application

papers received on that date. However, the evidence is convincing that the application papers deposited on February 29, 2008, included 2 pages of specification, which were subsequently misplaced in the Office. Therefore, the application, including 2 pages of specification, is entitled to a filing date of February 29, 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 2 pages of specification, supplied on May 20, 2008, as a part of the original disclosure.

The application is being referred to the Office of Patent Application Processing (OPAP) for further processing with a filing date of February 29, 2008, using the application papers filed on that date, and the copy of 2 pages specification, supplied with the present petition.

Telephone inquiries should be directed to Irvin Dingle at 571-272-3210. Inquires relating to processing at OPAP should be directed to their hotline at (571) 272-4000.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK

IN RE APPLICATION OF	:	Christian Pilon et al.
FOR		ICON FOR A PORTION OF A DISPLAY SCREEN
FILED	:	March 20, 2008
SERIAL NO.	:	29/300,386
GROUP ART UNIT	:	2911
ATTORNEY DOCKET NO.	:	10525-038

Montreal, Quebec, Canada
May 28, 2009

REQUEST for CORRECTION OF ASSIGNEE'S NAME and for CERTIFICATE OF CORRECTION IN RESPECT THEREOF

Commissioner for Patents
Office of Patent Publication
ATTN: Certificate of Correction Branch
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir

The present is further to the applicant's letter dated May 20, 2009 wherein the applicant provided for payment of the ISSUE FEE with respect to the above identified US patent application. The form PTOL-85 (Part B - Fee(s) Transmittal) attached to the applicant's above mentioned letter dated May 20, 2009, did not include any mention in Item 3 of Assignee Identification.

Assignments have been submitted for recordation by separate letter dated May 25, 2009, namely for recordation of an assignment from the inventors to ALTO DESIGN INC., as well as an assignment from ALTO DESIGN INC. to VENMAR VENTILATION INC. The assignments have thus been submitted before issuance of the patent based on the above identified US patent application.

It is hereby respectfully requested that that the application issue to patent in the name of VENMAR VENTILATION INC.

Accordingly, please find enclosed herewith the duly completed form PTO/SB/44 setting forth the nature of the correction to the cover page of the patent which will issue based on the above

code number.

Please also find enclosed herewith credit card payment form PTO-2038 to be used for the payment of the fees in the amount of 235.00 US .

As indicated on the attached credit card payment form PTO-2038, the Commissioner is hereby authorized to charge to the credit card of **Ronald S. Kosie**, the amount of $130.00 in payment of the processing fee set forth in 37 CFR 1.17(f) and the amount of $100.00 in payment of the Certificate of correction fee set forth in processing fee set forth in 37 CFR 1.20(a).

The Commissioner is further authorized to charge any deficiency or credit any overpayment to our Deposit Account N° **02-3380** and, in due course, notify the undersigned.

Respectfully submitted,

BCF LLP

Ronald S. Kosie
Reg. No. 28,614
1100 René-Lévesque Boulevard West
25th floor
Montréal, Québec, Canada
H3B 5C9

Telephone: (514) 397-8542
Fax: (514) 397-8515

(12525-038)

Enc. Form PTO/SB/44
Form PTO-2038
Post Card

PTO/SB/44 (09-01)
Approved for use through 09/30/2010. 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.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

Page 1 of 1

PATENT NO. : UNKNOWN

APPLICATION NO. : 20/400,356

ISSUE DATE : UNKNOWN

INVENTOR(S) : [illegible], Christian et al.

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

On the patent cover sheet, after the [illegible] date identified by the [illegible] code number (75), assignee data should appear to the right hand column and should read as follows:

(75) Assignee : [illegible]
[illegible], [illegible]

MAILING ADDRESS OF SENDER (Please do not use customer number below):

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to be filed by the USPTO to process an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Ronald S. Kosie
BCF LLP
25th Floor
1100 Rene-Levesque Boulevard West
Montreal QC H3B 5C9 CA CANADA

MAILED

JUN 15 2010

OFFICE OF PETITIONS

In re Patent No. D595313 :
Issue Date: June 30, 2009 :
Application No. 29/300,386 : DECISION ON PETITION
Filed: March 20, 2008 :
Attorney Docket No. 10525-039 :

This is a decision on the Request For Correction Of Assignee's Name And For Certificate Of Correction In Respect Thereof filed May 27, 2009, which is being treated as a petition under 37 CFR 3.81(b) to add "Venmar Ventilation Inc." as the assignee to the Title Page of the Patent via a Certificate of Correction.

The petition is **DISMISSED**.

Petitioner urges that "Venmar Ventilation Inc." is the assignee of the subject patent and that the assignee's name was not included on the Part B- Fee(s) Transmittal Form at the time of payment of the issue fee.

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

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 **before issuance of the patent**, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter [emphasis added]. *See also* MPEP 1481.01.

A review of United States Patent and Trademark Office (USPTO) records reveals that assignment documents filed May 27, 2009 were recorded at Reel: 022767, Frames: 0798, 0799, and 0800 on June 1, 2009. Copies of these recorded documents are attached to this decision.

A recordation cover sheet (Reel: 022767/Fram: 0798) identifies inventors Christian Pilon, Catherine Turgy, and Patrick Mainville as the conveying parties and Alto Design Inc. as the receiving party. The content of the document recorded at Reel: 022767/Fram: 0799, numbered as Page "1/2", appears to be consistent with the content of the recordation cover sheet. This assignment document, however, is insufficient to establish a conveyance of the entire right, title, and interest to Alto Design Inc. because Page "2/2" with the signature of the conveying parties thereon was not recorded therewith.

Lacking a complete assignment demonstrating that the entire right, title, and interest was, in fact, conveyed to Alto Design Inc. from the inventors, the record does not show a complete chain of the entire right, title, and interest from the inventors to Venmar Ventilation Inc., the name being sought to be added to the Title Page of the patent. As such, the instant petition cannot be granted.

Inquiries related this communication should be directed to the undersigned at (571) 272-3213.

Cheryl Gibson-Baylor

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

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

In re Application of :
Petzl : DECISION ON PETITION
Application No. 29/300,425 :
Filed: March 26, 2008 :
Atty. Dkt. No: 135417 :

This decision is in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181 filed November 12, 2008.

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

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." This is not a final agency decision.

The application became abandoned October 10, 2008 for failure to timely submit a proper reply to the Notice of Allowance and Issue Fee Due (Notice) mailed July 9, 2008. The Notice set a three month statutory period of time for reply. Notice of Abandonment was mailed November 3, 2008.

Petitioner asserts non-receipt of the Notice. Petitioner indicates that a search of the file jacket and docket records indicate that the Notice was not received. Petitioner has provided a copy of a docket report for applications having a due date of October 9, 2008. Petitioner has also provided a copy of a "Case Detail Report" for the instant application which details where the non-received Notice of Allowance would have been entered and listed had it been received and docketed.

The showing required to establish non-receipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is

sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response. Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the non-received Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the non-received Office action must be submitted as documentary proof of non-receipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The instant petition does not establish non-receipt of the Notice in compliance with the procedures set forth at MPEP 711.03(c). Thus, it cannot be found that practitioner's docketing system is sufficiently reliable.

Any renewed petition must establish non-receipt of the final Office action as set forth at MPEP 711.03(c).

ALTERNATE VENUE

Petitioner may wish to consider filing a petition stating that the delay was unintentional. Petitioner's attention is directed to 37 CFR 1.137(b) which provides for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of an issue fee was "unavoidable". An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required petition fee and reply.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition

to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

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

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

By facsimile: (571) 273-8300

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

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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MAR 16 2009

OFFICE OF PETITIONS

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

In re Application of :
Petzl : DECISION ON PETITION
Application No. 29/300,425 :
Filed: March 26, 2008 :
Atty. Dkt. No: 135417 :

This decision is in response to the renewed petition to withdraw the holding of abandonment under 37 CFR 1.181 filed December 22, 2008.

The application was held abandoned for failure to timely submit a proper reply to the Notice of Allowance and Issue Fee Due (Notice) mailed July 9, 2008. The Notice set a three month statutory period of time for reply. Notice of Abandonment was mailed November 3, 2008. A petition under 37 CFR 1.181 was filed November 12, 2008 and dismissed December 8, 2008.

The showing required to establish non-receipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response. Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the non-received Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the non-received Office action must be submitted as documentary proof of non-receipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Petitioner asserts non-receipt of the Notice. Petitioner indicates that a search of the file jacket and docket records indicate that the Notice was not received. Petitioner has provided a copy of a docket report for applications having a due date of October 9, 2008. Petitioner has also provided a copy of a "Case Detail Report" for the instant application which details where the non-received Notice of Allowance would have been entered and listed had it been received and docketed.

The instant petition and accompanying documentary evidence have been carefully reviewed and found in compliance with the procedures set forth at MPEP 711.03(c).

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

Further, the petition to withdraw the holding of abandonment is hereby **GRANTED**.

This application is being forwarded to Group Art Unit 2916 for re-mailing of the Notice. The time period for reply to the Notice will be set forth therein.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/
Alesia M. Brown
Petitions Attorney
Office of Petitions

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JERRY M. PRESSON
HUBBELL INCORPORATED
584 DERBY MILFORD RD.
P.O. BOX 549
ORANGE, CT 06477-4024

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MAR 06 2009

OFFICE OF PETITIONS

In re Application of	:	
Alan R. Hackett	:	
Application No. 29/300,476	:	ON PETITION
Filed: March 31, 2008	:	
Attorney Docket No. 54219	:	

This is a decision on the petition under 37 CFR 1.137(b), filed on January 9, 2009, to revive the above-identified application.

The application became abandoned for failure to timely file a response to the Notice of Allowability mailed October 7, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of four sheets of replacement drawings containing Figures 1-5; (2) the petition fee of $1,620; (3) a proper statement of unintentional delay; and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Therefore, the petition is **GRANTED**.

The terminal disclaimer under 37 CFR 1.137(d), filed January 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.

Since the correspondence address given in the present petition differs from the address of record, a courtesy copy of this decision is being mailed to the address in the petition. Thereafter, all future correspondence will be mailed to the address of record until otherwise instructed.

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

cc: Jenae Gureff
Roylance, Abrams, Berdo
& Goodman, L.L.P.
1300 19th Street, N.W.
Suite 600
Washington, DC 20036

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GUICE PATENTS PLLC
12647 GALVESTON COURT #302
MANASSAS, VA 20112

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OFFICE OF PETITIONS

In re Application of
Chih-Ceng Shiue
Application No. 29/300,534
Filed: April 7, 2008
Attorney Docket No.: 4614-0009

ON PETITION

This is a decision in response to the petition, filed May 7, 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 30, 2008, as required by the Notice of Allowance and Fee(s) Due mailed September 30, 2008. A Notice of Abandonment was mailed January 27, 2009. On May 7, 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 $430, (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 May 7, 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
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON DC 20004

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JUN 06 2008

OFFICE OF PETITIONS

In re Application of	:	
Thomas McKay	:	
Application No. 29/300,564	:	DECISION GRANTING PETITION
Filed: April 10, 2008	:	
Attorney Docket No. P7257US0	:	

This is a decision on the petition filed May 7, 2008, requesting that the above-identified application retain the presently accorded a filing date of April 10, 2008, with Figures 2-8, as described in the specification, as part of the original disclosure.

On April 10, 2008, the above-identified application was filed. On May 1, 2008, the Office of Patent Application Processing mailed a "Notice of Omitted Application Papers" (the "Notice"), stating, in part, that the application had been accorded a filing date of April 10, 2008, however, Figures 2-8, as described in the specification, appeared to have been omitted. The Notice allowed a non-extendable two-month period for reply beginning from the mailing date of the Notice.

In response, on May 7, 2008, applicants filed the present petition and a copy of an Office date-stamped postcard showing that, among other items, five sheets of drawings were received on April 10, 2008.

Upon review of the record, Figures 2-8 have not been located among the application papers. However, the evidence is convincing that the application papers deposited April 10, 2008, included Figures 2-8 which were subsequently misplaced by the Office. The application, including Figures 2-8 as described in the specification was complete on filing and entitled to the presently accorded filing date of April 10, 2008.

Accordingly, the petition is granted. The petition fee of $400.00 will be refunded, in due course.

The application file is being returned to the Office of Patent Application Processing for further processing with the presently accorded filing date of April 10, 2008, including Figures 2-8.

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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GEORGE A. SEABY
SEABY & ASSOCIATES
250 CITY CENTRE AVNUE
OTTAWA ON K1R6K-7 CA CANADA

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JAN 12 2010

In re Application of	:	
Normand BLANCHARD	:	
Application No. 29/300,751	:	DECISION ON PETITION
Filed: May 06, 2008	:	
Attorney Docket No. **ID 813 US**	:	

This is a decision on the petition under 37 CFR 1.137(b), filed November 13, 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.

The application became abandoned for failure s to timely pay the issue fee on or before October 19, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed July 17, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on October 20, 2009.

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

With respect to item (4), since the instant application is a design application, a terminal disclaimer and the small entity fee of $70.00 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

GEORGE A. SEABY
SEABY & ASSOCIATES
250 CITY CENTRE AVNUE
OTTAWA ON K1R6K-7 CA CANADA

MAILED

JUN 18 2010

OFFICE OF PETITIONS

In re Application of	:	
Normand BLANCHARD	:	
Application No. 29/300,751	:	DECISION ON PETITION
Filed: May 06, 2008	:	
Attorney Docket No. ID 813 US	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed February 04, 2010, 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 31, 2009 as required by the Notice of Allowance and Fee(s) Due, mailed May 29, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on September 01, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PAUL R. MARTIN
5333 BAYRIDGE COURT
FAIRFIELD CA 94534

MAILED

NOV 19 2009

OFFICE OF PETITIONS

In re Application of	:	
Elizabeth Colombo	:	
Application No. 29/300,909	:	DECISION ON PETITION
Filed: May 29, 2008	:	
Attorney Docket No. PRM/UPR 117	:	

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

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before May 26, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed February 25, 2009. Accordingly, the date of abandonment of this application is May 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 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

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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OCT 23 2009

OFFICE OF PETITIONS

PAUL R. MARTIN
5333 BAYRIDGE COURT
FAIRFIELD CA 94534

In re Application of Hackett Application No. 29/300,990 Filed: June 9, 2008 Attorney Docket No. PRM/UPR 111	: : : : :	DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 14, 2009 (certificate of mailing date September 10, 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 March 3, 2009, which set a period for reply of three (3) months. Accordingly, this application became abandoned on June 4, 2009. A Notice of Abandonment was mailed on June 26, 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 drawings, (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.

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

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 4-2-09 Paper No.: _____

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/300998 Patent No.: D587771

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

FOR IFW FILES: Should Invention 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)
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.

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

Comments: _____

STELLA M. REID
SUPERVISORY PATENT EXAMINER
SPE

2912
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ROBERT C. MONTGOMERY
PATENT AGENT
6 SOUTH MAIN STREET
202 WASHINGTON TRUST BUILDING
WASHINGTON, PA 15301

COPY MAILED

MAR 20 2008

In re Application of	:	
Robert J. Prevost, et al	:	
Application No. 29/301,004	:	DECISION ON PETITION
Filed: February 6, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. VIT-122607SAI-3	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 6, 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 copy of applicant's driver license. 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
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P.O. Box 1450
Alexandria, VA 22313-1450
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BERGMAN & JECKLE P.L.L.C.
421 W. RIVERSIDE
SUITE 717
SPOKANE WA 99201

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MAR 2 3 2009

OFFICE OF PETITIONS

In re Application of	:	
Fuller	:	
Application No. 29/301,013	:	DECISION
Filed : 7 February, 2008	:	
Attorney Docket No. FULLER, WIDE SLIDE STEEL	:	

This is a decision on the petition, filed on 22 December, 2008, under 37 C.F.R. §1.137(b) for revival of an application abandoned due to unintentional delay.

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

As to Allegations of
Unintentional Delay

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

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice of Allowance/Allowability and Fees Due (re: drawings) mailed on 29 July, 2008, with reply due under a non-extendable deadline on or before 29 October, 2008.

On 29 October, 2008, Petitioner submitted fees due, but not the drawings.

The instant application went abandoned by operation of law after midnight 29 October, 2008.

The Office mailed the Notice of Abandonment on 2 December, 2006.

On 22 December, 2008, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(b), averring unintentional delay, with fee, a reply in the form of drawings (fees having previously been submitted), and made the statement of unintentional delay.

The terminal disclaimer filed on 22 December, 2008, under 37 C.F.R. §1.137(d) is acknowledged/accepted.[1]

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

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[2]

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[3]
The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[4]))

---

[1] The regulations at 37 C.F.R. §1.137(d)(1) state that a terminal disclaimer filed pursuant to this rule must dedicate to the public a terminal part of the term of any patent granted thereon equivalent to the lesser of: 1) the period of abandonment of the application; or 2) the period extending beyond twenty years from the date on which the application for the patent was filed in the United States, or, if the application contains a specific reference to an earlier filed application(s) under 35 U.S.C. 120, 121 or 365(c), from the date on which the earliest such application was filed. Effective 20 September, 2000 (65 Fed. Reg. 54674, 8 September, 2000).

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

[3] 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.
Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

[4] Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

As to Allegations of
Unintentional Delay

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

CONCLUSION

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

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

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

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[5]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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BANNER & WITCOFF, LTD.
1100 13TH STREET NW, SUITE 1200
WASHINGTON DC 20005-4051

MAILED

MAR 04 2009

OFFICE OF PETITIONS

In re Application of	:	
Didier RICA	:	
Application No. 29/301,058	:	DECISION ON PETITION
Filed: February 6, 2008	:	
Attorney Docket No. 007437.00026	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 24, 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 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 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 $810; (2) the petition fee of $1620; (3) the required statement of unintentional delay; and (4) a Terminal Disclaimer.

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

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

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

Thurman Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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WASHINGTON, DC 20005-4051

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APR 13 2009

OFFICE OF PETITIONS

In re Application of	:	
Didier RICA	:	
Application No. 29/301,058	:	NOTICE
Filed: February 6, 2008	:	
Attorney Docket No. 007437.00026	:	

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) 272-6735.

Thurman Page
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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BANNER & WITCOFF, LTD.
1100 13th STREET NW, SUITE 1200
WASHINGTON, DC 20005-4051

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FEB 2 7 2009

OFFICE OF PETITIONS

In re Application of :
Didier **RICA** :
Application No. 29/301,059 :
Filed: February 6, 2008 :
Attorney Docket No. **007437.00020** :

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 November 3, 2008 and re-submitted November 26, 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 October 29, 2008, as required by the Notice of Allowance/Allowability mailed, July 29, 2008. Accordingly, the date of abandonment of this application is October 30, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $860, formal 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(b).

The terminal disclaimer filed November 3, 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 November 3, 2008 have been approved by the USPTO draftsperson.

A review of the file record discloses that on November 26, 2008, petitioner submitted a duplicate payment of the petition fee, issue fee and terminal disclaimer fee. In view thereof, these fees are being refunded. Total amount to be refunded to petitioner's Deposit Account No. 19-0733 is $2,620.

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

01-29-09

29/301103

Copie

24104

OIPE IAP67 JAN 28 2009 PATENT & TRADEMARK OFFICE

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I hereby certify that I have deposited this correspondence with the US Postal Service as first-class or, if a mailing-label number is given below, as express mail addressed to Comm. of Patents, Box 1450, Alexandria, VA 22313-1450 on the below-given date.

JAN 28 2009
Date

EM130045119
Express mail label number

Signature

IN THE U.S. PATENT AND TRADEMARK OFFICE

Patent No.	D584,843
Inventor	Henk KOSCHE
Issued	13 January 2009
For	SPOT LIGHT

Certificate
JAN 30 2009
of Correction

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

TRANSMITTAL LETTER

In the above-mentioned Letters Patent, the name of the Assignee was omitted.

The correct Assignee should be:

- - ERCO GMBH
Ludenscheid (DE) - -

It is therefore respectfully requested that the Letters Patent be corrected, and a new Letters Patent be issued. This request is being filed without a fee, since the originally submitted papers were correct.

If this request is granted, please forward it to the Certificates of Correction Branch, for issuance of a Certificate of Correction.

Respectfully submitted,
KF Ross PC

By: Andrew Wilford, 26,597
Attorney for Applicant

26 January 2009
5683 Riverdale Avenue Box 900
Bronx, NY 10471-0900
Cust. No.: 535
Tel: (718) 884-6600
Fax: (718) 601-1099

pf
Encs: PTO SB/44 (Also PTO form 1050) Certificate of Correction
Notice of Recordation of Assignment Document
PTOL-85 (Issue Fee Payment Form)

Certificate of Express or First-Class Mailing

I hereby certify that I have deposited this correspondence with the US Postal Service as first-class or, if a mailing-label number is given below, as express mail addressed to Comm. of Patents, Box 1450, Alexandria, VA 22313-1450 on the below-given date.

24104

PTO/SB/44

Date

(Also Form PTO-1050)

Express-mail label number

Signature

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO.: D,584,843
DATED : 13 January 2009
INVENTOR : Henk KOSCHE

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

The name of the Assignee was omitted. Please add:

- - Assignee: ERCO GMBH
Ludenscheid (DE) - -

Andrew Wilford, 26,597

26 January 2009

Attachments: USPTO SB/44
Notice of Recordation of Assignment Document
PTOL-85 (Issue Fee Payment Form)

Mailing address of sender:

Patent No. D584,843

The Firm of Karl F. Ross P.C.
Customer Number 535
5683 Riverdale Avenue Box 900
Riverdale (Bronx), NY 10471-0900

OIPE IAP67 JAN 28 2009 PATENT & TRADEMARK OFFICE

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

500742521A

DECEMBER 31, 2008

PTAS

KF ROSS PC
P.O. BOX 900
BRONX, NY 10471-0900

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 571-272-3350. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT SERVICES BRANCH, P.O. BOX 1450, ALEXANDRIA, VA 22313.

RECORDATION DATE: 12/30/2008 REEL/FRAME: 022039/0556
NUMBER OF PAGES: 3

BRIEF: CHANGE OF NAME (SEE DOCUMENT FOR DETAILS).
DOCKET NUMBER: 24104CHGERCO

ASSIGNOR:
ERCO LEUCHTEN GMBH DOC DATE: 10/06/2008

ASSIGNEE:
ERCO GMBH
BROCKHAUSER WEG 80 - 82
LUDENSCHEID, GERMANY

SERIAL NUMBER: 29301103 FILING DATE: 02/08/2008
PATENT NUMBER: D584843 ISSUE DATE: 01/13/2009
TITLE: SPOT LIGHT

TO:KF ROSS PC COMPANY:P.O. B 900

022039/0556 PAGE 2

SHARON LATIMER, EXAMINER
ASSIGNMENT SERVICES BRANCH
PUBLIC RECORDS DIVISION

OIPE IAP57 JAN 28 2009 PATENT & TRADEMARK OFFICE

PATENT ASSIGNMENT

Electronic Version v1.1
Stylesheet Version v1.1

12/30/2008
500742521

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	CHANGE OF NAME

CONVEYING PARTY DATA

Name	Execution Date
ERCO LEUCHTEN GMBH	10/06/2008

RECEIVING PARTY DATA

Name:	ERCO GMBH
Street Address:	BROCKHAUSER WEG 80 - 82
City:	LUDENSCHEID
State/Country:	GERMANY

PROPERTY NUMBERS Total: 1

Property Type	Number
Application Number:	29301103

CORRESPONDENCE DATA

Fax Number: (718)601-1099
Correspondence will be sent via US Mail when the fax attempt is unsuccessful.
Phone: 7188846600
Email: email@kfrpc.com
Correspondent Name: KF ROSS PC
Address Line 1: P.O. BOX 900
Address Line 4: BRONX, NEW YORK 10471-0900

ATTORNEY DOCKET NUMBER:	24104CHGERCO
NAME OF SUBMITTER:	Andrew Wilford

Total Attachments: 2
source=24001ERCOCHG#page1.tif
source=24001ERCOCHG#page2.tif

CH $40.00 29301103

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)

535 7590 09/15/2008

K.F. ROSS P.C.
5683 RIVERDALE AVENUE
SUITE 203 BOX 900
BRONX, NY 10471-0900

OIPE IAP67 JAN 2 8 2009 PATENT & TRADEMARK OFFICE

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.
29/301,103	02/08/2008	Henk Kosche	24104	6331

TITLE OF INVENTION: SPOT LIGHT

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	12/15/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
FOX, BARBARA G	2911	D26-066000

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 Andrew Wilford
   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: ERCO GmbH

(B) RESIDENCE: (CITY and STATE OR COUNTRY): LUDENSCHEID, GERMANY

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~~ EFS
- ☐ 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 /Andrew Wilford/ Date 10 December 2008

Typed or printed name Andrew Wilford Registration No. 26,597

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.

24098

OIPE IAP20
MAY 15 2009
PATENT & TRADEMARK OFFICE

29301107

Certificate of Express or First-Class Mailing

I hereby certify that I have deposited this correspondence with the US Postal Service as first-class or, if a mailing-label number is given below, as express mail addressed to Comm. of Patents, Box 1450, Alexandria, VA 22313-1450 on the below-given date.

MAY 12 2009
Date

Express mail label number

Signature

IN THE U.S. PATENT AND TRADEMARK OFFICE

Patent No.	D590,088
Inventor	Alois DWORSCHAK
Issued	7 April 2009
For	WALL-MOUNT LUMINAIRE

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

Certificate
MAY 18 2009
of Correction

TRANSMITTAL LETTER

In the above-mentioned patent, the Foreign Priority Application numbers and dates were claimed, but omitted from the Letters Patent.

The Priority claims should be added and read as:

- - Foreign Application Priority Data
August 13, 2007 (EU) 000774005-005
August 13, 2007 (EU) .....000774005-006 - -

It is therefore respectfully requested that the Letters Patent be corrected, and a new Letters Patent be issued. This request is being filed without a fee, since the originally submitted papers were correct, as shown on the enclosed supporting document.

If this request is granted, please forward it to the Certificates of Correction Branch, for issuance of a Certificate of Correction.

Respectfully submitted,
KF Ross PC

By: Andrew Wilford, 26,597
Attorney for Applicant

24 April 2009
5683 Riverdale Avenue Box 900
Bronx, NY 10471-0900
Cust. No.: 535
Tel: (718) 884-6600
Fax: (718) 601-1099

pf
Encs: Copy of Declaration and Power of Attorney
Application Data Sheet
PTO/SB/44 (Also Form PTO-1050)

PTO/SB/44
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO: D590,088
DATED : 7 April 2009
INVENTOR : Alois DWORSCHAK

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

Please add:

- - Foreign Application Priority Data

August 13, 2007 (EU).....000774005-005
August 13, 2007 (EU).....000774005-006 - -

Andrew Wilford, Reg. 26,597

Mailing address of sender:

Patent No. D590,088

The Firm of Karl F. Ross P.C.
Customer Number 535
5683 Riverdale Avenue Box 900
Riverdale (Bronx), NY 10471-0900

OIPE IAP88
MAY 15 2009
PATENT & TRADEMARK OFFICE

24098-D

DECLARATION AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that: My residence, post-office address, and citizenship are as stated below next to my name,
I believe that I am the original, first, and sole inventor of the subject matter that is claimed and for which a design patent is sought on the invention entitled

WALL-MOUNT LUMINAIRE

the specification of which is attached hereto.
I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim.
I acknowledge the duty to disclose information that is material to patentability as defined in 37 CFR 1.56.
I hereby claim foreign priority benefits under 35 USC 119 of any foreign applications for patent or inventor's certificate listed below and have also identified below any foreign applications for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Applications

Country	Number	Filing Date	Priority claimed
EU	000774005-005	13 August 2007	Yes
EU	000774005-006	13 August 2007	Yes

I hereby appoint as attorneys to prosecute this application and to transact all business connected therewith:
Andrew Wilford, Reg. 26,597 and Jonathan Myers, Reg. 26,963 and each of them individually.
Address all correspondence to:

K.F. Ross P.C.
Customer Number 535
5683 Riverdale Avenue, Box 900
Bronx, NY 10471-0900

Direct all telephone calls to: (718) 884-6600

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 1001 and that such willful false statements may jeopardize the validity of the application or any design patent issued thereon.

Full name of sole inventor: *Alois DWORSCHAK*

Inventor's signature _____ Date: 15.05.2008
Residence: Lüdenscheid, Germany Citizen of Germany
Post-office Address: Liebigstr. 10, D-58511 Lüdenscheid, Germany

OIPE
MAY 15 2009
PATENT & TRADEMARK OFFICE

Inventor Information::
Inventor One Given Name:: **Alois**
Family Name:: **DWORSCHAK**
Postal Address Line One:: **Liebigstr. 10**
City:: **Lüdenscheid**
Country:: **Germany**
Citizenship country:: **Germany**

Correspondence Information::
Correspondence customer number:: **535**
Telephone:: **(718) 884-6600**
Fax:: **(718) 601-1099**
Electronic Mail:: **email@kfrpc.com**

Application Information::
Title Line One:: **WALL-MOUNT LUMINAIRE**

Total Drawing Sheets:: **6**
Formal Drawings?:: **Yes**

Application Type:: **Design**
Docket Number:: **24098**

Secrecy Order in Parent Appl.?:: **No**

Representative Information::
Representative customer number:: **535**

Prior Foreign Applications::
Foreign Application One:: **000774005-005**
Filing date:: **13 August 2007**
Country:: **EU**
Priority claimed:: **Yes**
Foreign Application Two:: **000774005-006**
Filing date:: **13 August 2007**
Country:: **EU**
Priority claimed:: **Yes**

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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KEVIN L KLUG
ATTORNEY AT LAW
11237 CONCORD VILLAGE AVENUE
ST. LOUIS, MO 63123-2273

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MAY 19 2008

OFFICE OF PETITIONS

In re Application of	:	
Darlene J. Skidis	:	
Application No. 29/301,151	:	DECISION ON PETITION
Filed: February 14, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. SKIDISJEWEL	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 14, 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 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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/23/2010

Applicant	: Timothy L. Mason	: DECISION ON REQUEST FOR
Patent Number	: D605426	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 29/301,158	: OF WYETH
Filed	: 02/13/2008	:
		:

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

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MAR 0 4 2008

OFFICE OF PETITIONS

EDWARD E. ROBERTS
P.O. BOX 3206
DANA POINT, CA 92629

In re Application of	:	
Dieter R. Sauer	:	
Application No. 29/301,168	:	DECISION ON PETITION
Filed: February 15, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 08DRS-D01	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 15, 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 photocopy of applicant Dieter R. Sauer driver's license. Accordingly, the above-identified application has been accorded "special" status.

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

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

Upon completion of the pre-examination processing by the Office of Initial Patent Examining, this application will be referred to Technology Center Art Unit 2913 for action on the merits commensurate with this decision.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Ralph C. Francis
Francis Law Group
1942 Embarcadero
Oakland CA 94606

In re Application of	:	
CAMPBELL, GEORGE GILES	:	
Application No.: 29/301180	:	DECISION ON
Filing or 371(c) Date: February 14, 2008	:	PETITION
Attorney Docket Number: **LP-02-038D**	:	

This is a decision in response to the "Petition to Withdraw Holding of Abandonment," filed March 12, 2009.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowability, mailed November 10, 2008.

In view of the foregoing, the holding of abandonment for failure to timely submit replacement drawings 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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UNILEVER PATENT GROUP
800 SYLVAN AVENUE
AG West S. Wing
ENGLEWOOD CLIFFS NJ 07632-3100

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SEP 03 2008

OFFICE OF PETITIONS

In re Application of	:	DECISION
Rolf Hering	:	ON PETITION
Application No. 29/301186	:	
Filing or 371(c) Date: 02/15/2008	:	
Title of Invention: BOTTLE	:	

This is a decision on the "Petition to Accord a Filing Date, filed July 7, 2008, requesting the above-identified application be accorded a filing date of February 15, 2008, including drawing Figures 7 and 8. The petition is properly treated under 37 CFR 1.182.

The petition is granted.

Background

Application papers were filed in the above-identified application on February 15, 2008. On March 7, 2008, the Office of Patent Application Processing mailed a Notice to File Missing Parts of Nonprovisional Application (hereinafter "Notice"), informing Applicant that the application had been accorded a filing date; however, Figures 6 and 7 described in the specification appeared to have been omitted from the application.

The present petition

Applicant files the present petition and asserts that Figures 6 and 7 were included among four (4) sheets of drawings filed with the application papers on February 15, 2008. In support of this assertion, Applicant files a copy of his Design Patent Application Transmittal form which lists "Application Elements," and includes, inter alia, Formal Drawings (4) Total Sheets. A review of the copy of the Design Patent Application Transmittal form reveals that it includes a date stamp from this Office acknowledging receipt of the items listed thereon.

Applicable Law, Rules and MPEP

"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.

Conclusion

In view of the foregoing, the petition is granted.

The copy of Figures 6 and 7, filed with the present petition, will be used for examination purposes.

A refund of the petition fees has been credited to Applicant's deposit account.

The application will be returned to the Office of Patent Application Processing for further processing with a filing date of February 15, 2008, and an indication that Figure 6 and 7 described in the specification were included with the application papers filed on February 15, 2008, using the copy of Figures 6 and 7 filed with the present petition.

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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R.C. HARPMAN - HARPMAN & HARPMAN
819 SOUTHWESTERN RUN
YOUNGSTOWN OH 44514

MAILED

MAR 24 2010

OFFICE OF PETITIONS

In re Application of	:	
Twila Jean Gates	:	
Application No. 29/301,220	:	DECISION ON PETITION
Filed: February 19, 2008	:	
Attorney Docket No: D817	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 19, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

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

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

With respect to item (4), since the instant application is a design application, a terminal disclaimer and fee are required by 37 CFR 1.137(b) for revival. A terminal disclaimer form is enclosed. Further, a terminal disclaimer must be 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 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.

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

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

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

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

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

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

Enclosure: PTO/SB/63 Terminal Disclaimer form

UNITED STATES PATENT AND TRADEMARK OFFICE

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YOUNGSTOWN OH 44514

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APR 12 2010

OFFICE OF PETITIONS

In re Application of	:	
Twila Jean Gates	:	
Application No. 29/301,220	:	DECISION ON PETITION
Filed: February 19, 2008	:	
Attorney Docket No. D817	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed March 29, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit Corrected Drawings on or before December 22, 2009, as required by the Notice of Allowability For a Design Application mailed September 22, 2009. Accordingly, the date of abandonment of this application is December 23, 2009. A Notice of Abandonment was mailed Janaury 7, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of Corrected Drawings (previously submitted January 19, 2010; (2) the petition fee of $810.00 (previously paid January 19, 2010); (3) a proper statement of unintentional delay; and (4) a Terminal Disclaimer with the accompanying $70.00 fee.

Further, the request for power of attorney filed February 19, 2008 with the Specification is accepted and has been made 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 the undersigned at (571) 272-7751.

This application is being referred to the Office of Data Management for processing into a patent and review of the Corrected Drawings submitted on January 19, 2010.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Espinosa/Trueba, PL
3001 SW 3rd Avenue
Miami, FL 33129

MAILED

MAR 18 2010

OFFICE OF PETITIONS

In re Application of
Jonathan Werman
Application No. 29/301,252
Filed: February 19, 2008
Attorney Docket No. 48,002

ON PETITION

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

The instant petition is not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of William R. Trueba, Jr. appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The petition is **DISMISSED**.

The above-identified application became abandoned for failure to timely respond to the corrected Notice of Allowance and Fee(s) Due mailed October 21, 2008 and Notice of Allowability mailed October 7, 2008. A Notice of Abandonment was mailed on February 13, 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 Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks item(s) (4).

The Office acknowledges receipt of $1,620 for the present petition fee, $860 for payment of the design issue fee and $140 for a terminal disclaimer all filed on December 11, 2009. However, the terminal disclaimer under 37 CFR 1.137(d), filed December 11, 2009 is not signed by an attorney or agent of record.

37 CFR 1.321(b) states:

> An applicant or assignee may disclaim or dedicate to the public the entire term, or any terminal part of the term, of a patent to be granted. Such terminal disclaimer is binding

upon the grantee and its successors or assigns. The terminal disclaimer, to be recorded in the Patent and Trademark Office, must:

(1) Be signed:

(i) By the applicant, or
(ii) If there is an assignee of record of an undivided part interest, by the applicant and such assignee, or
(iii) If there is an assignee of record of the entire interest, by such assignee, or
(iv) By an attorney or agent of record;

(2) Specify the portion of the term of the patent being disclaimed;
(3) State the present extent of applicant's or assignee's ownership interest in the patent to be granted; and
(4) Be accompanied by the fee set forth in §1.20(d).

In view of the above, petitioner needs to submit a proper terminal disclaimer before revival can occur.

Since the Change of Correspondence Address filed December 11, 2009, is signed by a registered attorney, it has been accepted and made of record.

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

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

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

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

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

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

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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3001 SW 3rd Avenue
Miami, FL 33129

MAILED

APR 07 2010

OFFICE OF PETITIONS

In re Application of
Jonathan Werman
Application No. 29/301,252
Filed: February 19, 2008
Attorney Docket No. 48,002

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed on March 26, 2010 and supplemented on April 1, 2010, to revive the above-identified application.

In response to the decision mailed March 18, 2010, petitioner submits the present renewed petition along with a Power of Attorney or Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address for acceptance of the Terminal Disclaimer and $70 fee submitted on December 11, 2009[1].

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

The terminal disclaimer under 37 CFR 1.137(d), 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

[1] The Terminal Disclaimer filed December 11, 2009 is being treated as if it was filed on the date of the renewed petition under 37 CFR 1.137(b), filed March 26, 2010 and supplemented on April 1, 2010.

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3001 SW 3rd Avenue
Miami, FL 33129

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OFFICE OF PETITIONS

In re Application of
Jonathan Werman
Application No. 29/301,252
Filed: February 19, 2008
Attorney Docket No. 48,002

CORRECTED DECISION

This is a decision in response to the communication filed on May 5, 2010.

The decision mailed on April 7, 2010 is hereby **vacated**.

In view of the present communication, a corrected decision follows[1]:

This is a decision on the renewed petition under 37 CFR 1.137(b) filed on March 26, 2010 and supplemented on April 1, 2010 and May 5, 2010, to revive the above-identified application.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Terminal Disclaimer[2], (2) the petition fee of $1,620, and (3) a proper statement of unintentional delay.

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

The Terminal Disclaimer under 37 CFR 1.137(d) filed on May 5, 2010, 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

[1] The undersigned sincerely apologizes for any inconvenience caused to petitioner.
[2] It is noted that the Terminal Disclaimer fee of $140 was previously submitted on December 11, 2009.

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ALLEMAN HALL MCCOY RUSSELL & TUTTLE LLP
806 SW BROADWAY
SUITE 600
PORTLAND OR 97205-3335

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OFFICE OF PETITIONS

In re Patent No. D577,121 :
Issue Date: September 16, 2008 :
Application No. 29/301,294 :
Filed: February 20, 2008 :
Attorney Docket No. ACO06344DDIV1 :

DECISION ON PETITION

This is a decision on Request for Certificate of Correction under 37 CFR 3.81(b) and MPEP 1481.01, filed November 17, 2008, and re-filed on January 7, 2009, which are being treated together as a petition under 37 CFR 3.81. A completed form PTO-SB/44 accompanied the Request of January 7, 2009.

The petition under 37 CFR 3.81 is **GRANTED**.

Petitioner states "Applicant hereby requests that the subject patent be corrected via the enclosed Certificate of Correction to include the name of an omitted assignee, Koutaro Nishida." Accordingly, petitioner requests that a Certificate of Correction be issued to add the erroneously omitted assignee 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 Petition was accompanied by a Certificate of Correction and deposit account authorization to charge the fees required by 37 CFR 3.81(b). As such, the requisite $100.00 fee (Fee Code 1811), as set forth under in 37 CFR 1.20(a), and the requisite $130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(i), have been charged as authorized in the Petition. Further, Office assignment records are consistent with the requested correction. Accordingly, as 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 filed on January 7, 2009.

Inquiries related to this communication should be directed to Brian W. Brown at (571) 272-5338.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

The matter is being referred to the Certificate of Corrections Branch for processing of a Certificate of Correction in US Patent D577,121.

Brian W. Brown
Petitions Examiner
Office of Petitions

Electronic Acknowledgement Receipt

EFS ID:	4570343
Application Number:	29301294
International Application Number:	
Confirmation Number:	3451
Title of Invention:	IMPLANT FOR MEDICAL APPLICATIONS
First Named Inventor/Applicant Name:	Koutaro Nishida
Customer Number:	50488
Filer:	Mark D. Alleman/Diana Ventrella
Filer Authorized By:	Mark D. Alleman
Attorney Docket Number:	ACO06344DDIV1
Receipt Date:	07-JAN-2009
Filing Date:	20-FEB-2008
Time Stamp:	19:26:10
Application Type:	Design

01/09/2009 CKHLOK 00000006 503397 D577121
01 FC:1464 130.00 DA
02 FC:1811 100.00 DA

Payment information:

Submitted with Payment	no

Adjustment date: 01/09/2009 CKHLOK
11/18/2008 INTEFSW 00004445 503397 29301294
01 FC:1464 130.00 CR
02 FC:1811 100.00 CR

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Certificate of Correction	Request_Cert_Correction.pdf	457868 4fa5ece48ff815d301d2bff0cb5f5fd384696ecf	no	11

Warnings:

Information:

2	Request for Certificate of Correction	Cert_Correction.pdf	94768 adc2bb123cb2632959da3f3975c5666fbc3cdac9	no	1

Warnings:

Information:

Total Files Size (in bytes):	552636

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/301,300	02/21/2008	Frederic Ferri	YPI005-D	3455

28848 7590 01/14/2009
TOPE-MCKAY & ASSOCIATES
23852 PACIFIC COAST HIGHWAY #311
MALIBU, CA 90265

EXAMINER
LEVY, MELANIE S

ART UNIT	PAPER NUMBER
2911	

MAIL DATE	DELIVERY MODE
01/14/2009	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.

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1-14-09

TOPE-MCKAY & ASSOCIATES
23852 PACIFIC COAST HIGHWAY #311
MALIBU, CA 90265

In re Application of
FERRI, FREDERIC
FOR: FOOT-THERAPY AND TOE-ALIGNING DEVICE
Serial No.: 29/301,300
Filed: 2/21/2008

: DECISION ON PETITION

This is a response to the Petition to Make Special under 37CFR1.102(d) based on actual infringement filed 8/14/2008. Per MPEP 708.02 the petiton includes a signed statement by applicant's attorney alleging that (a) there is an infringing product on the market, (b) that a rigid comparison has been made of the product with the claimed design and that the claim has unquestionably been infringed, and (c) that a careful and thorough search of the pertinent prior art has been made.

The petition, therefore, is GRANTED.

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

lsz

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Paper No.

DALINA LAW GROUP, P.C.
7910 IVANHOE AVE. #325
LA JOLLA CA 92037

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OCT 2 9 2009

OFFICE OF PETITIONS

In re Application of	:	
John Caldwell	:	DECISION ON
Application No. 29/301,316	:	PETITION
Filed: February 22, 2008	:	
Attorney Docket No. 1200-P0001	:	

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 5, 2009.

The petition is **GRANTED**.

The above-identified application became abandoned effective February 13, 2009 for failure to file corrected drawings as required by the Notice of Allowability mailed November 12, 2008. The Notice set a three-month non-extendable period for reply. No drawings were received. A courtesy Notice of Abandonment was mailed on March 12, 2009.

Applicant then filed the instant petition. The petition includes the required reply in the form of the corrected drawings[1], the required statement of unintentional delay, payment of the petition fee and a terminal disclaimer by attorney of record Casby. All requirements of 37 CFR 1.137(b) have been met.

[1] The Design Issue Fee was timely paid on February 11, 2009.

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

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LADAS & PARRY
5670 WILSHIRE BOULEVARD
SUITE 2100
LOS ANGELES, CA 90036-5679

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OFFICE OF PETITIONS

In re Application of	:	
Rita Preston-Hall	:	
Application No. 29/301,326	:	DECISION ON PETITION
Filed: February 22, 2008	:	TO WITHDRAW
Attorney Docket No. B-6537 958048-9	:	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 **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Ladas & Parry has been revoked by the assignee of the patent application on December 18, 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.

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

cc: RITA PRESTON-HALL
2753 CAMINO CAPISTRANO
SUITE A-100
SAN CLEMENTE, CA 92672

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Paper No.

Steven S. Payne
P.O. Box 65024
Washington DC 20035

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OFFICE OF PETITIONS

In re Application of :
Stewart Gardner : DECISION ON PETITION
Application No. 29/301,356 :
Filed: May 14, 2008 :
Atty Docket No. 400-015 :

This is a decision on the **Petition** filed May 14, 2008 (certificate of mailing dated Monday, May 12, 2008), requesting that the Office accord the above-identified application a filing date of February 25, 2008.

To the extent that the petition requests a filing date of February 25, 2008, the petition is **dismissed**. The application is being accorded a filing date of May 14, 2008, the date of receipt of the specification.

Any request for reconsideration must be filed within **TWO (2) MONTHS** of the date of this decision in order to be considered timely. See 37 CFR 1.181(f). This time period may not be extended pursuant to 37 CFR 1.136(a) or (b).

The application was deposited on February 25, 2008. However, on March 11, 2008, the Office mailed a "Notice of Incomplete Nonprovisional Application" advising applicant that the application had not been accorded a filing date because the application was deposited without a specification as prescribed by 35 U.S.C. 112. This Notice set a two-month period for reply. Applicant was advised that the filing date of the application will be the date of receipt of the required specification.

In response, applicant timely filed the instant petition arguing that a complete design application was in fact filed with the USPTO on February 25, 2008, along with a specification including at least one claim. In support thereof, petitioner points to

the copy of the application transmittal which states that a 1 page specification was being filed with the drawings. Further, petitioner provides the copy of the filed application in their files which includes a 1 page specification which includes a claim. Petitioner contends that the 1 page specification was lost by the Office.

The image file wrapper of the application is the Official record of the papers received in the Office in an application. The image file wrapper of this application has been reviewed and no specification is among the papers deposited on February 25, 2008. Papers not present in the application file are not considered present in the application absent convincing evidence to the contrary (e.g., a postcard receipt under MPEP § 503 containing specific itemization of the document(s) or fee(s) purported to have been filed with the correspondence at issue) that the Office received and misplaced any document(s) or fee(s) that is not among the official records of the Office.)

Petitioner's arguments and evidence have been considered, but not found convincing that the application as deposited on February 25, 2008 included a 1 page specification. Petitioner references the presence of the specification in their files and the denotation of the specification on the application transmittal as evidencing submission of the specification. This evidence does not overcome the evidence of record; the absence of the specification in the image file wrapper, that petitioner did not deposit the specification with the other application papers.

The presence of the specification in petitioner's file record does not establish that the specification was present in the Express Mail envelope which contained the application papers deposited on February 25, 2008. This evidence indicates that petitioner intended to file a 1 page specification with the application papers.

Similarly, the application transmittal indicates that a 1 page specification is among the papers being filed. However, a transmittal is not considered persuasive evidence of the filing of papers with the Office. The transmittal reflects what applicant intended to file. Upon receipt of the application, the Office does not review the papers received and place a stamp on such a transmittal to acknowledge receipt of the items listed thereon. As such, the transmittal is not persuasive evidence that application filed the specification as intended.

By well-established policy, all applicants are advised that utilization of an itemized return postcard serves the purpose of having the Office review and confirm receipt of all of the items received in the application. See MPEP 503. In fact, the purpose of the submission of a return postcard with any submission is to have adequate proof of the papers filed. It does not appear that applicant utilized a return postcard receipt and the evidence submitted is not convincing that a specification was among the papers deposited on February 25, 2008.

In view thereof, to the extent that the petition requests a filing date of February 25, 2008, the petition must be dismissed.

The application is entitled to a filing date as of the date of receipt of the specification, May 14, 2008.

This application is being forwarded to the Office of Patent Application Processing for:

- **according of a filing date of May 14, 2008**, the date of receipt of the specification.

Applicant will receive appropriate notifications regarding any missing items or fees owed, and other information in due course from the Office of Patent Application Processing. In this regard, it is noted that the claim as submitted is not in compliance with the rules as it does not commence on a separate sheet. See 37 CFR 1.52(b)(3); see also 37 CFR 1.71.

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

Nancy Johnson

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/23/2010

Applicant	: Eugenio Roncali	: DECISION ON REQUEST FOR
Patent Number	: D604551	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 29/301,389	: OF WYETH
Filed	: 02/27/2008	:
		:

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

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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/23/2010

Applicant	: Eugenio Roncali	: DECISION ON REQUEST FOR
Patent Number	: D604552	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 29/301,390	: OF WYETH
Filed	: 02/27/2008	:
		:

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.

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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/23/2010

Applicant	: Eugenio Roncali	: DECISION ON REQUEST FOR
Patent Number	: D604553	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 29/301,391	: OF WYETH
Filed	: 02/27/2008	:
		:

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

OFFICE OF DATA MANAGEMENT

ROZSA LAW GROUP LC
18757 BURBANK BOULEVARD
SUITE 220
TARZANA CA 91356-3346

DEC 09 2008

In re Application of :
HUANG, NAN HUANG :
Application No: 29/301,449 :
Filed: February 28, 2008 :
Attorney Docket No. 27640.162 :

DECISION ON PETITION

This is a decision on the Petition To Withdraw Holding of Abandonment (CFR 1.181), received in the United States Patent and Trademark Office (USPTO) on October 23, 2008.

The petition is **DISMISSED.** Any request for reconsideration of this decision, or as explained below, filing a petition seeking revival under 37 CFR § 1.137, must be filed within TWO MONTHS (2) from the mail date of this decision.

The application was held abandoned for failure to timely pay the issue fee as required in the Notice Of Allowance and Fee(s) Due, mailed June 3, 2008, which set a three (3) month statutory period for reply. A Notice of Abandonment was mailed September 26, 2008.

The Office acknowledges the timely receipt of Part B – Fee(s) Transmittal (Transmittal) on October 23, 2008. However, without the inclusion of the Deposit Account Number on the form there was no authorization to charge the required fees.

Petitioner should review the amended rules pertaining to general authorization to pay fees. See 65 FR 54647 September 8, 2000, revised 69 FR 56481 September 21, 2004, effective September 21, 2004.

Unfortunately, the application file does not reveal a previously filed authorization to charge **such** fee(s) or specifically the issue fee.

In light of the non-compliance with 37CFR 1.25, the holding of abandonment cannot be withdrawn. Applicant may seek relief by filing a petition for Revival of Abandoned Application under CFR § 1.137 (a) or (b). (Forms are available at USPTO website http://www.uspto.gov)

Under 37 CFR 1.137(a), a petition for the revival of an ***unavoidable*** abandoned application
Under 37 CFR 1.137(b), a petition for the revival of an ***unintentionally*** abandoned application

Further correspondence with respect to filing the petition under 37 CFR 1.137 should be directed to the Office of Petitions at 571-272-3282 or addressed as follows:

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

Telephone inquires concerning this decision 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

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OFFICE OF PETITIONS

In re Application of
Huang
Application No. 29/301,449
Filed: February 28, 2008
Attorney Docket No. 27640.162

DECISION ON PETITION

This is a decision on the petition under the unavoidable provisions of 37 CFR 1.137(a), filed February 4, 2009, to revive the above-identified application.

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

This application became abandoned for failure to timely submit the issue fee, as required by the Notice of Allowance and Fee (s) Due, which was mailed June 3, 2008. The Notice of Allowance and Fee (s) Due set a three (3) month statutory period for reply. Extensions of time were not available under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on September 4, 2008. A Notice of Abandonment was mailed on September 26, 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).

Petitioner states that a reply to the Notice of Allowance was mailed via USPS Express Mail on August 26, 2008. Petitioner contends that the issue fee transmittal, a $440.00 check and a return postcard was included in the envelope. In support of petitioner's argument a copy of the check, issue fee transmittal form, and an unstamped postcard was provided.

APPLICABLE RULES

37 CFR 1.10:

(e) Any person mailing correspondence addressed as set out in § 1.1(a) to the Office with sufficient postage utilizing the "Express Mail Post Office to Addressee" service of the USPS but not received by the Office, may petition the Director to consider such correspondence filed in the Office on the USPS deposit

date, provided that:
(1) The petition is filed promptly after the person becomes aware that the Office has no evidence of receipt of the correspondence;
(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail";
(3) The petition includes a copy of the originally deposited paper(s) or fee(s) that constitute the correspondence showing the number of the "Express Mail" mailing label thereon, a copy of any returned postcard receipt, a copy of the "Express Mail" mailing label showing the "date-in," a copy of any other official notation by the USPS relied upon to show the date of deposit, and, if the requested filing date is a date other than the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS, a showing pursuant to paragraph (d)(3) of this section that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day; and
(4) The petition includes a statement which establishes, to the satisfaction of the Director, the original deposit of the correspondence and that the copies of the correspondence, the copy of the "Express Mail" mailing label, the copy of any returned postcard receipt, and any official notation entered by the USPS are true copies of the originally mailed correspondence, original "Express Mail" mailing label, returned postcard receipt, and official notation entered by the USPS.

37 CFR 1.8:

(b) In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed or decided with prejudice, or the prosecution of a reexamination proceeding is terminated pursuant to § 1.550(d) or § 1.957(b) or limited pursuant to § 1.957(c), or a requester paper is refused consideration pursuant to § 1.957(a), 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 that attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing, transmission or submission. 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. If the correspondence was transmitted via the Office electronic filing system, a copy of an acknowledgment receipt generated by the Office electronic filing system confirming submission may be used to support this statement

MPEP 503:

The USPTO will stamp the receipt date on the postcard and place it in the outgoing mail. A postcard receipt, which itemizes and properly identifies the items, which are being filed serves as prima facie evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

OPINION

Petitioner's argument has been considered but it is not persuasive to establish unavoidable delay within the meaning of 37 CFR 1.137(a). A review of the documents shows that petitioner has established that the envelope containing Express Mail Label EM161104302US was received in the Office on August 26, 2008. However, petitioner is unable to establish that the check for $440.00 was included in the envelope. While the Office does not require that a certification pursuant to 37 CFR 1.10 and 1.8 be included directly on the check, petitioner must be able to establish that the check was included. This can be accomplished by including a transmittal letter, which includes reference to the check and a statement under 37 CFR 1.8. See MPEP 512. Further, a review of the issue fee transmittal form shows that the box, which indicated a check was included with the submission, was not checked.

It is further acknowledged that petitioner has provided a copy of a postcard. However a review of the postcard shows that It does not contain the stamp of the Office. As such the postcard does not serve as prima facie evidence that the Office received the items itemized on the postcard.

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

Petitioner's failure to file the reply at issue in compliance with 37 CFR 1.8 or 1.10 precludes a finding that the delay was unavoidable. A "reasonably prudent person" would file papers or fees in compliance with 37 CFR 1.8 or 1.10 to ensure their timely filing in the USPTO, as well as preserve adequate evidence of such filing. Therefore, a delay caused by an applicant's failure to file papers or fees in compliance with 37 CFR 1.8 and 1.10 does not constitute "unavoidable" delay. *See* Krahn v. Commissioner, 15 USPQ2d 1823, 1825, (E.D. Va 1990); *see also* MPEP 711.03(c)(III)(C)(2).

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

If petitioner cannot supply the evidence necessary, 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 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 the undersigned at (571) 272-3215.

Charlema Grant

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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MAR 23 2010

OFFICE OF PETITIONS

ROZSA LAW GROUP LC
18757 BURBANK BOULEVARD
SUITE 220
TARZANA CA 91356-3346

In re Application of	:	
Nan Huang Huang	:	
Application No. 29/301,449	:	DECISION ON PETITION
Filed: February 28, 2008	:	
Attorney Docket No. 27640.162	:	

This is a decision on the petition under 37 CFR 1.137(b), filed December 22, 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 September 3, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed June 3, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on September 4, 2008. A Notice of Abandonment was mailed on September 26, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of 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 is accepted as being unintentionally delayed.

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

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

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

Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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FEB 19 2008

OFFICE OF PETITIONS

LEVITON MANUFACTURING
COMPANY INCORPORATED (CDFS)
C/O CARTER, DELUCA, FARRELL & SCHMIDT, LLP
445 BROAD HOLLOW RD. STE. 225
MELVILLE NY 11747

In re Application of	:	
Tufano, et al.	:	
Application No. 11/967,771	:	ON PETITION
Filed: 31 December, 2007	:	
Attorney Docket No. 1640-21 DIV III	:	

This is a decision on the petition filed on 2 January, 2008, under 37 CFR 1.182, 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 applicants filed a utility application transmittal sheet and paid the utility application filing, search, and examination fees, but also filed three (3) pages of written description (with four (4) pages of preliminary amendment) referencing a design patent application, one (1) page containing a claim to an ornamental design, and five (5) sheets of drawing figures. Applicants state that they intended to file a design application, but inadvertently used a utility application transmittal sheet and paid the utility application fees.

It is clear, based on the specification and claim filed, that applicants intended to file a design application, but inadvertently filed a utility application.

Accordingly, on petition, the application will be reprocessed as a design application as requested using the application papers filed on 31 December, 2007.

The correct large entity basic filing fee for a design application on filing was $210.00, the search fee was $100.00, and the examination fee was $130.00. Applicants paid a total of $1,030.00 on or about 31 December, 2007. Applicants are due a refund of $590.00.

Copied from 11967771 on 03/11/2008

The overpayment of the design filing, search, and examination fees will be credited to Counsel's credit card, as authorized in the petition filed on 2 January, 2008. Office records will also be corrected to show that the $210.00 design filing fee, $100.00 design search fee, and $130.00 design examination fee, have been paid.

Because the petition was necessitated by Applicants' error, however, the petition fee will not be refunded.

Thereafter, the application will be referred to the Office Initial Patent Examination for reprocessing as a design application, not a utility application, with a filing date of 31 December, 2007, using three (3) pages of written description (with four (4) pages of preliminary amendment) referencing a design patent application, one (1) page containing a claim to an ornamental design, and five (5) sheets of drawing figures filed on 31 December, 2007. The application will be assigned a new design application number. The new design application number will be communicated to applicants by the Office of Initial Patent Examination in due course.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[1]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

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[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.

Copied from 11967771 on 03/11/2008

IFW

OIPE IAP5 APR 18 2008 PATENT & TRADEMARK OFFICE

PTO/SB/27 (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 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	29/301,466
Filing Date	03/03/2008
First Named Inventor	SHIN, DAVID D.
Title	LOW PROFILE LIGHT BAR...
Atty Docket Number	SS03-02D

ADDRESS TO:

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

Approved 4-28-08
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

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

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

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

D10/114, D10/109, D10/111, D10/121, 362/61

04/18/2008 TLUU11 00000005 29301466
01 FC:1802 900.00 OP

Related applications:

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

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

Signature: [signature]

Date: APRIL 14, 2008

Typed or printed name: KIRK A. BUHLER

Registration Number, if applicable: 52,670

Telephone Number: (951) 735-4001

WARNING: Information on 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

Patent No. : D581,763
Ser. No. : 29/301,482
Inventor(s) : Joseph Post
Issued : Dec. 2, 2008
Title : ADJUSTMENT RING
Docket No. : 9705.20263-DES

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.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

GLENN BUSHEE
1145 FRANKLIN STREET
DUXBURY MA 02332

COPY MAILED

JAN 26 2009

OFFICE OF PETITIONS

In re Application of	:	
Glen Bushee	:	
Application No. 29/301,529	:	ON PETITION
Filed: March 5, 2008	:	
Title: Flashlight	:	

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed December 30, 2008.

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. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". Extensions of time under 37 CFR 1.136(a) are permitted. No fee is required for a renewed petition.

The above-identified application became abandoned for failure to timely pay the issue fee in response to the Notice of Allowance mailed July 9, 2008. This Notice set an extendable period for reply of two (2) months. No reply having been received, the application became abandoned on October 10, 2008.

To establish non-receipt of an Office action, a petitioner:

> 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.[1]

In addition, the Manual of Patent Examining Procedure § 711.03(c) also states:

> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the non-received Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the non-received Office action must be submitted as documentary proof of 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.

Petitioner has not submitted a copy of a master docket record showing all his replies docketed for a due date of October 9, 2008, nor has petitioner stated that such a record does not exist. While the Office recognizes that pro-se applicants may not maintain a formal docketing system, the Office still needs an explanation from petitioner as to how he keeps track of incoming correspondence and how he reminds himself of due dates. Here, petitioner has stated that he places all of his mail received in a single file folder. However, the Office still needs petitioner to set forth how he reminds himself of due dates.

While the showing of record is not presently sufficient to withdraw the holding of abandonment, petitioner is not precluded from obtaining relief by filing a petition pursuant to 37 CFR 1.137(b) on the basis of unintentional delay. A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by (1) The reply required to the outstanding Office action or notice,

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[1] MPEP 711.03(c).

unless previously filed; (2) The petition fee as set forth in 37 CFR 1.17(m) (currently $810 for a small entity); and (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

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

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

Enc: copy of petition to revive form (3 pages)

PTO/SB/64 (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 respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)

First named inventor:

Application No.: Art Unit:

Filed: Examiner:

Title:

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____(identify type of reply):

☐ has been filed previously on _____.
☐ is enclosed herewith.

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

☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature	Date
Typed or printed name	Registration Number, if applicable
Address	Telephone Number
Address	

Enclosures:
- ☐ Fee Payment
- ☐ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unintentional delay
- ☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date	Signature
	Typed or printed name of person signing certificate

Privacy Act Statement

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

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

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

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GLENN BUSHEE
1145 FRANKLIN STREET
DUXBURY MA 02332

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MAR 30 2009

OFFICE OF PETITIONS

In re Application of	:	
Glen Bushee	:	
Application No. 29/301,529	:	ON PETITION
Filed: March 5, 2008	:	
Title: Flashlight	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), filed March 3, 2009.

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

The above-identified application became abandoned for failure to timely pay the issue fee in response to the Notice of Allowance mailed July 9, 2008. This Notice set an extendable period for reply of two (2) months. No reply having been received, the application became abandoned on October 10, 2008.

With the instant petition, applicant paid the petition fee, filed a terminal disclaimer, made the proper statement of unintentional delay, and submitted the required reply in the form of the issue 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)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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1180 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8403

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JUL 14 2008

OFFICE OF PETITIONS

In re
William Pedersen
Application No. 29/301,552
Filed: March 6, 2008
Attorney Docket No. D/3687-113 (DIV)

DECISION

This is a decision on the fee deficiency submission under 37 CFR 1.28(c), filed May 13, 2008.

The fee deficiency submission under 37 CFR 1.28 of $220, representing the difference between the small entity and large entity design application filing fee ($105), search fee ($50), and examination fee ($65) is hereby **accepted**.

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

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MAY 2 3 2008

OFFICE OF PETITIONS

AVERILL & VARN
8244 PAINTER AVE.
WHITTIER CA 90602

In re Application of :
Daniel Oas :
Application No. 29/301,563 : ON PETITION
Filed: March 5, 2008 :
Attorney Docket No.:138/086 :

This is a decision on the petition filed April 14, 2008. The petition will be treated under 37 CFR 1.182.

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. **No extensions of time under 37 CFR 1.136(a) are permitted**. The reconsideration request should include a cover letter entitled "Renewed Petition" under 37 CFR 1.182."

On March 5, 2008, the above-identified application was filed. However, on March 24, 2008, the Office of Patent Application Processing mailed a "Notice of Omitted Items of Nonprovisional Application", stating that application had been accorded a filing date of March 5, 2008, and advising applicant that Figures 4-6, as described in the specification appeared to have been omitted.

In response, on April 14, 2008, applicant filed the present petition. Applicant maintains that Figures 4-6 were present on filing as evidenced by an Office-date-stamped postcard whereby the Office acknowledged receiving on March 5, 2006, two sheets of drawings. Applicant provided a copy of the two sheets of drawings that were allegedly filed on March 5, 2008.

A review of the original application papers filed reveals that one sheet of drawings containing Figures 1-3 is of record. A comparison of the sheet of drawing filed March 5, 2008, and the drawing filed April 14, 2008, reveals that at least the Figures 1-3 from the sets of drawings are different. Additionally, Figures 4-6 do not appear to match the description of the drawings presented in the specification. Although the evidence is convincing that two sheets of drawing were received on March 5, 2008, there appears to be some confusion as to which drawings were sent and/or received on that date. In the renewed petition, petitioner must explain why Figures 1-3 filed March 5, 2008, differ from those filed April 14, 2008, and why Figures 4-6 filed April 14, 2008, do not appear to match the description of drawings as filed March 5, 2008.

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

By mail:

Mail Stop Petitions
Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

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

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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JUN 19 2008

OFFICE OF PETITIONS

In re Application of :
Daniel Oas :
Application No. 29/301,563 :
Filed: March 5, 2008 :
Attorney Docket No. 138/086 :

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.182 filed June 2, 2008. The is also a decision on the petition under 37 CFR 1.137(b) filed on the same date.

The renewed petition under 37 CFR 1.182 is GRANTED.

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

On March 5, 2008, the above-identified application was filed. On March 24, 2008, the Office Patent Application Processing mailed a "Notice of Omitted Items of Nonprovisional Application" (the "Notice"), stating, in part, that the application had been accorded a filing date of March 5, 2008, however, Figures 4-6 as described in the specification appeared to have been omitted. The Notice allowed a non-extendable two-month period for reply beginning from the mailing date of the Notice.

In response, on June 2, 2008, applicants filed the instant renewed petition and previously filed a copy of an Office date-stamped postcard showing that, among other items, two sheets of drawings were received on March 5, 2008.

Upon review of the record, Figures 4-6 have not been located among the application papers. However, the evidence is convincing that the application papers deposited March 5, 2008, included Figures 4-6 which were subsequently misplaced by the Office. Therefore, the application, including Figures 4-64, was complete on filing and entitled to the presently accorded filing date of March 5, 2008.

Accordingly, the petition is granted.

The petition under 37 CFR 1.137(b) is dismissed as moot because the application is not in an abandoned status and there is no relief that can be granted pursuant thereto.

The application file is being directed to the Office of Patent Application Processing for further processing with the presently accorded filing date of March 5, 2008, with the two sheets of drawings filed on that date.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
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Paper No.

Charles H. Jew
Suite 533
236 West Portal Avenue
San Francisco CA 94127

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FEB 20 2009

OFFICE OF PETITIONS

In re Application of	:	
Renaud Supiot	:	
Application No. 29/301,575	:	DECISION ON PETITION
Filed: March 6, 2008	:	PURSUANT TO
Attorney Docket No.: KIKKER	:	37 C.F.R. § 1.181(A)
1024US0	:	
Title: BATTERY-OPERATED	:	
FLASHLIGHT	:	

This is a decision on the petition filed December 31, 2008, pursuant to 37 C.F.R. § 1.181(a), requesting that the holding of abandonment in the above-identified application be withdrawn.

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

The petition pursuant to 37 C.F.R. § 1.181(a) is **DISMISSED**.

The petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

BACKGROUND

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed July 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 October 10, 2008. A Notice of Abandonment was mailed on November 3, 2008.

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.

Section 711.03(c)(I)(A) of the MPEP 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).

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1 See MPEP §710.02(e)(III).

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

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

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

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

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

(Emphases added).

ANALYSIS OF THE PETITION PURSUANT TO RULE 1.181

With this petition, Petitioner has stated that the Notice of Allowance and Issue Fee Due, mailed July 9, 2008 was not received at the correspondence address of record.

Petitioner has further indicated that due to the limited number of matters he has pending before the Office, he "does not maintain a general docket that records the receipt of USPTO correspondence."[2]

As such, it is clear that Petitioner does not maintain either a system for recording an Office action received at the correspondence address of record with the USPTO, a master docket, an incoming mail log, a calendar, a reminder system, or an individual docket record for the application in question.

It follows that Petitioner is not in a position to adequately support his assertion of non-receipt, and as such, the record does not support a finding that the holding of abandonment should be withdrawn. The petition pursuant to Rule 1.181 is dismissed accordingly.

ANALYSIS OF THE PETITION PURSUANT TO RULE 1.137(B)

37 C.F.R. § 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional. Since the statement contained in this petition varies from the language required by 37 C.F.R. § 1.137(b)(3), the statement contained in this petition is being construed as the statement required by 37 C.F.R. § 1.137(b)(3) and Petitioner must notify the Office if this is not a correct interpretation of the statement contained in this petition.

With this petition, Petitioner has included both the petition fee and a statement that is being construed as the proper statement of unintentional delay. The issue fee will be charged to Petitioner's Deposit Account in due course, as authorized in the petition.

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2 Petition pursuant to Rule 1.181, page 2.

The first three requirements of Rule 1.137(b) have been met. The fourth requirement is not applicable, as a terminal disclaimer is not required.

The petition pursuant to Rule 1.137(b) is granted accordingly.

CONCLUSION

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.[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

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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.

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ROGER S. DYBVIG
22 GREEN STREET
DAYTON OH 45402

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In re Application of	:	
Mark C. Steiner, et al.	:	
Application No. 29/301,606	:	DECISION ON PETITION
Filed: March 7, 2008	:	UNDER 37 CFR 1.313(c)
Attorney Docket No. 0256	:	

This is a decision on the petition under 37 CFR 1.313(c), filed December 29, 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 undersigned at (571) 272-1642.

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

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LADAS & PARRY LLP
26 WEST 61ST STREET
NEW YORK NY 10023

MAILED

JUN 22 2009

OFFICE OF PETITIONS

In re Application of	:	
Pasquale QUADRI	:	
Application No. 29/301,607	:	DECISION ON PETITION
Filed: March 07, 2008	:	
Attorney Docket No. UD 051870-2	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 22, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

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

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed October 28, 2008 which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 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 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 small entity fee of $70.00 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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

In re Application of	:	
Pasquale QUADRI	:	
Application No. 29/301,607	:	DECISION ON PETITION
Filed: March 07, 2008	:	
Attorney Docket No. UD 051870-2	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed July 02, 2009, to revive the above-identified design application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed October 28, 2008 which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 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 an election; (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 reply to the restriction requirement of October 28, 2008 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 Technology Center AU 2911 for appropriate action on the concurrently filed election.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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734 EAST 200 SOUTH
SALT LAKE CITY UT 84102

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OCT 19 2009

OFFICE OF PETITIONS

In re Application of	:	
Johann Kunz	:	
Application Number: 29/301686	:	DECISION ON PETITION
Filing Date: 03/12/2008	:	
Attorney Docket Number:	:	
4245.RHP.DS	:	

This is a decision on the petition filed on August 18, 2009, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **DISMISSED**.

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

---

[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 application became abandoned on July 1, 2009, for failure to timely submit corrected drawings in response to the Notice of Allowability mailed on March 31, 2009, which set a three (3) month statutory period for reply. On July 24, 2009, Notice of Abandonment was mailed. On August 18, 2009, replacement drawings were filed with the subject petition to revive.

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.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: PTO/SB/63

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:

Application Number:

Filed:

For:

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

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

2. ☐ The undersigned is an attorney or agent of record. Registration Number_____.

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

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

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

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

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

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

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
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NOV 19 2009

OFFICE OF PETITIONS

MORRISS OBRYANT COMPAGNI, P.C.
734 EAST 200 SOUTH
SALT LAKE CITY UT 84102

In re Application of	:	
Johann Kunz	:	
Application Number: 29/301686	:	DECISION ON PETITION
Filing Date: 03/12/2008	:	
Attorney Docket Number:	:	
4245.RHP.DS	:	

This is a decision on the renewed petition filed on October 22, 2009, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on July 1, 2009, for failure to timely submit corrected drawings in response to the Notice of Allowability mailed on March 31, 2009, which set a three (3) month statutory period for reply. On July 24, 2009, Notice of Abandonment was mailed. On August 18, 2009, replacement drawings were filed with an initial petition to revive. On October 19, 2009, the petition was dismissed.

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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)).

Receipt of the replacement drawings filed on August 18, 2009, is acknowledged.

The terminal disclaimer filed on October 22, 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 October 22, 2009, will be equivalent to the lesser period (1) or (2), as noted above, for this application.

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 Attorney
Office of Petitions

[2] 65 Fed. Reg. 54,674 (2000).

MAILED

MAY 01 2009

OFFICE OF
DATA MANAGEMENT

HEDMAN & COSTIGAN P.C.
1185 AVENUE OF THE AMERICAS
NEW YORK NY 10036

In re Application of :
Roberto Lorenzi :
Application No. 29301702 :
Filed: 03/13/2008 :
Attorney Docket No.: 163-D-794 :

DECISION ON PETITION

This is a decision on the Petition for Acceptance of Issue Fee which is being treated as a Petition To Withdraw Holding of Abandonment under 37CFR 1.81 (a), received in the United States Patent and Trademark Office (USPTO) April 27,2009.

The petition is **GRANTED**.

The application was allowed and a Notice of Allowance and Fees Due was mailed on January 5, 2009 setting a three month, non-extendable period for response. The issue fee was not recognized as received timely for this application; therefore the application became abandoned on April 6, 2009 for failure to pay the issue fee.

Petitioner states that the issue fee for this application was paid on March 5, 2009 but that the Serial Number on the transmittal form was incorrect but that all other information on the form was correct. Petitioner requests this payment be accepted as payment for this application. A review of the record does not show an issue fee payment received on March 5, 2009, but rather on March 24, 2009.

It does appear that petition made a bona-fide attempt to timely pay the issue fee for this application. Therefore, the holding of abandonment will be withdrawn.

The application will be forwarded to the Publications Branch for processing.

Telephone inquires relating to this matter may be directed to the undersigned in the Office of Data Management at 571-272-4200.

Kimberly Terrell, Manager
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Charles H. Jew
Ste. 533
236 West Portal Ave.
San Francisco CA 94127

MAILED

JAN 30 2009

OFFICE OF PETITIONS

In re Application of :
Forakis :
Application No. 29/301,717 :
Filed: March 13, 2008 :
Attorney Docket No. KIKKER 1026US0 :
For: FLASHLIGHT

ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed December 29, 2008, to withdraw the holding of abandonment. In addition, petitioner requests that the Office review the Office of Patent Application Processing's (OPAP) determination that Jerry San Martin and Jozeph Forakis are joint inventors of the above-identified application. The review of OPAP's determination will be made under 37 CFR 1.181.

The petition under 37 CFR 1.181 to review OPAP's determination is **GRANTED**.

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

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

The Office contended that the above-identified application became abandoned for failure to submit the issue fee in response to the July 9, 2008 Notice of Allowance and Fee(s) Due, which set a three month non-extendable period for reply. No reply being received, the Office contended that this application became abandoned on October 10, 2008. A Notice of Abandonment was mailed on November 3, 2008.

Petitioner alleges that the July 9, 2008 Notice was not received at the address of record.

The showing required to establish non-receipt of an Office communication must include:

1. A statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received.

2. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.[1]

A review of the record indicates no irregularity in the mailing of the July 9, 2008 Notice of Allowance and Fee(s) Due, and in the absence of any irregularity there is a strong presumption that the communication was properly mailed to the applicant at the correspondence address of record. This presumption may be overcome by a showing that the aforementioned communication was not in fact received.

The showing in the instant petition is not sufficient to withdraw the holding of abandonment because (1) practitioner did not include a statement that a thorough search of the file jacket and applicable docket records was conducted and (2) practitioner did not include a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed.

Petitioner has not provided adequate evidence of non-receipt. The petition is dismissed.

Petitioner requests that the Office review the Office of Patent Application Processing's (OPAP) determination that Jerry San Martin and Jozeph Forakis are joint inventors of the above-identified application. A review of the papers filed on March 13, 2008 reveals that the declaration is irregular. It is apparent that parts of two unrelated declarations from two different applications filed on the same day were erroneously combined and placed in the above-identified application. The undersigned has identified the application for which Jerry San Martin is the sole inventor. The undersigned will close the declaration presently in this application file and enter the four page declaration identifying Jozeph Forakis as the sole inventor of "Flashlight" that was filed on March 13, 2008. A corrected filing receipt is enclosed.

Once petitioner provides adequate evidence of non-receipt of the July 9, 2008 Notice of Allowance and Fee(s) Due, then a new Notice will be generated and mailed to the correspondence address of record. The new Notice will list the sole inventor.

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

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[1] See notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).

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

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

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

Enclosure: corrected filing receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Charles H. Jew
Ste. 533
236 West Portal Ave.
San Francisco CA 94127

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MAY 06 2009

OFFICE OF PETITIONS

In re Application of :
Forakis :
Application No. 29/301,717 : ON PETITION
Filed: March 13, 2008 :
Attorney Docket No. KIKKER 1026US0 :
For: FLASHLIGHT

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

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

The Office contended that the above-identified application became abandoned for failure to submit the issue fee in response to the July 9, 2008 Notice of Allowance and Fee(s) Due, which set a three month non-extendable period for reply. No reply being received, the Office contended that this application became abandoned on October 10, 2008. A Notice of Abandonment was mailed on November 3, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of $430.00 for the issue fee and a completed PTOL-85(B); (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 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 may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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GEORGE R. SCHULTZ
SCHULTZ & ASSOCIATES, P.C.
ONE LINCOLN CENTRE
5400 LBJ FREEWAY, SUITE 1200
DALLAS TX 75240

MAILED

APR 0 8 2009

OFFICE OF PETITIONS

In re Application of	:	
Ashley Marie Owens	:	
Application No. 29/301,840	:	ON PETITION
Filed: March 19, 2008	:	
For: CABINET KNOB	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 26, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

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

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

A terminal disclaimer and fee is required for design applications in accordance with 37 CFR 1.137(d).

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

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

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

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

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

Karen Creasy

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

GEORGE R. SCHULTZ
SCHULTZ & ASSOCIATES, P.C.
ONE LINCOLN CENTRE
5400 LBJ FREEWAY, SUITE 1200
DALLAS TX 75240

MAILED

MAY 20 2009

OFFICE OF PETITIONS

In re Application of	:	
Ashley Marie Owens	:	
Application No. 29/301,840	:	DECISION ON PETITION
Filed: March 19, 2008	:	
Attorney Docket No. 41061.0190	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed April 27, 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 October 21, 2008, is accepted as having been unintentionally delayed.

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

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

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MATHEW R.P. PERRON, JR.
210 SOUTH MAIN STREET
ALGONGUIN, IL 60102-2639

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SEP 25 2009

OFFICE OF PETITIONS

In re Application of	:	
Philip A. CASABLANCA	:	
Application No. 29/301,863	:	ON PETITION
Filed: March 20, 2008	:	
Attorney Docket No. Y8.0019	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 23, 2009.

The petition is **DISMISSED**.

The application became abandoned for failure to timely pay the issue fee on or before July 16, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed April 16, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on July 17, 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, 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.
The receipt of the terminal disclaimer fee of $70 is acknowledged by the Office.

If the terminal disclaimer is signed by an assignee, the assignee must comply with the requirements of 37 CFR 3.73(b).

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

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

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

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

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

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

Thurman K. Page

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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MATHEW R. P. PERRONE, JR
210 SOUTH MAIN STREET
ALGONGUIN IL 60102-2639

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NOV 23 2009

OFFICE OF PETITIONS

In re Application of	:	
Philip A. CASABLANCA	:	
Application No. 29/301,863	:	DECISION ON PETITION
Filed: March 20, 2008	:	
Attorney Docket No. Y8.0019	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 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 July 16, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed April 16, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on July 17, 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) 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 the undersigned at (571) 272-6735.

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

/Diane C. 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

FRANCIS C. HAND, ESQ.
CARELLA, BYRNE, BAIN GILFILLAN, CECCHI, STEWART & OLSTEIN
5 BECKER FARM ROAD
ROSELAND NJ 07068

MAILED

APR 17 2009

OFFICE OF PETITIONS

In re Application of	:	
William M. Vanderminden	:	
Application No. 29/301,888	:	DECISION ON PETITION
Filed: March 20, 2008	:	
Attorney Docket No. 679050.45	:	

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 **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 small entity $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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FRANCIS C. HAND, ESQ.
CARELLA, BYRNE, BAIN, GILFILLAN, CECCHI,
STEWART & OLSTEIN
5 BECKER FARM ROAD
ROSELAND NJ 07068

MAILED

JUN 18 2009

OFFICE OF PETITIONS

In re Application of	:	
William M. Vanderminden	:	
Application No. 29/301,888	:	DECISION ON PETITION
Filed: March 20, 2008	:	
Title: Combined Pedestal Table With Center Lid, Fire Pit And Fire Screen	:	

This is a decision on the renewed 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**.

This application became abandoned for failure to timely pay the issue fee on or before March 4, 2009, as required by the Notice of Allowance and Fee(s) Due mailed December 4, 2008. Accordingly, the date of abandonment of this application is March 5, 2009. A Notice of Abandonment was mailed March 20, 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 (previously paid on March 9, 2009); (2) the petition fee of $810.00 (previously paid on March 9, 2009); (3) a proper statement of unintentional delay; and (3) a Terminal Disclaimer and fee of $70.00.

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

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

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

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES 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

ZIMMERMAN & CRONEN, LLP
1330 BROADWAY
SUITE 710
OAKLAND CA 94612-2506

In re Application of	:	
Mussallem et al.	:	
Application No. 29/301,906	:	DECISION ON PETITION
Filed: March 21, 2008	:	
Attorney Docket No. 4555	:	

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

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of Corrected Drawings; (2) the petition fee of $810.00; (3) a proper statement of unintentional delay and (4) a Terminal Disclaimer with the accompanying $70.00 fee.

The request for a terminal disclaimer is accepted.

Additionally, the request for the change in power of attorney has been accepted and the Notice enclosed.

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 August 25, 2009.

Joan Olszewski
Petitions Examiner
Office of Petitions

Enclosure: Notice of Acceptance of Power of Attorney

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
29/301,906	03/21/2008	Poppy Mussallem	4555

CONFIRMATION NO. 8545

POA ACCEPTANCE LETTER

63994
ZIMMERMAN & CRONEN, LLP
1330 BROADWAY
SUITE 710
OAKLAND, CA 94612-2506

OC000000038027768

Date Mailed: 09/29/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/25/2009.

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.

/jolszewski/

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

EZRA SUTTON, P.A.
SUITE 201
900 ROUTE 9 NORTH
WOODBRIDGE NJ 0709

In re Application of	:	
KIM, TAE CHEUL	:	
Application No.: 29/301962	:	DECISION ON
Filing or 371(c) Date: March 25, 2008	:	PETITION
Attorney Docket Number: **PARK 3.1-004**	:	

This is a decision in response to the "Petition to Withdraw Holding of Abandonment," filed June 24, 2009.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowance, mailed October 27, 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) 756 - 1499.

Kendrick Spruill
Application Assistance Unit
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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JUN 1 0 2008

OFFICE OF PETITIONS

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

In re Application of	:	
Jeffrey Cheney	:	
Application No. 29/301,969	:	DECISION GRANTING PETITION
Filed: March 25, 2008	:	
Attorney Docket No. KIN-190-A	:	

This is a decision on the petition filed May 27, 2008, to vacate the language in the "Notice of Omitted Items of Nonprovisional Application" (the "Notice") relative to the alleged omission of Figure 7 of the drawings.

The petition is **granted**.

On March 25, 2008, the above-identified application was filed. However, on April 22, 2008, the Office of Patent Application Processing mailed the Notice stating that application had been accorded a filing date of March 25, 2008, and advising applicant Figure 7 appeared to have been omitted. Relative to the alleged omitted item, the notice set a non-extendable period for reply two-month period for reply.

In response, on May 27, 2008, applicant filed the present petition, a copy of Figure 7, and an Office date-stamped postcard receipt acknowledging receipt of 4 pages of drawings on March 25, 2008.

Upon review of the record, Figure7 was not located among the application papers. However, the evidence is convincing that the application papers deposited March 25, 2008, included Figure 7 which was subsequently misplaced by the Office. Therefore, the application, including Figure 7, was complete on filing and entitled to the presently accorded filing date of March 25, 2008, with Figure 7 as part of the original disclosure.

Accordingly, the petition is granted. The petition fee of $400.00 will be refunded.

The application file is being returned to the Office Patent Application Processing for further processing with the presently accorded filing date of March 25, 2008, with Figure 7 included as part of the original disclosure.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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APR 22 2010

OFFICE OF PETITIONS

BROOKSTONE/GTPP
55 SOUTH COMMERCIAL STREET
MANCHESTER, NH 03101

In re Application of Stephen B. Mills Application No. 29/301,995 Filed: March 26, 2008 Attorney Docket No.: BRK008 [BSTONE 08.05]	: : : : :	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 January 4, 2010, as required by the Notice of Allowance and Fee(s) Due mailed October 2, 2009. A Notice of Abandonment was mailed January 15, 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

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	TBD 29/302,015
Filing Date	January 8, 2008
First Named Inventor	John T. Stites
Title	Portion of a Golf Club Head for a Putter
Atty Docket Number	015127.01130

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:
D21/ 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 752, and 759

473/ 251, 252, 253, 254, 255, 324, 325, 326, 327, 328, 329, 330, 331, 340, 341, and 344

Related applications: Attorney Docket No. 015127.01131, filed January 8, 2008, entitled: Portion of a Golf Club Head for a Putter, Inventor(s): Stites et al.
Attorney Docket No. 015127.01135, filed January 8, 2008, entitled: Portion of a Golf Club Head for a Putter, Inventor(s): Stites et al.

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

Formal drawings (see 37 CFR 1.84).

The fee set forth in 37 CFR 1.17(k).

An information disclosure statement in compliance with 37 CFR 1.98.

Approved 2-1-08
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

January 8, 2008	/Matthew Kohner/
Date	Signature
202-824-3000	Matthew J. Kohner
Telephone Number	Typed or printed name

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

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

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

Application Number	TBD 29/302,016
Filing Date	January 8, 2008
First Named Inventor	John T. Stites
Title	Portion of a Golf Club Head for a Putter
Atty Docket Number	015127.01131

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:
D21/ 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 752, and 759

473/ 251, 252, 253, 254, 255, 324, 325, 326, 327, 328, 329, 330, 331, 340, 341, and 344

Related applications: Attorney Docket No. 015127.01130, filed January 8, 2008, entitled: Portion of a Golf Club Head for a Putter, Inventor(s): Stites et al.
Attorney Docket No. 015127.01135, filed January 8, 2008, entitled: Portion of a Golf Club Head for a Putter, Inventor(s): Stites et al.

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

Formal drawings (see 37 CFR 1.84).

The fee set forth in 37 CFR 1.17(k).

An information disclosure statement in compliance with 37 CFR 1.98.

Approved 2-1-08
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

January 8, 2008	/Matthew Kohner/
Date	Signature
202-824-3000	Matthew J. Kohner
Telephone Number	Typed or printed name

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

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

PTO/SB/27 (05-03)
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	TBD 29/302,017
Filing Date	January 8, 2008
First Named Inventor	John T. Stites
Title	Portion of a Golf Club Head for a Putter
Atty Docket Number	015127.01131

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:
D21/ 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 752, and 759

473/ 251, 252, 253, 254, 255, 324, 325, 326, 327, 328, 329, 330, 331, 340, 341, and 344

Related applications: Attorney Docket No. 015127.01130, filed January 8, 2008, entitled: Portion of a Golf Club Head for a Putter, Inventor(s): Stites et al.
Attorney Docket No. 015127.01135, filed January 8, 2008, entitled: Portion of a Golf Club Head for a Putter, Inventor(s): Stites et al.

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

Formal drawings (see 37 CFR 1.84).

The fee set forth in 37 CFR 1.17(k).

An information disclosure statement in compliance with 37 CFR 1.98.

Approved 2-1-08
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

January 8, 2008	/Matthew Kohner/
Date	Signature
202-824-3000	Matthew J. Kohner
Telephone Number	Typed or printed name

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

PTO/SB/27 (11-07)
Approved for use through 11/30/2007. 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	to be assigned 29/302,018
Filing Date	January 8, 2008
First Named Inventor	Alexander Jozef Magdalena Van De Rostyne
Title	HELICOPTER
Atty Docket Number	058084-014208

ADDRESS TO:

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

Approved 2-1-08
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

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

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

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

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

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

Related applications: US Des Pat Appl 29/282,581 filed 07/24/07; US Des Pat Appl 29/280,187 filed 05/18/07; US Des Pat Appl 29/277,652 filed 03/05/06; US Des Pat Appl 29/275,322 filed 12/20/06; US Des Pat Appl 29/275,323 filed 12/20/06; US Des Pat Appl 29/275,324 filed 12/20/06; US Util Pat Appl 11/462,177 filed 08/03/06; US Util Pat Appl 11/465,781 filed 08/18/06; BE Pat Appl 2006/0043 filed 01/19/06

If not previously 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	January 8, 2008 Date
Charles Berman Typed or printed name	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.

PTO/SB/27 (11-07)
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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	to be assigned 29/302,020
Filing Date	January 8, 2008
First Named Inventor	Alexander Jozef Magdalena Van De Rostyne
Title	HELICOPTER
Atty Docket Number	058084-014209

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:
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 29/282,581 filed 07/24/07; US Des Pat Appl 29/280,187 filed 05/18/07; US Des Pat Appl 29/277,652 filed 03/05/06; US Des Pat Appl 29/275,322 filed 12/20/06; US Des Pat Appl 29/275,323 filed 12/20/06; US Des Pat Appl 29/275,324 filed 12/20/06; US Util Pat Appl 11/462,177 filed 08/03/06; US Util Pat Appl 11/465,781 filed 08/18/06; BE Pat Appl 2006/0043 filed 01/19/06

If not previously 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	January 8, 2008 Date
Charles Berman Typed or printed name	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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Commissioner for Patents
United States Patent and Trademark Office
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MOTOROLA INC
600 NORTH US HIGHWAY 45
W4 - 39Q
LIBERTYVILLE, IL 60048-5343

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OFFICE OF PETITIONS

In re Application of
Mark D. Finney, et al.
Application No. 29/302,028
Filed: January 9, 2008
Attorney Docket No. CS29387RS D02

ON PETITION

This is a decision in response to the petition, filed January 14, 2009, to revive the above-identified design application under 37 CFR 1.137(b).

The petition is **GRANTED**.

This application became abandoned for a failure to timely submit corrected formal drawings on or before July 7, 2008, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed April 4, 2008. Accordingly, the date of abandonment of this application is July 5, 2008. A Notice of Abandonment was mailed August 1, 2008. On January 14, 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 corrected formal drawings, (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 14, 2009 is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

The application is being referred to the Office of Data Management for further processing, including overseeing the review of the drawing.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

PTO/SB/27 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
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 29/302,046
Filing Date	January 9, 2008
First Named Inventor	John T. Stites
Title	Portion Of A Golf Club Head For A Putter
Atty Docket Number	015127.01122

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

Approved 2-1-08
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

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

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

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

D21/736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 752, 759;
473/251, 252, 253, 254, 255, 324, 325, 326, 327, 328, 329, 330, 331, 340, 341 and 344.

Related applications: Attorney Docket 15127.01123 Filed January 9, 2008.

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:
- Formal drawings (see 37 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/	January 9, 2008
Signature	Date
David R. Gerk	56,901
Typed or printed name	Registration Number, if applicable
202-824-3000	
Telephone Number	

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

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

PTO/SB/27 (09-04)
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

Application Number	TBA 29/302,048
Filing Date	January 9, 2008
First Named Inventor	John T. Stites
Title	Portion Of A Golf Club Head For A Putter
Atty Docket Number	015127.01123

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

Approved Jacqueline M. Stone 2-1-08
Jacqueline M. Stone, Director
Technology Center 1700/2900

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

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

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

D21/736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 752, 759;
473/251, 252, 253, 254, 255, 324, 325, 326, 327, 328, 329, 330, 331, 340, 341 and 344.

Related applications: Attorney Docket 015127.01122 Filed January 9, 2008

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:
- Formal drawings (see 37 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/	January 9, 2008
Signature	Date
David R. Gerk	56,901
Typed or printed name	Registration Number, if applicable
202-824-3000	
Telephone Number	

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

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

PTO/SB/27 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

Application Number	TBA 29/302,050
Filing Date	January 9, 2008
First Named Inventor	John T. Stites
Title	Portion Of A Golf Club Head For A Putter
Atty Docket Number	015127.01124

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

Approved
Jacqueline M. Stone 2-1-08
Jacqueline M. Stone, Director
Technology Center 1700/2900

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

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

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

D21/736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 752; 759; and
473/251, 252, 253, 254, 255, 324; 325, 326, 327, 328, 329, 330, 331, 340, 341 and 344.

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/	January 9, 2008
Signature	Date
David R. Gerk	56901
Typed or printed name	Registration Number, if applicable
202-824-3000	
Telephone Number	

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This collection of information is required by 37 CFR 1.155. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: 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 (11-07)
Approved for use through 11/30/2007. 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	UNASSIGNED 29/302,073
Filing Date	UNASSIGNED
First Named Inventor	Savva Teteriatnikov
Title	SHOE UPPER
Atty Docket Number	210859.18885

ADDRESS TO:

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

Approved 2-1-08
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

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

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

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

CLASS: D2

SUBCLASS: 896, 897, 902, 907, 924, 929, 935, 939, 943, 944, 971, 972, 973, 974, 977, 978, 979

Related applications: _____

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

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

/Marshall A. Lerner/	01/09/2008
Signature	Date
MARSHALL A. LERNER	24,108
Typed or printed name	Registration Number, if applicable
(310) 557-1511	
Telephone Number	

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

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

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

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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GENERAL MOTORS COMPANY
LEGAL STAFF
MAIL CODE 482-C23-B21
P O BOX 300
DETROIT MI 48265-3000

MAILED

AUG 31 2009

OFFICE OF PETITIONS

In re Application of	:	
Carl J. ZIPFEL et al.	:	
Application No. 29/302,149	:	DECISION ON PETITION
Filed: January 11, 2008	:	
Attorney Docket No. P004038-DES-TGG	:	

This is a decision on the petition under 37 CFR 1.137(b), filed July 14, 2009, to revive the above-identified design application.

The petition is **DISMISSED**.

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

The application became abandoned for failure to submit corrected formal drawings in a timely manner in reply to the Notice of Allowability, mailed January 21, 2009, which set a period for reply of three (3) months. Accordingly, this application became abandoned on April 22, 2009.

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

With respect to item (4), since the instant application is a design application, a terminal disclaimer and the large entity $140.00 fee are required by 37 CFR 1.137(b) for revival. The terminal disclaimer provided in the petition is improper.

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.

No consideration on the merits can be given that petition until the required fee is received.

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

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

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

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

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

Michelle R. Eason

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

GENERAL MOTORS CORPORATION
C/O REISING, ETHINGTON, BARNES,
KISSELLE, P.C.
P.O. BOX 4390
TROY MI 48099-4390

MAILED

NOV 0 9 2009

OFFICE OF PETITIONS

In re Application of	:	
Carl J. ZIPFEL et al.	:	
Application No. 29/302,149	:	DECISION ON PETITION
Filed: January 11, 2008	:	
Attorney Docket No. P004038-DES-TGG	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed September 08, 2009, 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 January 21, 2009, which set a period for reply of three (3) months. Accordingly, this application became abandoned on April 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 the corrected drawings; (2) the petition fee of $1,620.00; (3) a proper statement of unintentional delay and; (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the corrected drawings are accepted as having been unintentionally delayed.

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

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

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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GENERAL MOTORS COMPANY
LEGAL STAFF
MAIL CODE 482-C23-B21
P O BOX 300
DETROIT MI 48265-3000

MAILED

AUG 3 1 2009

OFFICE OF PETITIONS

In re Application of	:	
Max E. WOLFF et al.	:	
Application No. 29/302,150	:	DECISION ON PETITION
Filed: January 11, 2008	:	
Attorney Docket No. **P004039-DES-TGG**	:	

This is a decision on the petition under 37 CFR 1.137(b), filed July 14, 2009, to revive the above-identified design application.

The petition is **DISMISSED**.

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

The application became abandoned for failure to submit corrected formal drawings in a timely manner in reply to the Notice of Allowability, mailed January 27, 2009, which set a period for reply of three (3) months. Accordingly, this application became abandoned on April 28, 2009.

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

With respect to item (4), since the instant application is a design application, a terminal disclaimer and the large entity $140.00 fee are required by 37 CFR 1.137(b) for revival. The terminal disclaimer provided in the petition is improper.

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.

No consideration on the merits can be given that petition until the required fee is received.

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

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

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

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

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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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GENERAL MOTORS CORPORATION
C/O REISING, ETHINGTON, BARNES,
KISSELLE, P.C.
P.O. BOX 4390
TROY MI 48099-4390

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NOV 09 2009

OFFICE OF PETITIONS

In re Application of	:	
Max E. WOLFF et al.	:	
Application No. 29/302,150	:	DECISION ON PETITION
Filed: January 11, 2008	:	
Attorney Docket No. P004039-DES-TGG	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed September 08, 2009, 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 January 27, 2009, which set a period for reply of three (3) months. Accordingly, this application became abandoned on April 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 the corrected drawings; (2) the petition fee of $1,620.00; (3) a proper statement of unintentional delay and; (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the corrected drawings are accepted as having been unintentionally delayed.

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

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

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

Michelle R. Eason

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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SWANSON & BRATSCHUN, L.L.C.
8210 SOUTHPARK TERRACE
LITTLETON CO 80120

MAILED

MAR 11 2010

OFFICE OF PETITIONS

In re Patent No. D590473	:	
Issue Date: April 14, 2009	:	
Application No. 29/302,199	:	ON PETITION
Filed: January 11, 2008	:	
Attorney Docket No. 0294.04	:	

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

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

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

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

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

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KATTEN MUCHIN ROSENMAN LLP
(C/O PATENT ADMINISTRATOR)
2900 K STREET NW, SUITE 200
WASHINGTON, DC 20007-5118

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NOV 18 2008

In re Application of	:	
Michael F. STEIBER, et al	:	
Application No. 29/302,271	:	DECISION ON PETITION
Filed: January 14, 2008	:	TO WITHDRAW
Attorney Docket No. 333685-00012.DIV.1	:	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 29, 2008.

The request is **NOT APPROVED**.

A review of the file record indicates that John S. Paniaguas 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: PEGGIE BOLAN
CRAFTMASTER MANUFACTURING, INC.
500 MONROE STREET, SUITE 2010
CHICAGO, IL 60661

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KATTEN MUCHIN ROSENMAN LLP
(C/O PATENT ADMINISTRATOR)
2900 K STREET NW, SUITE 200
WASHINGTON, DC 20007-5118

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MAY 11 2009

OFFICE OF PETITIONS

In re Application of	:	
Michael F. Steiber, et al.	:	
Application No. 29/302,278	:	DECISION ON PETITION
Filed: January 14, 2008	:	TO WITHDRAW
Attorney Docket No. 333685-00012 DIV.3	:	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 29, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Katten Muchin Roseman, LLP has been revoked by the assignee of the patent application on November 20, 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 the examination or status of this application should be directed to the Technology Center.

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

cc: PEGGIE BOLAN
CRAFTMASTER MANUFACTURING, INC
500 MONROE STREET
SUITE 2010
CHICAGO, IL 60661

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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FAY KAPLUN & MARCIN, LLP/MOTOROLA
150 BROADWAY SUITE 702
NEW YORK NY 10038

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DEC 19 2008

OFFICE OF PETITIONS

In re Application of
Curt Croley et al
Application No. 29/302,338
Filed: January 15, 2008
For: BATTERY FOR A MOBILE DEVICE

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 31, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

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

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

A terminal disclaimer and fee is required for design applications in accordance with 37 CFR 1.137(d).

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

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

Enclosed: Blank copy of Terminal Disclaimer Form PTO/SB/63

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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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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FAY KAPLUN & MARCIN, LLP/MOTOROLA
150 BROADWAY SUITE 702
NEW YORK NY 10038

MAILED

JAN 29 2009

OFFICE OF PETITIONS

In re Application of Curt Croley et al Application No. 29/302,338 Filed: January 15, 2008 Attorney Docket No. 40146/22701(134-121)	: : : : : :	DECISION ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed January 7, 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 July 1, 2008, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to the Office of Data Management to be processed into a patent.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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THOMPSON E. FEHR
GOLDENWEST CORPORATE CENTER
SUITE 300
5025 ADAMS AVENUE
OGDEN UT 84403

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OCT 0 8 2009

OFFICE OF PETITIONS

In re Application of :
Ralph S. Norman :
Application No. 29/302,384 : ON PETITION
Filed: January 15, 2008 :
Attorney Docket No.: **PNORMSADR-D** :

This is a decision on the petition filed September 8, 2009 under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the non-Final Office Action mailed December 10, 2008. A shortened statutory period of three months was set for replying to the non-Final Office Action. No extensions of time having been requested, this application became abandoned March 11, 2009. Accordingly, a Notice of Abandonment was mailed July 8, 2009.

All other requirements of 37 CFR 1.137(b) having now been met, including the filing of a terminal disclosure, this matter is being referred to Technology Center 2911 for appropriate action on the amendment filed September 8, 2009.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. 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)).

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COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
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OGILVY RENAULT LLP
1981 MCGILL COLLEGE AVENUE
SUITE 1600
MONTREAL QC H3A2Y-3 CA CANADA

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OCT 14 2008

OFFICE OF PETITIONS

In re Application of	:	
Nicolas Lebrun	:	
Application No. 29/302,386	:	DECISION GRANTING PETITIONS
Filed: January 16, 2008	:	UNDER 37 CFR 1.137(b) AND
Attorney Docket No. 16466-44US	:	37 CFR 1.313(c)(2)

This is a decision on the petitions, filed October 7, 2008, under 37 CFR 1.137(b), to revive the above-identified unintentionally abandoned application and on the petition under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue.

The petitions are **GRANTED**.

As to the petition under 37 CFR 1.137(b):

This application became abandoned for failure to timely pay the issue fee on or before September 3, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed June 3, 2008.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that petitioner has submitted (1) payment of the $820 issue fee, (2) the petition fee of $1620, and (3) an adequate statement of unintentional delay. 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." 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. Accordingly, the reply to the Notice of Allowance is accepted as having been unintentionally delayed and (4) terminal disclaimer.

As to the petition under 37 CFR 1.313(c)(2):

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 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 October 7, 2008.[1]

Since the $810 RCE fee submitted previously on September 3, 2008 was improper and will not be considered, this fee is unnecessary and will be credited to petitioner's deposit account.

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 the CPA and for consideration of the concurrently filed amendment.

/April M. Wise/
April M. Wise
Petitions Examiner
Office of Petitions

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[1] **Error! Main Document Only.** *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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P.O. Box 1450
Alexandria, VA 22313-1450
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OGILVY RENAULT LLP
1, Place Ville Marie
Suite 2500
Montreal, QC H3B 1R1
Canada

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MAY 20 2009

OFFICE OF PETITIONS

In re Application of	:	
Nicolas Lebrun, et al.	:	
Application No. 29/302,405	:	DECISION ON PETITION
Filed: January 16, 2008	:	TO WITHDRAW
Attorney Docket No. 16466-42US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 17, 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 Isabelle Chabot on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

There is an outstanding Notice of Allowance and Fee(s) Due notice mailed April 6, 2009 that requires a reply from 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: **Nicolas Lebrun**
14, rue de la Postiere
Saint-Isidore, QC G0S 2S0
Canada

cc: **MAAX US CORP.**
Brookfield Place, 181 Bay Street
Suite 300
Toronto, Ontario M5J 2T3
Canada

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
29/302,405	01/16/2008	Nicolas LEBRUN	16466-42US

CONFIRMATION NO. 1636

POWER OF ATTORNEY NOTICE

20988
OGILVY RENAULT LLP
1, Place Ville Marie
SUITE 2500
MONTREAL, QC H3B 1R1
CANADA

OC000000036059441

Date Mailed: 05/19/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/17/2009.

- 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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ARTHUR JACOB
25 EAST SALEM STREET
P.O. BOX 686
HACKENSACK NJ 07602

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APR 28 2008

OFFICE OF PETITIONS

In re Application of	: DECISION DISMISSING PETITION
Bateman et al.	: UNDER 37 CFR 1.55(c)
Application No. 29/302458	:
Filing or 371(c) Date: 01/17/2008	:
Attorney Docket No.: A-08.01	:

This is a decision on the "Petition for Grant of Priority Under 35 U.S.C. § 119," filed February 11, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for the benefit of priority to prior-filed European Community Design Application No. 000759691, filed July 17, 2007.

The petition is **dismissed as inappropriate**.

Applicant files the present petition for grant of priority. Office records reveal that Applicant filed an executed Declaration and Power of Attorney which includes the priority claim to European Community Design Application No. 000759691, filed July 17, 2007.

37 CFR § 1.55, Claim for foreign priority, states, in relevant part,

> (a) An applicant in a nonprovisional application may claim the benefit of the filing date of one or more prior foreign applications under the conditions specified in 35 U.S.C. 119(a) through (d) and (f), 172, and 365(a) and (b).
> (1) (i) In an original application filed under 35 U.S.C. 111(a), <u>the claim for priority must be presented during the pendency of the application, and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. This time period is not extendable. The claim must identify the foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by specifying the application number, country (or intellectual property authority), day, month, and year of its filing</u>.

The MPEP 1504.10, Priority Under 35 U.S.C. 119(a)-(d), provides, in relevant part, as follows:

> 35 U.S.C. 172. Right of priority.

> The right of priority provided for by subsections (a) through (d) of section 119 of this title and the time specified in section 102(d) shall be six months in the case of designs. The provisions of 35 U.S.C. 119(a)-(d) apply to design patent applications. However, in order to obtain the benefit of an earlier foreign filing date, the United States application must be filed within 6 months of the earliest date on which any foreign application for the same design was filed. Design applications may not make a claim for priority of a provisional application under 35 U.S.C. 119(e).
>
> The United States will recognize claims for the right of priority under 35 U.S.C. 119(a)-(d) based on applications filed under such bilateral or multilateral treaties as the "Hague Agreement Concerning the International Deposit of Industrial Designs," "Uniform Benelux Act on Designs and Models" and "European Community Design." In filing a claim for priority of a foreign application previously filed under such a treaty, certain information must be supplied to the United States Patent and Trademark Office. In addition to the application number and the date of filing of the foreign application, the following information is required:
> (A) the name of the treaty under which the application was filed,
> (B) the name of at least one country other than the United States in which the application has the effect of, or is equivalent to, a regular national filing and
> (C) the name and location of the national or inter-governmental authority which received the application. (Emphasis supplied).

Analysis and conclusion

Applicant is advised that no petition is necessary in this instance to claim priority. A review of Office records reveals that Applicant timely presented a proper claim for priority to the prior filed European Community Design Application No. 000759691, filed July 17, 2007, in the oath/declaration filed with the application on February 25, 2008.

In view of the above, no petition is required. No petition fee has been charged[1].

Any questions concerning this matter may be directed to Derek L. Woods at (571) 272-3232. Any inquiries concerning the examination procedures should be directed to the Technology Center.

This application is being referred to the Office of Patent Application Processing to await the Reply to the Notice of Incomplete Nonprovisional Application, mailed February 27, 2008, and for continued processing in the normal course of business.

Anthony Knight
Supervisor
Office of Petitions

[1] Applicant is advised that the fee for a petition to accept a delayed priority claim is $1410.00, effective September 30, 2007.

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	TBD 29/302,470
Filing Date	January 17, 2008
First Named Inventor	John T. Stites
Title	Portion of a Golf Club Head for a Putter
Atty Docket Number	015127.01125

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:
D21/ 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 752, and 759

473/ 251, 252, 253, 254, 255, 324, 325, 326, 327, 328, 329, 330, 331, 340, 341, and 344

Related applications: Attorney Docket No. 015127.01127, filed January 17, 2008, entitled: Portion of a Golf Club Head for a Putter, Inventor(s): Stites et al.
Attorney Docket No. 015127.01129, filed January 17, 2008, entitled: Portion of a Golf Club Head for a Putter, Inventor(s): Stites et al.

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:

Formal drawings (see 37 CFR 1.84).

The fee set forth in 37 CFR 1.17(k).

An information disclosure statement in compliance with 37 CFR 1.98.

2-1-08
Approved: Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

January 17, 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.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/27 (05-03)
Approved for use through 04/30/2003. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	TBD 29/302,471
Filing Date	January 17, 2008
First Named Inventor	John T. Stites
Title	Portion of a Golf Club Head for a Putter
Atty Docket Number	015127.01127

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:
D21/ 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 752, and 759

473/ 251, 252, 253, 254, 255, 324, 325, 326, 327, 328, 329, 330, 331, 340, 341, and 344

Related applications: Attorney Docket No. 015127.01125, filed January 17, 2008, entitled: Portion of a Golf Club Head for a Putter, Inventor(s): Stites et al.
Attorney Docket No. 015127.01129, filed January 17, 2008, entitled: Portion of a Golf Club Head for a Putter, Inventor(s): Stites et al.

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:

Formal drawings (see 37 CFR 1.84).

The fee set forth in 37 CFR 1.17(k).

An information disclosure statement in compliance with 37 CFR 1.98.

Approved 2-1-08
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

January 17, 2008	/Matthew Kohner/
Date	Signature
202-824-3000	Matthew J. Kohner
Telephone Number	Typed or printed name

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This collection of information is required by 37 CFR 1.155. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Expedited Design, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	TBD 29/302,478
Filing Date	January 17, 2008
First Named Inventor	John T. Stites
Title	Portion of a Golf Club Head for a Putter
Atty Docket Number	015127.01129

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:

D21/ 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 752, and 759

473/ 251, 252, 253, 254, 255, 324, 325, 326, 327, 328, 329, 330, 331, 340, 341, and 344

Related applications: Attorney Docket No. 015127.01125, filed January 17, 2008, entitled: Portion of a Golf Club Head for a Putter, Inventor(s): Stites et al.
Attorney Docket No. 015127.01127, filed January 17, 2008, entitled: Portion of a Golf Club Head for a Putter, Inventor(s): Stites et al.

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:

Formal drawings (see 37 CFR 1.84).

The fee set forth in 37 CFR 1.17(k).

An information disclosure statement in compliance with 37 CFR 1.98.

Approved 2-1-08
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

January 17, 2008	/Matthew Kohner/
Date	Signature
202-824-3000	Matthew J. Kohner
Telephone Number	Typed or printed name

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.155. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Expedited Design, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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HISCOCK & BARCLAY, LLP
2000 HSBC PLAZA
100 CHESTNUT STREET
ROCHESTER NY 14604-2404

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NOV 2 8 2008

OFFICE OF PETITIONS

In re Application of	:	
Lipson	:	
Application No.: 29/302,546	:	DECISION
Filing Date: 18 January, 2008	:	
Attorney Docket No. 3028958 US01	:	

This is a decision on the petition filed on 22 September, 2008, and properly considered as a petition requesting withdrawal of the holding of abandonment under 37 C.F.R. §1.181.

The petition to withdraw the holding of abandonment under 37 C.F.R. §1.181 is **GRANTED**.

As to the Request to Withdraw
the Holding of Abandonment

Petitioners are directed to the Commentary at MPEP §711.03(c) for guidance as to the proper showing and timeliness and showing requirements for relief under 37 C.F.R. §1.181.

BACKGROUND

The record reflects that:

Petitioner failed to reply timely and properly to the Notice of Allowance/Allowability and Fees Due mailed on 4 June, 2008, with reply due under a non-extendable deadline on or before 4 September, 2008.

The application went abandoned after midnight 4 September, 2008.

It does not appear that the Office mailed a Notice of Abandonment before the instant petition was filed.

On 22 September, 2008, Petitioner filed the instant petition seeking withdrawal of the holding of abandonment under the provisions of 37 C.F.R. §1.181, and averred non-receipt of the properly addressed Notice of Allowance/Allowability and Fees Due, and supported that averment with a

description of the docketing system, a statement of non-receipt, a statement of search/review of the file, a copy of the docket record for the application, a copy of the master docket for the due date of the reply and Petitioner further provided a reply in the form of replacement drawings and fees due.

The record also reveals that a properly addressed Notice of Allowance/Allowability and Fees Due, having been mailed to Petitioner, was returned to the Office by the U.S. Postal Service as undelivered.

The Office mailed the Notice of Abandonment on 29 October, 2008.

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]

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.[2],[3]

---

[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] See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

[3] The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.))

More particularly, the Office has set forth in the Commentary at MPEP §711.03(c) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

Allegations as to the Request to
Withdraw the Holding of Abandonment

The record evidences a satisfactory showing of the requirements under the Rule.

CONCLUSION

The petition as considered under 37 C.F.R. §1.181 is **granted**, and the 29 October, 2008, Notice of Abandonment is **vacated**.

The instant application is released to the Publications Branch to be processed into a patent in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the Publications Branch in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the Publications Branch where that change of status must be effected—that does not occur in the Office of Petitions.

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[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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6550 ROCK SPRING DRIVE
SUITE 240
BETHESDA, MD 20817

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MAR 23 2009

OFFICE OF PETITIONS

In re Application of
Mona Rubin Kirsch et al
Application No. 29/302,548
Filed: January 18, 2008
Attorney Docket No. 4820.120

ON PETITION

This is a decision on the petition filed February 17, 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 September 23, 2008, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on December 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 have been received and (4) Terminal Disclaimer. Accordingly, the issue fee is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210.

This matter is being referred to the Office of Data Management for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

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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ADVANTIA LAW GROUP
9035 SOUTH 1300 EAST
SUITE 200
SANDY UT 84094

MAILED

JAN 22 2009

OFFICE OF PETITIONS

In re Application of	:	
Michael A. Moran	:	
Application No. 29/302,568	:	DECISION ON PETITION
Filed: January 18, 2008	:	
Attorney Docket No. 3638.2.1DIV	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 19, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit Corrected Drawings on or before November 10, 2008, as required by the Notice of Allowability For a Design Application mailed August 8, 2008. Accordingly, the date of abandonment of this application is November 11, 2008. A Notice of Abandonment was mailed December 2, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of Corrected Drawings; (2) the petition fee of $810.00; (3) a proper statement of unintentional delay and (4) a Terminal Disclaimer with the accompanying $70.00 fee.

The request for a terminal disclaimer is accepted and has been made of record.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

This application is being referred to the Office of Data Management for processing into a patent and review of the Corrected Drawings submitted on December 19, 2008.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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HAMILTON & TERRILE, LLP
P.O. BOX 203518
AUSTIN TX 78720

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JAN 22 2009

OFFICE OF PETITIONS

In re Application of	:	
Gluskoter et al.	:	
Application No. 29/302,611	:	DECISION ON PETITION
Filed: January 21, 2008	:	
Attorney Docket No. DC-13521	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 9, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C.§ 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (4).

With respect to item (4), since the instant application is a design application, a terminal disclaimer and fee are required by 37 CFR 1.137(b) for revival. 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

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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HAMILTON & TERRILE, LLP
P.O. BOX 203518
AUSTIN TX 78720

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In re Application of	:	
Gluskoter et al.	:	
Application No. 29/302,611	:	DECISION ON PETITION
Filed: January 21, 2008	:	
Attorney Docket No. DC-13521	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed February 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 December 29, 2008, as required by the Notice of Allowance and Fee(s) Due mailed September 19, 2008. Accordingly, the date of abandonment of this application is December 30, 2008. A Notice of Abandonment was mailed January 20, 2009.

Petitioner has now complied with 37 CFR 1.137(b) (4) by submitting the requisite terminal disclaimer and fee of $140.00.

The request for a terminal disclaimer is accepted and has been made of record.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

This application is being referred to the Office of Data Management for processing into a patent.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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HOUSTON TX 77002

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OFFICE OF PETITIONS

In re Application of	:	
Alves et al.	:	
Application No. 29/302625	:	
Filing or 371(c) Date: 01/21/2008	:	
Attorney Docket Number:	:	
1418-180	:	ON PETITION

This is a decision on the Petition to Revive an Unintentionally Abandoned Application Under 37 CFR 1.137(b), filed November 17, 2008.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed February 6, 2008. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No response having been received, the application became abandoned April 7, 2008. A Notice of Abandonment was mailed October 17, 2008.

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 pay the issue fee as required by the Notice is accepted as being unintentionally delayed.

The terminal disclaimer is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

This application is being referred to the Office of Patent Application Processing ("OPAP") for processing of the reply to the Notice in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE 4/9/09

Paper No.: —

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/302629 Patent No.: D587659S

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: _____

STELLA M. REID
SUPERVISORY PATENT EXAMINER
SPE

2912
Art Unit

PTO/SB/27 (09-04)
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)		
	Application Number	29/302,714
	Filing Date	TBD
	First Named Inventor	Andrew G.V. Oldknow, et al
	Title	SET OF GOLF CLUB HEADS
	Atty Docket Number	015127.01142

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 2-1-08
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

This is a request for expedited examination of a design application under 37 CFR 1.155.

NOTE: If the Request made by this form accompanies original application papers, include form PTO/SB/18 "Design Patent Application Transmittal" or its equivalent.

A preexamination search was conducted. The field of search was:

D21/ 733, 743, 744, 745, 746, 747, 748, 749, 751, 752, 753, 759

473/ 287, 290, 314, 324, 325, 326, 327, 328, 329, 330, 331, 332, 334, 338, 342, 344, 346, 349, 350

Related applications: _____

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:
- Formal drawings (see 37 CFR 1.84).
- The fee set forth in 37 CFR 1.17(k).
- An information disclosure statement in compliance with 37 CFR 1.98.

/Elizabeth A. Almeter/	January 23, 2008
Signature	Date
Elizabeth A. Almeter	57,019
Typed or printed name	Registration Number, if applicable
(202) 824-3000	
Telephone Number	

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If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/27 (09-04)
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)		
	Application Number	29/302,722
	Filing Date	TBD
	First Named Inventor	Andrew G.V. Oldknow, et al
	Title	GOLF CLUB HEAD
	Atty Docket Number	015127.01141

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 2-1-08
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

This is a request for expedited examination of a design application under 37 CFR 1.155.

NOTE: If the Request made by this form accompanies original application papers, include form PTO/SB/18 "Design Patent Application Transmittal" or its equivalent.

A preexamination search was conducted. The field of search was:

D21/ 733, 743, 744, 745, 746, 747, 748, 749, 751, 752, 753, 759

473/ 287, 290, 314, 324, 325, 326, 327, 328, 329, 330, 331, 332, 334, 338, 342, 344, 346, 349, 350

Related applications: _____

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:
- Formal drawings (see 37 CFR 1.84).
- The fee set forth in 37 CFR 1.17(k).
- An information disclosure statement in compliance with 37 CFR 1.98.

/Elizabeth A. Almeter/	January 23, 2008
Signature	Date
Elizabeth A. Almeter	57,019
Typed or printed name	Registration Number, if applicable
(202) 824-3000	
Telephone Number	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.155. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Expedited Design, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/27 (09-04)
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)		
	Application Number	29/302,727
	Filing Date	TBD
	First Named Inventor	Andrew G.V. Oldknow, et al
	Title	GOLF CLUB HEAD
	Atty Docket Number	015127.01140

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 2-1-08
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

This is a request for expedited examination of a design application under 37 CFR 1.155.

NOTE: If the Request made by this form accompanies original application papers, include form PTO/SB/18 "Design Patent Application Transmittal" or its equivalent.

A preexamination search was conducted. The field of search was:

D21/ 733, 743, 744, 745, 746, 747, 748, 749, 751, 752, 753, 759

473/ 287, 290, 314, 324, 325, 326, 327, 328, 329, 330, 331, 332, 334, 338, 342, 344, 346, 349, 350

Related applications: _____

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:
- Formal drawings (see 37 CFR 1.84).
- The fee set forth in 37 CFR 1.17(k).
- An information disclosure statement in compliance with 37 CFR 1.98.

/Elizabeth A. Almeter/	January 23, 2008
Signature	Date
Elizabeth A. Almeter	57,019
Typed or printed name	Registration Number, if applicable
(202) 824-3000	
Telephone Number	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.155. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Expedited Design, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/27 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)		
	Application Number	TBA 29/302,755
	Filing Date	January 24, 2008
	First Named Inventor	John T. Stites
	Title	Yellow Insert For A Golf Club Head
	Atty Docket Number	015127.01138

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

2-1-08 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:

D21/733, 743, 744, 745, 746, 747, 748, 749, 751, 752, 753, 759;

473/287, 290, 314, 324, 325, 326, 327, 328, 329, 330, 331, 332, 334, 338, 342, 344, 346, 349 and 350.

Related applications: Attorney Docket 015127.01137 Filed Concurrently Herewith and Attorney Docket 015127.01139 Filed Concurrently Herewith.

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:
- Formal drawings (see 37 CFR 1.84).
- The fee set forth in 37 CFR 1.17(k).
- An information disclosure statement in compliance with 37 CFR 1.98.

/David R. Gerk/	January 24, 2008
Signature	Date
David R. Gerk	56,901
Typed or printed name	Registration Number, if applicable
202-824-3000	
Telephone Number	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.155. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Expedited Design, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/27 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)		
	Application Number	TBA 29/302,756
	Filing Date	January 24, 2008
	First Named Inventor	John T. Stites
	Title	Golf Club Head
	Atty Docket Number	015127.01137

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 2-1-08
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

This is a request for expedited examination of a design application under 37 CFR 1.155.

NOTE: If the Request made by this form accompanies original application papers, include form PTO/SB/18 "Design Patent Application Transmittal" or its equivalent.

A preexamination search was conducted. The field of search was:

D21/733, 743, 744, 745, 746, 747, 748, 749, 751, 752, 753, 759;

473/287, 290, 314, 324, 325, 326, 327, 328, 329, 330, 331, 332, 334, 338, 342, 344, 346, 349 and 350.

Related applications: Attorney Docket 015127.01138 Filed Concurrently Herewith and Attorney Docket 015127.01139 Filed Concurrently Herewith.

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:
- Formal drawings (see 37 CFR 1.84).
- The fee set forth in 37 CFR 1.17(k).
- An information disclosure statement in compliance with 37 CFR 1.98.

/David R. Gerk/	January 24, 2008
Signature	Date
David R. Gerk	56901
Typed or printed name	Registration Number, if applicable
202-824-3000	
Telephone Number	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.155. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Expedited Design, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/27 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)		
	Application Number	TBA 29/302,757
	Filing Date	January 24, 2008
	First Named Inventor	John T. Stites
	Title	Golf Club Head
	Atty Docket Number	015127.01139

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900 2-1-08

This is a request for expedited examination of a design application under 37 CFR 1.155.

NOTE: If the Request made by this form accompanies original application papers, include form PTO/SB/18 "Design Patent Application Transmittal" or its equivalent.

A preexamination search was conducted. The field of search was:

D21/733, 743, 744, 745, 746, 747, 748, 749, 751, 752, 753, 759;
473/287, 290, 314, 324, 325, 326, 327, 328, 329, 330, 331, 332, 334, 338, 342, 344, 346, 349 and 350.

Related applications: Attorney Docket 015127.01137 Filed Concurrently Herewith and Attorney Docket 015127.01138 Filed Concurrently Herewith

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:
- Formal drawings (see 37 CFR 1.84).
- The fee set forth in 37 CFR 1.17(k).
- An information disclosure statement in compliance with 37 CFR 1.98.

/David R. Gerk/	January 24, 2008
Signature	Date
David R. Gerk	56,901
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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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

HANLEY, FLIGHT & ZIMMERMAN, LLC
150 S. WACKER DRIVE
SUITE 2100
CHICAGO, IL 60606

COPY MAILED
DEC 16 2009
OFFICE OF PETITIONS

In re Application of	:	
Weston KOENNECKE, et al	:	
Application No. 29/302,778	:	DECISION ON PETITION
Filed: January 24, 2008	:	
Attorney Docket No. 20136/06000755	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 14, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowability, mailed June 19, 2009, which set a period for reply of three (3) months. Accordingly, this application became abandoned on September 20, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the Issue Fee of $860; (2) the petition fee of $1620; (3) an adequate statement of unintentional delay; and (4) a Terminal Disclaimer.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

The Terminal Disclaimer is accepted and has been made of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

Application No. 29/302,778

This application is being referred to the Office of Data Management for processing.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20090107

DATE : January 07, 2009

TO SPE OF : ART UNIT 2915

SUBJECT : Request for Certificate of Correction on Patent No.: D579,824

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:

/ROBERT M SPEAR/
Supervisory Patent Examiner.Art Unit 2915

PTOL-306 (Rev. 7/03)

U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

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P.O. Box 1450
Alexandria, VA 22313-1450
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KNOBLE, YOSHIDA & DUNLEAVY
EIGHT PENN CENTER
SUITE 1350, 1628 JOHN F KENNEDY BLVD
PHILADELPHIA PA 19103

MAILED

APR 15 2010

OFFICE OF PETITIONS

In re Application of	:	
Schlies et al.	:	
Application No. 29/302,845	:	DECISION ON PETITION
Filed: January 25, 2008	:	
Attorney Docket No. GRM20154US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 18, 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 January 7, 2010, as required by the Notice of Allowability For a Design Application mailed October 7, 2009. Accordingly, the date of abandonment of this application is January 8, 2010. A Notice of Abandonment was mailed January 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.

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 and review of the Corrected Drawings submitted on February 18, 2010.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re design application of:

ROMAN S. FERBER, et al.

Serial No.: ~~Unknown~~ 29/302,887

Filed: Filed Herewith

For: MASSAGER

Attorney Docket No.: HOME 1308 DUS

REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION UNDER 37 C.F.R. § 1.155

Mail Stop Expedited Design
Commissioner for Patents
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

Sir:

Applicants hereby request expedited examination of the above-referenced design application, which is being concurrently filed along with this Request. The drawings of the design application are in compliance with 37 C.F.R. § 1.84.

A pre-examination search was conducted in Design Class 24, subclasses 200, 211, 214, and 215; and Class 601, subclasses 46, 72, 111, 128, 131, 134, and 135. As required, an Information Disclosure Statement is being submitted herewith.

The fee of $900 as set forth in 37 C.F.R. § 1.17(k) for this Request is also submitted herewith.

Respectfully submitted,

ROMAN S. FERBER, et al.

By: /Stephanie M. Mansfield/
Stephanie M. Mansfield, Reg. No. 43,773
Attorney/Agent for Applicant

Date: January 28, 2008

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400; Fax: 248-358-3351

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
29/302,888	01/28/2008	Roman S. Ferber	HOME 1309 DUS	2332

22045 7590 04/15/2008
BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

EXAMINER

ART UNIT	PAPER NUMBER
2913	

MAIL DATE	DELIVERY MODE
04/15/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re design application of:

ROMAN S. FERBER, et al.

Serial No.: Unknown 29/302,888

Filed: Filed Herewith

For: MASSAGER

Attorney Docket No.: HOME 1309 DUS

REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION UNDER 37 C.F.R. § 1.155

Mail Stop Expedited Design
Commissioner for Patents
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 4-15-08
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

Sir:

Applicants hereby request expedited examination of the above-referenced design application, which is being concurrently filed along with this Request. The drawings of the design application are in compliance with 37 C.F.R. § 1.84.

A pre-examination search was conducted in Design Class 24, subclasses 200, 211, 214, and 215; and Class 601, subclasses 46, 72, 111, 128, 131, 134, and 135. As required, an Information Disclosure Statement is being submitted herewith.

The fee of $900 as set forth in 37 C.F.R. § 1.17(k) for this Request is also submitted herewith.

Respectfully submitted,

ROMAN S. FERBER, et al.

By: /Stephanie M . Mansfield/
Stephanie M. Mansfield, Reg. No. 43,773
Attorney/Agent for Applicant

Date: January 28, 2008

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400; Fax: 248-358-3351

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re design application of:

ROMAN S. FERBER, et al.

7-25-08
APPROVED
Jasemine C. Chambers
JASEMINE C. CHAMBERS, DIRECTOR
TECHNOLOGY CENTER 2900

Serial No.: Unknown
29/302,889
Filed: Filed Herewith

For: MASSAGER

Attorney Docket No.: HOME 1310 DUS

REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION UNDER 37 C.F.R. § 1.155

Mail Stop Expedited Design
Commissioner for Patents
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby request expedited examination of the above-referenced design application, which is being concurrently filed along with this Request. The drawings of the design application are in compliance with 37 C.F.R. § 1.84.

A pre-examination search was conducted in Design Class 24, subclasses 200, 211, 214, and 215; and Class 601, subclasses 46, 72, 111, 128, 131, 134, and 135. As required, an Information Disclosure Statement is being submitted herewith.

The fee of $900 as set forth in 37 C.F.R. § 1.17(k) for this Request is also submitted herewith.

Respectfully submitted,

ROMAN S. FERBER, et al.

By: /Stephanie M. Mansfield/
Stephanie M. Mansfield
Reg. No. 43,773
Attorney/Agent for Applicant

Date: January 28, 2008

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400; Fax: 248-358-3351

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KING & SCHICKLI, PLLC
247 NORTH BROADWAY
LEXINGTON KY 40507

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OFFICE OF PETITIONS

In re Application of
Greenslade
Application No. 29/302,904
Filed: January 28, 2008
Attorney Docket No. 348-163 D
For: ACTUATOR CONTROL UNIT

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed October 27, 2008 (certificate of mailing date October 24, 2008), to revive the above-identified application.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." 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 June 25, 2008, which set a three month period for reply. This application became abandoned on September 26, 2008. A Notice of Abandonment was mailed on October 20, 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, petitioners are required to submit a terminal disclaimer.

Further correspondence with respect to this matter should be addressed as follows:

By mail:
Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand:
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300 - ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KING & SCHICKLI, PLLC
247 NORTH BROADWAY
LEXINGTON KY 40507

COPY MAILED
JAN 15 2009

In re Application of :
Greenslade :
Application No. 29/302,904 : ON PETITION
Filed: January 28, 2008 :
Attorney Docket No. 348-163 D :
For: ACTUATOR CONTROL UNIT

This is a decision on the reconsideration petition under 37 CFR 1.137(b), filed December 10, 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 June 25, 2008, which set a three month period for reply. This application became abandoned on September 26, 2008. A Notice of Abandonment was mailed on October 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 $1,620.00, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to timely submit corrected 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.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

This application is being referred to the Office of Data Management for further processing in accordance with this decision on petition.

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

KRAJEC PATENT OFFICES, LLC
820 WELCH AVENUE
BERTHOUD CO 80513

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MAR 0 3 2008

OFFICE OF PETITIONS

In re Application of	:	
Carl F. Gibson	:	
Application No. 29/302,923	:	DECISION ON PETITION
Filed: January 29, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. GIBS01USD2	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 29, 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 inventor 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

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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DARBY & DARBY P.C.
P.O. BOX 770
CHURCH STREET STATION
NEW YORK NY 10008-0770

In re Application of	:	
Frank Placke et al	:	
Application No. 29/303,002	:	DECISION ON PETITION
Filed: January 30, 2008	:	
Attorney Docket No. 20794/0208218-USO	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 31, 2008 and supplemented on June 11, 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 CPA/IDS 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 July 1, 2008, is accepted as having been unintentionally delayed.

As authorization was provided, the required issue fee of $860.00 is being charged to petitioner's deposit account no. 04-0100. The issue fee is required in reply to the Notice of Allowance mailed July 1, 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 2912.

/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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GOLD & RIZVI, P.A.
600 N. PINE ISLAND ROAD, SUITE 450
PLANTATION, FL 33324-1311

MAILED

FEB 27 2009

OFFICE OF PETITIONS

In re Application of
Oscar **ALFONSO**
Application No. 29/303,062
Filed: January 31, 2008
Attorney Docket No. **1637.0100**

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 February 2, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to timely pay the issue/publication fees and submitted corrected drawings on or before December 2, 2008, as required by the Notice of Allowance/Allowability, mailed September 2, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on December 3, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (1) the proper reply (corrected drawings in compliance with 37 CFR 1.84(c) and 37 CFR 1.121(d)).

The corrected drawings submitted on February 2, 2009 are not approved because the header "Replacement Sheet" as required under 37 CFR 1.121(d) was omitted.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

Brian W. Brown
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PLANTATION, FL 33324-1311

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APR 22 2009

OFFICE OF PETITIONS

In re Application of :
Oscar **ALFONSO** :
Application No. 29/303,062 : DECISION ON PETITION
Filed: January 31, 2008 : UNDER 37 CFR 1.137(b)
Attorney Docket No. **1637.0100** :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed March 6, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee and failure to submit corrected drawings on or before December 2, 2008, as required by the Notices of Allowance/Allowability, mailed September 2, 2008. Accordingly, the date of abandonment of this application is December 3, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $430, and corrected drawing(s); (2) the petition fee of $810; and (3) an adequate statement of unintentional delay.

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
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LEE & HAYES, PLLC
601 W. RIVERSIDE AVENUE
SUITE 1400
SPOKANE WA 99201

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MAY 22 2009

OFFICE OF PETITIONS

In re Application of	:	
Thorpe et al.	:	
Application No. 29/303,083	:	ON PETITION
Filed: January 31, 2008	:	
Attorney Docket No. HC1-0019US	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed March 6, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:
(1) the required reply,[1]
(2) the petition fee,
(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
(4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information.[2]

The instant petition lacks item(s) (4). Since the instant application is a design application, a terminal disclaimer and fee must be submitted for revival, as stated in 37 CFR 1.137(d). A blank form is enclosed for petitioner's convenience.

---

[1] In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

[2] See MPEP 711.03(c)(III)(C) and (D).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Window located at:

U.S. Patent and Trademark Office
Customer Service Window Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

Enclosure: PTO/SB/63 – Terminal Disclaimer

PTO/SB/63 (04-09)
Approved for use through 05/31/2009. OMB 0651-0031
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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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601 W. RIVERSIDE AVENUE
SUITE 1400
SPOKANE WA 99201

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JUL 09 2009

OFFICE OF PETITIONS

In re Application of	:	
Thorpe et al.	:	
Application No. 29/303,083	:	ON PETITION
Filed: January 31, 2008	:	
Attorney Docket No. HC1-0019US	:	

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed June 22, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition now satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied a properly signed terminal disclaimer and the $140.00 disclaimer fee.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Data Management for processing into a patent.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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COMMERCE COURT WEST
199 BAY STREET, BOX 25
TORONTO ON M5L 1A9 CA CANADA

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JAN 3 0 2009

OFFICE OF PETITIONS

In re Application of	:	
Richard Goulet	:	
Application No. 29/303,168	:	DECISION ON PETITION
Filed: February 1, 2008	:	
Attorney Docket No. 67755/00011	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 12, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C.§ 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (4).

With respect to item (4), since the instant application is a design application, a terminal disclaimer and fee are required by 37 CFR 1.137(b) for revival. 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

Enclosures: 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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COMMERCE COURT WEST
199 BAY STREET, BOX 25
TORONTO ON M5L 1A9 CA CANADA

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APR 0 8 2009

OFFICE OF PETITIONS

In re Application of	:	
Richard Goulet	:	
Application No. 29/303,168	:	DECISION ON PETITION
Filed: February 1, 2008	:	
Attorney Docket No. 67755/00011	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed March 18, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit Corrected Drawings on or before December 26, 2008, as required by the Notice of Allowability For a Design Application mailed September 26, 2008. Accordingly, the date of abandonment of this application is December 27, 2008. A Notice of Abandonment was mailed January 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 Corrected Drawings; (2) the petition fee of $810.00 (previously paid on January 12, 2009); (3) a proper statement of unintentional delay and (4) a Terminal Disclaimer with the accompanying $70.00 fee.

The request for a terminal disclaimer is accepted and has been made of record.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

This application is being referred to the Office of Data Management for processing into a patent and review of the Corrected Drawings submitted on March 18, 2009.

/Liana Walsh/
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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OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8403

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JUN 15 2009

OFFICE OF PETITIONS

In re Application of
Nishizaka
Application No. 29/303,226
Filed: February 4, 2008
Atty. Dkt. No.: D/17-321 (V7583)

: DECISION ON PETITION

This decision is in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed March 12, 2009.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is hereby **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." This is not a final agency decision.

The application became abandoned December 24, 2008 for failure to timely submit a proper reply to the Notice of Allowance (Notice) mailed September 23, 2008. The Notice set a three month statutory period of time for reply. Notice of Abandonment was mailed January 16, 2009.

Petitioner asserts non-receipt of the Notice. Petitioner indicates that a search of the file jacket and the docket records indicate that the Notice was not received. Petitioner has included, *inter alia*, copies of docket records for the instant application which purport to establish non-receipt of the Notice.

The showing required to establish non-receipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response. Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the non-received Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the non-received Office action must be submitted as documentary

proof of non-receipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The instant petition does not establish non-receipt of the Notice in compliance with the procedures set forth at MPEP 711.03(c). Specifically, the petition fails to satisfy the "Master Docket" requirements of MPEP 711.03(c). Thus, it cannot be found that practitioner's docketing system is sufficiently reliable.

Any renewed petition must establish non-receipt of the Notice as set forth at MPEP 711.03(c).

ALTERNATE VENUE

Petitioner may wish to consider filing a petition stating that the delay was unintentional. Petitioner's attention is directed to 37 CFR 1.137(b) which provides for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of an issue fee was "unavoidable". An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required petition fee and reply.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail:	**Mail Stop Petition** Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By hand delivery:	U.S. Patent and Trademark Office Customer Window, **Mail Stop Petition** Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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OFFICE OF PETITIONS

OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8403

In re Application of
Nishizaka
Application No. 29/303,226
Filed: February 4, 2008
Atty. Dkt. No.: D/17-321 (V7583)

: DECISION ON PETITION

This decision is in response to the renewed petition to withdraw the holding of abandonment under 37 CFR 1.181, filed August 11, 2009.

The application was held abandoned December 24, 2008 for failure to timely submit a proper reply to the Notice of Allowance (Notice) mailed September 23, 2008. The Notice set a three month statutory period of time for reply. Notice of Abandonment was mailed January 16, 2009.

Petitioner asserts non-receipt of the Notice. Petitioner indicates that a search of the file jacket and the docket records indicate that the Notice was not received. Petitioner has included, *inter alia*, copies of docket records for the instant application which purport to establish non-receipt of the Notice.

The showing required to establish non-receipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response. Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the non-received Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the non-received Office action must be submitted as documentary proof of non-receipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The instant petition and accompanying documents have been carefully reviewed and found in compliance with the procedures to establish non-receipt of an Office communication set forth at MPEP 711.03(c).

Accordingly, the petition under 37 CFR 1.181 to withdraw the holding of abandonment is hereby **GRANTED**. The holding of abandonment is WITHDRAWN and the Notice of Abandonment is hereby VACATED.

This application is being directed to Group Art Unit 2916 for re-mailing of the Notice of Allowance. The time period for reply will be set by the newly mailed Notice of Allowance.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JOSEPH W. HOLLAND
HOLLAND LAW OFFICE P.L.L.C.
P.O. BOX 1840
BOISE, ID 83701-1840

MAILED

APR 14 2009

OFFICE OF PETITIONS

In re Application of	:	
Harley W. Hecht	:	DECISION ON PETITION
Application No. 29/303,237	:	TO WITHDRAW
Filed: February 4, 2008	:	FROM RECORD
Attorney Docket No. ECCO207	:	

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 29, 2008.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to the practitioners associated with Customer No. 39510 was revoked by the assignee of the patent application on November 17, 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 Alicia Kelley at 571-272- 6059.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: STOEL RIVES LLP - PDX
900 SW FIFTH AVENUE
SUITE 2600
PORTLAND OR 97204-1268

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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General Motors Corporation
c/o REISING, ETHINGTON, BARNES, KISSELLE, P.C.
P.O. BOX 4390
TROY MI 48099-4390

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DEC 18 2009

OFFICE OF PETITIONS

In re Application of	:	
John Richard Folden, et al.	:	
Application No. 29/303,262	:	DECISION ON PETITION
Filed: February 5, 2008	:	
Attorney Docket No. P003333-DES-TGG	:	

This is a decision on the petition under 37 CFR 1.137(b), filed October 28, 2009, to revive the above-identified design application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file corrected drawings on or before April 27, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed January 27, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on April 28, 2009. A Notice of Abandonment was mailed on May 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 the corrected drawings, (2) the petition fee of $1,620, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to timely filed corrected drawings as required by the Notice of Allowance is accepted as being unintentionally delayed.

The terminal disclaimer is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Data Management for further processing in accordance with this decision on petition.

Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RICHARD M. GOLDBERG
25 EAST SALEM STREET
SUITE 419
HACKENSACK NJ 07601

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APR 30 2008

OFFICE OF PETITIONS

In re Application of	: DECISION DISMISSING PETITION
Livia Maria Rolim De Oliveira	: UNDER 37 CFR 1.55(c)
Application No. 29/303263	:
Filing or 371(c) Date: 02/05/2008	:
Attorney Docket No.: 205/1/015	:

This is a decision on the "Petition for Grant of Priority Under 35 U.S.C. § 119," filed February 8, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for the benefit of priority to prior-filed Brazilian Design Application No. 6702643-5, filed August 27, 2007.

The petition is **dismissed as moot**.

Applicant files the present petition for grant of priority and to perfect the priority claim, files a certified copy of the Brazilian Design Application No. 6702643-5, filed August 27, 2007.

37 CFR § 1.55, Claim for foreign priority, states, in relevant part,

> (a) An applicant in a nonprovisional application may claim the benefit of the filing date of one or more prior foreign applications under the conditions specified in 35 U.S.C. 119(a) through (d) and (f), 172, and 365(a) and (b).
> (1) (i) In an original application filed under 35 U.S.C. 111(a), the claim for priority must be presented during the pendency of the application, and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. This time period is not extendable. The claim must identify the foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by specifying the application number, country (or intellectual property authority), day, month, and year of its filing.

The MPEP 1504.10, Priority Under 35 U.S.C. 119(a)-(d), provides, in relevant part, as follows:

> 35 U.S.C. 172. Right of priority.
> The right of priority provided for by subsections (a) through (d) of section 119 of this title and the time specified in section 102(d) shall be six months in the case of

designs. The provisions of 35 U.S.C. 119(a)-(d) apply to design patent applications. However, in order to obtain the benefit of an earlier foreign filing date, the United States application must be filed within 6 months of the earliest date on which any foreign application for the same design was filed. Design applications may not make a claim for priority of a provisional application under 35 U.S.C. 119(e).

The United States will recognize claims for the right of priority under 35 U.S.C. 119(a)-(d) based on applications filed under such bilateral or multilateral treaties as the "Hague Agreement Concerning the International Deposit of Industrial Designs," "Uniform Benelux Act on Designs and Models" and "European Community Design." In filing a claim for priority of a foreign application previously filed under such a treaty, certain information must be supplied to the United States Patent and Trademark Office. In addition to the application number and the date of filing of the foreign application, the following information is required:
(A) the name of the treaty under which the application was filed,
(B) the name of at least one country other than the United States in which the application has the effect of, or is equivalent to, a regular national filing and
(C) the name and location of the national or inter-governmental authority which received the application. (Emphasis supplied).

Analysis and conclusion

Applicant is advised that no petition is necessary in this instance to claim priority. A review of Office records reveals that Applicant timely presented a proper claim for priority to the prior filed Brazilian Design Application No. 6702643-5, filed August 27, 2007, in the oath/declaration filed with the application on February 5, 2008. Office records indicate that a Filing Receipt which included the priority claim to the Brazilian application was mailed on February 19, 2008.

In view of the above, no petition is required. No petition fee has been charged[1].

Any questions concerning this matter may be directed to Derek L. Woods at (571) 272-3232. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to the Office of Patent Application Processing for continued processing in the normal course of business.

Anthony Knight
Supervisor
Office of Petitions

[1] Applicant is advised that the fee for a petition to accept a delayed priority claim is $1410.00, effective September 30, 2007.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

BAKER BOTTS L.L.P.
30 ROCKEFELLER PLAZA
44TH FLOOR
NEW YORK NY 10112-4498

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OCT 09 2008

OFFICE OF PETITIONS

In re Application of
David Ching Chi Chu, et al.
Application No. 29/303,293
Filed: February 5, 2008
Attorney Docket No. 072841-0327

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

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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GARCIA-ZAMOR INTELLECTUAL PROPERTY LAW
ATTN: RUY GARCIA-ZAMOR
12960 LINDEN CHURCH ROAD
CLARKSVILLE MD 21029

COPY MAILED

OCT 27 2009

OFFICE OF PETITIONS

NOTICE

In re Patent No. D581338 :
Issue Date: November 25, 2008 :
Application No. 29/303,362 :
Filed: February 7, 2008 :
Attorney Docket No. WPI-PT018 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3208.

/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
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GARCIA-ZAMOR INTELLECTUAL PROPERTY LAW
ATTN: RUY GARCIA-ZAMOR
12960 LINDEN CHURCH ROAD
CLARKSVILLE MD 21029

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OCT 3 0 2009

OFFICE OF PETITIONS

In re Patent No. D576936	:	
Issue Date: September 16, 2008	:	
Application No. 29/303,406	:	ON PETITION
Filed: February 7, 2008	:	
Attorney Docket No. WPI-PT019	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date Mailed : July 29, 2009

Patent No. : D586530
Inventor : Madsen et al.
Patent Issued : February 17, 2009
Title : EDIBLE FRUIT PRODUCT IN THE SHAPE OF A SEAHORSE

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.

As a result of applicants failure to fully comply with 35 U.S.C. 119 in that conditional requirements were not met; the Foreign Priority data was not included in applicants Letters Patent.

Accordingly, approval is not warranted unless a petition is granted. Any petition should be directed to the attention of the Assistant Commissioner for patents, using the following mailing address or fax number.

By Mail: Commissioner of Patents and Trademarks
Box 1450
Alexandria, VA 22313-1450

By Fax: (703) 308-6916
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 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

Klarquist Sparkman, LLP
One World Trade Center, Suite 1600
121 SW Salmon Street
Portland, Oregon 97204

/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

Paper No.

DARBY & DARBY P.C.
P.O. BOX 770
Church Street Station
New York NY 10008-0770

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AUG 1 1 2008

In re Application of	:	
Francesco Sartori et al.	:	
Application No. 29/303,457	:	DECISION ON PETITION
Filed: February 8, 2008	:	PURSUANT TO
Attorney Docket No.	:	37 C.F.R. § 1.28(c)
06670/0209177-US0	:	
Title: BROOM	:	

This is a notice regarding your submission of March 5, 2008, which is properly treated as a request for acceptance of a fee deficiency submission under 37 C.F.R § 1.28(c). 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 C.F.R. § 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.

37 C.F.R. § 1.28(c)(2)(ii) sets forth that the party submitting the deficient payment must include:

(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 a non-small entity;
(b) The small entity fee actually paid, and when;
(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.

Petitioner has identified the particular type of fee that was erroneously paid as a small entity, the deficiency owed amount, and the total deficiency payment owed.

It does not appear that Petitioner has identified the small entity fee that was actually paid, and when the small entity fee was actually paid. However, Office records indicate that on February 8, 2008, $ 105 was submitted to the Office. As such, the requirement that Petitioner must provide the Office with the amount of the small entity fee that was actually paid along with the date of submission is waived, *sua sponte*.

Your fee deficiency submission under 37 C.F.R. § 1.28 is hereby accepted. The petition is **GRANTED** accordingly.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the present application can receive further processing in due course.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[1]. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

1 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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THE BLACK & DECKER CORPORATION
701 EAST JOPPA ROAD, TW199
TOWSON MD 21286

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APR 29 2009
OFFICE OF PETITIONS

In re Application of	:	
Craig R. Steinfels, et al.	:	
Application No. 29/303,492	:	ON PETITION
Filed: February 11, 2008	:	
Attorney Docket No. D-US-JK-12313	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b) filed February 25, 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 August 27, 2008, which set a period for reply of three (3) months. Accordingly, this application became abandoned on November 29, 2008. The Notice of Abandonment was mailed December 23, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (4).

All design application petitions must be accompanied with a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) as required by 37 CFR 1.137(d). A copy of the terminal disclaimer form PTO/SB/63 is enclosed for your convenience.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to Terri Williams at (571) 272-2991.

Chris Bottorff
Petitions Examiner
Office of Petitions

Enclosed: Terminal Disclaimer to Accompany Petition (PTO/SB/63)

PTO/SB/63 (03-09)
Approved for use through 04/30/2009. 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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THE BLACK & DECKER CORPORATION
701 EAST JOPPA ROAD, TW199
TOWSON MD 21286

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AUG 21 2009

OFFICE OF PETITIONS

In re Application of	:	
Craig R. Steinfels, et al.	:	
Application No. 29/303,492	:	DECISION ON PETITION
Filed: February 11, 2008	:	
Attorney Docket No. D-US-JK-12313	:	

This is a decision on the petition, filed May 20, 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 timely submit corrected drawings on or before November 28, 2008, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed August 27, 2008.

Petitioner asserts that proper drawings were filed on February 11, 2008 and the drawings did not require correction.

A review of the written record indicates that on the Notice of Allowability mailed August 27, 2008, the examiner had incorrectly checked box #6 which required the applicant to submit new drawings. According to the notice from examiner mailed on May 6, 2009, the drawings that were submitted on February 11, 2008 are acceptable and new drawings are not needed.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

In regard to the requested refund of the petition fee required under 37 CFR 1.137(b), refunds are only permitted in the event that a fee is paid by mistake or in excess of that required. See 37 CFR 1.26(a). The record indicates that petitioner believed the drawings did not require correction based on further inquiry with the Examiner after the Notice of Allowance was mailed. Nonetheless, the petition under 37 CFR 1.137(b) was filed rather than a petition under 37 CFR

1.181 requesting withdraw of the holding of abandonment. As the petition under 37 CFR 1.137(b) was intentionally filed and payment of the fee was a required part of the petition, the fee was not paid by mistake. Also, the $1,620.00 paid was precisely the amount of the fee required for the petition. Thus, no fee has been paid in excess of that required. Accordingly, the $1,620.00 paid in the filing of the petition under 37 CFR 1.137(b) will not be refunded.

This application is being referred to the Office of Data Management for further processing.

Chris Bottorff
Petitions Examiner
Office of Petitions

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OCT 09 2009

OFFICE OF PETITIONS

NELSON MULLINS RILEY & SCARBOROUGH, LLP
1320 Main Street, 17th Floor
Columbia, SC 29201

In re Application of	:	
Jessica Marie McCarthy, et al.	:	
Application No. 29/303,572	:	DECISION ON PETITION
Filed: February 12, 2008	:	TO WITHDRAW
	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 10, 2009.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Nelson Mullins Riley & Scarborough, LLP has been revoked by the assignee of the patent application on September 1, 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 Terri Johnson at 571-272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **JELD-WEN, Inc.**
Stoel Rives LLP
900 SW Fifth Avenue
Suite 2600
Portland, OR 97204

UNITED STATES PATENT AND TRADEMARK OFFICE

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BAKER BOTTS L.L.P.
30 ROCKEFELLER PLAZA
44TH FLOOR
NEW YORK NY 10112-4498

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FEB 0 2 2009

OFFICE OF PETITIONS

In re Application of Edgar F. Trombly Application No. 29/303,591 Filed: February 12, 2008 Attorney Docket No. 076781.0110	: : : : :	DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 22, 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 Allowance and Fee(s) Due, mailed September 4, 2008. The Notice set a period for reply of three (3) months from the mail date of the Notice. Accordingly, the application became abandoned on December 5, 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 and, (2) the petition fee of $810; (3) a proper statement of unintentional delay; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d).

The terminal disclaimer is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

Telephone inquiries concerning this decision should be directed to Denise Williams at (571) 272-8930.

This application is being referred to the Office of Data Management for further processing into a patent.

Brian W. Brown
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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General Motors Corporation
c/o REISING, ETHINGTON, BARNES, KISSELLE, P.C.
P.O. BOX 4390
TROY MI 48099-4390

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DEC 18 2009

OFFICE OF PETITIONS

In re Application of	:	
Phillip A. Zak, Jr., et al.	:	
Application No. 29/303,664	:	DECISION ON PETITION
Filed: February 14, 2008	:	
Attorney Docket No. P003388-US-DP/DES/TGG	:	

This is a decision on the petition under 37 CFR 1.137(b), filed October 28, 2009, to revive the above-identified design application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file corrected drawings on or before April 27, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed January 27, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on April 28, 2009. A Notice of Abandonment was mailed on May 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 the corrected drawings, (2) the petition fee of $1,620, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to timely filed corrected drawings as required by the Notice of Allowance is accepted as being unintentionally delayed.

The terminal disclaimer is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Data Management for further processing in accordance with this decision on petition.

Terri Johnson
Petitions Examiner
Office of Petitions

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CHRISTOPHER & WEISBERG, P.A.
200 EAST LAS OLAS BOULEVARD
SUITE 2040
FORT LAUDERDALE, FL 33301

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APR 27 2009

OFFICE OF PETITIONS

In re Application of	:	
Moshe HODARA	:	
Application No. 29/303,686	:	ON PETITION
Filed: February 14, 2008	:	
Attorney Docket No. 1337-8D	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 7, 2009.

The petition is **DISMISSED**.

The application became abandoned for failure to timely pay the issue fee on or before April 6, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed January 5, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on April 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.

Since the above-identified application is a design application, 37 CFR 1.137(d) requires a terminal disclaimer dedicating to the public a terminal part of the term of any patent granted on the application or any patent granted on any continuing application that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the application. The period to be disclaimed will be a terminal part of the patent to be granted equivalent to the period of abandonment. The period of abandonment will be computed to be the number of months from the date of abandonment to the date of filing a grantable petition. A terminal disclaimer fee of $130 ($65 if

small entity) is required. If the terminal disclaimer is signed by an assignee, the assignee must comply with the requirements of 37 CFR 3.73(b).

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at (571) 272-6735.

Thurman Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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200 EAST LAS OLAS BOULEVARD
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FORT LAUDERDALE, FL 33301

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JUN 17 2009

OFFICE OF PETITIONS

In re Application of	:	
Moshe HODARA	:	
Application No. 29/303,686	:	DECISION ON PETITION
Filed: February 14, 2008	:	
Attorney Docket No. 1337-8D	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed May 7, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue fee on or before April 6, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed January 5, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on April 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) 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 further processing.

Thurman Page
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 06/11/09

TO SPE OF : ART UNIT 2914

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/303,701 Patent No.: D588,676

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)

Randolph Square
Palm Location 7580

Should the changes be made **Valerie Jackson** **Certificates of Correction Branch**

703-756-1573

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

X Approved	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: PLEASE PRINT DRG 12/24/2008 LABELED "REPLACMENT DRAWINGS" IN COCIN DOCUMENT

NOT DRG 12/24/2008 LABELED "ANNOTATED DRAWINGS"

2914 — **SPE**

2914 — **Art Unit**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/303,740	02/15/2008	Roy J. Askeland	013797.03810	4161

28319 7590 04/15/2008
BANNER & WITCOFF, LTD.
ATTORNEYS FOR CLIENT NOS. 003797 & 013797
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON, DC 20005-4051

EXAMINER

ART UNIT	PAPER NUMBER
2913	

MAIL DATE	DELIVERY MODE
04/15/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTO/SB/27 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	29/303,740
Filing Date	February 15, 2008
First Named Inventor	Roy Askeland et al.
Title	PORTION OF A CONNECTOR PLUG
Atty Docket Number	013797.03810

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 4-15-08
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

This is a request for expedited examination of a design application under 37 CFR 1.155.

NOTE: If the Request made by this form accompanies original application papers, include form PTO/SB/18 "Design Patent Application Transmittal" or its equivalent.

A preexamination search was conducted. The field of search was:

D13/133, 146, 147, 154, 184 and 199; 439/108, 151, 152, 266, 347, 351, 352, 353, 354, 358, 374, 378, 379, 476.1, 594, 597, 600, 606, 607, 608, 609, 610, 668, 676, 677, 678, 679 and 680

Related applications: 29/303,742, filed February 15, 2008

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:
- Formal drawings (see 37 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/	/09 April 2008/
Signature	Date
Robert S. Katz	36,402
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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/303,742	02/15/2008	Roy J. Askeland	013797.03811	4178

28319 7590 04/15/2008
BANNER & WITCOFF, LTD.
ATTORNEYS FOR CLIENT NOS. 003797 & 013797
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON, DC 20005-4051

EXAMINER

ART UNIT	PAPER NUMBER
2913	

MAIL DATE	DELIVERY MODE
04/15/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTO/SB/27 (09-04)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)		
	Application Number	29/303,742
	Filing Date	February 15, 2008
	First Named Inventor	Roy Askeland et al.
	Title	PORTION OF A CONNECTOR PLUG AND RECEPTACLE PAIR
	Atty Docket Number	013797.03811

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 4-15-08
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

This is a request for expedited examination of a design application under 37 CFR 1.155.

NOTE: If the Request made by this form accompanies original application papers, include form PTO/SB/18 "Design Patent Application Transmittal" or its equivalent.

A preexamination search was conducted. The field of search was:

D13/133, 146, 147, 154, 184 and 199; 439/108, 151, 152, 266, 347, 351, 352, 353, 354, 358, 374, 378, 379, 476.1, 594, 597, 600, 606, 607, 608, 609, 610, 668, 676, 677, 678, 679 and 680

Related applications: 29/303,740, filed February 15, 2008

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:
- Formal drawings (see 37 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/	/09 April 2008/
Signature	Date
Robert S. Katz	36,402
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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THE ECLIPSE GROUP LLP
10605 BALBOA BLVD., SUITE 300
GRANADA HILLS CA 91344

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DEC 19 2008

OFFICE OF PETITIONS

In re Application of
Darren Saravis
Deposited: February 15, 2008
Application No. 29/303,762
Attorney Docket No. NE07001USDP
For: FLUID DISPENSER

: DECISION DISMISSING PETITION
: AND NOTICE OF INCOMPLETE
: APPLICATION

This is a decision on the paper entitled "Petition To Convert Provisional Application To Non-Provisional Under 37 C.F.R. 1.53(c)(3), And Amendment" filed February 15, 2008, requesting that provisional application No. 60/893,879 be converted into a nonprovisional design application and that the amendments attached to the petition be entered in the converted nonprovisional application.

The petition to convert provisional application No. 60/893,879 to a nonprovisional design application is dismissed.

On February 15, 2008, a design application transmittal letter, a fee transmittal letter, a one page specification (labeled replacement specification), six (6) sheets of drawings (labeled as replacement sheets), an application data sheet, a declaration and power of attorney, and the petition were deposited. In view of the design application transmittal letter, the Office processed the papers deposited on February 15, 2008, as a new design application and assigned application No. 29/303,762 to the papers, notwithstanding the petition to convert.

On March 3, 2008, a Notice of Incomplete Application was mailed which indicated that a filing date had not been accorded to the application because the specification did not include at least one claim. On March 20, 2008, the Office of Initial Patent Examination mailed: (1) a notice withdrawing the Notice of Incomplete Application, indicating the application was complete; and (2) a filing receipt.

On October 21, 2008, a Notice of Allowability and a Notice of Allowance and Fee(s) Due were mailed. Thereafter, on November 18, 2008, a letter withdrawing the application from issue pursuant to 37 CFR 1.313 to reopen prosecution was mailed by the Technology Center Director. It was necessary to reopen prosecution in order to treat the petition.

Petitioner requests that provisional application No. 60/893,879 be converted into a nonprovisional design application. The provisional application cannot be converted to a nonprovisional design application since provisional applications are not available for designs. 35 U.S.C. 172 states that "[t]he right of priority provided for by section 119(e) of this title shall not

apply to designs." 37 CFR 1.53(c)(3) provides that a provisional application filed under 37 CFR 1.53(c) may be converted to a nonprovisional application filed under 37 CFR 1.53(b) and be accorded the original filing date of the provisional application. In addition, 37 CFR 1.53(c)(3) states that "[c]onversion of a provisional application to a nonprovisional application under this paragraph will result in the term of any patent to issue from the application being measured from at least the filing date of the provisional application for which conversion is requested." However, the term of a design patent is measured from the date of grant. See 35 U.S.C. 173. Therefore, 37 CFR 1.53(c)(3) does not provide for converting a provisional application to a nonprovisional design application. Accordingly, the petition to convert provisional application No. 60/893,879 to a nonprovisional design application is dismissed.

A review of the record reveals that no formal claim was included with the application papers deposited February 15, 2008, since the one page specification did not include a claim. However, it is noted that the papers deposited February 15, 2008, included the instant petition which includes the language "I claim the ornamental design for a fluid dispenser, as shown and described", which is in the form of an amendment to the provisional application. It is noted that the form of a claim in a design application is set by 37 CFR 1.153.

Accordingly, applicant may file a petition under 37 CFR 1.182, accompanied by the $400.00 petition fee (see 37 CFR 1.17(f)), requesting that the application papers deposited February 15, 2008, be accorded a filing date. Any such petition must be accompanied by an amendment to add a formal claim to the end of the specification, with the claim (without any status identifier or markings) commencing on a separate sheet in compliance with 37 CFR 1.75(h) and with the claim being identical to the claim in the petition to convert except for the status identifier and underlining. Applicant must also file an amendment to the specification in compliance with 37 CFR 1.121 to delete the first sentence of the specification, which erroneously indicates that this application was converted from and claims the benefit of the provisional application.

In addition, applicant must file: (1) a new oath or declaration under 37 CFR 1.63; and (2) a supplemental application data sheet deleting the domestic benefit claim information. A new oath or declaration under 37 CFR 1.63 is required because the declaration deposited February 15, 2008, refers to the provisional application papers filed March 8, 2007, and thus the declaration does not identify the specification or application to which it is directed as required by 37 CFR 1.63.

Since the Office already processed the papers deposited February 15, 2008, as a new design application, and applicant is being advised to file a petition under 37 CFR 1.182 to accord a filing date to the application papers deposited February 15, 2008, the petition to convert is being retained in application No. 29/303,762 (rather than being placed in 60/893,879), and the papers deposited February 15, 2008 with the petition to convert will maintain application No. 29/303,762.

Applicant is given **TWO MONTHS** from the mailing date of the decision to file: (1) a petition under 37 CFR 1.182, (2) the $400.00 petition fee, (3) an amendment to add a claim to the end of the specification with the claim commencing on a separate sheet in compliance with 37 CFR 1.75(h) (and without status identifiers or markings) and being identical to the claim in the

petition to convert, (4) an amendment to the specification in compliance with 37 CFR 1.121 to delete the first sentence, (5) a new oath or declaration under 37 CFR 1.63, and (6) a supplemental application data sheet, as discussed above. This time limit may **not** be extended under 37 CFR 1.136. Failure to timely reply to this decision will result in the processing of the above-identified application as an incomplete application (no filing date granted).

After mailing of this decision, the $130.00 petition fee will be charged to counsel's deposit account No. 50-2542 as authorized in the petition. While a $130.00 fee was submitted on February 15, 2008, it was identified as a fee for a Non-English specification and as a result the Office previously refunded the fee.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-7727.

Eugenia A. Jones

Eugenia A. Jones
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
www.uspto.gov

THE ECLIPSE GROUP LLP
10605 BALBOA BLVD., SUITE 300
GRANADA HILLS CA 91344

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DEC 15 2009

OFFICE OF PETITIONS

In re Application of
Darren Saravis
Filed: February 15, 2008
Application No. 29/303,762
Attorney Docket No. NE07001USDP
For: FLUID DISPENSER

DECISION GRANTING PETITION
UNDER 37 CFR 1.182

This is a decision on the paper entitled "Petition To Accord Filing Date Under 37 CFR 1.182" filed February 23, 2009, requesting that the above-identified application be accorded a filing date of February 15, 2008. This is also a decision on the "Request for Reconsideration of Decision Dismissing Petition and Notice of Incomplete Application" filed February 23, 2009, again requesting that provisional application No. 60/893,879 be converted to a nonprovisional design application.

The petition under 37 CFR 1.182 is granted.

On February 15, 2008, a design application transmittal letter, a fee transmittal letter, a one page specification (labeled replacement specification), six (6) sheets of drawings (labeled as replacement sheets), an application data sheet, a declaration and power of attorney, and a petition to convert provisional application No. 60/893,879 to a nonprovisional design application were submitted via EFS-Web. The papers were identified in EFS-Web as a new design application, as indicated on the Electronic Acknowledgement Receipt. Therefore, the papers were assigned design application No. 29/303,762 and were processed as a new design application.

A "Decision Dismissing Petition and Notice of Incomplete Application" was mailed on December 19, 2008, in which the petition to convert the provisional application No. 60/893,879 to a nonprovisional design application was dismissed.

The Decision mailed December 19, 2008, stated in part:

> The provisional application cannot be converted to a nonprovisional design application since provisional applications are not available for designs. 35 U.S.C. 172 states that "[t]he right of priority provided for by section 119(e) of this title shall not apply to designs." 37 CFR 1.53(c)(3) provides that a provisional application filed under 37 CFR 1.53(c) may be converted to a nonprovisional application filed under 37 CFR 1.53(b) and be accorded the original filing date of the provisional application. In addition, 37 CFR 1.53(c)(3) states that "[c]onversion of a provisional application to a nonprovisional application under this paragraph will result in the term of any patent to issue from the

> application being measured from at least the filing date of the provisional application for which conversion is requested." However, the term of a design patent is measured from the date of grant. See 35 U.S.C. 173. Therefore, 37 CFR 1.53(c)(3) does not provide for converting a provisional application to a nonprovisional design application.

In the Request for Reconsideration filed February 23, 2009, petitioner again requests that provisional application No. 60/893,879 be converted to a nonprovisional design application. Petitioner argues that "[n]othing in 35 USC or 37 CFR expressly prohibits the conversion of a provisional application to a non-provisional design application." Petitioner further argues that the portion of 37 CFR 1.53(c)(3) regarding patent term "would not be applicable to calculating the term of a the conversion of non-provisional design patent" and that this section "merely clarifies how to calculate patent terms based upon filing date when a non-provisional application is converted from a provisional application."

Petitioner's arguments have been considered but have not been found persuasive. 35 U.S.C. 111(b) was added as part of the Uruguay Round Agreements Act (S. 2467 and H.R. 5110 which became Public Law 103-465). The amendments to title 35 relating to 20-year patent term and provisional applications contained in the Uruguay Round Agreements Act became effective June 8, 1995. The establishment of a domestic priority system and provisional applications in the Uruguay Round Agreements Act was to place domestic applicants on equal footing with foreign applicants with respect to patent term. See MPEP 201.04(b).

35 U.S.C. 111(b)(6) provides:

> <u>Subject to all the conditions in this subsection and section 119(e) of this title, and as prescribed by the Director</u>, an application for patent filed under subsection (a) may be treated as a provisional application for patent. (Emphasis added).

In the notice of proposed rule making for the Uruguay Round Agreements Act, the following was stated:

> The Patent and Trademark Office (Office) is proposing to amend the rules of practice in patent cases to implement the changes related to patent term in title 35, United States Code, contained in the Uruguay Round Agreements Act (S. 2467 and H.R. 5110), which was recently passed by Congress, and to simplify the rules. Among the changes that are contained in S. 2467 and H.R. 5110 are the conversion to a 20-year patent term measured from the date of filing an application in the U.S., and the introduction of provisional applications. The changes apply to utility and plant patents. They do not apply to design patents.

See Changes to Implement 20-Year Patent Term and Provisional Applications, Proposed Rule, 59 FR 63951 (Dec. 12, 1994).

In addition, the Office published Questions and Answers Regarding the GATT Uruguay Round and NAFTA Changes to U.S. Patent Law and Practice (Feb. 23, 1995), which are posted on the

USPTO Web site at http://www.uspto.gov/web/offices/com/doc/uruguay/QA.html, which included, under the topic "Provisional Applications", the following:

> 40. Can you use a provisional application for a design patent application?
>
> Ans.: No. Design patents will retain the 14-year patent term from grant and are not affected by the 20-year patent term. Accordingly, provisional applications are not available for design inventions.

In 1999, the American Inventors Protection Act (AIPA) was enacted. One of the statutory changes in the AIPA was an amendment to 35 U.S.C. 111(b)(5) to permit a provisional application to be converted to a nonprovisional application.

35 U.S.C. 111(b)(5), as amended by the AIPA, provides:

> Notwithstanding the absence of a claim, upon timely request and as prescribed by the Director, a provisional application may be treated as an application filed under subsection (a). Subject to section 119(e)(3) of this title, if no such request is made, the provisional application shall be regarded as abandoned 12 months after the filing date of such application and shall not be subject to revival after such 12-month period. (Emphasis added.)

In the rule making for the provision of the AIPA that provided for conversion of a provisional application to a nonprovisional application (Section 4801 of the AIPA), the following was stated:

> Section 4801 of the "American Inventors Protection Act of 1999" contains no provision for according the resulting nonprovisional application a filing date other than the original filing date of the provisional application. Thus, under 35 U.S.C. 154(b), the term of a nonprovisional application resulting from the conversion of a provisional application pursuant to 35 U.S.C. 111(b)(5) will be measured from the original filing date of the provisional application (which is the filing date accorded the nonprovisional application resulting from conversion under § 4801 of the "American Inventors Protection Act of 1999"). Applicants are strongly cautioned to consider the patent term implications of converting a provisional application into a nonprovisional application pursuant to 35 U.S.C. 111(b)(5), rather than simply filing a nonprovisional application and claiming the benefit of that provisional application under 35 U.S.C. 119(e). (Emphasis added).

See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 FR 14865, 14866 (March 20, 2000).

37 CFR 1.53(c)(3) was promulgated to implement the change to 35 U.S.C. 111(b)(5) and thus provide for the converting of a provisional application to a nonprovisional application. Since provisional applications cannot be filed for design inventions, a provisional application cannot be converted to a nonprovisional design application. In the final rule, 37 CFR 1.53(c)(3) was amended to specifically state that the patent term **will be** measured from the filing date of the provisional application from which conversion is requested. *See Request for Continued*

Examination Practice and Changes to Provisional Application Practice, Final Rule, 65 FR 50091 (Aug. 16, 2000).

There is nothing in the legislative history of the AIPA to indicate that the provisions of 35 U.S.C. 111(b) would now be applicable to design applications. Congress merely amended 35 U.S.C. 111(b)(5) to provide for converting a provisional application to a nonprovisional application, similar to the existing provision in 35 U.S.C. 111(b)(6) for converting a nonprovisional application to a provisional application.

Contrary to petitioner's argument, the sentence in 37 CFR 1.53(c)(3) regarding patent term applies to any provisional application that is converted to a nonprovisional application. The language of the rule is mandatory. 37 CFR 1.53(c)(3) simply does not provide for converting a provisional application to a nonprovisional design application. Otherwise, design applicants would be able to file provisional applications for design inventions and later convert the provisional application to a design application and obtain the earlier provisional application's filing date, which was clearly not the intent of the Uruguay Round Agreements Act that provided for provisional applications.

Accordingly, the petition to convert provisional application No. 60/893,879 to a nonprovisional design application is again dismissed.

In addition, it is noted that there are significant differences between the specification and drawings of provisional application No. 60/893,879 filed March 8, 2007, and the specification and drawings that were deposited on February 15, 2008, and assigned application No. 29/303,762, that would likely involve new matter under 35 U.S.C. 132 if the provisional application were able to be converted to a design nonprovisional application, since the original disclosure of such a converted application would be the specification and drawings of the provisional application.

No formal claim was included with the application papers deposited on February 15, 2008, since the specification did not include a claim. However, the petition to convert submitted on February 15, 2008, included claim language in the form of an amendment to the provisional application. Therefore, in the Decision mailed December 19, 2008, applicant was advised to file: (1) a petition under 37 CFR 1.182, (2) the $400.00 petition fee, (3) an amendment to add a claim to the end of the specification with the claim commencing on a separate sheet in compliance with 37 CFR 1.75(h) (and without status identifiers or markings) and being identical to the claim in the petition to convert, (4) an amendment to the specification in compliance with 37 CFR 1.121 to delete the first sentence, (5) a new oath or declaration under 37 CFR 1.63, and (6) a supplemental application data sheet deleting the benefit claim information.

On February 23, 2009, applicant filed a petition under 37 CFR 1.182, accompanied by the $400.00 petition fee, an amendment to add a claim to the end of the specification, an amendment to the specification, a declaration under 37 CFR 1.63, and a supplemental application data sheet, in accordance with the Decision mailed December 19, 2008. Applicant requested consideration of the petition under 37 CFR 1.182 in the event the dismissal of the petition to convert is maintained.

Accordingly, the petition under 37 CFR 1.182 is granted. The above-identified application has been accorded a filing date of February 15, 2008.

The application is being returned to the Technology Center Art Unit 2916 for examination in due course.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-7727.

Eugenia A. Jones

Eugenia A. Jones
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Associate Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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NEW YORK NY 10022

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SEP 30 2008

OFFICE OF PETITIONS

In re Application of :
Fraser, et al. :
Application No. 29/303,851 : DECISION ON PETITION
Filed: February 19, 2008 :
Attorney Docket No. 96-1007DES-6 :

This is a decision on the petition under 37 CFR 1.137(b), filed September 10, 2008, to revive the above-identified design application.

The petition is **GRANTED**.

The application became abandoned August 17, 2008 for failure to timely pay the issue fee, as required by the Notice of Allowance and Fee(s) Due (Notice) mailed May 16, 2008, which set a statutory period for reply of three (3) months. A Notice of Abandonment was mailed 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 issue fee payment, (2) the required petition fee, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to timely pay the issue fee as required by the Notice is accepted as being unintentionally delayed.

The terminal disclaimer is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

This application is being referred to Publishing Division for further processing in accordance with this decision on petition.

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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CANTOR FITZGERALD, L.P.
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NEW YORK NY 10022

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SEP 30 2008

OFFICE OF PETITIONS

In re Application of :
Fraser, et al. :
Application No. 29/303,854 : DECISION ON PETITION
Filed: February 19, 2008 :
Attorney Docket No. 96-1007DES-C2 :

This is a decision on the petition under 37 CFR 1.137(b), filed September 10, 2008, to revive the above-identified design application.

The petition is **GRANTED**.

The application became abandoned August 17, 2008 for failure to timely pay the issue fee, as required by the Notice of Allowance and Fee(s) Due (Notice) mailed May 16, 2008, which set a statutory period for reply of three (3) months. A Notice of Abandonment was mailed 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 issue fee payment, (2) the required petition fee, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to timely pay the issue fee as required by the Notice is accepted as being unintentionally delayed.

The terminal disclaimer is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

This application is being referred to Publishing Division for further processing in accordance with this decision on petition.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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.
29/303,870	02/19/2008	Moses Aipa	INCSD002	6761

51111 7590 02/28/2008
AKA CHAN LLP
900 LAFAYETTE STREET
SUITE 710
SANTA CLARA, CA 95050

EXAMINER

ART UNIT	PAPER NUMBER
2913	

NOTIFICATION DATE	DELIVERY MODE
02/28/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):
PTO-INBOX@AKACHANLAW.COM

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	29/303,870
Filing Date	
First Named Inventor	Moses Aipa
Title	Portable Electronic Device Case
Atty Docket Number	INCSD002

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:

D3/218, D3/201, D3/230, D3/269, D3/270, D3/273, D3/298

D14/250, D14/253, 206/305, 379/455, 455/575.8

FEB 26 2008
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.

/Melvin D. Chan/	February 19, 2008
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.

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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GARCIA.ZAMOR INTELLECTUAL PROPERTY LAW
ATTN: RUY GARCIA-ZAMOR
12960 LINDEN CHURCH ROAD
CLARKSVILLE MD 21029

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OCT 27 2009

OFFICE OF PETITIONS

In re application of	:	
Suny Chung	:	
Application No. 29/303,890	:	NOTICE
Filed: February 20, 2008	:	
Attorney Docket No. WPI-PT022	:	

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 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) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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233 SOUTH WACKER DRIVE
6300 SEARS TOWER
CHICAGO, IL 60606-6357

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JUL 27 2009

OFFICE OF PETITIONS

In re Application of	:	
Jan-Patrick DELANCOURT	:	
Application No. 29/303,898	:	DECISION ON PETITION
Filed: February 20, 2008	:	
Attorney Docket No. 29337/PP559	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 22, 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 January 9, 2009, which set a period for reply of three (3) months. Accordingly, this application became abandoned on April 10, 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) 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.

The application is being referred to the Office of Data Management for processing into a patent.

for Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Application of
Stephen G. Hauser

Application No. 29304058

Filed: February 24,2008

Attorney Docket No. 8602/0012PUS3

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1) ,filed 05-JUN-2008 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded “special” status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquires concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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ORGANON USA, INC.
C/O SCHERING-PLOUGH CORPORATION
2000 GALLOPING HILL ROAD
MAIL STOP: K-6-1, 1990
KENILWORTH NJ 07033

MAILED

MAR 25 2009

OFFICE OF PETITIONS

In re Application of	:	
Hale, Dominic	:	
Application No. 29/304,081	:	ON PETITION
Filed: February 25, 2008	:	
Attorney Docket No. DES0958US1	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed December 4, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Continued Prosecution Application (CPA) Request and an Information Disclosure Statement (IDS), (2) the petition fee, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee.

35 U.S.C. 41(a)(7) and 151 each require payment of the issue fee as a condition of reviving an application abandoned 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. Accordingly, per petitioner's authorization, the issue fee will be charged to petitioner's deposit account.

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]

Petitioner also requests a refund of the $810.00 RCE fee submitted on November 17, 2008. The fee will be credited to petitioner's deposit account as requested.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

---

[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.*

This matter is being referred to Technology Center AU 2914 for processing of the CPA filed concurrently.

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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ORGANON USA, INC.
c/o Schering-Plough Corporation
2000 Galloping Hill Road
Mail Stop: K-6-1, 1990
Kenilworth NJ 07033

MAILED

AUG 31 2009

OFFICE OF PETITIONS

In re Application of	:	
Dominic Hale	:	
Application No. 29/304,081	:	DECISION ON PETITION
Filed: February 25, 2008	:	
Attorney Docket No. DES0958US1	:	

This is a decision on the petition under 37 CFR 1.137(b), filed July 20, 2009, to revive the above-identified design application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue fee on or before July 14, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed April 14, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on July 15, 2009. A Notice of Abandonment was mailed on July 30, 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 $1,620, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to timely 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 Terri Williams at (571)272-2991.

This application is being referred to the Office of Data Management for further processing in accordance with this decision on petition.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

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MICHAEL BLAINE BROOKS, P.C.
P.O. BOX 1630
SIMI VALLEY CA 93062-1630

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OCT 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Avi EL-Kiss	:	
Application No. 29/304,109	:	ON PETITION
Filed: February 25, 2008	:	
Attorney Docket No. ELKISS0802D	:	

This is a decision on the petition under 37 CFR 1.182, filed, September 22, 2009, to change the name of inventor "Ari EL-Kiss" to – Ari El-Kiss --.

The petition is **DISMISSED**.

The petition under 37 CFR 1.182 to change an inventor's name must include (1) an appropriate petition fee, (2) a statement signed by the inventor setting forth both names and (3) the procedure whereby the change of name was effected, or a copy of the court order.

Petitioner has failed to comply with item (2). The instant petition lacks a statement signed by the inventor, as required by MPEP 605.04(c).

In view of the above, the petition under § 1.182 cannot be granted at this time to change the inventor's name.

The petition fee of $400.00 has been charged to petitioner's deposit account as authorized on September 22, 2009.

The address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop 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 Joan Olszewski at (571) 272-7751.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: Michael Blaine Brooks, P.C.
1445 E. Los Angeles Ave., Suite 208
Simi Valley, CA 93063-2827

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MICHAEL BLAINE BROOKS, P.C.
P.O. BOX 1630
SIMI VALLEY CA 93062-1630

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OCT 26 2009

OFFICE OF PETITIONS

In re Application of	:	
Avi El-Kiss	:	
Application No. 29/304,109	:	ON PETITION
Filed: February 25, 2008	:	
Attorney Docket No. ELKISS0802D	:	

CORRECTED DECISION

This is a decision on the petition under 37 CFR 1.182, filed, September 22, 2009, to change the name of inventor "Avi EL-Kiss" to – Avi El-Kiss --.

The petition is **DISMISSED AS MOOT**.

Petitioner contends that the inventor's name was incorrectly spelled due to a typographical error, specifically "The "L" following the "E" of the surname should be lower case". The petition filed September 22, 2009 is unnecessary since petitioner has notified the Office of the typographical spelling error.

Accordingly, the petition fee of $400.00 will be refunded to petitioner's deposit account in due course.

The address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Any questions concerning this matter may be directed to Joan Olszewski at (571) 272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: Michael Blaine Brooks, P.C.
1445 E. Los Angeles Ave., Suite 208
Simi Valley, CA 93063-2827

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2100 PENNSYLVANIA AVE. NW
WASHINGTON DC 20037-3213

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FEB 19 2009

OFFICE OF PETITIONS

In re Application of	:
Toshiya Inaba	: DECISION GRANTING PETITION
Application No. 29/304,123	: UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: February 26, 2008	:
Attorney Docket No. Q106696	:

This is a decision on the petition under 37 CFR 1.313(c)(3), filed February 18, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is hereby withdrawn from issue in favor of a continued prosecution application (CPA) under 37 CFR 1.53(d).

Petitioner is advised that the issue fee paid on January 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 February 18, 2009.

Telephone inquiries should be directed to the undersigned at (571) 272-3204.

This matter is being referred to Technology Center AU 2916 for processing of the CPA and consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
P.O. Box 1450
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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

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In re Application of	:
Hiroshi Miyake, et al.	: DECISION GRANTING PETITION
Application No. 29/304,145	: UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: February 26, 2008	:
Attorney Docket No. 9353/803 (D4968-01)	:

This is a decision on the petition under 37 CFR 1.313(c)(3), filed August 1, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is hereby withdrawn from issue in favor of a continued prosecution application (CPA) under 37 CFR 1.53(d).

Petitioner is advised that the issue fee paid on July 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 August 1, 2008.

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642.

This matter is being referred to Technology Center AU 2916 for processing of the CPA and consideration of the concurrently filed information disclosure statement.

April M. Wise
Petitions Examiner
Office of Petitions

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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	:	
ZHENG, Yu "Brian"	:	
Application No. 29/304,230	:	DECISION ON PETITION
Filed: February 27, 2008	:	TO WITHDRAW
Attorney Docket No. **44435-0013**	:	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 27, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Steven A. Moore 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.

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. All future communications from the Office will be directed to the first named signing inventor.

There are no outstanding office actions at this time.

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: **YU "BRIAN" ZHENG**
19901 TENNESSEE TRAIL
WALNUT, CA 91789

cc: **PATENT CATEGORY CORPORATION**
ATTN: THOMAS DOVER
368 S. CHERYL LANE
CITY OF INDUSTRY, CA 91789

PTO/SB/27 (09-04)
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	29/304,306
Filing Date	TBD
First Named Inventor	Frederick J. Dojan
Title	Portion of a Shoe Upper
Atty Docket Number	015127.01181

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 3-4-08
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, 897, 902, 907, 920, 946, 969, 972, 977

Related applications: _____

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:
- Formal drawings (see 37 CFR 1.84).
- The fee set forth in 37 CFR 1.17(k).
- An information disclosure statement in compliance with 37 CFR 1.98.

/Richard S. Stockton/	February 28, 2008
Signature	Date
Richard S. Stockton	50330
Typed or printed name	Registration Number, if applicable
(312) 463 5000	
Telephone Number	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.155. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Expedited Design, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	29/304,311
Filing Date	TBD
First Named Inventor	Sebastien Mermet
Title	Portion of a Shoe Midsole
Atty Docket Number	015127.01182

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 3-26-08
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, 920, 946, 947, 961, 964, 969, 972, 977

Related applications: _____

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:
- Formal drawings (see 37 CFR 1.84).
- The fee set forth in 37 CFR 1.17(k).
- An information disclosure statement in compliance with 37 CFR 1.98.

/Richard S. Stockton/	February 28, 2008
Signature	Date
Richard S. Stockton	50330
Typed or printed name	Registration Number, if applicable
(312) 463 5000	
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.

PTO/SB/27 (09-04)
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)		
	Application Number	29/304,314
	Filing Date	TBD
	First Named Inventor	Sebastien Mermet
	Title	Portion of a Shoe Upper
	Atty Docket Number	015127.01183

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 3-4-08
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, 897, 902, 907, 920, 946, 969, 972, 977

Related applications: _____.

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:
Formal drawings (see 37 CFR 1.84).
The fee set forth in 37 CFR 1.17(k).
An information disclosure statement in compliance with 37 CFR 1.98.

/Richard S. Stockton/	February 28, 2008
Signature	Date
Richard S. Stockton	50330
Typed or printed name	Registration Number, if applicable
(312) 463 5000	
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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RESEARCH IN MOTION LIMITED
295 PHILLIP STREET
WATERLOO ON N2L 3W8 CA CANADA

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MAY 14 2009

OFFICE OF PETITIONS

In re Application of	:	
Ferrari et al.	:	
Application No. 29/304,381	:	ON PETITION
Filed: February 29, 2008	:	
Attorney Docket No. 32918-US-DES	:	

This is a decision on the petition under 37 CFR 1.182, filed, February 24, 2009, to correct the spelling of the name of inventor "Todd Andrew Todd" to – Todd Andrew Wood –.

The petition is **GRANTED**.

Office records have been corrected to reflect the correct spelling of the above-named inventor. A corrected Filing Receipt, which sets forth the correct spelling of the above-named inventor, accompanies was mailed on March 12, 2009.

The $400 fee for the petition under 37 CFR 1.182 was submitted by petitioner via credit card.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.

The matter is being referred to Technology Center AU 2911 for examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

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RESEARCH IN MOTION LIMITED
295 PHILLIP STREET
WATERLOO ON N2L 3W8 CA CANADA

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OFFICE OF PETITIONS

In re Application of	:	
Ferrari et al.	:	
Application No. 29/304,384	:	ON PETITION
Filed: February 29, 2008	:	
Attorney Docket No. 32918-1-US-DES	:	

This is a decision on the petition under 37 CFR 1.182, filed, February 24, 2009, to correct the spelling of the name of inventor "Todd Andrew Todd" to – Todd Andrew Wood –.

The petition is **GRANTED**.

Office records have been corrected to reflect the correct spelling of the above-named inventor. A corrected Filing Receipt, which sets forth the correct spelling of the above-named inventor, accompanies was mailed on March 12, 2009.

The $400 fee for the petition under 37 CFR 1.182 was submitted by petitioner via credit card.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.

The matter is being referred to Technology Center AU 2911 for examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

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BARLOW, JOSEPHS & HOLMES, LTD.
101 DYER STREET
5TH FLOOR
PROVIDENCE RI 02903

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OCT 24 2008

OFFICE OF PETITIONS

In re Application of	:	
Calvin, Edmund	:	
Application No. 29/304,385	:	ON PETITION
Filed: February 29, 2008	:	
Attorney Docket No. C64P1637US	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed October 16, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of Corrected Drawings, (2) the petition fee, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Data Management for processing into a patent.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
ATTN: PATENT DOCKETING
P.O. BOX 7037
ATLANTA GA 30357-0037

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AUG 25 2009

OFFICE OF PETITIONS

In re Application of	:	
Mock et al.	:	
Application No. 29/304,402	:	DECISION ON PETITION
Filed: February 29, 2008	:	
Attorney Docket No. A10019 1460	:	

This is a decision on the 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 petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of Corrected Drawings; (2) the petition fee of $1,620.00; (3) a proper statement of unintentional delay and (4) a Terminal Disclaimer with the accompanying $140.00 fee.

The request for a terminal disclaimer is accepted and has been made of record.

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 July 8, 2009.

Joan Olszewski
Petitions Examiner
Office of Petitions

PTO/SB/27 (11-07)
Approved for use through 11/30/2007. OMB 0651-0031
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	UNASSIGNED 29/304,464
Filing Date	UNASSIGNED
First Named Inventor	Christina Yang
Title	SHOE UPPER AND PERIPHERY
Atty Docket Number	210859.18947

ADDRESS TO:

MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

3-11-08 Approved Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

This is a request for expedited examination of a design application under 37 CFR 1.155.

NOTE: If the Request made by this form accompanies original application papers, include form PTO/SB/18 "Design Patent Application Transmittal" or its equivalent.

A preexamination search was conducted. The field of search was:

CLASS: D2

SUBCLASS: 896, 897, 898, 899, 900, 903, 905, 918, 919, 921, 922, 923, 924, 925, 926, 939, 946, 969, 972, 976

Related applications:

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:

- Formal drawings (see 37 CFR 1.84).
- The fee set forth in 37 CFR 1.17(k).
- An information disclosure statement in compliance with 37 CFR 1.98.

/Marshall A. Lerner/	March 3, 2008
Signature	Date
MARSHALL A. LERNER	24,108
Typed or printed name	Registration Number, if applicable
(310) 557-1511	
Telephone Number	

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This collection of information is required by 37 CFR 1.155. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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In re Application of
Stephen G. Hauser

Application No. 29304592

Filed: March 5,2008

Attorney Docket No. 8602/0017PUS1

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1) ,filed 05-JUN-2008 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded “special” status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquires concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

Paper No.

David Klein
DEKEL PATENT LTD.
Beit HaRof'im
18 Menuha VeNahala Street
Room 27
REHOVOT 76209
ISRAEL

MAILED

JUN 18 2009

OFFICE OF PETITIONS

In re Application of	:	
Yoram Bar On	:	DECISION ON
Application No. 29/304,617	:	PETITION
Filed: March 5, 2008	:	
Atty Docket No. 1815OFR-USD	:	

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b), filed March 13, 2009.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. § 1.137(b)."

The above-identified application became abandoned for failure to pay the Issue Fee within three months of the mailing date, November 3, 2008, of the Notice of Allowance and Fee(s) Due. This Office action set a three-month nonextendable statutory period for reply. No Issue Fee received, the above-identified application became abandoned on February 4, 2009. A courtesy Notice of Abandonment was mailed on February 26, 2009.

The provisions of 37 C.F.R. § 1.137(b) provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent. A petition filed pursuant to 37 C.F.R. §1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;

(2) The petition fee as set forth in § 1.17(m);

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

The petition includes the required reply in the form of payment of the Issue Fee[1]; payment of the petition fee; and the required statement of unintentional delay.

However, the instant petition does not satisfy requirement (4) above. No terminal disclaimer and fee were submitted with the instant petition. A properly completed terminal disclaimer and terminal disclaimer fee are required for revival of this design application.

Receipt of the change of correspondence address to a Customer Number filed March 13, 2009 is acknowledged and made of record.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

---

[1] No publication fee was required. There was no distinct but concurrent requirement for corrected drawings.

By fax: (571) 273-8300
ATTN: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No.

DEKEL PATENT LTD.
DAVID KLEIN
Beit HaRof'im
18 Menuha VeNahala Street
Room 27
REHOVOT 76209
ISRAEL

MAILED

SEP 28 2009

OFFICE OF PETITIONS

In re Application of	:	
Yoram Bar On	:	DECISION ON
Application No. 29/304,617	:	PETITION
Filed: March 5, 2008	:	
Atty Docket No. 1815OFR-USD	:	

This is in response to the filing of a terminal disclaimer in the above-identified application on June 24, 2009. This filing is treated as a renewed PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b).

The petition is **GRANTED**.

The above-identified application became abandoned on February 4, 2009 for failure to pay the Issue Fee within three months of the mailing date, November 3, 2008, of the Notice of Allowance and Fee(s) Due. A courtesy Notice of Abandonment was mailed on February 26, 2009.

By decision mailed June 18, 2009, the initial petition filed March 13, 2009 was dismissed. The petition included the required reply in the form of payment of the Issue Fee[1]; payment of the petition fee; and the required statement of unintentional delay. However, the petition did not include the terminal

[1] No publication fee was required. There was no distinct but concurrent requirement for corrected drawings.

disclaimer (and fee as set forth in § 1.20(d)) required to revive this design application.

On instant renewed petition, applicant submitted the terminal disclaimer and fee. Applicant has now met all requirements for revival of this design application.

The application is being forwarded to the Office of Data Management for processing into a patent.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No.

RABIN & Berdo, PC
1101 14TH STREET, NW
SUITE 500
WASHINGTON DC 20005

MAILED

MAY 26 2009

OFFICE OF PETITIONS

In re Application of	:	
Onn Fah Foo	:	
Application No. 29/304,657	:	DECISION ON
Filed: March 5, 2008	:	PETITION
Attorney Docket No. WEN-320	:	

This is a decision on the PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR §1.181 AND REQUEST FOR REMAIL OF NOTICE OF ALLOWANCE filed November 6, 2008.

The above-identified application became abandoned for failure to timely pay the required issue fee within the statutory period of three months from the mailing date, July 9, 2008, of the notice of allowance[1]. This period is not extendable. No reply having been received, the above-identified application became abandoned effective October 10, 2008. A courtesy Notice of Abandonment was mailed on November 3, 2008.

In response, applicants timely filed the instant petition within two months of mailing of the notice of abandonment. Petitioner asserts that the Notice was never received by the undersigned counsel (the correspondence address of record) and requests that the holding of abandonment be withdrawn.

A review of the application file reveals no irregularities in the mailing of the Notice mailed July 9, 2008. Thus, there is a

[1] The Notice of Allowability mailed July 9, 2008 did not set forth a distinct but concurrent requirement.

strong presumption that the correspondence was properly mailed to the applicants at the correspondence address of record. In the absence of demonstrated irregularities in mailing of this Notice, petitioner must submit evidence to overcome this presumption. The showing required to establish non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. In addition, a copy of the master docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. The showing must be sufficient to establish a reliable docketing system.

Petitioner has supported his claim of non-receipt with such evidence.

In view thereof, the notice of abandonment mailed November 3, 2008 and the holding of abandonment are hereby **WITHDRAWN**.

The petition under § 1.181 is **GRANTED**.

No fee is required on petition under § 1.181.

Technology Center AU 2916 has been advised of this decision. The application is, thereby, forwarded to the Technology Center's technical support staff to withdraw the holding of abandonment and for re-mailing of the Notice of Allowance (and Notice of Allowability) and restarting of the period for reply.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No.

Joseph W. Price
Snell & Wilmer LLP
Suite 1400
600 Anton Boulevard
Costa Mesa CA 92626

COPY MAILED

DEC 1 0 2008

OFFICE OF PETITIONS

In re Application of	:	
Norikazu Matsumura	:	
Application No. 29/304,670	:	DECISION ON PETITION
Filed: March 5, 2008	:	PURSUANT TO
Attorney Docket No.: 12610-4400	:	37 C.F.R. § 1.181(A)
Title: TURN SIGNAL LAMP FOR A	:	
MOTORCYCLE	:	

This is a decision on the petition filed November 17, 2008, pursuant to 37 C.F.R. § 1.181(a), requesting that the holding of abandonment in the above-identified application be withdrawn.

This petition pursuant to 37 C.F.R. § 1.181(a) is **DISMISSED**.

BACKGROUND

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed July 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 October 10, 2008. A Notice of Abandonment was mailed on November 3, 2008.

1 See MPEP § 710.02(e).

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.

Section 711.03(c)(I)(A) of the MPEP 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).
>
> (Emphases added).

ANALYSIS

With this petition, Petitioner has stated that the Notice of Allowance and Issue Fee Due of July 9, 2008 was not received at the correspondence address of record,[2] and has provided a copy of the master docket[3] and a copy of the record used by the practitioner where the allegedly non-received Notice of

2 Petition, page 1.
3 Exhibits B and C.

Allowance and Issue Fee Due of July 9, 2008 would have been entered had it been received.[4]

Petitioner has further indicated that the "file[5] and docketing system" were reviewed, and the relevant Office communication was not located.[6]

Petitioner's assertion of non-receipt has not been adequately supported, as will be now pointed out.

First, Petitioner has explained that all communications from the Office are entered "into a docket book and also into a computer program to determine statutory and other response dates."[7] However, 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 on a periodic basis? If so, are these reports 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, the statement of Ms. Neu strongly suggests that a search was performed of the **file jacket**,[8] and this search indicates that the relevant communication was not received, however this has not been explicitly set forth.

CONCLUSION

The time period for filing a renewed petition is governed by 37 C.F.R. § 1.181(f). Therefore, if reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision, and **extensions of time under 37 C.F.R. § 1.136(a) are not permitted**. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.181(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be

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4 Exhibit A.
5 This language is construed as meaning that the application contents were reviewed. If this is not a correct interpretation of this statement, **Petitioner must notify the Office of the same**.
6 Statement of Ms. Neu, paragraph 4.
7 Id. at 2.
8 Id. at 3.

submitted by mail,[9] hand-delivery,[10] or facsimile.[11] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[12]

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[13] All other inquiries concerning examination procedures should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

9 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
10 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
11 (571) 273-8300- please note this is a central facsimile number.
12 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
13 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).

UNITED STATES 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.

Joseph W. Price
Snell & Wilmer LLP
Suite 1400
600 Anton Boulevard
Costa Mesa CA 92626

MAILED

JAN 22 2009

OFFICE OF PETITIONS

In re Application of	:	
Norikazu Matsumura	:	
Application No. 29/304,670	:	DECISION ON RENEWED
Filed: March 5, 2008	:	PETITION PURSUANT TO
Attorney Docket No.: 12610-4400	:	37 C.F.R. § 1.181(A)
Title: TURN SIGNAL LAMP FOR A	:	
MOTORCYCLE	:	

This is a decision on the renewed petition filed January 8, 2009, pursuant to 37 C.F.R. § 1.181(a), requesting that the holding of abandonment in the above-identified application be withdrawn.

This renewed petition pursuant to 37 C.F.R. § 1.181(a) is **GRANTED**.

BACKGROUND

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed July 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 October 10, 2008. A Notice of Abandonment was mailed on November 3, 2008.

1 See MPEP § 710.02(e).

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.

Section 711.03(c)(I)(A) of the MPEP 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

An original petition pursuant to 37 C.F.R. § 1.181(a) was filed on November 17, 2008, and was dismissed via the mailing of a decision on December 10, 2008.

With this renewed petition, Petitioner has established that the firm's computer-based docketing software program generates reports on a weekly basis,[2] and these reports are distributed to the responsible attorney.[3] Moreover, it has been established

2 Neu declaration of facts submitted with renewed petition, paragraph 2.
3 Id.

that a search was performed of both the file jacket and the contents thereof,[4] and this search indicates that the relevant communication was not received.

CONCLUSION

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that the Notice of July 9, 2008 was not received.

Accordingly, this renewed petition pursuant to 37 C.F.R. § 1.181(a) is **GRANTED**. The holding of abandonment is **WITHDRAWN**.

The Technology Center will be notified of this decision. **The Technology Center's support staff will mail a new Notice of Allowance and Issue Fee Due, as well as a copy of the Notice of Allowability. The three-month non-extendable time period for paying the issue fee will be set to run from the mailing date of the new Notice.**

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the withdrawal of the holding of abandonment has been acknowledged by the Technology Center 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 Technology Center 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.[5] All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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4 Id. at 3 and 4.
5 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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THE PROCTER & GAMBLE COMPANY
GLOBAL LEGAL DEPARTMENT - IP
SYCAMORE BUILDING - 4TH FLOOR
299 EAST SIXTH STREET
CINCINNATI OH 45202

MAILED

OCT 23 2009

OFFICE OF PETITIONS

In re Application of	:	
Marotti, et al.	:	
Application No. 29/304,712	:	DECISION ON PETITION
Filed: March 6, 2008	:	
Attorney Docket No. D1316	:	

This is a decision on the petition to revive the above-identified application under 37 CFR 1.137(b), filed September 25, 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(b)." No further petition fee is due for a renewed petition. This is **not** a final agency decision within the meaning of 5 USC 704.

The above-identified application became abandoned for failure to timely pay the issue fee in response to the Notice of Allowance, mailed June 22, 2009. This Notice set a statutory period for reply of three (3) months for issue fee transmittal. No issue fee having been received, the application became abandoned on September 23, 2009. The Office mailed a Notice of Abandonment on

September 29, 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).

The instant petition lacks item (4). The instant application is a design application, and accordingly requires a terminal disclaimer and accompanying fee. See 37 CFR 1.137(d).

Further correspondence concerning this application should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

By FAX: (571)273-8300
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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SYCAMORE BUILDING - 4TH FLOOR
299 EAST SIXTH STREET
CINCINNATI OH 45202

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DEC 17 2009

OFFICE OF PETITIONS

In re Application of	:	
Marotti, et al.	:	
Application No. 29/304,712	:	DECISION ON PETITION
Filed: March 6, 2008	:	
Attorney Docket No. D1316	:	

This is a decision on the renewed petition to revive the above-identified application under 37 CFR 1.137(b), filed December 2, 2009.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely pay the issue fee in response to the Notice of Allowance, mailed June 22, 2009. This Notice set a statutory period for reply of three (3) months for issue fee transmittal. No issue fee having been received, the application became abandoned on September 23, 2009. The Office mailed a Notice of Abandonment on September 29, 2009. Applicants filed a petition under 37 CFR 1.137(b) on September 25, 2009. However, the petition was dismissed in a decision mailed on October 23, 2009. The petition was dismissed because it lacked the required terminal disclaimer.

With the instant petition, applicants submitted a terminal disclaimer. The other requirements for a grantable petition were satisfied in the petition filed September 25, 2009.

The application is being forwarded to the Office of Data Management for processing into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CHRISTIAN D. ABEL
ONSAGERS AS
POSBOKS 6963 ST. OLAVS PLASS
NORWAY N-013-0 NO NORWAY

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SEP 1 5 2009

OFFICE OF PETITIONS

In re Application of :
Frank LIAN, et al :
Application No. 29/304,747 : ON PETITION
Filed: March 7, 2008 :
Attorney Docket No. D11361US00 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed July 23, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Fee(s) Due mailed, March 12, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 13, 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.

With respect to item 4: The terminal disclaimer under 37 CFR 1.137(d), filed July 23, 2009, cannot be accepted since it is not signed by an attorney or agent of record.

37 CFR 1.321(b) states :

> An applicant or assignee may disclaim or dedicate to the public the entire term, or any terminal part of the term, of a patent to be granted. Such terminal disclaimer is binding

upon the grantee and its successors or assigns. The terminal disclaimer, to be recorded in the Patent and Trademark Office, must:

(1) Be signed:
(i) By the applicant, or
(ii) If there is an assignee of record of an undivided part interest, by the applicant and such assignee, or

(iii) If there is an assignee of record of the entire interest, by such assignee, or
(iv) By an attorney or agent of record;
(2) Specify the portion of the term of the patent being disclaimed;
(3) State the present extent of applicant's or assignee's ownership interest in the patent to be granted; and
(4) Be accompanied by the fee set forth in §1.20(d).
(c) A terminal disclaimer, when filed to obviate judicially

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at (571) 272-6735.

Thurman Page
Petitions Examiner
Office of Petitions

cc: CHRISTIAN D. ABEL
POSTBOKS 6369 ST. OLAVS PLASS
0130 OSLO, NORWAY

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CHRISTIAN D. ABEL
ONSAGERS AS
POSTBOKS 6963 ST. OLAVS PLASS
OSLO N-013-0 NO NORWAY

COPY MAILED

NOV 04 2009

OFFICE OF PETITIONS

In re Application of
Frank LIAN, et al
Application No. 29/304,747
Filed: March 7, 2008
Attorney Docket No. D11361US00

DECISION ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed September 22, 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 March 12, 2009, which set a period for reply of three (3) months. Accordingly, this application became abandoned on June 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 replacement drawings; (2) the petition fee of $810; (3) the required statement of unintentional delay; and (4) a Terminal Disclaimer.

The Terminal Disclaimer and Power of Attorney have been accepted and have been made of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

The application is being referred to the Office of Data Management for processing into a patent.

/Diane C. Goodwyn/
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
29/304,747	03/07/2008	Frank Lian	D11361US00

CONFIRMATION NO. 6361

POA ACCEPTANCE LETTER

OC000000038561943

29078
CHRISTIAN D. ABEL
ONSAGERS AS
POSTBOKS 6963 ST. OLAVS PLASS
OSLO, N-0130
NORWAY

Date Mailed: 11/02/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/22/2009.

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.

/dcgoodwyn/

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.:20090728

DATE : July 28, 2009

TO SPE OF : ART UNIT 2915

SUBJECT : Request for Certificate of Correction on Patent No.: D590,230

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:

/ROBERT M SPEAR/
Supervisory Patent Examiner.Art Unit 2915

PTO/SB/44 (08-07)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : D590,230

APPLICATION NO.: 29/304,787

ISSUE DATE : April 14, 2009

INVENTOR(S) : JOSEPH MARTONE, et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On title page, item 56 References Cited
add the following U.S. Patent Documents as cited in an IDS filed May 16, 2008:

--U.S. Patent No. 37,920, issued March 17, 1863 to PENNY
U.S. Patent No. 89,013, issued April 20, 1869 to BLAKE
U.S. Patent No. 439,336, issued October 28, 1890 to ZITLOW
U.S. Patent No. 486,300, issued November 15, 1892 to SCHEID
U.S. Patent No. 513,271, issued January 23, 1894 to MATTHEWS
U.S. Patent No. 563,848, issued July 14, 1896 to DUNHAM
U.S. Patent No. 743,823, issued November 10, 1903 to BRVAR
U.S. Patent No. 845,975, issued March 5, 1907 to PATTERSON
U.S. Patent No. 868,733, issued October 22, 1907 to WALKER
U.S. Patent No. 884,229, issued April 7, 1908 to SPARKS
U.S. Patent No. 935,459, issued September 28, 1909 to CARR
U.S. Patent No. 1,114,837, issued October 27, 1914 to WILSON
U.S. Patent No. 1,465,009, issued August 9, 1923 to WASSETH
U.S. Patent No. 1,469,472, issued November 12, 1921 to BANGERT
U.S. Patent No. 1,472,517, issued January 26, 1922 to FRY
U.S. Patent No. 1,514,060, issued November 4, 1924 to McCALLUM
U.S. Patent No. 1,613,729, issued January 11, 1927 to SHEARWOOD
U.S. Patent No. 1,689,685, issued October 30, 1928 to REEVES
U.S. Patent No. 1,763,353, issued June 10, 1930 to HELLER
U.S. Patent No. 2,239,719, issued April 29, 1941 to JARRETT--

MAILING ADDRESS OF SENDER (Please do not use customer number below):
P. O. Box 10500
McLean, VA 22102

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/44 (08-07)
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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : D590,230

APPLICATION NO.: 29/304,787

ISSUE DATE : April 14, 2009

INVENTOR(S) : JOSEPH MARTONE, et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

(Cont'd from page 1)

--U.S. Patent No. 2,491,129, issued December 13, 1949 to NIEUWSMA
U.S. Patent No. 2,896,910, issued July 28, 1959 to COOPER
U.S. Patent No. 2,937,004, issued May 17, 1960 to STRIANI
U.S. Patent No. 3,134,574, issued January 20, 1962 to REUTERFORS
U.S. Patent No. 3,760,656, issued September 25, 1973 to VEACH
U.S. Patent No. 4,028,757, issued June 14, 1977 to YOUNG
U.S. Patent No. 4,039,140, issued August 2, 1977 to PULLIAM
U.S. Patent No. 4,408,505, issued October 11, 1983 to COOK
U.S. Patent No. 4,476,596, issued October 16, 1984 to FORTUNE
U.S. Patent No. 4,597,123, issued July 1, 1986 to COBE
U.S. Patent No. 5,033,501, issued July 23, 1991 to STEHLING
U.S. Patent No. 5,044,033, issued September 3, 1991 to FOSBERG
U.S. Patent No. 5,282,287, issued February 1, 1994 to AUBE
U.S. Patent No. 5,428,853, issued July 4, 1995 to MENKE
U.S. Patent No. 5,768,956, issued June 23, 1998 to COONRAD
U.S. Patent No. 5,845,354, issued December 8, 1998 to LONG
U.S. Patent No. 5,850,650, issued December 22, 1998 to KARSNIA
U.S. Patent No. 5,896,607, issued April 27, 1999 to HAGAN
U.S. Patent No. 6,186,475, issued February 13, 2001 to SELEPOUCHIN
U.S. Patent No. 6,220,124, issued April 24, 2001 to PERKINS
U.S. Patent No. 6,298,754, issued October 9, 2001 to BROWN
U.S. Patent No. 6,352,009, issued March 5, 2002 to GAIDJIERGIS
U.S. Patent No. 6,435,059, issued August 20, 2002 to MARTINEZ
U.S. Patent No. 6,604,728, issued August 12, 2003 to BOYDON--

MAILING ADDRESS OF SENDER (Please do not use customer number below):
P. O. Box 10500
McLean, VA 22102

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : D590,230

APPLICATION NO.: 29/304,787

ISSUE DATE : April 14, 2009

INVENTOR(S) : JOSEPH MARTONE, et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

(Cont'd from page 2)

--U.S. Patent No. 6,637,061, issued October 28, 2003 to SPRACKLIN
U.S. Patent No. 6,899,001, issued May 31, 2005 to SANDERS
U.S. Patent Pub. No. 2004/0045411, published March 11, 2004 to YOUNGREN
U.S. Patent Pub. No. 2006/0075572, published April 13, 2006 to YOUNG
U.S. Design Pat. No. D164,705, issued October 2, 1951 to MOSES
U.S. Design Pat. No. D226,162, issued January 30, 1973 to ZIAYLEK
U.S. Design Pat. No. D271,275, issued November 8, 1983 to RICHILANO
U.S. Design Pat. No. D274,023, issued May 29, 1984 to LAI
U.S. Design Pat. No. D291,402, issued August 18, 1987 to SQUARE
U.S. Design Pat. No. D300,111, issued March 7, 1989 to SQUARE
U.S. Design Pat. No. D318,211, issued July 16, 1991 to D'ONOFRIO
U.S. Design Pat. No. D337,492, issued July 20, 1993 to RYAN
U.S. Design Pat. No. D351,326, issued October 11, 1994 to SCHWENGEL
U.S. Design Pat. No. D359,220, issued June 13, 1995 to VINAR
U.S. Design Pat. No. D384,264, issued September 30, 1997 to LIOU
U.S. Design Pat. No. D388,303, issued December 20, 1997 to BERGGREN
U.S. Design Pat. No. D390,082, issued February 3, 1998 to HIGGS
U.S. Design Pat. No. D422,860, issued April 18, 2000 to VINAR
U.S. Design Pat. No. D449,770, issued October 30, 2001 to CHEN
U.S. Design Pat. No. D496,244, issued September 21, 2004 to BOYDON
U.S. Design Pat. No. D499,322, issued December 7, 2004 to HUNG
U.S. Design Pat. No. D507,167, issued July 12, 2005 to RICHARDSON
U.S. Design Pat. No. D525,506, issued July 25, 2006 to DOWNING--

MAILING ADDRESS OF SENDER (Please do not use customer number below):
P. O. Box 10500
McLean, VA 22102

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : D590,230

APPLICATION NO.: 29/304,787

ISSUE DATE : April 14, 2009

INVENTOR(S) : JOSEPH MARTONE, et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On title page, item 56 References Cited
add the following Foreign Patent Documents as cited in an IDS filed May 16, 2008:
--German Pub. No. 022005007075, published May 3, 2005 to FREUND
Canadian Pub. No. 2,296,048, published July 12, 2001 to BRUNET
German Pub. No. 19937951, published March 9, 2000 to KARZNIA
Great Britain Pub. No. 276,509, published September 1, 1927 to KITCHING
Great Britain Pub. No. 2,355,223, published April 18, 2001 to GANNON--

On title page, item 56 References Cited
add the following Other Publications documents as cited in an IDS filed May 16, 2008:
--European Search Report issued for European Patent Application No. 07251165.2-1262, dated July 27, 2007
Printout of Stanley FUBAR demolition tool from Gizmodo.com 9/5/2006--

MAILING ADDRESS OF SENDER (Please do not use customer number below):
P. O. Box 10500
McLean, VA 22102

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/130 (03-08)
Approved for use through 04/30/2008. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	29/304,834	Confirmation Number	7391	Filing Date	2008-03-07
Attorney Docket Number (optional)	EURO-275H	Art Unit	2913	Examiner	To Be Assigned
First Named Inventor	Maximilian Rosenzweig				
Title of Invention	DESIGN FOR STEAM MOP PAD				

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

5-6-2010

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Patent No. : D605,651 S
Ser. No. : 29/304,918
Inventor(s) : Parul Nanda
Issued : December 8, 200

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 or 1.323.

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 1.17(ih) (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

Borden Ladner Gervais LLP
100 Queen Street, Suite 1100
Ottawa, Ontario, K1P 1J, Canada

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

ECKERT SEAMANS CHERIN & MELLOTT
600 GRANT STREET
44TH FLOOR
PITTSBURGH PA 15219

MAILED

JUN 30 2010

OFFICE OF PETITIONS

In re Patent No. D605651	:	
Application No. 29/304,918	:	
Filed: March 10, 2008	:	ON PETITION
Issued: December 8, 2009	:	
Attorney Docket No: 291010-01183	:	

This is a decision on the petition filed May 27, 2010, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Although the petition is signed by a registered patent agent it does not set forth a USPTO registration number. Petitioner should note that all documents submitted before the United States Patent and Trademark Office by a registered patent agent must contain his/her registration number. However, the accompanying document does include the signature and registration number for Andrew D. Sojonky. Therefore, the petition is accepted as being properly signed.

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.

The address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

This matter is being referred to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-7751. Inquiries regarding the certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Andrew Sojonky,
Borden Ladner Gervais LLP
World Exchange Plaza
100 Queen Street - Suite 1100
Ottawa, ON K1P 0-G6

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

SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

Mail Date: 05/03/2010

Applicant	: Kenneth S. Hastings	: DECISION ON REQUEST FOR
Patent Number	: D603629	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 29/304,958	: OF WYETH
Filed	: 03/11/2008	:
		:

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

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Alexandria, VA 22313-1450
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MAYER BROWN LLP
P.O. BOX 2828
CHICAGO IL 60690

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OCT 14 2009

OFFICE OF PETITIONS

In re Application of
Zhang
Application No. 29/304,999
Filed: March 11, 2008
Attorney Docket No. 08030197
For: PORTABLE DVD/DIGITAL MEDIA PLAYER

ON PETITION

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 (Notice), mailed May 1, 2009, which set a three (3) month period for reply. Accordingly, this application became abandoned on August 2, 2009. A Notice of Abandonment was mailed on August 28, 2009.

Petitioner asserts the application did not become abandoned because the "examiner erroneously overlooked Applicant's corrected drawings" that were filed on April 7, 2009.

During an October 2, 2009 telephone conversation, the undersigned sought clarification from Examiner Bondade regarding the requirements set in the May 1, 2009 Notice. Examiner Bondade stated that she considered the entire CPA filed on April 7, 2009 when she created the May 1, 2009 Notice of Allowability for a Design Application. The corrected drawings/replacement sheets of drawings filed on April 7, 2009 were considered and found to be unacceptable. Corrected drawings/replacement sheets of drawings were and *are still* required.

Petitioner is reminded that the Notice of Allowability For A Design Application set a three month period for reply. The Notice clearly states that corrected drawings as replacement sheets must be submitted, including changes required by the attached examiner's amendment/comment.

The Notice was never withdrawn. Failure to timely reply resulted in the abandonment of the application. Even if an applicant believes an Office action is mailed in error or lacks merit or is confusing, failure to respond *in some manner* by the deadline set in the Office action will result in the application's abandonment.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is **dismissed**.

Petitioner is encouraged to file a petition to revive under the unintentional delay provisions of 37 CFR 1.137(b). Corrected drawings/replacement drawings will be the required reply. If further clarification with respect to the deficiencies in the April 7, 2009 corrected drawings/replacement sheets of drawings is required, Examiner Bondade has expressed her willingness to elaborate.

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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CHICAGO IL 60690

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JAN 07 2010

OFFICE OF PETITIONS

In re Application of	:	
Yongde Zhang	:	
Application No. 29/304,999	:	DECISION ON PETITION
Filed: March 11, 2008	:	
Attorney Docket No. 08030197	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 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.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (4).

With respect to item (4), since the instant application is a design application, a terminal disclaimer and fee are required by 37 CFR 1.137(b) for revival. Petitioner appears to be submitting the terminal disclaimer on behalf of the assignee. However, the Statement under 37 C.F.R. §3.73(b) is not acceptable as submitted. Petitioner is required to submit a proper Statement under 37 C.F.R. §3.73(b) (suggested form PTO/SB/96) that includes the statement that petitioner is authorized to act on behalf of the assignee. Accordingly,

the terminal disclaimer filed with the instant petition is unacceptable. Therefore, the petition can not be granted at this time.

Additionally, petitioner is required to submit an updated terminal disclaimer (suggested form PTO/SB/63) to accompany the updated Statement under 37 C.F.R. §3.73(b).

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
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401 Dulany Street
Alexandria, VA 22314

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. BOX 2828
CHICAGO IL 60690

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In re Application of	:	
Yongde Zhang	:	
Application No. 29/304,999	:	DECISION ON PETITION
Filed: March 11, 2008	:	
Attorney Docket No. 08030197	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed January 21, 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 August 3, 2009, as required by the Notice of Allowability For a Design Application mailed May 1, 2009. Accordingly, the date of abandonment of this application is August 4, 2009. A Notice of Abandonment was mailed August 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 Corrected Drawings (previously submitted on October 29, 2009); (2) the petition fee of $1,620.00 (previously paid on October 29, 2009); (3) a proper statement of unintentional delay; (4) a Terminal Disclaimer with the accompanying $140.00 fee (previously paid on October 29, 2009).

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 and review of the Corrected Drawings submitted on October 29, 2009.

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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SAIDMAN DESIGNLAW GROUP
8601 GEORGIA AVE
SUITE 603
SILVER SPRING MD 20910

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FEB 18 2009

OFFICE OF PETITIONS

DECISION ON PETITION

In re Patent No. D584,659 S :
Issue Date: January 13, 2009 :
Application No. 29/305,033 :
Filed: March 12, 2008 :
Attorney Docket No. 1721.062 :

This is a decision on the Petition for Issuance of Patent in the Name of the Assignee under 37 C.F.R. § 3.81(b), filed December 23, 2008. The petition was accompanied by a Request for Certificate of Correction of Patent for Applicant Mistake (37 C.F.R. § 1.323), which included a Certificate of Correction (PTO/SB/44).

The petition under 37 CFR 3.81 is **GRANTED**.

Petitioner requests that the Title Page of the above-identified patent be corrected via issuance of a Certificate of Correction to correct the residence of the assignee identified thereon from "Tokyo (JP)" to: --(JP)--. In effect, Petitioner requests that the assignee information identified on the Title Page of the patent be changed from "Toyota Jidosha Kabushiki Kaisha, Tokyo (JP)" to:

--Toyota Jidosha Kabushiki Kaisha (JP)--.

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 petition was accompanied by a completed Certificate of Correction (PTO/SB/44) and payment of the required fees. As such, the requisite $100.00 fee (Fee Code 1811), as set forth under in 37 CFR 1.20(a), and the requisite $130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(i), have been paid. Office assignment records are consistent with the requested correction. Accordingly, as 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 submitted with the present petition.

Inquiries related to this communication should be directed to Brian W. Brown at (571) 272-5338.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

The matter is being referred to the Certificate of Corrections Branch for processing of a Certificate of Correction in US Patent D584,659 S.

Brian W. Brown
Petitions Examiner
Office of Petitions

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

In re Application of ☐

Masaki MOTOZAKI et al. ☐ Art Unit: 2915

Serial No. 29/305,033 ☐ Examiner: Melody Brown

Filed: March 12, 2008 ☐ Atty Dkt No: 1721.062

For: **AUTOMOBILE AND/OR TOY REPLICA THEREOF**

PETITION FOR ISSUANCE OF PATENT IN THE NAME OF THE ASSIGNEE UNDER 37 C.F.R. § 3.81(b)

Mail Stop PETITIONS
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby request correction of the erroneous Assignee Residence information entered in Item 3B of the "PTOl-85 Part B Fee(s) Transmittal" filed on December 8, 2008. The correct residence of the Assignee of record should state "Japan" only, and should <u>not</u> state "Tokyo, Japan."

The Assignment was submitted for recordation as set forth in 37 CFR 3.11 and was recorded on April 29, 2008 on Reel 020873 and Frame 0955.

This petition is accompanied by a request for a certificate of correction under 37 CFR 1.323 along with the required fee.

02/19/2009 CKHLOK 00000001 0584659
01 FC:1464 130.00 OP
02 FC:1811 100.00 OP

Adjustment date: 02/19/2009 CKHLOK
12/23/2008 INTEFSW 00009355 29305033
01 FC:1464 -130.00 OP
02 FC:1811 -100.00 OP

Applicants hereby respectfully petition to correct the Assignee Residence data to be printed on the issued patent.

The required fee of $130.00 is enclosed herewith. The Commissioner is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0031.

Respectfully submitted,

/Perry J. Saidman/

Perry J. Saidman
Attorney for Applicants
Registration No. 26,028

Date: December 23, 2008

8601 Georgia Avenue, Suite 603
Silver Spring, MD 20910
(301) 585-8601
p:\data\clients\1721\062\petition to issue patent in name of assignee.doc

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OFFICE OF PETITIONS

In re Patent No. D584660	:	
Issue Date: January 13, 2009	:	
Application No. 29/305,036	:	ON PETITION
Filed: March 12, 2008	:	
Attorney Docket No. 1721.063	:	

This is a decision on the Request for Certificate of Correction filed December 22, 2008, and resubmitted December 23, 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 JoAnne Burke at (571) 272-4584. 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.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

---

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

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P.O. Box 3913
SHAWNEE KS 66203

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OFFICE OF PETITIONS

In re Application of
Rusty **WRIGHT**
Application No. 29/305,061
Filed: March 13, 2008
Attorney Docket No. **WRIG-D1.1**

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 November 30, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition to revive an abandoned application for patent based on unintentional delay or to accept an unintentionally delayed payment of a fee for issuing a patent.

The petition in the above-identified application was not accompanied by (1) payment of the required fee of $810 and (2) the terminal disclaimer fee of $70 as set forth in 37 CFR 1.20(d). No consideration on the merits can be given that petition until the required fees are received.

Further correspondence with respect to this matter should be addressed as follows:

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By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Monica A. Graves at (571) 272-7253.

Chris Bottorff
Petitions Examiner
Office of Petitions

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INVENTION PROTECTION ASSOCIATES, LLC
P.O. BOX 3913
SHAWNEE, KS 66203

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MAR 04 2009

OFFICE OF PETITIONS

In re Application of :
Rusty **WRIGHT** :
Application No. 29/305,061 :
Filed: March 13, 2008 :
Attorney Docket No. **WRIG-D1.1** :

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed February 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 October 24, 2008, as required by the Notice of Allowance/Allowability mailed, July 24, 2008. Accordingly, the date of abandonment of this application is October 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 replacement drawings; (2) the petition fee of $810, (3) an adequate statement of unintentional delay and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(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

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Alexandria, VA 22313-1450
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Eric Hanscom
7395 Portage Way
Carlsbad, CA 92011

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SEP 01 2009

OFFICE OF PETITIONS

In re Application of	:	
Charles Thomas	:	
Application No. 29/305,095	:	DECISION ON PETITION
Filed: March 13, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. Thomas, Charles, Bird	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 6, 2009, 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 photocopy of applicant's driver's license showing that his/her is age 65 or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

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 2914 for action on the merits commensurate with this decision.

Kimberly Inabinet
Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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TUROCY & WATSON, LLP
127 Public Square
57th Floor, Key Tower
CLEVELAND OH 44114

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JUN 24 2009

OFFICE OF PETITIONS

In re Application of	:	
Davis	:	
Application No. 29/305,152	:	ON PETITION
Filed: March 14, 2008	:	
Attorney Docket No. IWAVD102US	:	

This is a decision on the petition under 37 CFR 1.137(b), filed May 14, 2009, to revive the above-identified application.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." Petitioner is advised that this is not a final agency decision.

This application became abandoned for failure to timely reply to the Notice of Allowability, mailed December 18, 2008, which set a three month period for reply. This application became abandoned on March 19, 2009 for failure to file corrected drawings. A Notice of Abandonment was mailed on April 16, 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, petitioner is required to submit a terminal disclaimer and required fee.

Further correspondence with respect to this matter should be addressed as follows:

By mail:
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Post Office Box 1450
Alexandria, VA 22313-1450

By hand:
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Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX:
(571) 273-8300 - ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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TUROCY & WATSON, LLP
127 Public Square
57th Floor, Key Tower
CLEVELAND OH 44114

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OFFICE OF PETITIONS

In re Application of
Davis
Application No. 29/305,152
Filed: March 14, 2008
Attorney Docket No. IWAVD102US

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed August 5, 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 December 18, 2008, which set a three month period for reply. This application became abandoned on March 19, 2009 for failure to file corrected drawings. A Notice of Abandonment was mailed on April 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 corrected drawings, (2) the petition fee of $810.00; (3) an acceptable statement of unintentional delay, and (4) a properly executed terminal disclaimer and the required $70.00 fee.

After the mailing of this decision, the application will be referred to the Office of Data Management for processing into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
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8601 GEORGIA AVE., SUITE 603
SILVER SPRING, MD 20910

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MAY 26 2009

OFFICE OF PETITIONS

In re Patent No. D585,343	:	
Issue Date: January 27, 2009	:	
Application No. 29/305,159	:	ON PETITION
Filed: March 14, 2008	:	
Attorney Docket No. 1721.068	:	

This is a decision on the petition filed December 23, 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 Diane 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.

Thurman Page
Petitions Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

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CUMMINGS, P.C.
ONE NORTH WACKER DRIVE
SUITE 4130
CHICAGO IL 60606

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JAN 14 2009

OFFICE OF PETITIONS

In re Application of

Simeon Van Der Molen

Application No. 29/305,163

Filed: March 14,2008

Attorney Docket No. 3001-0008

: DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed December 30, 2008, to revive the above-identified application.

The renewed petition under 37 CFR 1.137(b) is **GRANTED**.

This application became abandoned for failure to respond in a timely manner to the Notice of Allowability mailed July 10, 2008. The notice allowed a statutory period for reply of three months from its mailing date. No reply was received within the allowable period, and the application became abandoned on October 11, 2008. A Notice of Abandonment was mailed November 5, 2008.

The terminal disclaimer, filed December 30, 2008, is noted. The corrected drawings are noted as having been received on December 30, 2008.

The application is being forwarded to the Office of Data Management for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK, NY 10017

In re Application of	:	
Ty Gerard Hermans	:	
Application No. 29/305,187	:	DECISION ON PETITION
Filed: March 14, 2008	:	
Attorney Docket No. 209,581	:	

This is a decision on the 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 reply in a timely manner to the Notice to File Missing Parts (Notice), mailed March 25, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 26, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of $65 for the surcharge fee (2) the petition fee of $810 (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).

Telephone inquiries concerning this decision should be directed to Denise Williams at (571) 272-8930.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

Brian W. Brown
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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In re Application of
Harold Elden Wiley

Application No. 29305262

Filed:

Attorney Docket No. M9005.001

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1) ,filed 17-MAR-2008 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded “special” status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquires concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

PTO/SB/130 (03-08)
Approved for use through 03/31/2008. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	29305262	Confirmation Number	7401	Filing Date	2008-03-17
Attorney Docket Number (optional)	M9005.001	Art Unit		Examiner	
First Named Inventor	WILEY, HAROLD ELDEN				
Title of Invention	SPACING CONE AND COLLAR				

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
HAROLD	ELDEN	WILEY	

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	/mdmpc-tul/	Date (YYYY-MM-DD)	2008-03-17
Name	MOLLY D. MCKAY	Registration Number	35609

PTO/SB/130 (03-08)
Approved for use through 03/31/2008. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Fr eedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about indivi duals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS CO 80527-2400

In re Application of	:	
DEROCHER, MIKE et al.	:	MAR - 5 2009
Application No.: 29/305,291	:	DECISION ON
Filing or 371(c) Date: 03/17/08	:	PETITION
Attorney Docket Number: 200801385-1	:	

This is a decision in response to the "Petition to Withdraw Holding of Abandonment," filed January 26, 2009.

This petition is **GRANTED**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowance, mailed September 29, 2008.

In view of the foregoing, the holding of abandonment for failure to timely pay the issue fee is hereby withdrawn and the application restored to pending status.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 308-9250 ext. 175.

Kay D. Pinkney
Application Assistance Unit
Office of Data Management

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: —

DATE : 4/27/09

TO SPE OF : ART UNIT 2914

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/305308 Patent No.: D588241 S

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
Randolph Square 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** RAD — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

SPE

2914
Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 11-17-09

Paper No.: _____

TO SPE OF : ART UNIT 2911

SUBJECT : Request for Certificate of Correction for Appl. No.: 29305339 Patent No.: D598956

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

Valerie Jackson
Certificates of Correction Branch
703-756-1573

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☑ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

CATHRON C. BROOKS
SUPERVISORY PATENT EXAMINER

_____ **SPE**

2911 **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Maxey Law Offices, PLLC
13630 58th St. North
Suite 101
Clearwater, FL 33760

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MAR 3 1 2009

OFFICE OF PETITIONS

In re Application of Richard Murphy Application No. 29/305,375 Filed: March 19, 2008 Attorney Docket No. 118.002	: : : : :	ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed February 25, 2009, 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 September 11, 2008. A Notice of Abandonment was mailed on January 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 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 , including one sheet of replacement drawings containing Figures 4 and 5 filed on February 25, 2009 and $430 for payment of the issue fee filed on December 10, 2008. However, a Terminal Disclaimer and $70 fee is required under 37 CFR 1.137(d) if the application is: (1) a design application, (2) a utility application filed before June 8, 1995, or (3) a plant application filed before June 8, 1995. The Terminal Disclaimer must dedicate to the public a terminal part of the term of any patent granted the application equivalent to the period of abandonment of the application, and must also apply to any patent granted on any application containing a specific reference under 35 U.S.C. 120, 121 or 365(c) to the application for which revival is sought. For petitioner's convenience, a blank Terminal Disclaimer form accompanies this decision.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b), and be accompanied by the required Terminal Disclaimer and $70 fee." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

Enclosure: Terminal Disclaimer Form No. PTO/SB/63

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Maxey Law Offices, PLLC
13630 58th St. North
Suite 101
Clearwater, FL 33760

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JUN 10 2009

OFFICE OF PETITIONS

In re Application of
Richard Murphy
Application No. 29/305,375
Filed: March 19, 2008
Attorney Docket No. 118.002

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed May 5, 2009, to revive the above-identified application.

In response to the decision mailed March 31, 2009, petitioner submits a terminal disclaimer under 37 CFR 1.137(d) and $70 fee filed on May 5, 2009.

Since the requirements of 37 CFR 1.137(b) have been met, the petition is **GRANTED**.

The terminal disclaimer under 37 CFR 1.137(d), filed May 5, 2009, has been accepted and made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

This application file is being referred to the Office of Data Management for further processing into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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COOK ALEX LTD
SUITE 2850
200 WEST ADAMS STREET
CHICAGO IL 60606

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OCT 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Specht et al.	:	
Application No. 29/305,389	:	DECISION ON PETITION
Filed: March 19, 2008	:	
Attorney Docket No. 1512-0005	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 22, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C.§ 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (4).

With respect to item (4), since the instant application is a design application, a terminal disclaimer and fee are required by 37 CFR 1.137(b) for revival.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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DEC 0 8 2009

OFFICE OF PETITIONS

In re Application of	:	
Specht et al.	:	
Application No. 29/305,389	:	DECISION ON PETITION
Filed: March 19, 2008	:	
Attorney Docket No. 1512-0005	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed November 18, 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 August 26, 2009, as required by the Notice of Allowability For a Design Application mailed May 26, 2009. Accordingly, the date of abandonment of this application is August 27, 2009. A Notice of Abandonment was mailed September 18, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the payment of the Issue fee of $430.00 and submission of Corrected Drawings (previously submitted September 22, 2009); (2) the petition fee of $810.00 (previously submitted September 22, 2009); (3) a proper statement of unintentional delay; (4) a Terminal Disclaimer with the accompanying $70.00 fee.

Further, petitioner has submitted an additional $810.00 petition fee and $430.00 issue fee. These fees are unnecessary and the total amount of $1,240.00 will be refunded to petitioner's deposit account in due course.

The request for a terminal disclaimer has been accepted.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to the Office of Data Management for processing into a patent and review of the Corrected Drawings submitted on September 22, 2009.

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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OCT 2 1 2009

OFFICE OF PETITIONS

Cook Alex Ltd.
Suite 2850
200 West Adams Street
Chicago, IL 60606

In re Application of	:	
Julie A. Specht et al.	:	
Application No. 29/305,392	:	DECISION ON PETITION
Filed: March 19, 2008	:	
Attorney Docket No. 1512-0006	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 22, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned for failure to timely pay the issue fee and submit corrected drawings on or before August 26, 2009, as required by the Notice of Allowance and Fee(s) Due, and the Notice of Allowability mailed May 26, 2009. Accordingly, the date of abandonment of this application is August 27, 2009. A Notice of Abandonment was mailed on September 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 (4).

As to item (4) since the above-identified application is a design application, 37 CFR 1.137(d) requires a terminal disclaimer dedicating to the public a terminal part of the term of any patent granted on the application or any patent granted on any continuing application that contains a specific reference under 35 U.S.C. 120, 121, or 365 (c) to the application. The period to be disclaimed will be a terminal part of the patent to be granted equivalent to the period of abandonment. The period of abandonment will be computed to be the number of months from the date of abandonment to the date of filing a grantable petition. A terminal disclaimer fee of $70 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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JAN 19 2010

OFFICE OF PETITIONS

Cook Alex Ltd.
Suite 2850
200 West Adams Street
Chicago, IL 60606

In re Application of	:	
Julie A. Specht et al.	:	
Application No. 29/305,392	:	DECISION ON PETITION
Filed: March 19, 2008	:	
Attorney Docket No. 1512-0006	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed November 18, 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 August 26, 2009, as required by the Notice of Allowance and Fee(s) Due, and the Notice of Allowability mailed May 26, 2009. Accordingly, the date of abandonment of this application is August 27, 2009. A Notice of Abandonment was mailed on September 18, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $430 and 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 and issue fee 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.

The petition decision mailed October 21, 2009, dismissed the petition filed September 22, 2009 for failure to provide a terminal disclaimer. The renewed petition includes a terminal disclaimer.

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 A. Inabinet/

Kimberly A. Inabinet
Petitions Examiner
Office of Petitions

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WOOD AND EISENBERG, PLLC
6911 RICHMOND HIGHWAY
SUITE 403
ALEXANDRIA VA 22306

MAILED

JAN 22 2009

OFFICE OF PETITIONS

In re Application of	:	
Craig Brizendine	:	
Application No. 29/305,411	:	DECISION ON PETITION
Filed: March 19, 2008	:	
Attorney Docket No. 1336.01-DES	:	

This is a decision on the 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**.

This application became abandoned for failure to timely submit Corrected Drawings on or before December 10, 2008, as required by the Notice of Allowability mailed September 10, 2008. Accordingly, the date of abandonment of this application is December 11, 2008. A Notice of Abandonment was mailed January 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 Corrected Drawings; (2) the petition fee of $810.00; (3) a proper statement of unintentional delay and (4) a Terminal Disclaimer with the accompanying $70.00 fee.

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 January 9, 2009.

/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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JOHN R BENEFIEL
525 LEWIS STREET
BIRMINGHAM MI 48009

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JUN 19 2009

OFFICE OF PETITIONS

In re Application of	:	
Barbara J. O'Reilly	:	
Application No. 29/305,412	:	DECISION ON PETITION
Filed: March 30, 2008	:	
Attorney Docket No. ORE-101	:	

This is a decision on the petition to revive the above-identified application under 37 CFR 1.137(b), filed May 13, 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(b)." This is **not** a final agency decision within the meaning of 5 USC 704.

The above-identified application became abandoned for failure to timely pay the issue fee and file corrected drawings in response to the Notice of Allowance and Notice of Allowability mailed January 12, 2009. These Notices set a statutory period for reply

of three months. No extensions of time under 37 CFR 1.136(a) were available. No issue fee and drawings having been received, the above identified 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(d).

The instant petition lacks item (4). The instant application is a design application, and accordingly requires a terminal disclaimer and accompanying fee. See 37 CFR 1.137(d).

Further correspondence concerning this application should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

By FAX: (571)273-8300
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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JOHN R BENEFIEL
525 LEWIS STREET
BIRMINGHAM MI 48009

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JUL 29 2009

OFFICE OF PETITIONS

In re Application of	:	
Barbara J. O'Reilly	:	
Application No. 29/305,412	:	DECISION ON PETITION
Filed: March 30, 2008	:	
Attorney Docket No. ORE-101	:	

This is a decision on the renewed petition to revive the above-identified application under 37 CFR 1.137(b), filed June 25, 2009.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely pay the issue fee and file corrected drawings in response to the Notice of Allowance and Notice of Allowability mailed January 12, 2009. These Notices set a statutory period for reply of three months. No extensions of time under 37 CFR 1.136(a) were available. No issue fee and drawings having been received, the above identified application became abandoned on April 13, 2009. A Notice of Abandonment was mailed on May 8, 2009. Applicant filed a petition to revive under 37 CFR 1.137(b) on May 13, 2009. However, the petition was dismissed in

a decision mailed on June 19, 2009. The petition was dismissed because it was not accompanied by a Terminal Disclaimer.

With the instant petition, petitioner has filed a Terminal Disclaimer. The other requirements for a grantable petition under 37 CFR 1.137(b) were met with the petition filed on May 13, 2009.

The application is being forwarded to the Office of Data Management for processing into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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JUL 1 4 2009

OFFICE OF PETITIONS

Robert M. Schwartz, P.A.
P.O. Box 221470
Hollywood, FL 33022

In re Application of	:	
Chazon Stein	:	
Application No. 29/305,434	:	DECISION ON PETITION
Filed: March 20, 2008	:	
Attorney Docket No. TW633.005	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 16, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowability mailed on October 7, 2008, which set a period for reply of three (3) months. Accordingly, the application became abandoned on January 8, 2009. A Notice of Abandonment was mailed on February 18, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of 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 is accepted as being unintentionally delayed.

The terminal disclaimer is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

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: David W. Barman
2445 Hollywood Boulevard
Hollywood, FL 33020

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JERRY FOMBY
14327 HWY., 11 NORTH
COTTONDALE AL 35453

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FEB 24 2009

OFFICE OF PETITIONS

In re Application of
Jerry L. Fomby
Application No. 29/305,444
Filed: March 20, 2008
Attorney Docket No. FOMBY 1

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 27, 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; (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 25, 2008, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to the Office of Data Management to be processed into a patent.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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710 LAKEWAY DRIVE
SUITE 200
SUNNYVALE CA 94085

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MAR 1 2 2009

OFFICE OF PETITIONS

In re Application of	:	
Tapan Bhat et al.	:	
Application No. 29/305,535	:	ON PETITION
Filed: March 22, 2008	:	
Attorney Docket No. YAHOP059D1	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed January 29, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely submit corrected drawings on or before December 30, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed September 30, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on December 31, 2008. A Notice of Abandonment was mailed on January 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 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 as required by the Notice of Allowance is accepted as being unintentionally delayed

The terminal disclaimer is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to the Office of Data Management for further processing in accordance with this decision on petition.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAR 16 2009

OFFICE OF PETITIONS

In re Application of :
Tapan Bhat et al. :
Application No. 29/305,537 : DECISION ON PETITION
Filed: March 22, 2008 :
Attorney Docket No. :
YAHOP059D3

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 29, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit formal drawings in a timely manner in reply to the Notice of Allowability, mailed September 25, 2008, which required a response on or before December 26, 2008. Accordingly, this application became abandoned on December 27, 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 $1,620, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to timely 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

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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FEB 24 2009

OFFICE OF PETITIONS

In re Application of	:	
Tapan Bhat et al	:	
Application No. 29/305,538	:	DECISION ON PETITION
Filed: March 22, 2008	:	
Attorney Docket No. YAHOP059D4	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 29, 2009, to revive the above-identified application.

The petition is **GRANTED**.

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 drawing and terminal disclaimer/fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance/Notice of Allowability mailed September 25, 2008, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to the Office of Data Management to be processed into a patent and for review of the drawing submitted on January 29, 2009.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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MAR 05 2009

OFFICE OF PETITIONS

In re Application of	:	
Tapan Bhat et al	:	
Application No. 29/305,539	:	DECISION ON PETITION
Filed: March 22, 2008	:	
Attorney Docket No. YAHOP059D5	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 29, 2009, to revive the above-identified application.

The petition is **GRANTED**.

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 drawing and terminal disclaimer/fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance mailed September 25, 2008, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to the Office of Data Management to be processed into a patent and for review of the drawing submitted on January 29, 2009.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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MAR 05 2009

OFFICE OF PETITIONS

In re Application of
Tapan Bhat et al
Application No. 29/305,541
Filed: March 22, 2008
Attorney Docket No. YAHOP059D7

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 29, 2009, to revive the above-identified application.

The petition is **GRANTED**.

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 drawing and terminal disclaimer/fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance mailed September 30, 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 drawing submitted on January 29, 2009.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Chein-Hwa S. Tsao
6684 Mt. Pakron Drive
San Jose, CA 95120

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FEB 2 6 2009

OFFICE OF PETITIONS

In re Application of	:	
George Chai-Gi Sheng	:	
Application No. 29/305,543	:	DECISION ON PETITION
Filed: March 22, 2008	:	TO WITHDRAW
Attorney Docket No. GSSheng001	:	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 29, 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 Chein-Hwa Tsao and all attorneys/agents associated with customer number 46396 have been revoked by the applicant of the patent application on January 12, 2009. 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: MacPherson, Kwok, Chen & Heid, LLP
2033 Gateway Place
Suite 400
San Jose, CA 95110

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236 South Third Street
#287
MONTROSE CO 81401

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JUN 17 2009

OFFICE OF PETITIONS

In re Application of :
GARCIA, ERNESTO :
Application No. 29/305,611 :
Filed: 03/25/2008 :
Attorney Docket No. 08-02-19.4DA :

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 7, 2009, to revive the above-identified application.

The petition under 37 CFR 1.137(b) is **dismissed**. Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." No additional petition fee is necessary.

This application became abandoned for failure to pay the issue fee as required by the Notice of Allowance and Fee(s) Due mailed on July 24, 2008, which set a three (3) month statutory period for reply. A Notice of Abandonment was mailed on November 19, 2008.

The provisions of 37 CFR 1.137(b) provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed.

(2) The petition fee as set forth in 37 CFR 1.17(m);

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) Any terminal disclaimer (and fee set forth in § 1.20(d)) required pursuant § 1.137(d).

The present petition does not satisfy requirement (1) above.

With the present petition, petitioner remitted $410.00 for the issue fee. However, as indicated in the revised fee schedule, any fee paid on or after October 2, 2008, must be paid as shown in the revised fee schedule. The revised fee schedule shows that the issue fee amount for a small entity, as of October 2, 2008, is $430.00. Thus, petitioner has failed to submit the full amount required for payment of the issue fee.

Accordingly, any renewed petition to revive must be accompanied by the balance of the issue fee due at the time of payment.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Communication may also be submitted electronically via the USPTO electronic filing system.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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236 South Third Street
#287
MONTROSE CO 81401

In re Application of GARCIA, ERNESTO Application No. 29/305,611 Filed: 03/25/2008 Attorney Docket No. 08-02-19.4DA	: : : : :	DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed July 31, 2009, to revive the above-identified application.

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application became abandoned for failure to pay the issue fee as required by the Notice of Allowance and Fee(s) Due mailed on July 24, 2008, which set a three (3) month statutory period for reply. A Notice of Abandonment was mailed on November 19, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the required reply, (2) the petition fee, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d).

This matter is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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JUN 01 2009

OFFICE OF PETITIONS

In re Application of	:	
Matteo Thun	:	
Application No. 29/305,658	:	ON PETITION
Filed: March 26, 2008	:	
Attorney Docket No. Zwilling/Twin Intercontinental	:	

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed May 15, 2009.

The petition under 37 CFR 1.181 is **GRANTED**.

The above-identified application was held abandoned for failure to timely pay the issue fee in response to the Notice of Allowance mailed January 12, 2009. This Notice set a statutory period of three months for issue fee transmittal. No issue fee having been received, the application became abandoned on April 13, 2009. A Notice of Abandonment was mailed on May 7, 2009.

37 CFR 1.8(b) states:

> (b) In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the Patent and Trademark Office, and the application is held to be abandoned or 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 Commissioner 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.

On petition, applicants have submitted a copy of an Issue Fee Transmittal (PTOL-85B) bearing a Certificate of Transmission dated March 20, 2009. In addition, applicants have included a copy of a transmittal letter, also bearing a Certificate of Transmission dated March 20, 2009, and itemizing a credit card authorization form.

In view of the above, the holding of abandonment is **WITHDRAWN**.

Given the basis for granting this petition, no petition fee was required, and none has been charged.

Receipt of the issue fee, submitted with the instant petition, is acknowledged.

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)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 11/19/09

TO SPE OF : ART UNIT 2911

SUBJECT : Request for Certificate of Correction for Appl. No.: 29305669 Patent No.: D598498

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 9D40-D
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome
Certificates of Correction Branch
703-756-1574

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☑ **Approved** — **All** changes apply.
- ☐ **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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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JOSEPH J. CRIMALDI
ROETZEL & ANDRESS
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AKRON OH 44308

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SEP 21 2009

OFFICE OF PETITIONS

In re Application of
Ibrahim Hasan Mulla
Application No. 29/305,682
Filed: March 26, 2008
Attorney Docket No: 119492.0003

ON PETITION

This is a decision on the petition under 37 CFR 1.137(a)[1], filed July 29, 2009, to revive the above identified application.

The petition is **DISMISSED**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(b) are permitted. The reconsideration request should include a cover letter entitled "Petition under 37 CFR 1.137." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned October 10, 2008 for failure to pay the issue fee by October 9, 2008, in response to the Notice of Allowance mailed July 9, 2008. Accordingly, a Notice of Abandonment was mailed July 16, 2009.

The instant petition is filed with the Issue Fee payment and the fee required for a petition under 37 CFR 1.137(a). Petitioner argues non-receipt of the Notice of Allowance and thus failure to pay the issue fee timely was unavoidable.

---

[1]A grantable petition under 37 CFR 1.137(a) must be accompanied by:

(1) the required reply, unless previously filed; In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(l);

(3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[2]

Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure or mail, telegraph, telefacsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office.[3]

A review of the file record discloses that the Notice of Allowance was mailed to the address of record. However, petitioner contends that it was not received. In support of this contention, copies of pages from the docket wherein receipt of the July 9, 2008 Notice would have been entered, had it been received, accompany the petition. The submissions provided, corroborate non-receipt of the Notice of Allowance mailed July 9, 2008.

In view of the facts set forth in the petition, it is concluded that the Notice of Allowance mailed July 9, 2008 was never received. However, while it can be concluded that the Notice of Allowance mailed July 9, 2008 was never received, the petition is not grantable.

Petitioner must submit a Terminal Disclaimer and fee with any renewed petition since this is a design application. Note, if form PTO/SB/63 (Terminal Disclaimer Form) is going to be used, it must be completely filled out.

---

[2] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

[3] Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

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

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JOSEPH J. CRIMALDI
ROETZEL & ANDRESS
222 S. MAIN ST.
AKRON OH 44308

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OCT 2 6 2009

OFFICE OF PETITIONS

In re Application of
Ibrahim Hasan Mulla
Application No. 29/305,682
Filed: March 26, 2008
Attorney Docket No: 119492.0003

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(a)[1], filed October 9, 2009, to revive the above identified application.

The petition is **GRANTED**.

This application became abandoned October 10, 2008 for failure to pay the issue fee by October 9, 2008, in response to the Notice of Allowance mailed July 9, 2008. Accordingly, a Notice of Abandonment was mailed July 16, 2009. A petition was filed July 29, 2009 with the Issue Fee payment and the fee required for a petition under 37 CFR 1.137(a). Petitioner argued non-receipt of the Notice of Allowance and thus failure to pay the issue fee timely was unavoidable.

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the

---

[1]A grantable petition under 37 CFR 1.137(a) must be accompanied by:

(1) the required reply, unless previously filed; In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(l);

(3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

> ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[2]

Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure or mail, telegraph, telefacsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office.[3]

A review of the file record discloses that the Notice of Allowance was mailed to the address of record. However, petitioner contends that it was not received. In support of this contention, copies of pages from the docket wherein receipt of the July 9, 2008 Notice would have been entered, had it been received, accompanied the petition. The submissions provided, corroborate non-receipt of the Notice of Allowance mailed July 9, 2008. In view of the facts set forth in the petition, it was concluded that the Notice of Allowance mailed July 9, 2008 was never received.

The petition was dismissed however, in a decision mailed September 21, 2009 because the petition was not accompanied by a terminal disclaimer.

Comes now petitioner with the instant renewed petition and all other requirements of 37 CFR 1.137(b), including the filing of a terminal disclaimer and fee, which has been charged to deposit account no. 50-5061, having now been met, this matter is being referred to the Publishing Division.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

[2] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

[3] Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

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DEC 0 8 2008

OFFICE OF PETITIONS

In re Application of	:	
Mogamad Fareed Barden	:	DECISION REFUSING STATUS
Application No. 29/305,750	:	UNDER 37 CFR 1.47(b)
Filed: March 27, 2008	:	
Attorney Docket No. P09406US00/DEJ	:	

This is in response to the "Petition Under 37 CFR 1.47(b), filed November 3, 2008.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(b) requires:

(1) proof that the non-signing inventor cannot be reached after diligent effort or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
(3) the petition fee;
(4) a statement of the last known address of the non-signing inventor.
(5) proof of proprietary interest: and
(6) proof of irreparable damage.

Applicant lacks item(s) (2) and (4) set forth above.

As to item (2), where a corporation is the 37 CFR 1.47(b) applicant, an officer (President, Vice-President, Secretary, Treasurer, or Chief Executive Officer) thereof should normally sign the necessary oath or declaration. A corporation may authorize any person, including an attorney or agent registered to practice before the U.S. Patent and Trademark Office, to sign the application oath or declaration on its behalf. Where an oath or declaration is signed by a registered attorney or agent on behalf of a corporation, either proof of the attorney's or agent's authority in the form of a statement signed by an appropriate corporate officer must be submitted, or the attorney or agent may simply state that he or she is authorized to sign on behalf of the

corporation. Where the oath or declaration is being signed on behalf of an assignee, see MPEP § 324.

Where an application is executed by one other than the inventor, the declaration required by 37 CFR 1.63 must state the full name, residence, post office address, and citizenship of the nonsigning inventor. **Also, the title or position of the person signing must be stated if signing on behalf of a corporation under 37 CFR 1.47(b).**

The declaration provided does not state the title or position of Guy Lloyd Roberts. It is not sufficient to state that he is an authorized signatory.

As to item (4), petitioner has failed to provide a statement of the last known address in the petition or the Affidavit. To the extent the last known address is the same address provided in the declaration, a statement should be provided.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries should be directed to the undersigned at (571) 272-3215.

Charlema Grant

Charlema Grant
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of
Mogamad Fareed Barden
Application No. 29/305,750
Filed: March 27, 2008
Attorney Docket No. P09406US00/DEJ

DECISION GRANTING STATUS
UNDER 37 CFR 1.47(b)

This is in response to the petition under 37 CFR 1.47(b), filed February 3, 2009.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor (Barden) has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Patent Application processing for pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

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Mogamad Fareed Barden
Apartment 907, Millpark IXIA
RAD Milnerton, 7441, Cape Town
Republic of South Africa

In re Application of
Mogamad Fareed Barden
Application No. 29/305,750
Filed: March 27, 2008
Attorney Docket No. P09406US00/DEJ
For: JEANS

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OFFICE OF PETITIONS

Dear Mr. Barden :

You are named as the sole inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as the sole inventor.

As 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: STITES & HARBISON PLLC
1199 NORTH FAIRFAX STREET
SUITE 900
ALEXANDRIA VA 22314

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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Mogamad Fareed Barden
Apartment 907, Millpark IXIA
RAD Milnerton, 7441, Cape Town
Republic of South Africa

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OFFICE OF PETITIONS

In re Application of
Mogamad Fareed Barden
Application No. 29/305,750
Filed: March 27, 2008
Attorney Docket No. P09406US00/DEJ
For: JEANS

Dear Mr. Barden :

You are named as the sole inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as the sole inventor.

As 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: STITES & HARBISON PLLC
1199 NORTH FAIRFAX STREET
SUITE 900
ALEXANDRIA VA 22314

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11/12/09

Patent No. :D594949
Ser. No. :29/305760
Inventor(s) :Jianping Wang
Issued : 6/23/09
Title : TRIANGULAR PATIO HEATER
Docket No. :

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this mater, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, , no additional fee is required.

A certificate of correction will be issued to correct the remaining errors noted in your request.

Henry Randall
Decisions & Certificates
of Correction Branch
(703) 756-1571

GLENN T. HENNEBERGER
HOFFMAN & BARON LLP
6900 JERICHO TURNPIKE
SYOSSET, NEW YORK 11791

HR

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HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET NY 11791

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JUN 18 2010

OFFICE OF PETITIONS

In re Patent No. D594949
Issue Date: June 23, 2009
Application No. 29/305,760
Filed: March 27, 2008
Attorney Docket No. 1075-27 DES

DECISION ON PETITION

This is a decision on the Request For Certificate Of Correction Of Patent Pursuant To 37 C.F.R. §3.81, filed March 31, 2010, to correct assignee's name. The Request is being treated as a Petition. A completed Certificate of Correction Form (PTO-1050) was previously submitted on November 4, 2009.

The petition under 37 CFR 3.81 is **GRANTED**.

Petitioner requests that the present Petition was submitted to correct the error in the spelling of assignee's name on the previously submitted PTOL-85b and that such error was inadvertent. Accordingly, petitioner requests, in effect, that the Title Page of the above-identified patent be corrected, via issuance of a Certificate of Correction, to correct the assignee's name identified thereon from:

"Changzhou Gardensun Furnance Co., Ltd."

to:

--Changzhou Gardensun Furnace Co., Ltd. --

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

However, the requisite $100.00 fee (Fee Code 1811), as set forth under 37 CFR 1.20(a), and the requisite $130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(h), were accompanied deposit account authorization to charge any required fees. As such, the fees have been charged as authorized. Further, Office assignment records are consistent with the requested correction. Accordingly, it is appropriate for the Office to issue a corrected Certificate of Correction in accordance with the content of the Form PTO-1050 that was previously submitted.

Inquiries related this communication should be directed to the undersigned 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. D594949.

Cheryl Gibson Baylor

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

PLANTRONICS INC
IP DEPARTMENT/LEGAL
345 ENCINAL STREET
PO BOX 635
SANTA CRUZ CA 95060-0635

In re Application of	:	
Ham, et al.	:	
Application No. 29/305,885	:	DECISION ON PETITION
Filed: March 28, 2008	:	
Attorney Docket No. 01-7486	:	

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed July 9, 2009.

The petition is **GRANTED**.

The above-identified application was held abandoned for failure to timely file a response to the non-final Office action mailed November 18, 2008. This Office action set a shortened statutory period for reply of two (2) months. The Office mailed a Notice of Abandonment on June 25, 2009, stating that no reply had been received.

A review of the application file reveals the presence of a reply, filed on December 18, 2008. Accordingly, it is obvious that the Notice of Abandonment was mailed in error.

In view thereof, **the holding of abandonment is withdrawn**.

The matter is being forwarded to Group Art Unit 2912 for consideration of the reply filed on December 18, 2008.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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Patent No. : D587,014 S
Serial No. : 29/305,911
Inventor(s) : Hand
Issued : February 24, 2009
Title : **TOOL CHEST**
Docket No. : **27475/11093**

Re: Request for Reconsideration

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
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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, 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), which has been received.

Ernest C. White, *LIE*
For Mary F. Diggs (703) 308-9390 x 125
Decisions & Certificates
of Correction Branch
(703) **308-9390 x 122**

CALFEE, HALTER & GRISWOLD LLP
1400 KEYBANK CENTER
800 SUPERIOR AVENUE
CLEVELAND OH 44114

ecw

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CALFEE, HALTER & GRISWOLD LLP
1400 KEYBANK CENTER
800 SUPERIOR AVENUE
CLEVELAND, OH 44114

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NOV 19 2009

OFFICE OF PETITIONS

In re Patent No. D,587,014	:	
Issue Date: February 24, 2009	:	
Application No. 29/305,911	:	ON PETITION
Filed: March 31, 2008	:	
Attorney Docket No. 27475/11093	:	

This is a decision on the petition filed May 4, 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 Alicia Kelley at (571) 272-6059. 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.

Chris Bottorff
Petitions Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

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DORITY & MANNING, PA & MICHELIN NORTH AMERICA, INC
P O BOX 1449
GREENVILLE, SC 29602-1449

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MAY 06 2010
OFFICE OF PETITIONS

In re Application of :
Eric Arthur De Benedittis, et al. :
Application No. 29/305,916 : ON PETITION
Filed: March 31, 2008 :
Attorney Docket No. MIC-0250-D D50-0250-USRD:

This is a decision on the petition, filed February 23, 2010, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The above-identified application became abandoned for failure to respond in a timely manner to the Notice of Allowability mailed October 19, 2009. A Notice of Abandonment was mailed on February 2, 2010. On February 23, 2010, the present petition was filed.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected drawings; (2) the petition fee of $1,620; (3) an adequate statement of unintentional delay; and (4) a terminal disclaimer and the $140 fee required by 37 CFR 1.137(d).

The terminal disclaimer filed February 23, 2010 is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

The application is being referred to the Office of Data Management to be processed into a patent.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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P O BOX 1449
GREENVILLE, SC 29602-1449

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APR 28 2010

OFFICE OF PETITIONS

In re Application of
Eric Arthur De Benedittis, et al.
Application No. 29/305,917
Filed: March 31, 2008
Attorney Docket No. D50-0243

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 23, 2010, to revive the above-identified application.

The application became abandoned for failure to timely submit corrected formal drawings on or before January 19, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed October 19, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on January 20, 2010. A Notice of Abandonment was mailed on February 3, 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 formal drawings , (2) the petition fee of $1620; and (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d).

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.

The drawings have been approved by the USPTO draftsperson.

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 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
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Alexandria, VA 22313-1450
www.uspto.gov

Date : September 3, 2009

Patent No. :D593484
Inventor(s) :Kim et al.
Issued :June 23, 2009
Title :TIRE FOR AUTOMOBILE

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.

A. Green

Mary Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(703) 756-1580 or (703) 756- 1541

Tony A. Gayoso, Esq.
Hoffmann & Baron, LLP
6900 Jerico Turnpike
Syosset, New York 11791

/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

HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET NY 11791

MAILED
MAY 05 2010
OFFICE OF PETITIONS

In re Patent No. D593484
Issue Date: June 2, 2009
Application No. 29/306,027
Filed: April 1, 2008
Attorney Docket No. 675-52 DES

DECISION ON PETITION

This is a decision on the Second Request For Certificate Of Correction Of Patent Pursuant To 37 C.F.R. §1.323, filed August 4, 2009; the Third Request For Certificate Of Correction Of Patent Pursuant To 37 C.F.R. §1.323, filed September 30, 2009; and the Supplement To Third Request For Certificate Of Correction, filed February 23, 2010, requesting correction on the Title Page of the subject patent to identify the correct assignee. The requests are being treated as a petition. A completed Certificate of Correction Form (PTO-1050) was previously submitted.

The petition under 37 CFR 3.81 is **GRANTED**.

Petitioner urges that the present Petition was submitted to correct the error in the assignee's name. Accordingly, petitioner requests, in effect, that the Title Page of the above-identified patent be corrected, via issuance of a Certificate of Correction, to correct the name of the assignee identified thereon from:

"NEXEN TIRE Co., Inc."

to:

-NEXEN TIRE Co., Ltd. -

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

The requisite $100.00 fee (Fee Code 1811) and the $130.00 processing fee (Fee Code 1464) as set forth under 37 CFR 1.20(a) have been 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 any other reasons that the Office may have to issue a Certificate of Correction in accordance with the content of the Form (PTO-1050) that was previously submitted.

Inquiries related this communication should be directed to Cheryl Gibson-Baylor at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. D593484.

Brian W. Brown
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : December 1, 2009

TO SPE OF : ART UNIT 2911 - SPE Cathron C. Brooks.

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/306,072 Patent No.: D593,704 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)
Randolph Square Building
2800 South Randolph Street
Arlington, VA 22206

Antonio Johnson

Should the Foreign Application Data be printed as shown in COCIN dated 11-23-2009. Acknowledgement was made of priority papers were received by office (M327 dated 04-21-2009).

Certificates of Correction Branch

(571)272-0483

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

AU 2911

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : December 1, 2009

TO SPE OF : ART UNIT 2911 - SPE Cathron C. Brooks.

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/306,073 Patent No.: D590,098 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)
Randolph Square Building
2800 South Randolph Street
Arlington, VA 22206

Antonio Johnson

Should the Foreign Application Data be printed as shown in COCIN dated 11-23-2009. Also see FRPR dated 02-27-2009.

Certificates of Correction Branch
(571)272-0483

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 AU 2911
SUPERVISORY PATENT EXAMINER

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 12/04/2009

TO SPE OF : ART UNIT 2900

SUBJECT : Request for Certificate of Correction for Appl. No 29/306,074.: D604,454

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)

Should the change(s) Be made?

RoChaun Johnson
Certificates of Correction Branch
571 272-0470

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☑ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

CATHRON C. BROOKS
SUPERVISORY PATENT EXAMINER

SPE — **Art Unit** 2911

EXPEDITED PROCEDURE – MAIL STOP EXPEDITED DESIGN
U.S. Serial No.29/306,075
Attorney Docket No. KMC-850

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	:	Schweigert et al.
U.S. Serial No.	:	29/306,075
Filed	:	April 1, 2008
Title	:	Golf Iron Head
Art Unit	:	TBD
Examiner	:	TBD

Approved 4-10-08
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 747, 748, 749, 740, 751, 753, and 759 in Class D21; and
   b. Subclasses 291, 324, 335, 349, and 350 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 application:

U.S. Serial No. 29/306,077, Bradley D. Schweigert, et al., "Golf Iron Head," filed April 1, 2008, Docket No. KMC-851

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
Phoenix, Arizona 85029
(602) 687-5415

April 2, 2008

Date

/Frankie Ho/

Frankie Ho
Reg. No. 48,479
Attorney for Applicant(s)

EXPEDITED PROCEDURE – MAIL STOP EXPEDITED DESIGN
U.S. Serial No. 29/306,077
Attorney Docket No. KMC-851

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	:	Schweigert et al.
U.S. Serial No.	:	29/306,077
Filed	:	April 1, 2008
Title	:	Golf Iron Head
Art Unit	:	TBD
Examiner	:	TBD

Approved 4-10-08
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 747, 748, 749, 740, 751, 753, and 759 in Class D21; and
   b. Subclasses 291, 324, 335, 349, and 350 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 application:

U.S. Serial No. 29/306,075, Bradley D. Schweigert, et al., "Golf Iron Head," filed April 1, 2008, Docket No. KMC-850

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
Phoenix, Arizona 85029
(602) 687-5415

April 2, 2008

Date

/Frankie Ho/

Frankie Ho
Reg. No. 48,479
Attorney for Applicant(s)

PTO/SB/27 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	TBA 29/306,195
Filing Date	April 3, 2008
First Named Inventor	Andrew G. V. Oldknow
Title	Portion Of A Golf Club Head
Atty Docket Number	015127.01208

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 4-10-08
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

This is a request for expedited examination of a design application under 37 CFR 1.155.

NOTE: If the Request made by this form accompanies original application papers, include form PTO/SB/18 "Design Patent Application Transmittal" or its equivalent.

A preexamination search was conducted. The field of search was:

D21/722, 733, 734, 736, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 759;

473/324, 327, 328, 329, 330, 331, 334, 335, 336, 337, 340, 341, 342, 345, 346, 348 and 350.

Related applications: Attorney Docket Nos: 015127.01202; 015127.01203; 015127.01204; 015127.01205; 015127.01206; 015127.01207; 015127.01209; 015127.01210; 015127.01211; 015127.01212 and 015127.1223 all being filed concurrently herewith and all entitled "Portion Of A Golf Club Head."

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:
- Formal drawings (see 37 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/	04-03-08
Signature	Date
David R. Gerk	56901
Typed or printed name	Registration Number, if applicable
202-824-3000	
Telephone Number	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.155. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Expedited Design, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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 29/306,196
	Filing Date	April 3, 2008
	First Named Inventor	Andrew G. V. Oldknow
	Title	Portion Of A Golf Club Head
	Atty Docket Number	015127.01209

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 4-10-08
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

This is a request for expedited examination of a design application under 37 CFR 1.155.

NOTE: If the Request made by this form accompanies original application papers, include form PTO/SB/18 "Design Patent Application Transmittal" or its equivalent.

A preexamination search was conducted. The field of search was:

D21/722, 733, 734, 736, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 759;
473/324, 327, 328, 329, 330, 331, 334, 335, 336, 337, 340, 341, 342, 345, 346, 348 and 350.

Related applications: Attorney Docket Nos: 015127.01202; 015127.01203; 015127.01204; 015127.01205; 015127.01206; 015127.01207; 015127.01208; 015127.01210; 015127.01211; 015127.01212 and 015127.01223 all being filed concurrently herewith and all entitled "Portion Of A Golf Club Head."

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:
- Formal drawings (see 37 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/	April 3, 2008
Signature	Date
David R. Gerk	56901
Typed or printed name	Registration Number, if applicable
202-824-3000	
Telephone Number	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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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

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.
29/306,197	04/03/2008	Andre G.V. Oldknow	015127.01210	1364

22907 7590 04/15/2008
BANNER & WITCOFF, LTD.
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON, DC 20005-4051

EXAMINER
SIEGEL, MITCHELL

ART UNIT	PAPER NUMBER
2912	

MAIL DATE	DELIVERY MODE
04/15/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTO/SB/27 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	TBA 29/306,197
Filing Date	April 3, 2008
First Named Inventor	Andrew G. V. Oldknow
Title	Portion Of A Golf Club Head
Atty Docket Number	015127.01210

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:

D21/722, 733, 734, 736, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 759; 473/324, 327, 328, 329, 330, 331, 334, 335, 336, 337, 340, 341, 342, 345, 346, 348 and 350.

Related applications: Attorney Docket Nos: 015127.01202; 015127.01203; 015127.01204; 015127.01205; 015127.01206; 015127.01207; 015127.01208; 015127.01209; 015127.01211; 015127.01212 and 015127.1223 all being filed concurrently herewith and all entitled "Portion Of A Golf Club Head."

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:
- Formal drawings (see 37 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 APR 14 2008
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

/David R. Gerk/ — Signature

April 3, 2008 — 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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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.
29/306,199	04/03/2008	Andre G.V. Oldknow	015127.01212	1382

22907 7590 04/15/2008
BANNER & WITCOFF, LTD.
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON, DC 20005-4051

EXAMINER
SIEGEL, MITCHELL

ART UNIT	PAPER NUMBER
2912	

MAIL DATE	DELIVERY MODE
04/15/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTO/SB/27 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	TBA 29/306,199
Filing Date	April 3, 2008
First Named Inventor	Andrew G. V. Oldknow
Title	Portion Of A Golf Club Head
Atty Docket Number	015127.01212

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:

D21/722, 733, 734, 736, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 759; 473/324, 327, 328, 329, 330, 331, 334, 335, 336, 337, 340, 341, 342, 345, 346, 348 and 350.

Related applications: Attorney Docket Nos: 015127.01202; 015127.01203; 015127.01204; 015127.01205; 015127.01206; 015127.01207; 015127.01208; 015127.01209; 015127.01210; 015127.01211; and 015127.1223 all being filed concurrently herewith and all entitled "Portion Of A Golf Club Head."

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:
- Formal drawings (see 37 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 APR 14 2008
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

/David R. Gerk/ — Signature

April 3, 2008 — Date

David R. Gerk — Typed or printed name

56901 — Registration Number, if applicable

202-824-3000 — Telephone Number

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/306,200	04/03/2008	Andre G.V. Oldknow	015127.01223	1389

22907 7590 04/15/2008
BANNER & WITCOFF, LTD.
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON, DC 20005-4051

EXAMINER

ART UNIT	PAPER NUMBER
2913	

MAIL DATE	DELIVERY MODE
04/15/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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PTO/SB/27 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	TBA 29/306,200
Filing Date	April 3, 2008
First Named Inventor	Andrew G. V. Oldknow
Title	Portion Of A Golf Club Head
Atty Docket Number	015127.01223

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:

D21/722, 733, 734, 736, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 759; 473/324, 327, 328, 329, 330, 331, 334, 335, 336, 337, 340, 341, 342, 345, 346, 348 and 350.

Related applications: Attorney Docket Nos: 015127.01202; 015127.01203; 015127.01204; 015127.01205; 015127.01206; 015127.01207; 015127.01208; 015127.01209; 015127.01210; 015127.01211; and 015127.01212 all being filed concurrently herewith and all entitled "Portion Of A Golf Club Head."

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:
Formal drawings (see 37 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 APR 14 2008
Jacqueline M. Stone, Director
Technology Center 1700/2900

/David R. Gerk/	April 3, 2008
Signature	Date
David R. Gerk	56901
Typed or printed name	Registration Number, if applicable
202-824-3000	
Telephone Number	

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/306,201	04/03/2008	Andrew G.V. Oldknow	015127.01202	1428

22907 7590 04/15/2008
BANNER & WITCOFF, LTD.
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON, DC 20005-4051

EXAMINER	
ART UNIT	PAPER NUMBER
2913	

MAIL DATE	DELIVERY MODE
04/15/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTO/SB/27 (05-03)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	TBD 29/306,201
Filing Date	April 3, 2008
First Named Inventor	Andrew G.V. Oldknow
Title	Portion of a Golf Club Head
Atty Docket Number	015127.01202

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:

D21/722, 733, 734, 736, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 759; 473/324, 327, 328, 329, 330, 331, 334, 335, 336, 337, 340, 341, 342, 345, 346, 348 and 350.

Related applications: Attorney Docket Nos: 015127.01203; 015127.01204; 015127.01205; 015127.01206; 015127.01207; 015127.01208; 015127.01209; 015127.01210; 015127.01211; 015127.01212 and 015127.1223 all being filed concurrently herewith and all entitled "Portion Of A Golf Club Head."

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:
- Formal drawings (see 37 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 APR 14 2008
Jacqueline M. Stone, Director
Technology Center 1700/2900

April 3, 2008	/Matthew J. Kohner/
Date	Signature
202-824-3000	Matthew J. Kohner
Telephone Number	Typed or printed name

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/306,202	04/03/2008	Andrew G.V. Oldknow	015127.01204	1429

22907 7590 04/15/2008
BANNER & WITCOFF, LTD.
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON, DC 20005-4051

EXAMINER

ART UNIT	PAPER NUMBER
2913	

MAIL DATE	DELIVERY MODE
04/15/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTO/SB/27 (05-03)
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	TBD 29/306,202
Filing Date	April 3, 2008
First Named Inventor	Andrew G.V. Oldknow
Title	Portion of a Golf Club Head
Atty Docket Number	015127.01204

HAND DELIVER TO THE DESIGN GROUP DIRECTOR'S OFFICE
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This is a request for expedited examination of a design application under 37 CFR 1.155.

NOTE: If the Request made by this form accompanies original application papers, include form PTO/SB/18 "Design Patent Application Transmittal" or its equivalent.

A preexamination search was conducted. The field of search was:

D21/722, 733, 734, 736, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 759; 473/324, 327, 328, 329, 330, 331, 334, 335, 336, 337, 340, 341, 342, 345, 346, 348 and 350.

Related applications: Attorney Docket Nos: 015127.01202; 015127.01203; 015127.01205; 015127.01206; 015127.01207; 015127.01208; 015127.01209; 015127.01210; 015127.01211; 015127.01212 and 015127.1223 all being filed concurrently herewith and all entitled "Portion Of A Golf Club Head."

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:
- Formal drawings (see 37 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 APR 14 2008
Jacqueline M. Stone, Director
Technology Center 1700/2900

April 3, 2008	/Matthew Kohner/
Date	Signature
202-824-3000	Matthew J. Kohner
Telephone Number	Typed or printed name

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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	TBD 29/306,204
Filing Date	April 3, 2008
First Named Inventor	Andrew G.V. Oldknow
Title	Portion of a Golf Club Head
Atty Docket Number	015127.01207

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:

D21/722, 733, 734, 736, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 759; 473/324, 327, 328, 329, 330, 331, 334, 335, 336, 337, 340, 341, 342, 345, 346, 348 and 350.

Related applications: Attorney Docket Nos: 015127.01202; 015127.01203; 015127.01204; 015127.01205; 015127.01206; 015127.01208; 015127.01209; 015127.01210; 015127.01211; 015127.01212 and 015127.1223 all being filed concurrently herewith and all entitled "Portion Of A Golf Club Head."

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:
- Formal drawings (see 37 CFR 1.84).
- The fee set forth in 37 CFR 1.17(k).
- An information disclosure statement in compliance with 37 CFR 1.98.

4-10-08
Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

April 3, 2008	/Matthew Kohner/
Date	Signature
202-824-3000	Matthew J. Kohner
Telephone Number	Typed or printed name

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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	TBD 29/306,205
Filing Date	April 3, 2008
First Named Inventor	Andrew G.V. Oldknow
Title	Portion of a Golf Club Head
Atty Docket Number	015127.01203

HAND DELIVER TO THE DESIGN GROUP DIRECTOR'S OFFICE
-or- ADDRESS TO:
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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:

D21/722, 733, 734, 736, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 759; 473/324, 327, 328, 329, 330, 331, 334, 335, 336, 337, 340, 341, 342, 345, 346, 348 and 350.

Related applications: Attorney Docket Nos: 015127.01202; 015127.01204; 015127.01205; 015127.01206; 015127.01207; 015127.01208; 015127.01209; 015127.01210; 015127.01211; 015127.01212 and 015127.1223 all being filed concurrently herewith and all entitled "Portion Of A Golf Club Head."

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:
- Formal drawings (see 37 CFR 1.84).
- The fee set forth in 37 CFR 1.17(k).
- An information disclosure statement in compliance with 37 CFR 1.98.

4-10-08
Approved Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

April 3, 2008	/Matthew Kohner/
Date	Signature
202-824-3000	Matthew J. Kohner
Telephone Number	Typed or printed name

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PTO/SB/27 (05-03)
Approved for use through 04/30/2003. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)		
	Application Number	TBD 29/306,204
	Filing Date	April 3, 2008
	First Named Inventor	Andrew G.V. Oldknow
	Title	Portion of a Golf Club Head
	Atty Docket Number	015127.01205

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:

D21/722, 733, 734, 736, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 759; 473/324, 327, 328, 329, 330, 331, 334, 335, 336, 337, 340, 341, 342, 345, 346, 348 and 350.

Related applications: Attorney Docket Nos: 015127.01202; 015127.01203; 015127.01204; 015127.01206; 015127.01207; 015127.01208; 015127.01209; 015127.01210; 015127.01211; 015127.01212 and 015127.1223 all being filed concurrently herewith and all entitled "Portion Of A Golf Club Head."

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:
- Formal drawings (see 37 CFR 1.84).
- The fee set forth in 37 CFR 1.17(k).
- An information disclosure statement in compliance with 37 CFR 1.98.

4-10-08
Approved: Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

April 3, 2008	/Matthew Kohner/
Date	Signature
202-824-3000	Matthew J. Kohner
Telephone Number	Typed or printed name

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.155. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Expedited Design, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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P.O. BOX 2516
ALEXANDRIA VA 22301

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JUN 15 2009

OFFICE OF PETITIONS

In re Application of
Vivatvanit
Application No. 29/306,207
Filed: April 4, 2008
Attorney Docket No. FAREAST-VIVATVANIT-BULB

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 9, 2009, to revive the above-identified application.

The application became abandoned April 6, 2009 for failure to timely submit a proper reply to the Notice of Allowance and Issue Fee Due (Notice) mailed January 5, 2009. The Notice set a set a three month statutory period of time for reply. Notice of Abandonment was mailed April 30, 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 fails to satisfy requirement (4) set forth above. The instant petition lacks the required terminal disclaimer (and fee) as required per 37 CFR 1.137(d). Any renewed petition must be accompanied by the required terminal disclaimer (and fee).

In view thereof, the petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
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P.O. BOX 2516
ALEXANDRIA VA 22301

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SEP 28 2009

OFFICE OF PETITIONS

In re Application of :
Vivatvanit :
Application No. 29/306,207 :
Filed: April 4, 2008 :
Attorney Docket No. FAREAST- :
VIVATVANIT-BULB :

ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed July 27, 2009, to revive the above-identified application.

The application became abandoned April 6, 2009 for failure to timely submit a proper reply to the Notice of Allowance and Issue Fee Due (Notice) mailed January 5, 2009. The Notice set a set a three month statutory period of time for reply. Notice of Abandonment was mailed April 30, 2009. A petition to revive was filed April 9, 2009 and dismissed June 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).

As previously indicated, the instant petition fails to satisfy requirement (4) set forth above. The instant petition lacks the required terminal disclaimer (and fee) as required per 37 CFR 1.137(d). Any renewed petition must be accompanied by the required terminal disclaimer (and fee).

In this regard, practitioner is strongly advised to review the requirements of 37 CFR 1.137(d).

In view thereof, the petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

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

JUNEAU PARTNERS
P.O. BOX 2516
ALEXANDRIA VA 22301

COPY MAILED

OCT 26 2009

OFFICE OF PETITIONS

In re Application of :
Vivatvanit :
Application No. 29/306,207 :
Filed: April 4, 2008 :
Attorney Docket No. FAREAST- :
VIVATVANIT-BULB :

ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 6, 2009, to revive the above-identified application.

The application became abandoned April 6, 2009 for failure to timely submit a proper reply to the Notice of Allowance and Issue Fee Due (Notice) mailed January 5, 2009. The Notice set a set a three month statutory period of time for reply. Notice of Abandonment was mailed April 30, 2009. A petition to revive was filed April 9, 2009 and dismissed June 15, 2009. A renewed petition was filed July 27, 2009 and dismissed September 28, 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 renewed petition has been carefully reviewed and found in compliance with the requirements set forth above.

Accordingly, the petition is hereby **GRANTED**.

This application is being directed to the Office of Data Management for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

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

OWENS CORNING
2790 COLUMBUS ROAD
GRANVILLE OH 43023

MAILED

FEB 18 2009

OFFICE OF PETITIONS

In re Application of Melissa J. Nealon et al Application No. 29/306,271 Filed: April 4, 2008 Attorney Docket No. 26438A	DECISION GRANTING PETITION UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 16, 2009, 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 January 29, 2009 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) 272-3208.

This application is being referred to Technology Center AU 2913 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
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

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BRACEWELL & GIULIANI LLP
P.O. BOX 61389
HOUSTON TX 77208-1389

COPY MAILED

MAR 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Puneet Nanda	:	
Application No. 29/306,294	:	DECISION ON PETITION
Filed: April 4, 2008	:	
Attorney Docket No. DRFRSH.044Da	:	

This is a decision on the petition under 37 CFR 1.137(b), filed January 16, 2009, to revive the above-identified design application.

The application became abandoned for failure to timely pay the issue fee on or before December 15, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed September 15, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on December 16, 2008. A Notice of Abandonment was mailed on January 9, 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 $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). 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 petition is **GRANTED**.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of

knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

A review of the record shows that the issue fee was paid the amount of $755 which in excess of $345 more than the $410 payment that was due. Since the excess amount is considered an overpayment it will be credited to the petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries should be directed to the Office of Data Management.

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 3/6/09 Paper No.: _____

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction for Appl. No.: 29306335 Patent No.: D585394

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

Valerie Jacobs
Certificates of Correction Branch
703-308-9390 ext. 114

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☑ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

STELLA M. REID
SUPERVISORY PATENT EXAMINER
SPE

2912
Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 3/6/09 Paper No.: _____

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction for Appl. No.: 29306335 Patent No.: D585394

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

Valerie Jacks
Certificates of Correction Branch
703-308-9390 ext. 114

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

STELLA M. REID
SUPERVISORY PATENT EXAMINER
SPE

2912
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FORD GLOBAL TECHNOLOGIES, LLC
FAIRLANE PLAZA SOUTH, SUITE 800
330 TOWN CENTER DRIVE
DEARBORN MI 48126

MAILED

MAR 2 3 2009

OFFICE OF PETITIONS

In re Application of	:	
Richard Woolley et al.	:	
Application No. 29/306,435	:	DECISION ON PETITION
Filed: April 9, 2008	:	
Attorney Docket No. 81177892	:	

This is a decision on the petition under 37 CFR 1.137(b), filed February 4, 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 February 2, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed October 31, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on February 3, 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 $1,620, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to timely 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

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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KATTEN MUCHIN ROSENMAN LLP
(C/O PATENT ADMINISTRATOR)
2900 K STREET NW, SUITE 200
WASHINGTON, DC 20007-5118

MAILED

APR 10 2009

OFFICE OF PETITIONS

In re Application of	:	
Steiber et al.	:	DECISION ON PETITION
Application No. 29/306,477	:	TO WITHDRAW
Filed: April 10, 2008	:	FROM RECORD
Attorney Docket No. 081579-0017001	:	

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 29, 2008.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to the practitioners associated with Customer No. 27160 was revoked by the assignee of the patent application on November 20, 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 Alicia Kelley at 571-272-6059.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: MCDERMOTT, WILL & EMERY LLP
ATTN: IP DEPARTMENT
227 WEST MONROE STREET
SUITE 4400
CHICAGO, IL 60606-5096

UNITED STATES PATENT AND TRADEMARK OFFICE

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FEB 23 2009

OFFICE OF PETITIONS

KATTEN MUCHIN ROSENMAN LLP
(C/O PATENT ADMINSTRATOR)
2900 K STREET NW, SUITE 200
WASHINGTON, DC 20007-5118

In re Application of	:	
Michael F. STEIBER, et al	:	
Application No. 29/306,482	:	DECISION ON PETITION
Filed: April 10, 2008	:	TO WITHDRAW
Attorney Docket No. 081579-0017003	:	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 29, 2008.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Katten Muchin Rosenman LLP, has been revoked by the assignee of the patent application on January 21, 2009. 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 undersigned at 571-272- 6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: PEGGIE BOTAN
CRAFTMASTER MANUFACTURING, INC.,
500 MONROE STREET, SUITE 2010
CHICAGO, IL 60661

UNITED STATES PATENT AND TRADEMARK OFFICE

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FEB 23 2009

OFFICE OF PETITIONS

KATTEN MUCHIN ROSENMAN LLP
(C/O PATENT ADMINSTRATOR)
2900 K STREET NW, SUITE 200
WASHINGTON, DC 20007-5118

In re Application of Michael F. STEIBER, et al Application No. 29/306,492 Filed: April 10, 2008 Attorney Docket No. 081579-001004	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 October 29, 2008.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Katten Muchin Rosenman LLP, has been revoked by the assignee of the patent application on January 21, 2009. 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 undersigned at 571-272- 6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: PEGGIE BOTAN
CRAFTMASTER MANUFACTURING, INC.,
500 MONROE STREET, SUITE 2010
CHICAGO, IL 60661

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KATTEN MUCHIN ROSENMAN LLP
(C/O PATENT ADMINISTRATOR)
2900 K STREET NW, SUITE 200
WASHINGTON, DC 20007-5118

MAILED

APR 10 2009

OFFICE OF PETITIONS

In re Application of	:	
Steiber et al.	:	DECISION ON PETITION
Application No. 29/306,498	:	TO WITHDRAW
Filed: April 10, 2008	:	FROM RECORD
Attorney Docket No. 081579-0017005	:	

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 29, 2008.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to the practitioners associated with Customer No. 27160 was revoked by the assignee of the patent application on November 20, 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 Alicia Kelley at 571-272- 6059.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: MCDERMOTT, WILL & EMERY LLP
ATTN: IP DEPARTMENT
227 WEST MONROE STREET
SUITE 4400
CHICAGO, IL 60606-5096

UNITED STATES PATENT AND TRADEMARK OFFICE

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KATTEN MUCHIN ROSENMAN LLP
(C/O PATENT ADMINISTRATOR)
2900 K STREET NW, SUITE 200
WASHINGTON, DC 20007-5118

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DEC 0 8 2008

In re Application of	:	
STEIBER, Michael F. et al.	:	
Application No. 29/306,500	:	DECISION ON PETITION
Filed: April 10, 2008	:	TO WITHDRAW
Attorney Docket No. **081579-0017006**	:	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 29, 2008.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Katten Muchin Rosenman LLP has been revoked by the assignee of the patent application on November 20, 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: **MCDERMOTT, WILL & EMERY LLP**
ATTN: IP DEPARTMENT
227 WEST MONROE STREET
SUITE 4400
CHICAGO IL 60606-5096

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.
29/306,522	04/10/2008	Eytan Moldovan	058062-010601	6933

33717 7590 04/15/2008
GREENBERG TRAURIG LLP (LA)
2450 COLORADO AVENUE, SUITE 400E
INTELLECTUAL PROPERTY DEPARTMENT
SANTA MONICA, CA 90404

EXAMINER

ART UNIT	PAPER NUMBER
2913	

MAIL DATE	DELIVERY MODE
04/15/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTO/SB/27 (01-08)
Approved for use through 04/30/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE
Under the Paperwork Reduction ACT of 1995, no persons are required to respond to 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 29/306,522
Filing Date	April 10, 2008
First Named Inventor	Eytan Moldovan
Title	Interior Face of an Accident Identity Kit
Atty Docket Number	058062-010601

ADDRESS TO:

MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 4-15-08
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 D3, Subclasses 272, 273, 283, 299, 303
Class 150, Subclasses 131, 138, 144, 150
Class 206, Subclass 803

Related applications: U.S. Design Pat Appl 29/305,054, filed 03/12/08; U.S. Utility Pat Appl 12/030,189, filed 02/12/08; U.S. Utility Pat Appl 10/287,950, filed 11/04/02; U.S. Prov Appl 60/332,036, filed 11/20/01

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:

- Formal drawings (see 37 CFR 1.84). **(1 Sheet consisting of 1 Figure)**
- The fee set forth in 37 CFR 1.17(k). **($900)**
- An information disclosure statement in compliance with 37 CFR 1.98.

Signature	April 10, 2008 Date
Charles Berman, Esq. Typed or printed name	Reg. No. 29,249 Registration Number, if applicable
(310) 586-7770 Telephone Number	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.155. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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KEUSEY, TUTUNJIAN & BITETTO, P.C.
20 CROSSWAYS PARK NORTH
SUITE 210
WOODBURY NY 11797

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AUG 18 2009

OFFICE OF PETITIONS

In re Application of	:	
Richard Norman Zach Wagner	:	
Application No. 29/306,565	:	DECISION ON PETITION
Filed: April 11, 2008	:	
Attorney Docket No. 458-5	:	

This is a decision on the petition under 37 CFR 1.137(b), filed July 9, 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 8, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed March 6, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on June 9, 2009. A Notice of Abandonment was mailed on June 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 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 is accepted as being unintentionally delayed.

The terminal disclaimer is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

Telephone inquiries concerning this decision should be directed to Terri Williams at (571) 272-2991.

This application is being referred to the Office of Data Management for further processing in accordance with this decision on petition.

Terri Williams
Terri Williams
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.
29/306,578	04/11/2008	John Delmore Boyer	074280-0026	7805

23630 7590 04/15/2008
MCDERMOTT WILL & EMERY LLP
28 STATE STREET
BOSTON, MA 02109-1775

EXAMINER

ART UNIT	PAPER NUMBER
2913	

MAIL DATE	DELIVERY MODE
04/15/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTO/SB/27 (01-08)
Approved for use through 04/30/2008 OMB 0651-0031
U S. Patent and Trademark Office; U S DEPARTMENT OF COMMERCE
Under the Paperwork Reduction ACT of 1995, no persons are required to respond to 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	29/306,578
Filing Date	April 11, 2008
First Named Inventor	Boyer, John D.
Title	Lighting
Atty Docket Number	074280-0026

ADDRESS TO:

MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 4-15-08
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

This is a request for expedited examination of a design application under 37 CFR 1.155.

NOTE: If the Request made by this form accompanies original application papers, include form PTO/SB/18 "Design Patent Application Transmittal" or its equivalent.

A preexamination search was conducted. The field of search was:

Class D26/72 D26/80 D26/88 D26/113 D26/138 D26/141

Also included in the search were various Lighting websites such as Beta Lighting and LSI Petroleum Lighting

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.

/ Matthew E. Leno /	April 11, 2008
Signature	Date
Matthew E. Leno	41,149
Typed or printed name	Registration Number, if applicable
617-535-4072	
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.
29/306,595	04/11/2008	John Delmore Boyer	074280-0027	8203

23630 7590 04/15/2008
MCDERMOTT WILL & EMERY LLP
28 STATE STREET
BOSTON, MA 02109-1775

EXAMINER

ART UNIT	PAPER NUMBER
2913	

MAIL DATE	DELIVERY MODE
04/15/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTO/SB/27 (01-08)
Approved for use through 04/30/2008 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	29/306,595
Filing Date	April 11, 2008
First Named Inventor	Boyer, John D.
Title	Lighting
Atty Docket Number	074280-0027

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
4-15-08

This is a request for expedited examination of a design application under 37 CFR 1.155.

NOTE: If the Request made by this form accompanies original application papers, include form PTO/SB/18 "Design Patent Application Transmittal" or its equivalent.

A preexamination search was conducted. The field of search was:

Class D26/72 D26/80 D26/88 D26/113 D26/138 D26/141

Also included in the search were various Lighting websites such as Beta Lighting and LSI Petroleum Lighting

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.

/ Matthew E. Leno /	April 11, 2008
Signature	Date
Matthew E. Leno	41,149
Typed or printed name	Registration Number, if applicable
617-535-4072	
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.
29/306,622	04/11/2008	David Mudrick	PHDL1161-013	9130

26948 7590 05/02/2008
VENABLE, CAMPILLO, LOGAN & MEANEY, P.C.
1938 E. OSBORN RD
PHOENIX, AZ 85016-7234

EXAMINER
SEIFERT, RALF T

ART UNIT	PAPER NUMBER
2914	

NOTIFICATION DATE	DELIVERY MODE
05/02/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@vclmlaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

5-2-08

April 30, 2008

VENABLE, CAMPILLO, LOGAN & MEANEY, P.C.
1938 E. OSBORN RD.
PHOENIX, AZ 85016-7234

In re Application of: David Mudrick Serial No.: 29/306,622 Filed: April 11, 2008 Docket: PHDL1161-013 Title: Pendant with Insert	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 April 11, 2008 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 has been docketed to an examiner and will be 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 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

EXPEDITED PROCEDURE – MAIL STOP EXPEDITED DESIGN
U.S. Serial No. 29/306,644
Attorney Docket No. KMC-854

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	:	Jones et al.
U.S. Serial No.	:	29/306,644
Filed	:	April 14, 2008
Title	:	Golf Club Head
Art Unit	:	TBD
Examiner	:	TBD

Approved 4-28-08
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 respectfully 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 736, 742, 752, and 759 in Class D21; and
   b. Subclasses 324, 340, 341, 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 application(s):

1. U.S. Serial No. 29/306,646, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-855;
2. U.S. Serial No. 29/306,647, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-856;

3. U.S. Serial No. 29/306,649, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-857;

4. U.S. Serial No. 29/306,652, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-858;

5. U.S. Serial No. 29/306,655, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-859;

6. U.S. Serial No. 29/306,663, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-860; and

7. U.S. Serial No. 29/306,668, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-861.

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

April 16, 2008

Date

/Frankie Ho/

Frankie Ho
Reg. No. 48,479
Attorney for Applicant(s)

EXPEDITED PROCEDURE – MAIL STOP EXPEDITED DESIGN
U.S. Serial No. 29/306,646
Attorney Docket No. KMC-855

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	:	Jones et al.
U.S. Serial No.	:	29/306,646
Filed	:	April 14, 2008
Title	:	Golf Club Head
Art Unit	:	TBD
Examiner	:	TBD

Approved 4-28-08
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 736, 742, 752, and 759 in Class D21; and
   b. Subclasses 324, 340, 341, 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 application(s):

1. U.S. Serial No. 29/306,644, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-854;
2. U.S. Serial No. 29/306,647, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-856;

3. U.S. Serial No. 29/306,649, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-857;

4. U.S. Serial No. 29/306,652, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-858;

5. U.S. Serial No. 29/306,655, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-859;

6. U.S. Serial No. 29/306,663, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-860; and

7. U.S. Serial No. 29/306,668, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-861.

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

April 16, 2008

Date

/Frankie Ho/

Frankie Ho
Reg. No. 48,479
Attorney for Applicant(s)

EXPEDITED PROCEDURE – MAIL STOP EXPEDITED DESIGN
U.S. Serial No. 29/306,647
Attorney Docket No. KMC-856

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	:	Jones et al.
U.S. Serial No.	:	29/306,647
Filed	:	April 14, 2008
Title	:	Golf Club Head
Art Unit	:	TBD
Examiner	:	TBD

Approved 4-28-08
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 736, 742, 752, and 759 in Class D21; and
   b. Subclasses 324, 340, 341, 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 application(s):

1. U.S. Serial No. 29/306,644, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-854;
2. U.S. Serial No. 29/306,646, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-855;

3. U.S. Serial No. 29/306,649, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-857;

4. U.S. Serial No. 29/306,652, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-858;

5. U.S. Serial No. 29/306,655, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-859;

6. U.S. Serial No. 29/306,663, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-860; and

7. U.S. Serial No. 29/306,668, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-861.

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.

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Respectfully submitted,

KARSTEN MANUFACTURING CORPORATION
Legal Department
2201 W. Desert Cove Ave.
Phoenix, Arizona 85029
(602) 687-5415

April 16, 2008 /Frankie Ho/

Date

Frankie Ho
Reg. No. 48,479
Attorney for Applicant(s)

EXPEDITED PROCEDURE – MAIL STOP EXPEDITED DESIGN
U.S. Serial No. 29/306,649
Attorney Docket No. KMC-857

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	:	Jones et al.
U.S. Serial No.	:	29/306,649
Filed	:	April 14, 2008
Title	:	Golf Club Head
Art Unit	:	TBD
Examiner	:	TBD

Approved 4-28-08
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 736, 742, 752, and 759 in Class D21; and
   b. Subclasses 324, 340, 341, 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 application(s):

1. U.S. Serial No. 29/306,644, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-854;
2. U.S. Serial No. 29/306,646, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-855;

3. U.S. Serial No. 29/306,647, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-856;

4. U.S. Serial No. 29/306,652, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-858;

5. U.S. Serial No. 29/306,655, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-859;

6. U.S. Serial No. 29/306,663, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-860; and

7. U.S. Serial No. 29/306,668, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-861.

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Respectfully submitted,

KARSTEN MANUFACTURING CORPORATION
Legal Department
2201 W. Desert Cove Ave.
Phoenix, Arizona 85029
(602) 687-5415

April 16, 2008 /Frankie Ho/

Date

Frankie Ho
Reg. No. 48,479
Attorney for Applicant(s)

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	TBD 29/306,651
Filing Date	April 14, 2008
First Named Inventor	Kenneth Link
Title	Shoe Outsole
Atty Docket Number	015127.01178

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, 908, 947, 948, 949, 951, 952, 953, 957, 958, 959, 960

Related applications: Attorney Docket No. 015127.01179, filed April 14, 2008, entitled: Shoe Outsole

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:

Formal drawings (see 37 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 4-17-08 Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

April 14, 2008	/Matthew Kohner/
Date	Signature
202-824-3000	Matthew J. Kohner
Telephone Number	Typed or printed name

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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EXPEDITED PROCEDURE – MAIL STOP EXPEDITED DESIGN
U.S. Serial No. 29/306,652
Attorney Docket No. KMC-858

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	:	Jones et al.
U.S. Serial No.	:	29/306,652
Filed	:	April 14, 2008
Title	:	Golf Club Head
Art Unit	:	TBD
Examiner	:	TBD

Approved 4-28-08
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 736, 742, 752, and 759 in Class D21; and
   b. Subclasses 324, 340, 341, 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 application(s):

1. U.S. Serial No. 29/306,644, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-854;
2. U.S. Serial No. 29/306,646, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-855;

3. U.S. Serial No. 29/306,647, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-856;

4. U.S. Serial No. 29/306,649, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-857;

5. U.S. Serial No. 29/306,655, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-859;

6. U.S. Serial No. 29/306,663, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-860; and

7. U.S. Serial No. 29/306,668, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-861.

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

April 16, 2008

Date

/Frankie Ho/

Frankie Ho
Reg. No. 48,479
Attorney for Applicant(s)

EXPEDITED PROCEDURE – MAIL STOP EXPEDITED DESIGN
U.S. Serial No. 29/306,655
Attorney Docket No. KMC-859

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	:	Jones et al.
U.S. Serial No.	:	29/306,655
Filed	:	April 14, 2008
Title	:	Golf Club Head
Art Unit	:	TBD
Examiner	:	TBD

4-28-08
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 736, 742, 752, and 759 in Class D21; and
   b. Subclasses 324, 340, 341, 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 application(s):

1. U.S. Serial No. 29/306,644, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-854;
2. U.S. Serial No. 29/306,646, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-855;

3. U.S. Serial No. 29/306,647, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-856;

4. U.S. Serial No. 29/306,649, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-857;

5. U.S. Serial No. 29/306,652, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-858;

6. U.S. Serial No. 29/306,663, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-860; and

7. U.S. Serial No. 29/306,668, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-861.

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

April 16, 2008 /Frankie Ho/

Date

Frankie Ho
Reg. No. 48,479
Attorney for Applicant(s)

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	TBD 29/306,658
Filing Date	April 14, 2008
First Named Inventor	Kenneth Link
Title	Shoe Outsole
Atty Docket Number	015127.01179

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, 908, 947, 948, 949, 951, 952, 953, 957, 958, 959, 960

Related applications: Attorney Docket No. 015127.01178, filed April 14, 2008, entitled: Shoe Outsole

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:

Formal drawings (see 37 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 4-17-08 Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

April 14, 2008	/Matthew Kohner/
Date	Signature
202-824-3000	Matthew J. Kohner
Telephone Number	Typed or printed name

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.155. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Expedited Design, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 6/24/09 **Paper No.:** _____

TO SPE OF : ART UNIT 2911-Susan Lee

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/306,659 t No.: D 591,006

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 change Be made? YES the correct drawings are the ones attached to this sheet (see attached)

RoChaun Johnson
Certificates of Correction Branch
703 756-1572

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: _____

Susan Lee
examiner 2911

CATHRON C. BROOKS
~~SUPERVISORY PATENT EXAMINER~~
SPE

2911
Art Unit

PTOL-306 (REV. 7/03)

EXPEDITED PROCEDURE – MAIL STOP EXPEDITED DESIGN
U.S. Serial No. 29/306,663
Attorney Docket No. KMC-860

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	:	Jones et al.
U.S. Serial No.	:	29/306,663
Filed	:	April 14, 2008
Title	:	Golf Club Head
Art Unit	:	TBD
Examiner	:	TBD

Approved 4-28-08
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 respectfully 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 736, 742, 752, and 759 in Class D21; and
   b. Subclasses 324, 340, 341, 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 application(s):

1. U.S. Serial No. 29/306,644, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-854;
2. U.S. Serial No. 29/306,646, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-855;

3. U.S. Serial No. 29/306,647, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-856;

4. U.S. Serial No. 29/306,649, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-857;

5. U.S. Serial No. 29/306,652, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-858;

6. U.S. Serial No. 29/306,655, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-859; and

7. U.S. Serial No. 29/306,668, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-861.

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

April 16, 2008

Date

/Frankie Ho/

Frankie Ho
Reg. No. 48,479
Attorney for Applicant(s)

EXPEDITED PROCEDURE – MAIL STOP EXPEDITED DESIGN
U.S. Serial No. 29/306,668
Attorney Docket No. KMC-861

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	:	Jones et al.
U.S. Serial No.	:	29/306,668
Filed	:	April 14, 2008
Title	:	Golf Club Head
Art Unit	:	TBD
Examiner	:	TBD

Approved 4-28-08
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 736, 742, 752, and 759 in Class D21; and
   b. Subclasses 324, 340, 341, 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 application(s):

1. U.S. Serial No. 29/306,644, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-854;
2. U.S. Serial No. 29/306,646, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-855;

3. U.S. Serial No. 29/306,647, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-856;

4. U.S. Serial No. 29/306,649, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-857;

5. U.S. Serial No. 29/306,652, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-858;

6. U.S. Serial No. 29/306,655, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-859; and

7. U.S. Serial No. 29/306,663, David D. Jones et al., "Golf Club Head," filed April 14, 2008, Docket No. KMC-860.

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

April 16, 2008 /Frankie Ho/

Date

Frankie Ho
Reg. No. 48,479
Attorney for Applicant(s)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KATTEN MUCHIN ROSENMAN LLP
(C/O PATENT ADMINISTRATOR)
2900 K STREET NW, SUITE 200
WASHINGTON, DC 20007-5118

MAILED

APR 10 2009

OFFICE OF PETITIONS

In re Application of	:	
Steiber et al.	:	DECISION ON PETITION
Application No. 29/306,787	:	TO WITHDRAW
Filed: April 16, 2008	:	FROM RECORD
Attorney Docket No. 081579-0016005	:	

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 29, 2008.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to the practitioners associated with Customer No. 27160 was revoked by the assignee of the patent application on November 20, 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 Alicia Kelley at 571-272-6059.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: MCDERMOTT, WILL & EMERY LLP
ATTN: IP DEPARTMENT
227 WEST MONROE STREET
SUITE 4400
CHICAGO, IL 60606-5096

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PLUMSEA LAW GROUP, LLC
10411 MOTOR CITY DRIVE
SUITE 320
BETHESDA MD 20817

MAILED

JUN 15 2009

OFFICE OF PETITIONS

In re Application of	:	
John B. Bogdan et al.	:	
Application No. 29/306,834	:	ON PETITION
Filed: April 17, 2008	:	
Attorney Docket No. 27-1295	:	

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 **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 April 28, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed January 28, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on April 29, 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 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 a 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

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

PLUMSEA LAW GROUP, LLC
10411 MOTOR CITY DRIVE
SUITE 320
BETHESDA MD 20817

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SEP 1 4 2009

OFFICE OF PETITIONS

In re Application of	:	
John B. Bogdan et al.	:	
Application No. 29/306,834	:	DECISION ON PETITION
Filed: April 17, 2008	:	
Attorney Docket No. 27-1295	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed June 29, 2009, and supplemented on August 7, 2009, 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 April 28, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed January 28, 2009, which sets a statutory period for reply of three (3) months. Accordingly, the date of abandonment of this application is April 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 payment of the issue fee of $860, (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to timely pay the issue fee as required by the Notice of Allowance is accepted as being unintentionally delayed.

The terminal disclaimer submitted on August 7, 2009, is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

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

THE GOODYEAR TIRE & RUBBER COMPANY
INTELLECTUAL PROPERTY DEPARTMENT 823
1144 EAST MARKET STREET
AKRON OH 44316-0001

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FEB 1 9 2009

OFFICE OF PETITIONS

In re Application of	:	
De Briey-Terlinden et al	:	
Application No. 29/306,841	:	ON PETITION
Filed: April 17, 2008	:	
Attorney Docket No. DN2008015	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 7, 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 pay the issue fee on or before December 4, 2008 as noted in the Notice of Allowance mailed September 4, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (4).

The language in the terminal disclaimer submitted on January 7, 2009, varies from the language in the terminal disclaimer to accompany petition form PTO/SB/63. A copy is enclosed for your convenience.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

ATTACHMENT: Blank Form PTO/SB/63

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.

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THE GOODYEAR TIRE & RUBBER COMPANY
INTELLECTUAL PROPERTY DEPARTMENT 823
1144 EAST MARKET STREET
AKRON OH 44316-0001

MAILED

MAR 25 2009

OFFICE OF PETITIONS

In re Application of	:	
De Briey-Terlinden et al	:	
Application No. 29/306,841	:	DECISION ON PETITION
Filed: April 17, 2008	:	
Attorney Docket No. DN2008015	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed February 27, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the issue fee and terminal disclaimer/fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance mailed September 4, 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 6-2-09

TO SPE OF : ART UNIT 2913

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/306841 Patent No.: D591672

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 (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.

- [x] **Approved** — All changes apply.
- [ ] **Approved in Part** — Specify below which changes **do not** apply.
- [ ] **Denied** — State the reasons for denial below.

Comments: _____

Caron D Veynar
CARON D. VEYNAR
SUPERVISORY PATENT EXAMINER
SPE

2913
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SYLMARK, INC.
7821 Orion Avenue
SUITE 200
Lake Balboa, CA 91406

COPY MAILED

MAR 26 2009

OFFICE OF PETITIONS

In re Application of
Lynn Hamlin
Application No. 29/306,877
Filed: April 17, 2008
Attorney Docket No. LYNN-4002US

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed March 5, 2009, 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 October 6, 2008. A Notice of Abandonment was mailed on January 30, 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 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, $430 for payment of the issue fee[1] and five sheets of replacement drawings containing Figures 1-7 filed on March 5, 2009. However, a Terminal Disclaimer and $70 fee is required under 37 CFR 1.137(d) if the application is: (1) a design application, (2) a utility application filed before June 8, 1995, or (3) a plant application filed before June 8, 1995. The Terminal Disclaimer must dedicate to the public a terminal part of the term of any patent granted the application equivalent to the period of abandonment of the application, and must also apply to any patent granted on any application containing a specific reference under 35 U.S.C. 120, 121 or 365(c) to the application for which revival is sought. For petitioner's convenience, a blank Terminal Disclaimer form accompanies this decision.

[1] The issue fee of $430 was received on December 16, 2008.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b), and be accompanied by the required Terminal Disclaimer and $70 fee." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The Change of Correspondence Address filed on February 27, 2009 and on March 3, 2009 has been accepted and made of record.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

Enclosure: Terminal Disclaimer Form No. 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

SYLMARK, INC.
7821 Orion Avenue
SUITE 200
Lake Balboa, CA 91406

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JUN 18 2009

OFFICE OF PETITIONS

ON PETITION

In re Application of
Lynn Hamlin
Application No. 29/306,877
Filed: April 17, 2008
Attorney Docket No. LYNN-4002US

This is a decision on the renewed petition under 37 CFR 1.137(b), filed May 26, 2009, to revive the above-identified application.

In response to the decision mailed March 26, 2009, petitioner submits the present renewed petition and a terminal disclaimer with the $70 fee.

Since the requirements of 37 CFR 1.137(b) have been met, the petition is **GRANTED**.

The terminal disclaimer under 37 CFR 1.137(d), filed May 26, 2009, has been accepted and made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

This application file is being referred to the Office of Data Management for processing into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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SYLMARK, INC.
7821 ORION AVENUE
SUITE 200
LAKE BALBOA CA 91406

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MAY 26 2009

OFFICE OF PETITIONS

In re Application of	:	
Hamlin, Lynn	:	
Application No. 29/306,879	:	ON PETITION
Filed: April 17, 2008	:	
Attorney Docket No. LYNN-4003US	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed March 5, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:
(1) the required reply,[1]
(2) the petition fee,
(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
(4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information.[2]

The instant petition lacks item(s) (4). Since the instant application is a design application, a terminal disclaimer and fee must be submitted for revival, as stated in 37 CFR 1.137(d). A blank form is enclosed for petitioner's convenience.

---

[1] In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

[2] See MPEP 711.03(c)(III)(C) and (D).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Window located at:

U.S. Patent and Trademark Office
Customer Service Window Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

Enclosure: PTO/SB/63 – Terminal Disclaimer

PTO/SB/63 (04-09)
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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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MARC VAN DYKE
123 N.W. 13TH STREET, SUITE 221
BOCA RATON FL 33432-1619

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APR 13 2010

OFFICE OF PETITIONS

In re Application of	:	
Hamlin, Lynn	:	
Application No. 29/306,879	:	ON PETITION
Filed: April 17, 2008	:	
Attorney Docket No. LYNN-4003US	:	

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed December 23, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition now satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied the terminal disclaimer and fee. Petitioner has also provided a five (5) month extension of time.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Data Management for processing into a patent.

Liana Walsh
Petitions Examiner
Office of Petitions

PTO/SB/27 (09-04)
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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)		
	Application Number	TBA 29/306,900
	Filing Date	April 18, 2008
	First Named Inventor	Jason Gregory Petrie
	Title	Portion Of A Shoe Outsole
	Atty Docket Number	015127.01196

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 4-28-08
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, 946, 947, 948, 949, 951, 952, 953, 954, 955, 956, 957, 959 and 960.

Related applications: Attorney Docket 015127.01197 entitled "Portion Of A Shoe Outsole" Filed 04/18/2008

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:
- Formal drawings (see 37 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/	April 18, 2008
Signature	Date
David R. Gerk	56901
Typed or printed name	Registration Number, if applicable
202-824-3000	
Telephone Number	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.155. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Expedited Design, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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STEPTOE & JOHNSON LLP
2121 AVENUE OF THE STARS
SUITE 2800
LOS ANGELES CA 90067

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DEC 0 5 2008

OFFICE OF PETITIONS

ON PETITION

In re Application of
Hector R. Hernandez
Application No. 29/306,901
Filed: April 18, 2008
Attorney Docket No. 83485.0056.C2

This is a decision in response to the petition filed November 10, 2008 under 37 CFR 1.181(b) to withdraw the holding of abandonment, in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

The petition is **GRANTED**.

This application became abandoned for failure to pay the issue fee on or before October 3, 2008 as was required by the Notice of Allowance mailed July 3, 2008. This application therefore became abandoned on October 6, 2008. Accordingly, a Notice of Abandonment was mailed October 29, 2008.

The file record discloses that the Notice of Allowance was mailed to the address of record, the same address to which the Notice of Abandonment was mailed and received. However, petitioner contends that the Notice of Allowance was not received. In support, petitioner indicates that a search of the file jacket and docket records revealed that the Notice was not received and submits copies of pages from the docketing system, wherein receipt of the Notice would have been entered, had it been received, to substantiate the claim. The statement and attachments corroborate non-receipt of the Notice of Allowance.

In view of the facts set forth in the petition, it is concluded that the Notice of Allowance was never received. Accordingly, the holding of abandonment is withdrawn. No petition fee is due and none has been charged.

This matter is being referred to Technology Center 2911 for a re-sending of the Notice of Allowance.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

PTO/SB/27 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)		
	Application Number	TBA 29/306,902
	Filing Date	April 18, 2008
	First Named Inventor	Jason Gregory Petrie
	Title	Portion Of A Shoe Outsole
	Atty Docket Number	015127.01197

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 4-28-08
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, 946, 947, 948, 949, 951, 952, 953, 954, 955, 956, 957, 959 and 960.

Related applications: Attorney Docket 015127.01196 entitled "Portion Of A Shoe Outsole" Filed 04/18/08

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:
- Formal drawings (see 37 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/	April 18, 2008
Signature	Date
David R. Gerk	56,901
Typed or printed name	Registration Number, if applicable
202-824-3000	
Telephone Number	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.155. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Expedited Design, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/27 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	TBA 29/306,919
Filing Date	April 18, 2008
First Named Inventor	Morgan Stauffer
Title	Shoe Outsole
Atty Docket Number	015127.01192

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 4-28-08
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, 906, 907, 908, 946, 947, 951, 952, 954, 956, 957, 962;
36/59R, 67A, 67R, 126, 128 and 134.

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/	April 18, 2008
Signature	Date
David R. Gerk	56901
Typed or printed name	Registration Number, if applicable
202-824-3000	
Telephone Number	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.155. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Expedited Design, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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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JUN 09 2009

OFFICE OF PETITIONS

MCHALE & SLAVIN PA
2855 PGA BLVD
PALM BEACH GARDENS FL 33410

In re Application of	:	
Randy Lubart	:	
Application No. 29/306,932	:	ON PETITION
Filed: April 18, 2008	:	
Attorney Docket No. 2096.036	:	

This is a decision on the petition under 37 CFR 1.137(b), filed May 15, 2009.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file corrected drawings in response to the Notice of Allowability mailed January 2, 2009, which set a statutory period for reply of three (3) months. No drawings having been received, the application became abandoned on April 3, 2009. A Notice of Abandonment was mailed on April 28, 2009.

With the instant petition, petitioner paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of corrected drawings.

The application is being forwarded to Group Art Unit 2915 for consideration of the drawings and Amendment, filed May 15, 2009.

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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APR 20 2009

OFFICE OF PETITIONS

OSTRAGER CHONG FLAHERTY & BROITMAN PC
570 LEXINGTON AVENUE
FLOOR 17
NEW YORK, NY 10022-6894

In re Application of	:	
Peter J. Young, et al.	:	
Application No. 29/306,974	:	ON PETITION
Filed: April 21, 2008	:	
Attorney Docket No. RGC-IPI-P2	:	

This is a decision on the petition, filed April 15, 2009, 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 12, 2009, in the present parent application is not refundable nor can it be applied towards any new Notice of Allowance which may issue on the CPA filed April 15, 2009.

Telephone inquiries should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2916 for processing of the CPA.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: —

DATE : 6/23/09

TO SPE OF : ART UNIT 2915

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/306990 Patent No.: D592502S

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.

- [X] **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
DESIGN PRACTICE SPECIALIST

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. : D592,502

APPLICATION NO.: 29/306,990

ISSUE DATE : May 19, 2009

INVENTOR(S) : Stefano CASEBASSE

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In the description, the following paragraph should be added at the beginning, before the listing of the figures:

"This design application claims priority to European Community design application No. 000813191 filed on October 22, 2007, which is incorporated herein by reference. All the material from European Community design application No. 000813191, which is essential to the claimed design, is included in this application. Any material in European Community design application No. 000813191, which is not present in this application, forms no part of the claimed design."

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Steinfl & Bruno
301 N Lake Ave, Suite 810
Pasadena, CA 91101

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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OCT 15 2009

OFFICE OF PETITIONS

MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH NC 27627

In re Application of	:
Christopher P. Russell	: DECISION GRANTING PETITION
Application No. 29/306,991	: UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: April 21, 2008	:
Attorney Docket No. 5308-728DS	:

This is a decision on the petition under 37 CFR 1.313(c)(3), filed October 13, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is hereby withdrawn from issue in favor of a continued prosecution application (CPA) under 37 CFR 1.53(d).

Petitioner is advised that the issue fee paid on September 15, 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*** October 13, 2009.

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This matter is being referred to Technology Center AU 2912 for processing of the CPA and consideration of the concurrently filed IDS.

/Karen Creasy/
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

ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK, NY 10017

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NOV 13 2009

OFFICE OF PETITIONS

In re Application of
Ernst Faber
Application No. 29/307,029
Filed: March 26, 2008
Attorney Docket No. 209,600

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed Sept 24, 2009 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 April 23, 2009, which set a period for reply of three (3) months. Accordingly, this application became abandoned on July 24, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form replacement drawings, (2) the petition fee of $810, (3) a proper 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 replacement drawings as required by the Notice of Allowability is accepted as being unintentionally delayed.

The terminal disclaimer filed September 24, 2009 is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

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.

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
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OFFICE OF PETITIONS

CHARLES N.J. RUGGIERO
OHLANDT, GREELEY, RUGGIERO & PERLE, L.L.P.
10TH FLOOR
ONE LANDMARK SQUARE
STAMFORD, CT 06901-2682

In re Application of
Adriana B. Kliegman, et al.
Application No. 29/307,092
Filed: March 31, 2008
Attorney Docket No. 460.2490USD

ON PETITION

This is a decision on the petition, filed April 7, 2009, requesting withdrawal of the holding of abandonment in the above-identified application under 37 CFR 1.181.

The petition is **GRANTED**.

The application was held abandoned for a failure to timely pay the issue fee on or before March 2, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed December 1, 2008. A Notice of Abandonment was mailed on March 26, 2009. In response, on April 7, 2009, the present petition was filed wherein petitioner asserts that a reply was timely filed. To support this assertion, petitioner submitted a copy of a return postcard which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on March 2, 2009 of, *inter alia,* Issue/Pub Fee.

Petitioner acknowledges that he was advised that when the USPTO tried to withdraw the issue fee from Deposit Account No. 162-127, there were insufficient funds in that account. However, petitioner argues that the $860 issue fee should have been charged to the back-up deposit account as authorized.

A review of the record confirms that the transmittal letter for the issue fee did, in fact, provide authorization to charge an alternative deposit account number if necessary. Accordingly, the $860 should have been so charged, using the alternative deposit account on March 2, 2009. It is noted that the alternative deposit account contained sufficient funds on March 2, 2009 to complete this transaction.

In view of the above, the holding of abandonment for failure to timely pay the issue fee is withdrawn and the application is restored to pending status. The Notice of Abandonment mailed March 26, 2009 is hereby vacated.

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

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

COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/23/2010

Applicant	: Gerald Fasching	: DECISION ON REQUEST FOR
Patent Number	: D602458	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 29/307,118	: OF WYETH
Filed	: 04/01/2008	:
		:

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
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Date: 02/24/10

Patent No. : D578297 S
Ser. No. : 29/307,152
Inventor(s) : CHOI, SANDRA
Issued : 10/14/08
Title : **BOOT**
Docket No. : **JCHO 0703293**

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 1.17(i) (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) 756-1574 or (703) 305-8309

Fross, Zelnick, Lehrman & Zissu, PC
866 United Nations Plaza
New York NY 10017

LMN

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov
DIW Mar-10

FROSS, ZELNICK, LEHRMAN & ZISSU, PC
866 UNITED NATIONS PLAZA
NEW YORK NY 10017

MAILED

MAR 16 2010

OFFICE OF PETITIONS

In re Patent No. D578297 :
Issue Date: 10/14/2008 :
Application Number: 29/307152 : ON PETITION
Filing Date: 04/02/2008 :
Attorney Docket Number: JCHO :
0703293 :

This is a decision on the paper filed on December 29, 2008, which is treated as a request under 37 CFR 3.81(b)[1] to correct the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The Office apologizes for the delay in responding to the subject petition.

The petition is **DISMISSED**.

Patentees request a Certificate of Correction listing the assignee as "J. Choo (Jersey) Limited, London (GB)." While an assignment was recorded in prior Application No. 29/210,405, of which the subject application is a division, the most recent assignment lists the assignee as "J. Choo (Jersey) Limited, **St. Helier, Jersey, Cayman Islands.**" (emphasis added) Accordingly, the assignee city and foreign country are not correctly listed on the draft certificate of correction.

Patentee should submit a corrected certificate of correction correctly identifying the city and foreign country of the assignee.

[1] See Official Gazette of 22 June, 2004.

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

A reply may also be filed via EFS-Web.

Telephone inquiries concerning this decision on petition should be directed to the undersigned at (571) 272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

FROSS ZELNICK LEHRMAN & ZISSU, P.C.
866 UNITED NATIONS PLAZA
AT FIRST AVENUE & 48TH STREET
NEW YORK, NEW YORK 10017
TELEPHONE: (212) 813-5900
FACSIMILE: (212) 813-5901
E-MAIL: fzlz@frosszelnick.com

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Facsimile Transmittal

Date: April 27, 2010 **Our Ref No:** JCHO 0703293

Your Ref. No.:

Re: Re: Patent No: D578,297 S
Title: BOOT
App. No.: 29/307,152
Issue Date: October 14, 2008
Inventor: Sandra Choi
Our Ref: JCHO 0703293

From: Lawrence Eli Apolzon **Sender's e-mail:** lapolzon@frosszelnick.com

Number of pages including cover sheet: 4

To:	Facsimile Number:	Telephone Number:
Office of Petitions	571-273-8300	571-272-3231

Comments:

Dear Sir:

This is a Corrected Request for Issuance of Certificate of Correction. Enclosed are the following documents in relation to the above:

- Corrected Request for Issuance of Certificate of Correction Under 37 CFR 1.323
- Copy of Decision mailed from Office of Petitions on March 16, 2010

Yours very truly,

Lawrence E. Apolzon

{F0617484.1 }If you do not receive all of the pages, please contact us at 212-813-5900

THIS COMMUNICATION IS INTENDED ONLY FOR THE USE OF THE ADDRESSEE AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED AND CONFIDENTIAL. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT THE UNAUTHORIZED DISSEMINATION OF THIS COMMUNICATION MAY BE PROHIBITED BY LAW. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE.

PTO/SB/44 (04-05)
Approved for use through 04/30/2007. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

Page 1 of 1

PATENT NO. : D578,297 S

APPLICATION NO.: 29/307,152

ISSUE DATE : October 14, 2008

INVENTOR(S) : Sandra Choi

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:

On the face of the patent, (73) appears as follows: Assignee: J. Choo Limited, London (GB). This is erroneous.

The corrected face of the patent should read -
(73) Assignee: J. Choo (Jersey) Limited, St. Helier, Jersey, Cayman Islands.

This is further to the decision mailed by the Office of Petitions on March 16, 2010 (a copy is attached) dismissing Patentee's previous petition for correction filed on December 29, 2008 which erroneously listed the assignee's address as London, (GB). Patentee submits that the above information is now correct and requests that the front page of the above-identified patent now be corrected accordingly.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Lawrence E. Apolzon, Esq.
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza, New York, NY 10017

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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866 UNITED NATIONS PLAZA
NEW YORK NY 10017

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MAR 16 2010

OFFICE OF PETITIONS

In re Patent No. D578297
Issue Date: 10/14/2008
Application Number: 29/307152
Filing Date: 04/02/2008
Attorney Docket Number: JCHO 0703293

ON PETITION

This is a decision on the paper filed on December 29, 2008, which is treated as a request under 37 CFR 3.81(b)[1] to correct the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The Office apologizes for the delay in responding to the subject petition.

The petition is **DISMISSED**.

Patentees request a Certificate of Correction listing the assignee as "J. Choo (Jersey) Limited, London (GB)." While an assignment was recorded in prior Application No. 29/210,405, of which the subject application is a division, the most recent assignment lists the assignee as "J. Choo (Jersey) Limited, **St. Helier, Jersey, Cayman Islands.**" (emphasis added) Accordingly, the assignee city and foreign country are not correctly listed on the draft certificate of correction.

Patentee should submit a corrected certificate of correction correctly identifying the city and foreign country of the assignee.

[1] See Official Gazette of 22 June, 2004.

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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

A reply may also be filed via EFS-Web.

Telephone inquiries concerning this decision on petition 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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ROZSA LAW GROUP LC
18757 BURBANK BOULEVARD, SUITE 220
TARZANA, CA 91356-3346

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APR 2 2 2008

OFFICE OF PETITIONS

In re Application of	:	
SIEGLER, Frederick	:	
Application No. 29/307,164	:	DECISION ON PETITION
Filed: April 3, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **22680.008**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 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 the declaration of inventor Frederick Siegler, attesting to his or her 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
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POLLACK, P.C.
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JAN 28 2009

OFFICE OF PETITIONS

In re Application of
Francois Takounseun, et. al.
Application No. 29/307,272
Filed: April 8, 2008
Attorney Docket No. 1014.1096DES

ON PETITION

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.

The application became abandoned for failure to file a timely reply to the Notice of Allowability For A Design Application mailed on July 24, 2008. A Notice of Abandonment was mailed on November 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 Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks item(s) (4).

The Office acknowledges receipt of $1,620 for the petition to revive fee, $835[1] for a partial payment of the issue fee, $15 for five advanced soft copies and four sheets of replacement drawings containing Figures 1-7 filed on December 5, 2008. However, a Terminal Disclaimer and $130 fee is required under 37 CFR 1.137(d) if the application is: (1) a design application, (2) a utility application filed before June 8, 1995, or (3) a plant application filed before June 8, 1995. The Terminal Disclaimer must dedicate to the public a terminal part of the term of any patent granted the application equivalent to the period of abandonment of the application, and must also apply to any patent granted on any application containing a specific reference under

[1] Effective October 2, 2008 the large entity design issue fee was increased to $860. Therefore, petitioner must submit the fee deficiency of $25 before revival can occur.

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.

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United States Patent and Trademark Office
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NEW YORK, NY 10017

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JAN 3 0 2009

OFFICE OF PETITIONS

In re Application of :
Francois Takounseun, et. al. :
Application No. 29/307,272 :
Filed: April 8, 2008 :
Attorney Docket No. 1014.1096DES :

CORRECTED DECISION

This is decision corrects the previous decision mailed on January 28, 2009.

The petition filed on December 5, 2008 remains dismissed.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks item(s) (4).

The Office acknowledges receipt of $1,620 for the petition to revive fee, $835[1] for a partial payment of the issue fee, $15 for five advanced soft copies and four sheets of replacement drawings containing Figures 1-7 filed on December 5, 2008. However, a Terminal Disclaimer and **$140** 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.

[1] Effective October 2, 2008 the large entity design issue fee was increased to $860. Therefore, petitioner must submit the fee deficiency of $25 before revival can occur.

Any request for reconsideration of this 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 $25 fee deficiency and the required Terminal Disclaimer fee of $140**." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

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Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
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Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

/Andrea Smith/
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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OFFICE OF PETITIONS

In re Application of
Francois Takounseun, et. al.
Application No. 29/307,272
Filed: April 8, 2008
Attorney Docket No. 1014.1096DES

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed on February 6, 2009, to revive the above-identified application.

In response to the decision mailed January 30, 2009, petitioner submits a terminal disclaimer under 37 CFR 1.137(d) with the $140 fee and $25 for the issue fee deficiency on February 6, 2009.

Since the requirements of 37 CFR 1.137(b) have been met, the petition is **GRANTED**.

The terminal disclaimer under 37 CFR 1.137(d), filed February 6, 2009, has been accepted and made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

This application file is being referred to the Office of Data Management for further processing into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Jeffrey R. Russell
121 Landmark Drive
Greensboro NC 27409

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MAY 0 8 2009

OFFICE OF PETITIONS

In re Application of	:	
Price et al.	:	
Application No.: 29/307287	:	ON PETITION
Filing or 371(c) Date: 04/10/2008	:	
Title of Invention:	:	
SWIVEL THREADED END	:	
FEMALE SEWER FITTING	:	

This is a decision on the Petition for Revival of an Application for Patent Abandoned Unavoidably Under 37 C.F.R. § 1.137(a), filed March 24, 2009.

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

The above-identified application became abandoned for failure to timely and properly reply to the Corrected Notice of Allowance and Issue Fee Due ("Notice"), mailed October 27, 2008. The Corrected Notice set a non-extendable three (3) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No timely and proper reply having been received, the application became abandoned on January 28, 2009. A Notice of Abandonment.was mailed February 19, 2009.

The present petition

Applicant files the present petition and provides that the Notice of Allowance and Issue Fee Due incorrectly listed the issue fee due as $755.00. Applicant avers that the error was brought to the attention of the Examiner, who brought the matter to the attention of his supervisor. Applicant states that the Examiner's supervisor told the Examiner that the Supervisor would look into the matter, and that Examiner left Petitioner a voice mail that this was a widespread error at the

Office, and that a corrected Notice of Allowance would be forthcoming, and that the Examiner said that he would notify Petitioner as to what action his supervisor had taken.

Applicant states that the next correspondence received was the Notice of Abandonment. Applicant's have since contacted the Examiner and his Supervisor and were informed by the Supervisor that he has no written correspondence back to the Examiner stating that the matter had been addressed. Petitioners note that a Notice of Allowance dated October 28, 2008 now appears in the application file; however, Applicant's aver that they never received the Notice of Allowance of October 28, 2008[1].

In view of Applicant's non-receipt of the Notice of Allowance of October 28, 2008, Petitioners assert that the delay in responding to the Notice was unavoidable.

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.

[1] Office records reveal that the mail date on the Corrected Notice of Allowance is October 27, 2008.

(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

Regrettably, the petition is not grantable at this time. Applicant has failed to demonstrate that the Corrected Notice was not received. In addition to the statement from practitioner[2] attesting to non-receipt of the Notice, Applicant must provide a statement attesting to the fact that a search of the file jacket and docket records indicates that the Office communication (Corrected Notice) was not received, and a copy of the file jacket and docket records where the nonreceived Corrected Notice would have been entered had it been received and docketed. As stated above, 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 petition is dismissed without prejudice. Applicant 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:

---

[2] An Applicant who elects to proceed in prosecuting his application without an attorney steps into the shoes of the attorney. The rules of practice do not diverge depending upon whether one is an attorney or an applicant appearing before this office in proper person. It is Applicant's obligation to inform himself about the obligations associated with prosecuting his application. See, California Med. Prods. V. Tecnol Med., 921 F.Supp 1219 (D. Del. 1995).

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

Jeffrey R. Russell
121 Landmark Drive
Greensboro NC 27409

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JUN 0 3 2009

OFFICE OF PETITIONS

In re Application of	:	
Price et al.	:	
Application No.: 29/307287	:	ON PETITION
Filing or 371(c) Date: 04/10/2008	:	
Title of Invention:	:	
SWIVEL THREADED END	:	
FEMALE SEWER FITTING	:	

This is a decision on the renewed Petition for Revival of an Application for Patent Abandoned Unavoidably Under 37 C.F.R. § 1.137(a), filed May 18, 2009.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Corrected Notice of Allowance and Issue Fee Due ("Notice"), mailed October 27, 2008. The Corrected Notice set a non-extendable three (3) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No timely and proper reply having been received, the application became abandoned on January 28, 2009. A Notice of Abandonment.was mailed February 19, 2009.

Applicant A petition to revive the application based upon unavoidable delay filed on March 24, 2009 was dismissed in a Decision mailed May 8, 2009, 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 March 24, 2009); (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

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Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

BEESON SKINNER BEVERLY, LLP
ONE KAISER PLAZA
SUITE 750
OAKLAND CA 94612

In re Application of
Frank A. Friedman
Application No. 29/307,344
Filed: April 14, 2008
Attorney Docket No. D202N- 120-2.D-C

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 3, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to timely pay the issue fee on or before February 2, 2009 as noted in the Notice of Allowance mailed October 31, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (4).

The Office is in receipt of the $140.00 terminal disclaimer fee submitted on February 3, 2009. However, the terminal disclaimer form PTO/SB/63 was never received. A copy of the form is enclosed for your convenience.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

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
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401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

By internet: EFS-Web
www.uspto.gov/ebc/efs_help.html
(for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

Karen Creasy
Petitions Examiner
Office of Petitions

Enclosure: **Blank copy of form PTO/SB/63**

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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BEESON SKINNER BEVERLY, LLP
ONE KAISER PLAZA
SUITE 750
OAKLAND CA 94612

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OFFICE OF PETITIONS

In re Application of
Frank A. Friedman
Application No. 29/307,344
Filed: April 14, 2008
Attorney Docket No. D202N-120-2.D-C

DECISION ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed July 24, 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 October 31, 2008, is accepted as having been 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.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted.

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

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United States Patent and Trademark Office
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OFFICE OF PETITIONS

In re Application of
Kung-Wen Lee
Application No. 29/307,368
Filed: April 16, 2008
Attorney Docket No. 12587/5

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-6059.

The patent file will be forwarded to the Files Repository.

Alicia Kelley
Petitions Examiner
Office of Petitions

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KLAUS J. BACH & ASSOCIATES
PATENTS AND TRADEMARKS
4407 TWIN OAKS DRIVE
MURRYSVILLE PA 15668

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JUN 1 2 2009

OFFICE OF PETITIONS

In re Application of	:	
Tobias Friedli	:	
Application No. 29/307,391	:	ON PETITION
Filed: April 17, 2008	:	
Attorney Docket: IN102-D		

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b) filed April 13, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure submit the issue fee in a timely manner in reply to the Notice of Allowance and Fee(s) Due, mailed December 15, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on March 17, 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.

for Brian Brown
Petitions Examiner
Office of Petitions

Enclosed: Terminal Disclaimer to Accompany Petition (PTO/SB/63)

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TEL: 724-327-0664
FAX: 724-327-0004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Case: IN 102-D

Applicant(s): Tobias Friedli
Serial No.: 29/307391
Filing Date: 17/04/08
Examiner: Kirschbaum, George D
Art Unit: 2913

Title: CONTROL/DISPLAY PANEL

Attention: Office of Petitions
Commissioner for Patent
Alexandria VA 22313-1450
FAX: 571 273 8300

April 13, 2009

Petition under 37 CFR 1.137(b)

This is a petition to the Commissioner for the revival of the above-identified application, in which a Notice of Abandonment has been received.

The reason for abandonment: Applicants failure to indicate the deposit account number on Part B of the Issue Fee Transmittal letter.

That error is certainly regretted.

Enclosed herewith is a copy of part B – Fee transmittal letter, in which the Deposit Account Number of the undersigned has been entered.

It was certainly not the intention of Applicants or of the Assignee to abandon the present application, that is the entire delay in filing the required documents from the due date of the reply to the Notice to File Missing Parts until the filing of this petition under 37 CFR 1.137(b) was unintentional.

06/12/2009 CKHLOK 00000001 500465 29307391
Sale Ref: 00000002 DA#: 500465 29307391
01 FC:1453 1620.00 DA

PAGE 2/4 * RCVD AT 4/13/2009 8:04:17 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/44 * DNIS:2738300 * CSID:7243270004 * DURATION (mm-ss):01-34

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APR 1 3 2009

Since the Official Fee schedule does not list any Petition fee for the revival of unintentionally abandoned Design Patents or Design Patent Applications, the undersigned called the Petition Office (tel. 571 272 3282) for advice and was told by the petition advisor that that the fee for the petition to revive an unintentionally abandoned Design application is $ 860.--.

Provided herewith are:

1. Authorization to charge the Petition fee to revive the unintentionally abandoned Design application to the Deposit **account No. 500465** of the undersigned

2. Copy of part B of the Issue Fee transmittal letter authorizing the required charges to the deposit account of the undersigned .

The Office is respectfully requested to revive the present application.

It is finally noted however that it is very disappointing that the Office did not call the undersigned to point out the error so that a corrective action could have been initiated. There was certainly plenty of time.

Respectfully submitted,

K. Bach

Klaus J. Bach, Reg. No. 26832

PAGE 3/4 * RCVD AT 4/13/2009 8:04:17 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/44 * DNIS:2738300 * CSID:7243270004 * DURATION (mm-ss):01-34

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AUG 17 2009

OFFICE OF PETITIONS

In re Application of	:	
Tobias Friedli	:	
Application No. 29/307,391	:	DECISION ON PETITION
Filed: April 17, 2008	:	
Attorney Docket No. INI02-D	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed July 17, 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 March 16, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed December 15, 2008. Accordingly, the date of abandonment of this application is March 17, 2009. The Notice of Abandonment was mailed April 10, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $860, (2) the petition fee of $1,620; (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.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

PTO/SB/83 (08-09)
Approved for use through 08/30/2009. 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 102 - D

In re Application of:

Name: Tobias Friedli

Application Number: 29/307391

Filed: 04/17/08

For: Control Display Panel

The owner*, Inventio AG of 100 percent interest in the above-identified application hereby disclaims a terminal part of the term of any patent granted the above-identified application equivalent to: (1) if the above-identified application is a design application, the period of abandonment of the above-identified application, and (2) if the above-identified application is a utility or plant application, the lesser of: (a) the period of abandonment of the application; or (b) the period extending beyond twenty years from the date on which the above-identified application was filed in the United States or, if the application contains a specific reference to an earlier filed application(s) under 35 U.S.C. 120, 121, or 365(c), from the date on which the earliest such application was filed. This disclaimer also applies to any patent granted on a utility or plant application filed before June 8, 1995, or a design application, that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the above-identified application. This disclaimer is binding upon the grantee, and its successors or assigns.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

2. ☒ The undersigned is an attorney or agent of record. Registration Number 26832.

K. Bach — Signature

07/17/09 — Date

K. Bach — Typed or Printed Name

724 327 0664 — Telephone Number

☐ Terminal disclaimer fee under 37 CFR 1.20(d) included. Charge to Dep. Acc. 500465

WARNING: Information on 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.

07/17/2009 TTEMPO1 00000009 500465 29307391
Sale Ref: 00000009 DA#: 500465 29307391
01 FC:1814 140.00 DA

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Michael D. Yablonsky, Ph.D., Esq.
660 Anderson Avenue
Cliffside Park, NJ 07010

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OFFICE OF PETITIONS

In re Patent of Yeung	:	
Patent No. D596,237	:	
Issue Date: July 14, 2009	:	Letter
Application No. 29/307,411	:	
Filing Date: April 18, 2008	:	
Attorney Docket No. FHKI 2086	:	

This is a letter in response to the paper filed June 12, 2009, which is being treated as a request under 37 CFR 3.81 to accept the correction of the assignee data on the front page of the patent.

The request is **dismissed as moot**.

In the instant case, an assignment was never recorded and in fact, no assignee exists. The request states the inclusion of assignee data on form PTOL-85b was an inadvertent error.

In order to delete an assignee when an assignment of the invention has never been made to any party, a patentee may simply file a Certificate of Correction under 37 CFR 1.323, along with the required fee ($100). A request under 37 CFR 3.81(b) is <u>not</u> necessary.

Since the instant request was not necessitated by an Office error, the fee of $130 will not be refunded.

The address on the request differs from the address of record. The Office notes a request to change the address to the address on the request was filed May 21, 2009. However, the address was not changed because the request was signed by Attorney Michael Kenney who is not an attorney of record. A courtesy copy of this decision is being mailed to the address given on the petition. However, absent the future filing of a proper request to change the address, the Office will mail all future correspondence solely to the address of record.

The file is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction to the extent the Certificate requests deletion of the assignee name from the face of the patent.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

Charles Steven Brantley
Petitions Attorney
Office of Petitions

cc: Michael Kenney
Kaplan Gilman & Pergament, LLP
Suite 204
1480 Route 9 North
Woodbridge, NJ 07095

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TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

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OFFICE OF PETITIONS

In re Patent No. D587,210 :
Issue Date: February 24, 2009 :
Application No. 29/307,471 : DECISION ON PETITION
Filed: April 23, 2008 :
Attorney Docket No. 03115/122001 :

This is a decision on the Request To Correct Patent To Reflect Correct Name of the Assignee Pursuant To 37 C.F.R. 3.81(B), filed on March 9, 2009, requesting correction on the Title Page of the subject patent, via issuance of a Certificate of Correction under 37 CFR 1.323, to identify the correct assignee. The Request is being treated as a Petition. A completed Certificate of Correction Form (PTO/SB/44) was submitted with the petition.

The petition under 37 CFR 3.81 is **GRANTED**.

Petitioner urges that the present Petition was submitted to correct the erroneous incorrectly identified assignee's name on the previously submitted PTOL-85B. Accordingly, petitioner requests, in effect, that the Title Page of the above-identified patent be corrected, via issuance of a Certificate of Correction, to correct the name of the assignee identified thereon from:

"Panasonic Electric Works Co., Ltd."

to:

-Matsushita Electric Works, Ltd.-

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

The requisite $100.00 fee (Fee Code 1811) and the $130.00 processing fee (Fee Code 1464) as set forth under 37 CFR 1.20(a) have been submitted. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR 3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the form (PTO/SB/44) that was submitted with 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. D587210.

Brian W. Brown
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of
Yoji Okuda
Application No. 29/307,482
Filed: April 23, 2008
Attorney Docket No: **FPO-CE-28007 (108014-0)**

ON PETITION

This is a decision on the petition filed August 7, 2009, to withdraw the holding of abandonment, which is treated under 37 CFR 1.181, in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

The petition under 37 CFR 1.181(b) is **DISMISSED.**

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181," or, as explained in more detail below, "...under 37 CFR 1.137(a)" or (b). This is not a final agency decision.

This application became abandoned June 24, 2009 for failure to pay the issue fee on or before June 23, 2009 as was required by the Notice of Allowance mailed March 23, 2009 and which set a three month period for reply. Accordingly, a Notice of Abandonment was mailed July 17, 2009.

The file record discloses that the Notice of Allowance was mailed March 23, 2009 to what was believed to be the address of record, the same address to which the Notice of Abandonment was mailed on July 17, 2009 and received. A further review of the record reveals that Notices mailed October 14, 2008 were returned by the post office as undeliverable and the USPTO corrected the address and remailed on March 23, 2009. However, petitioner contends that the Notices re-mailed March 23, 2009 was not received.

The requirement under 37 CFR 1.181, is that petitioner review the docket records and submit copies of the actual docket records or file jacket to show non-receipt. That requirement has not been met. In a petition under 37 CFR 1.181 the petitioner must show, as in this instance where non-receipt is claimed that petitioner is without fault in not receiving the communication and therefore could not respond timely. In the absence of any irregularity in the mailing, there is a strong presumption that the Office action was properly mailed to the address of record. This presumption may be overcome by a showing that the Office action was not in fact received at the address of record.

While petitioner has provided "docket records" which appear to be the docket record for the instant matter, petitioner has not submitted docket records in accordance with M.P.E.P. 711.03(c) and pursuant to Delgar Inc. v. Schuyler, 172 USPQ 513, which includes the "Master Docket". Instead, the evidence includes "the actions due" report for the instant matter.[1]

In view thereof, the holding of abandonment cannot be withdrawn.

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[1]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).

ALTERNATIVE VENUES

Petitioner may wish to consider filing a renewed petition under 37 CFR 1.137(b),[2] which now provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b).

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

[2]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)).

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OFFICE OF PETITIONS
ON PETITION

In re Application of
Yoji Okuda
Application No. 29/307,482
Filed: April 23, 2008
Attorney Docket No: **FPO-CE-28007 (108014-0)**

This is a decision on the request for reconsideration filed September 21, 2009, to withdraw the holding of abandonment, which is treated under 37 CFR 1.181, in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

The petition under 37 CFR 1.181(b) is **DISMISSED.**

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181," or, as explained in more detail below, "...under 37 CFR 1.137(a)" or (b). This is not a final agency decision.

This application became abandoned June 24, 2009 for failure to pay the issue fee on or before June 23, 2009 as was required by the Notice of Allowance mailed March 23, 2009 and which set a three month period for reply. Accordingly, a Notice of Abandonment was mailed July 17, 2009. A petition filed August 7, 2009 was dismissed in a decision mailed September 14, 2009 because while docket records were provided to show non-receipt, docket records in accordance with M.P.E.P. 711.03(c) and pursuant to Delgar Inc. v. Schuyler, 172 USPQ 513, which includes the "Master Docket" had not been provided.

Petitioner is directed to M.P.E.P. 711.03(c) for guidance.

In the instant request for reconsideration, petitioner has provided the docket for Seymour Rothstein and the file jacket. Petitioner has not however provided the "Master Docket" for the firm.

In view thereof, the holding of abandonment cannot be withdrawn.

ALTERNATIVE VENUES

Petitioner may wish to consider filing a renewed petition under 37 CFR 1.137(b),[1] which now provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b).

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

[1]Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. 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)).

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In re Application of
Yoji Okuda
Application No. 29/307,482
Filed: April 23, 2008
Attorney Docket No: **FPO-CE-28007**
(108014-0)

ON PETITION

This is a decision on the request for reconsideration filed January 5, 2010, to withdraw the holding of abandonment, which is treated under 37 CFR 1.181, in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

The petition under 37 CFR 1.181(b) is **GRANTED.**

This application became abandoned June 24, 2009 for failure to pay the issue fee on or before June 23, 2009 as was required by the Notice of Allowance mailed March 23, 2009 and which set a three month period for reply. Accordingly, a Notice of Abandonment was mailed July 17, 2009. A petition filed August 7, 2009 was dismissed in a decision mailed September 14, 2009 because while docket records were provided to show non-receipt, docket records in accordance with M.P.E.P. 711.03(c) and pursuant to Delgar Inc. v. Schuyler, 172 USPQ 513, which includes the "Master Docket" had not been provided. A request for reconsideration filed September 21, 2009 was dismissed in a decision mailed December 22, 2009 because petitioner provided the docket for Attorney Seymour Rothstein and the file jacket and the "Master Docket" for the firm.

Comes now petitioner arguing that the firm does not have a "Master Docket" for all attorneys, rather it maintains a docket for each attorney. To show that the Notice of Allowance mailed March 23, 2009 was not received, petitioner also explains that after searching Mr. Rothstein's docket and the file jacket, it was concluded that no correspondence was received for this matter from the USPTO.

In that the statement from the petitioner and the exhibit from the docket maintained for Seymour Rothstein and the file jacket for the instant matter show no entry indicating receipt of the Notice of Allowance mailed March 23, 2009, it is apparent that it was not received. The evidence submitted corroborates non-receipt of the Notice of Allowance.

In view of the facts set forth in the petition, it is concluded that the Notice of Allowance

was never received. Accordingly, the holding of abandonment is withdrawn. No petition fee is due and none has been charged.

This matter is being referred to Technology Center 2915 for a re-mailing of the Notice of Allowance.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

HEDMAN & COSTIGAN P.C.
1185 AVENUE OF THE AMERICAS
NEW YORK NY 10036

In re Application of
Marco Lambri
Application No. 29/307,498
Filed: April 23, 2008
Attorney Docket No. 163-800

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) filed on September 11, 2009.

The petition is **DISMISSED AS MOOT**.

A review of the application file revealed that a Notice of Non-Compliant Amendment was mailed in this application on July 31, 2009. The notice allowed a shortened period for reply of one month from its mailing date. Extensions of the times set for reply are available pursuant to 37 CFR 1.136(a). The instant petition was filed on September 11, 2009.

This petition is improper because it was filed prematurely as the application is not abandoned. The Notice of Non-Compliant Amendment allowed a shortened period for reply of one month from its mailing date with extensions of time available under 37 CFR 1.136(a). The petition was filed during the extendable period—five additional months after the expiration of the one month period granted. Accordingly, the petition fee of $1,620.00 is refunded to deposit account 08-1540.

Petitioner is required to file a proper response to the Notice of Non-Compliant Amendment and any necessary extension of time within the allowable period. Although the petition indicates that a response to the Notice of Non-Compliant Amendment accompanied the petition, no response was found in the application file record.

The application file is being directed to Technology Center, GAU 2917 to await a proper response to the Notice of Non-Compliant Amendment .

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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REED SMITH, LLP
ATTN: PATENT RECORDS DEPARTMENT
599 LEXINGTON AVENUE, 29TH FLOOR
NEW YORK NY 10022-7650

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OFFICE OF PETITIONS

In re Application of	:	
Dieter Fleischer et al	:	
Application No. 29/307,562	:	DECISION ON PETITION
Filed: April 28, 2008	:	
Attorney Docket No. 500593.20155	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 7, 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; (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 17, 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 and for review of the drawings submitted on August 7, 2009.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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DAY PITNEY LLP
7 TIMES SQUARE
NEW YORK, NY 10036-7311

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JUN 05 2009

OFFICE OF PETITIONS

In re Application of :
Larry Altman :
Application No. 29/307,591 :
Filed: April 29, 2008 :
Attorney Docket No. 500488.118400 :

ON PETITION

This is a decision on the petition, filed May 8, 2009 under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **DISMISSED.**

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "**Renewed Petition under 37 CFR 1.137(b)**." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to submit the Issue Fee in a timely manner in reply to the Notice of Allowance mailed January 27, 2009, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on April 28, 2009.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) (4).

The petition does not satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (4) the terminal disclaimer was not received. Accordingly, this petition can not be revive until the terminal disclaimer is received.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

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DAY PITNEY LLP
7 TIMES SQUARE
NEW YORK, NY 10036-7311

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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Larry Altman :
Application No. 29/307,591 :
Filed: April 29, 2008 :
Attorney Docket No. 500488.118400 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed June 16, 2009, to revive the above-identified application.

The petition is **GRANTED.**

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue fee and Publication Fee; (2) the petition fee; (3) the required statement of unintentional delay and (4) terminal disclaimer have been received. Accordingly, the issue fee is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210.

This matter is being referred to the Office of Data Management for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/23/2010

Applicant	: Cheryl Rowehl	: DECISION ON REQUEST FOR
Patent Number	: D603537	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 29/307,655	: OF WYETH
Filed	: 05/02/2008	:
		:

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.

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OFFICE OF PETITIONS

John Robert Cowan
23613 Dunsmore Lane
Valencia, CA 91354-2410

In re Application of	:	
John Robert Cowan	:	
Application No. 29/307,721	:	ON PETITION
Filed: May 7, 2008	:	
Attorney Docket No.	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 17, 2009, 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 June 10, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed March 10, 2009. Accordingly, the date of abandonment of this application is June 11, 2009. A Notice of Abandonment was mailed on July 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, (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.

This application is being referred to the Office of Data Management for further processing into a patent.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

Carl Friedman
Petitions Examiner
Office of Petitions

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HIP Innovations, LLC
350 Pioneer Drive
Williston VT 05495

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OFFICE OF PETITIONS

In re Application of :
Heroux : DECISION ON PETITION
Application No. 29/307,724 :
Filed: May 8, 2008 :
For: VERTICAL DROP HANGER :

This decision is in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed March 16, 2009.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is hereby **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." This is not a final agency decision.

The application became abandoned January 8, 2009 for failure to timely submit a proper reply to the Notice of Allowability (Notice) mailed October 7, 2008. The Notice set a three month statutory period of time for reply. Notice of Abandonment was mailed February 13, 2009.

Petitioner asserts non-receipt of the Notice. Petitioner indicates that a search of the file jacket and the docket records indicate that the Notice was not received. Petitioner has included, *inter alia*, copies of docket records which purport to establish non-receipt of the Notice.

The showing required to establish non-receipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response. Practitioner must state that the Office action was not received at the correspondence address of record,

and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the non-received Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the non-received Office action must be submitted as documentary proof of non-receipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The instant petition does not establish non-receipt of the Notice in compliance with the procedures set forth at MPEP 711.03(c). Specifically, the petition fails to describe the system used for recording an Office action received at the correspondence address of record with the USPTO. It is unclear if the copy of the docket records provided by petitioners is a "master docket." Thus, it cannot be found that practitioner's docketing system is sufficiently reliable. Further, the records do not show the period of time that a reply to the Notice would have been due, January 7, 2009. Instead, the records submitted commence February of 2009.

Any renewed petition must establish non-receipt of the Notice as set forth at MPEP 711.03(c).

ALTERNATE VENUE

Petitioner may wish to consider filing a petition stating that the delay was unintentional. Petitioner's attention is directed to 37 CFR 1.137(b) which provides for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of an issue fee was "unavoidable". An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required petition fee and reply.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a

statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail:	**Mail Stop Petition** Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By hand delivery:	U.S. Patent and Trademark Office Customer Window, **Mail Stop Petition** Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

In re Application of Steve Heroux Application No. 29/307,724 Filed: May 8, 2008 Attorney Docket No. HERO3007/JJC/JS	: : : : :	ON PETITION

This is a decision on the petition, filed September 8, 2009, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The above-identified application became abandoned for failure to respond in a timely manner to the Notice of Allowability mailed October 7, 2008. A Notice of Abandonment was mailed on February 13, 2009. On September 8, 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 September 8, 2009 is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

The application is being referred to the Office of Data Management to be processed into a patent.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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JUN 09 2009

OFFICE OF PETITIONS

JAMES K POOLE ESQ
PO BOX 925
LOVELAND CO 80539

In re Application of	:	
Cox, et al.	:	
Application No. 29/307,733	:	DECISION ON PETITION
Filed: May 8, 2008	:	
Attorney Docket No. ICSF-1DES	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), filed May 15, 2009.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely pay the issue fee in response to the Notice of Allowance, mailed December 31, 2008. This Notice set a statutory period for reply of three (3) months for issue fee transmittal. No issue fee having been received, the application became abandoned on April 1, 2009. The Office mailed a Notice of Abandonment on April 28, 2009.

With the instant petition, petitioner has paid the petition fee, made the proper statement of unintentional delay, submitted the required reply in the form of the issue fee, and filed a Terminal Disclaimer.

The application is being forwarded to the Office of Data Management for processing into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 6/29/09

TO SPE OF : ART UNIT 2915

SUBJECT : Request for Certificate of Correction for Appl. No.: 29307734 Patent No.: D593823 S

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
Randolph Square 9D40-D
Palm Location 7580
You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome
Certificates of Correction Branch
703-756-1574

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

XX 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/ SPE, GAU 2915

SPE Art Unit

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Commissioner for Patents
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James Rota
Suite 505
924 Westwood Boulevard
Los Angeles CA 90024

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JUN 2 7 2008

OFFICE OF PETITIONS

In re Application of	:	
James E. Rota	:	
Application No. 29/307,742	:	DECISION ON PETITION
Filed: May 8, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. N/A	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 8, 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/she 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.

Terri 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
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Date Mailed : July 29, 2009

Patent No. :D582625
Inventor :Hiroki Mori et al.
Patent Issued :December 9, 2008
Title :FORKLIFT TRUCK

Re: Request for Certificate of Correction

The Certificates of Correction Branch received your request to modify the drawings from what appears in the Letters Patent Grant.

Inspection of the application file reveals that the drawings presented May 8, 2008 were approved by the examiner at the time of allowance August 11, 2008; also that the drawings as presented at that time were considered in accordance with the records of this office since it appears the file does not contain a Notice of Patent Drawing Review requesting corrected or formal drawings.

In addition, formal drawings must be entered prior to paying the issue fee.

In view of the foregoing, applicants request in this matter is hereby denied. Any inquiries 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

Locke Lord Bissell & Liddell LLP
3 World Financial Center
New York, NY 10281-2101

/arg

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PACTIV CORPORATION
C/O NIXON PEABODY LLP
161 N. CLARK STREET
48TH FLOOR
CHICAGO, IL 60601-3213

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OFFICE OF PETITIONS

In re Patent No. D583,238 :
Issue Date: December 23, 2008 :
Application No. 29/307,796 : ON PETITION
Filed: May 13, 2008 :
Attorney Docket No. 247097-001363USPD :

This is a decision on the petition filed March 9, 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 April M. Wise at (571) 272-1642. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

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OFFICE OF PETITIONS

LANGLOTZ PATENT & TRADEMARK WORKS, INC.
PO BOX 96503 #37585
WASHINGTON, DC 20090-6503

In re Application of
Jonathon Daniel Rievley, et al.
Application No. 29/307,798
Filed: May 12, 2008
Attorney Docket No. CT-3D

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 28, 2010, to revive the above-identified design application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to respond in a timely manner to the Notice of Allowability mailed October 9, 2009. A Notice of Abandonment was mailed on January 26, 2010. On January 28, 2010, 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 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 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

Gerald E. Warriner
9037-H York Lane
West Melbourne FL 32904

COPY MAILED
JUN 23 2008
OFFICE OF PETITIONS

In re Application of
Gerald E. WARRINER
Application No. 29/307,836
Filed: May 14, 2008
Attorney Docket No.

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 May 14, 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 evidence submitted with the instant petition is a copy of Gerald Warriner's drivers license indicating that she is at least 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

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.

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
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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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DEC 3 1 2008

OFFICE OF PETITIONS

In re Application of	:	
Manon Belley et al.	:	
Application No. 29/307,935	:	ON PETITION
Filed: May 20, 2008	:	
Attorney Docket No. 001621.128490	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 8, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to timely pay the issue fee on or before October 24, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed July 24, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on October 25, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(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 must be signed by a person having power of attorney or an authorized agent who has power to prosecute the 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. Therefore, the terminal disclaimer filed with the instant petition is unacceptable and the petition can not be granted at the time. However, if petitioner desires to be acknowledged as the attorney of record, the appropriate power of attorney or authorization of agent must be submitted.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WARNER NORCROSS & JUDD LLP
900 FIFTH THIRD CENTER
111 LYON STREET, N.W.
GRAND RAPIDS MI 49503-2487

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APR 27 2009

OFFICE OF PETITIONS

In re Application of :
Manon Belley et al. :
Application No. 29/307,935 : ON PETITION
Filed: May 20, 2008 :
Attorney Docket No. 001621.128490 :

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 **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 24, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed July 24, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on October 25, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(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 Revocation of Power of Attorney submitted with the petition on February 4, 2009, is not accepted. The Revocation Power of Attorney was signed by Timothy E. Foley, acting on behalf of the assignee. However, the Revocation and Power of Attorney does not comply with 37 CFR 3.73(b) since neither the documentary evidence of a chain of title to the assignee nor a statement specifying the reel/frame where such evidence is recorded is included therein. Therefore, the Revocation and Power of attorney will not be accepted at this time.

Accordingly, since the Power of Attorney is not accepted the terminal disclaimer filed concurrently with the instant petition has not been approved as it has not been signed by a person having power of attorney or by an authorized agent who has power to prosecute the application. Therefore, the petition can not be granted at the time. However, if petitioner desires to be acknowledged as the attorney of record, the appropriate power of attorney or authorization of agent must be submitted. A blank 3.73(b) 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 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

Attachment: Blank 3.73(b) Certificate

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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WARNER NORCROSS & JUDD LLP
900 FIFTH THIRD CENTER
111 LYON STREET, N.W.
GRAND RAPIDS MI 49503-2487

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AUG 03 2009
OFFICE OF PETITIONS

In re Application of	:	
Manon Belley et al.	:	
Application No. 29/307,935	:	DECISION ON PETITION
Filed: May 20, 2008	:	
Attorney Docket No. 001621.128490	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed May 6, 2009, 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 October 24, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed July 24, 2008, which sets a statutory period for reply of three (3) months. Accordingly, the date of abandonment of this application is October 25, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $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 has previously paid the terminal disclaimer fee on December 8, 2008. Therefore, the fess that were paid on February 4, 2009 ($140), and on May 6, 2009 ($140) are unnecessary and petitioner may request a refund of these fees by writing to the following address: Mail Stop 16, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

Telephone inquiries concerning this decision should be directed to 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

Ramesh Krishnamurthy
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
29/307,935	05/20/2008	Manon Belley	001621.128490

CONFIRMATION NO. 7347

POA ACCEPTANCE LETTER

24335
WARNER NORCROSS & JUDD LLP
900 FIFTH THIRD CENTER
111 LYON STREET, N.W.
GRAND RAPIDS, MI 49503-2487

OC000000037138925

Date Mailed: 07/30/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/06/2009.

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.

/jlburke/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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
29/307,935	05/20/2008	Manon Belley	001621.128490

CONFIRMATION NO. 7347

POWER OF ATTORNEY NOTICE

24335
WARNER NORCROSS & JUDD LLP
900 FIFTH THIRD CENTER
111 LYON STREET, N.W.
GRAND RAPIDS, MI 49503-2487

OC000000037138922

Date Mailed: 07/30/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/06/2009.

- 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).

/jlburke/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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JAN 21 2010

OFFICE OF PETITIONS

SHERRY ANN GRATNER
1735 N ST RD 49
RENSSELAER, IN 47978

In re Patent No. D602,172
Issue Date: October 13, 2009
Application No. 29/308,103
Filed: May 29, 2008
Patentee(s): Sherry Ann Gratner

ON PETITION

This is in response to the petition, filed October 30, 2009 to withdraw the holding of abandonment of 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).

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 June 12, 2009, which set a period for reply of three (3) months. Accordingly, this application became abandoned on September 13, 2009. A Notice of Abandonment was mailed on October 1, 2009.

In the present petition, petitioner requests that the Office withdraw the holding of abandonment due to petitioner's "mental stress and shock." Petitioner explains that her uncle murdered his wife and shot his step son one day after receipt of the notice.

A showing based upon incapacitation must establish that petitioner's incapacitation was of such nature and degree as to render petitioner unable to conduct business (*e.g.*, correspond with the Office) during the period between June 12, 2009 and September 12, 2009. Any showing must be supported by a statement from petitioner's treating physician, and such statement must provide the nature and degree of petitioner's incapacitation during this above-mentioned period. Petitioner does not provide such a showing. In fact, a review of the record clearly shows that petitioner was able to conduct business to some degree, as the issue fee was timely submitted on August 29, 2009, which is within the response period in question. Accordingly, the petition requesting withdrawal of the holding of abandonment cannot be granted at this time.

ALTERNATIVE VENUE

Petitioner is strongly 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 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; 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).

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 petition fee.

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: Form PTO/SB/64

[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
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ALBERTO A. LEON, ESQUIRE
P.O. BOX 30684
ALBUQUERQUE NM 87190

COPY MAILED

SEP 21 2009

OFFICE OF PETITIONS

In re Application of	:	
Carlos A. Lopez	:	
Application No. 29/308,159	:	DECISION ON PETITION
Filed: May 30, 2008	:	
Attorney Docket No. 50198	:	

This is a decision on the petition under 37 CFR 1.137(b), filed July 24, 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 June 12, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed March 12, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on March 13, 2009. A Notice of Abandonment was mailed on 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 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.

Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Data Management for further processing in accordance with this decision on petition.

Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ALBERTO A. LEON, ESQUIRE
P.O. BOX 30684
ALBUQUERQUE NM 87190

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SEP 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Carlos A. Lopez	:	
Application No. 29/308,215	:	DECISION ON PETITION
Filed: June 3, 2008	:	
Attorney Docket No. 50198	:	

This is a decision on the petition under 37 CFR 1.137(b), filed July 24, 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 June 15, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed March 13, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on June 16, 2009. A Notice of Abandonment was mailed on July 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 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).

The terminal disclaimer is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Data Management for further processing in accordance with this decision on petition.

Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ALBERTO A. LEON, ESQUIRE
P.O. BOX 30684
ALBUQUERQUE, NM 87190

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SEP 11 2009

OFFICE OF PETITIONS

In re Application of	:	
Carlos A. Lopez	:	
Application No. 29/308,260	:	DECISION ON PETITION
Filed: June 6, 2008	:	
Attorney Docket No. 50198	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 27, 2009, to revive the above-identified application.

This application became abandoned for failure to timely submit corrected formal drawings on or before June 24, 2009, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed March 24, 2009. Accordingly, the date of abandonment of this application is June 25, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the corrected formal drawings , (2) the petition fee of $810; and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED**.

The drawings have been approved by the USPTO draftsperson.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning this application should be directed to the Office of Data Management at their hotline 571-272-4200.

This application is being referred to Office of Data Management for processing into a patent.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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LAW OFFICES OF CAROL N. GREEN, P.A.
SUITE 2750
200 S. BISCAYNE BOULEVARD
MIAMI, FL 33131

MAILED

MAY 27 2010

OFFICE OF PETITIONS

In re Application of :
Isaac Sayo Daniel :
Application No. 29/308,297 :
Filed: June 9, 2008 :
Attorney Docket No.: None :

ON PETITION

This is a decision on the petition, filed December 7, 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. Alternatively, the petition is being treated under the provisions of 37 CFR 1.137(b), as requested.

The petition under 37 CFR 1.181 is **DISMISSED**.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the non-final Office action, mailed April 3, 2009. A Notice of Abandonment was subsequently mailed on October 8, 2009.

Petitioner asserts that the Notice of April 3, 2009 was not received.

A review of the written record indicates no irregularity in the mailing of the Office action on April 3, 2009, 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.

The showing required to establish non-receipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response. Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the non-received

Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the non-received Office action must be submitted as documentary proof of non-receipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar, reminder system, or the individual docket record for the application in question.

The docket report presented by petitioner is insufficient to establish non-receipt of the Notice in compliance with the procedures set for at MPEP 711.03(c). Absent the required evidence to establish non-receipt of the Office action of April 3, 2009, the petition requesting withdrawal of the holding of abandonment cannot be granted.

However, 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(c).

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay and (4) the requisite terminal disclaimer and fee.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The application is being referred to Technology Center AU 2915 for consideration of the response filed December 7, 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

[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).

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WEIDE & MILLER, LTD.
7251 W. LAKE MEAD BLVD.
SUITE 530
LAS VEGAS, NV 89128

MAILED

APR 05 2010

OFFICE OF PETITIONS

In re Application of	:	
Michael J. Crovetti	:	
Application No. 29/308,389	:	DECISION ON PETITION
Filed: June 12, 2008	:	
Attorney Docket No. CROVET.0008P	:	

This is a decision on the petition under the unavoidable provisions of 37 CFR 1.137(a), filed October 5, 2009, to revive the above-identified application.

The application became abandoned for failure to timely reply to the Notice of Allowance and Fee(s) Due mailed June 23, 2009. A Notice of Abandonment was mailed October 12, 2009.

The petition is **DISMISSED**.

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 lack items (3) and (4).

With respect to item (3), petitioner asserts that docketing error was the cause of delay in acting to prevent the application from becoming abandoned. A delay resulting from an error (e.g., a docketing error) on the part of an employee in the performance of a clerical function may provide the basis for a showing of "unavoidable" delay, provided it is shown that: (1) the error was the cause of the delay at issue; (2) there was in place a business routine for performing the clerical function that could reasonably be relied upon to avoid errors in its performance; (3) and the employee was sufficiently trained and experienced with regard to the function and routine for its performance that reliance upon such employee represented the exercise of due care. *See* MPEP 711.03(c)(III)(C)(2).

An adequate showing requires statements by all persons with direct knowledge of the circumstances surrounding the delay, setting forth the facts, as they know them. Petitioner must supply a thorough explanation of the docketing and call-up system in use and must identify the type of records kept and the person responsible for the maintenance of the system. **This showing must include copies of mail ledger, docket sheets, filewrappers and such other records as may exist which would substantiate an error in docketing, and include an indication as to why the system failed in this instance to provide adequate notice that a reply was due. Petitioner must also supply information regarding the training provided to the personnel responsible for the docketing error, degree of supervision of their work, examples of other work functions carried out, and checks on the described work which were used to assure proper execution of assigned tasks.**

Since the Office did not receive any correspondence that would corroborate petitioners assertion of an unavoidable delay, the present petition cannot be granted at this time.

If petitioner cannot provide the evidence necessary to establish unavoidable delay, or simply does not wish to, petitioner may wish to consider filing a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the $810 petition fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

With respect to item (4), it is noted that $430 for payment of the issue fee and $270 for payment of the petition fee were received on October 5, 2009. However, a Terminal Disclaimer and $70 fee is required under 37 CFR 1.137(d) if the application is: (1) a design application, (2) a utility application filed before June 8, 1995, or (3) a plant application filed before June 8, 1995. The Terminal Disclaimer must dedicate to the public a terminal part of the term of any patent granted the application equivalent to the period of abandonment of the application, and must also apply to any patent granted on any application containing a specific reference under 35 U.S.C. 120, 121 or 365(c) to the application for which revival is sought. For petitioner's convenience, a blank Terminal Disclaimer form accompanies this decision.

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.

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 Andrea Smith at (571) 272-3226.

/Andrea Smith/
Andrea Smith
Petitions Examiner
Office of Petitions

David Bucci
Petitions Examiner

Enclosure: Blank Terminal Disclaimer Form No. 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

WEIDE & MILLER, LTD.
7251 W. LAKE MEAD BLVD.
SUITE 530
LAS VEGAS, NV 89128

MAILED

JUN 17 2010

OFFICE OF PETITIONS

In re Application of :
Michael J. Crovetti :
Application No. 29/308,389 : ON PETITION
Filed: June 12, 2008 :
Attorney Docket No. CROVET.0008P :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed April 26, 2010, to revive the above-identified application.

In response to the decision mailed April 5, 2010, petitioner submits the present renewed petition along with the fee terminal disclaimer and fee of $70. 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 April 26, 2010, 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

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/23/2010

Applicant	: Wolfgang B. Thorner	: DECISION ON REQUEST FOR
Patent Number	: D607820	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 29/308,520	: OF WYETH
Filed	: 06/20/2008	:
		:

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

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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/23/2010

Applicant	: Wolfgang B. Thorner	: DECISION ON REQUEST FOR
Patent Number	: D604243	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 29/308,521	: OF WYETH
Filed	: 06/20/2008	:
		:

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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 12/02/09

TO SPE OF : ART UNIT 2915

SUBJECT : Request for Certificate of Correction for Appl. No.: 29308663 Patent No.: D582670

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 9D40-D
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome
Certificates of Correction Branch
703-756-1574

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

XXApproved	**All** changes apply.
❑ **Approved in Part**	Specify below which changes **do not** apply.
❑ **Denied**	State the reasons for denial below.

Comments: _____

_____

_____

/ROBERT M. SPEAR/ _2915_
SPE **Art Unit**

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RICHARD A. CUSICK
C/O CUSICK INTELLECTUAL PROPERTY LAW
FIRM, P.C.
P.O. BOX 130100
BIRMINGHAM AL 35213

MAILED

APR 27 2009

OFFICE OF PETITIONS

In re Application of
William Bew II
Application No. 29/308,739
Filed: July 3, 2008
Attorney Docket No. SC2008.04

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 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 reply in a timely manner to the Notice of Allowance/Notice of Allowability mailed September 24, 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 submitted with the above petition on March 21, 2009, is not signed by an attorney of record.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

By internet: EFS-Web
www.uspto.gov/ebc/efs_help.html
(for help using EFS-Web call the
Patent Electronic Business Center
at (866) 217-9197)

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

Karen Creasy
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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RICHARD A.CUSICK
C/O CUSICK INTELLECTUAL PROPERTY LAW
FIRM, P.C.
P.O. BOX 130100
BIRMINGHAM AL 35213

MAILED

JUL 28 2009

OFFICE OF PETITIONS

In re Application of	:	
William Bew White III et al	:	
Application No. 29/308,739	:	DECISION ON PETITION
Filed: July 3, 2008	:	
Attorney Docket No.	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed July 1, 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 drawing and terminal disclaimer/fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance/Notice of Allowability mailed September 24, 2008, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to the Office of Data Management to be processed into a patent and for review of the drawing submitted on March 21, 2009.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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C/O CUSICK INTELLECTUAL PROPERTY LAW-FIRM, P.C.
P.O. BOX 130100
BIRMINGHAM AL 35213

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APR 0 8 2009

OFFICE OF PETITIONS

In re Application of	:	
William Bew White III et al	:	
Application No. 29/308,740	:	DECISION ON PETITION
Filed: July 3, 2008	:	
Attorney Docket No. SC2008.03	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 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 the issue fee, replacement drawing and terminal disclaimer/fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance mailed September 24, 2008, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to the Office of Data Management to be processed into a patent and for review of the replacement drawing received March 21, 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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C/O CUSICK INTELLECTUAL PROPERTY LAW FIRM, P.C.
P.O. BOX 130100
BIRMINGHAM, AL 35213

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MAR 2 3 2009

OFFICE OF PETITIONS

In re Application of
William Bew White III et al
Application No. 29/308,747
Filed: July 3, 2008
Attorney Docket No. SC2008.02

ON PETITION

This is a decision on the petition filed February 18, 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 September 26, 2008, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on December 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 Issue fee; (2) the petition fee; (3) the required statement of unintentional delay; and (4) Terminal Disclaimer have been received. Accordingly, the issue fee is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210.

This matter is being referred to the Office of Data Management for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MAR 25 2009

OFFICE OF PETITIONS

Richard A. Cusick
c/o Cusick Intellectual Property Law Firm, P.C.
P.O. Box 130100
Birmingham, AL 35213

In re Application of :
William Bew White III, et. al. :
Application No. 29/308,770 : ON PETITION
Filed: July 3, 2008 :
Attorney Docket No. SC2008.05 :

This is a decision on the petition under 37 CFR 1.137(b), filed on March 6, 2009, to revive the above-identified application.

The instant petition is not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Richard A. Cusick 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 on whose behalf he/she acts.

The application became abandoned for failure to file a reply to the Notice of Allowance and Fee(s) Due/Notice of Allowability mailed on September 16, 2008. A Notice of Abandonment was mailed January 9, 2009.

The petition is **DISMISSED.**

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks item(s) (4).

The Office acknowledges receipt of $810 for treatment of the present petition, $430 for payment of the issue fee, a terminal disclaimer with the $70 fee, and two sheets of replacement drawings containing Figure 2 submitted on March 6, 2009.

The terminal disclaimer lists Summer Classics, Inc. as the owner of one hundred percent interest in the above application. However, the Office has no recorded assignment in the name of Summer Classics, Inc. for this application. Thus, the terminal disclaimer filed on March 6, 2009 cannot be accepted. If Summer Classics, Inc. is the owner (assignee) of the above application, documentary evidence of the chain of title from the original owners to the current assignee must be submitted[1].

Petitioner is reminded that any renewed petition may contain a copy of the original assignment records. However, a statement 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 37 CFR 3.11 is required.(See 37 CFR 3.73(b)(1)(i)).

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b), and be accompanied by the replacement Terminal Disclaimer under 37 CFR 1.137(d)." This is not a final agency action within the meaning of 5 U.S.C. § 704. No further fees are required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

[1]A separate copy (*i.e.* a true copy of the original assignment document(s) must be submitted to the Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the United States Patent and Trademark Office (See MPEP 302.08).

UNITED STATES PATENT AND TRADEMARK OFFICE

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Richard A. Cusick
c/o Cusick Intellectual Property Law Firm, P.C.
P.O. Box 130100
Birmingham, AL 35213

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JUN 1 1 2009

OFFICE OF PETITIONS

In re Application of :
William Bew White III, et. al. :
Application No. 29/308,770 : ON PETITION
Filed: July 3, 2008 :
Attorney Docket No. SC2008.05 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed May 26, 2009, to revive the above-identified design application.

In response to the decision mailed March 25, 2009, petitioner submits the present renewed petition, a proper terminal disclaimer[1] and a power of attorney on May 26, 2009.

Since the requirements of 37 CFR 1.137(b) have been met, the petition is **GRANTED**.

The terminal disclaimer under 37 CFR 1.137(d), filed May 26, 2009, has been accepted and made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

The power of attorney filed on May 26, 2009 has been accepted and made of record.

This application file is being referred to the Office of Data Management for processing into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

[1] The terminal disclaimer fee was previously submitted on March 6, 2009.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
29/308,770	07/03/2008	William Bew White III	SC2008.05

CONFIRMATION NO. 8979

POA ACCEPTANCE LETTER

Richard A. Cusick
c/o Cusick Intellectual Property Law Firm, P.C.
P.O. Box 130100
Birmingham, AL 35213

OC000000036416564

Date Mailed: 06/11/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/26/2009.

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.

/amsmith/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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Richard A. Cusick
c/o Cusick Intellectual Property Law Firm, P.C.
P.O. Box 130100
Birmingham, AL 35213

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APR 0 8 2009

OFFICE OF PETITIONS

In re Application of
William Bew White III, et. al.
Application No. 29/308,771
Filed: July 3, 2008
Attorney Docket No. SC2008.01

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed on February 18 2009, to revive the above-identified application.

The petition is **DISMISSED**.

The above-identified application became abandoned for failure to timely respond to the Notice of Allowance and Fee(s) Due mailed September 18 2008. A Notice of Abandonment was mailed on January 13, 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 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 present petition fee, $430 for payment of the issue fee and $70 for a terminal disclaimer all filed on February 18, 2009. However, the Office has no record of an assignment that shows Summer Classics Inc. of one hundred percent interest in the above application.

Additionally, a review of the record reveals that the terminal disclaimer under 37 CFR 1.137(d), filed February 18, 2009 is not signed by an attorney or agent of record.

37 CFR 1.321(b) states:

> An applicant or assignee may disclaim or dedicate to the public the entire term, or any terminal part of the term, of a patent to be granted. Such terminal disclaimer

is binding upon the grantee and its successors or assigns. The terminal disclaimer, to be recorded in the Patent and Trademark Office, must:

(1) Be signed:

(i) By the applicant, or
(ii) If there is an assignee of record of an undivided part interest, by the applicant and such assignee, or
(iii) If there is an assignee of record of the entire interest, by such assignee, or
(iv) By an attorney or agent of record;

(2) Specify the portion of the term of the patent being disclaimed;
(3) State the present extent of applicant's or assignee's ownership interest in the patent to be granted; and
(4) Be accompanied by the fee set forth in §1.20(d).

In view of the above, petitioner needs to submit a proper terminal disclaimer before revival can occur[1].

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b), and be accompanied by the replacement Terminal Disclaimer under 37 CFR 1.137(d)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

[1]If Summer Classics Inc, is the assignee of entire right title and interest, documentary evidence of the chain of title from the original owner to the current assignee must be submitted for recordation pursuant to 37 CFR 3.11.

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Cusick I.P. Law Firm, P.C.
P.O. Box 130100
Birmingham, AL 35213

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JUL 15 2009

OFFICE OF PETITIONS

In re Application of
William Bew White III, et. al.
Application No. 29/308,771
Filed: July 3, 2008
Attorney Docket No. SC2008.01

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed June 8, 2009, to revive the above-identified design application.

In response to the decision mailed April 8, 2009, petitioner submits the present renewed petition, a proper terminal disclaimer[1] and a power of attorney on June 8, 2009.

Since the requirements of 37 CFR 1.137(b) have been met, the petition is **GRANTED**.

The terminal disclaimer under 37 CFR 1.137(d), filed June 8, 2009, has been accepted and made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

The power of attorney filed on June 8, 2009 has been accepted and made of record.

This application file is being referred to the Office of Data Management for processing into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

[1] The terminal disclaimer fee was previously submitted on February 18, 2009.

UNITED STATES 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 23 2009

OFFICE OF PETITIONS

ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK, NY 10017

In re Application of Jesus Bardolet Application No. 29/308,798 Filed: July 7, 2008 Attorney Docket No. 209,640	: : : : :	DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181 (no fee), filed on April 6, 2009, requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

The above application was held abandoned for failure to respond to the Notice of Allowability for a Design Application (Notice) mailed October 7, 2008, which set a three (3) month shortened statutory period for reply.

Petitioner argues that the Notice mailed October 7, 2008 incorrectly declared corrected drawings. Petitioner further states that Examiner Underwood left a telephone message "with a secretarial assistant indicating that the Examiner had checked the incorrect box and that a supplemental Notice of Allowance would be issued to indicate that no drawings were required."

If petitioner thought the requirement for corrected drawings was issued in error a response should have been timely submitted within three months from the mail date of October 7, 2008, which would have tolled the period for reply and the application would not be abandoned. Petitioner should not have allowed the three month period for reply to expire while awaiting a new Notice or other action from the Office. Regardless, of what the examiner stated, petitioner had to file a proper response before the end of the statutory period for reply. Therefore, petitioner's argument is not persuasive and a petition to revive is necessary.

In view of the above, this application was properly held abandoned.

Petitioner is reminded that 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 (*See* 37 CFR 1.2).

It is strongly recommended that petitioner file a petition to revive under 37 CFR 1.137(b)[1] and pay the petition fee of $810. 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).

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

[1] Petitioner should note that 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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK, NY 10017

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DEC 22 2009

OFFICE OF PETITIONS

In re Application of
Jesus Bardolet
Application No. 29/308,798
Filed: July 7, 2008
Attorney Docket No. 209,640

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed October 13, 2009, to revive the above-identified design application.

In response to the decision mailed September 23, 2009, petitioner submits the present petition along with a proper terminal disclaimer and $70 fee on October 13, 2009.

The petition is **DISMISSED**.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks item(s) (1).

The Office acknowledges receipt of a Terminal Disclaimer and the $70 fee submitted on October 13, 2009. However, a review of the record fails to show that petitioner supplied corrected drawings as required by the Notice of Allowability for a Design Application mailed October 7, 2008. Therefore, this application cannot be revived until a proper response has been filed[1].

[1] Petitioner should note that filing the required item should not be construed as meaning that the petition will be granted under the provisions of 37 CFR 1.137(b).

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

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FEB 18 2010

OFFICE OF PETITIONS

In re Application of	:	
Jesus Bardolet	:	
Application No. 29/308,798	:	DECISION ON PETITION
Filed: July 7, 2008	:	
Attorney Docket No. 209,640	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed January 7, 2010, to revive the above-identified design application.

A review of the record shows that the Notice of Allowability mailed October 7, 2008 mistakenly required petitioner to submit correct drawings. Therefore, since the petition satisfies the requirements of 37 CFR 1.137(b), in that petitioner has supplied (1) a terminal disclaimer and $70 fee; (2) the petition fee of $810; and (3) a proper statement of unintentional delay, the petition is **GRANTED**.

This application file is being referred to the Office of Data Management for further processing into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DRINKER BIDDLE & REATH
ATTN: INTELLECTUAL PROPERTY GROUP
ONE LOGAN SQUARE
18TH AND CHERRY STREETS
PHILADELPHIA PA 19103-6996

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AUG 1 8 2008

OFFICE OF PETITIONS

In re Application of	:	
KANBAR, Maurice S.	:	
Application No. 29/308,974	:	DECISION ON PETITION
Filed: July 18, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **47178-0008-00-US (424785)**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 18, 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 declaration of inventor Maurice Kanbar, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

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.

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

Paper No.

NATH & ASSOCIATES
112 South West Street
Alexandria VA 22314

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SEP 15 2008

OFFICE OF PETITIONS

In re Application of	:	
Rin-Soon Park	:	
Application No. 29/309,176	:	DECISION ON PETITION
Filed: June 30, 2008	:	PURSUANT TO
Attorney Docket Number: 29534D	:	37 C.F.R. § 1.53
Title: GRINDING TIP FOR GRINDER	:	

This is a decision on the petition filed July 24, 2008, under 37 C.F.R. § 1.53, requesting that the above-identified application, including a one-page specification containing a single claim, be accorded a filing date of June 30, 2008 as part of the original disclosure.

Receipt of the concurrently submitted examination, search, and filing fees, along with the surcharge associated with the late submission of a search or examination fee, is acknowledged.

The present application was deposited on June 30, 2008. However, on July 18, 2008, the Office of Data Management mailed a "Notice of Incomplete Nonprovisional Application" (notice), stating, *inter alia*, 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 July 24, 2008, Applicants filed the present petition. The petition is further accompanied by a copy of a one-page specification that contains a single claim, along with a copy of Applicants' postcard receipt acknowledging receipt of "1 page of Textual Specification with 1 Claim" in the United States Patent and Trademark Office (Office) on June 30, 2008. Applicants have further submitted a filing receipt that also

acknowledges receipt of "1 page of Textual Specification with 1 Claim" in the Office on June 30, 2008. Applicants request that the present application, including one page of specification and a single claim, be accorded a filing date of June 30, 2008.

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 June 30, 2008 included a one-page specification and a single claim, and this single sheet was subsequently misplaced in the Office.

Therefore the application, including a one-page specification and a single claim, was complete on filing and entitled to a filing date of June 30, 2008 as part of the original disclosure.

Accordingly, the petition under 37 C.F.R. § 1.53 is **GRANTED**.

The notice mailed July 18, 2008 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.

The Office of Patent Application Processing (OPAP) will be notified that the application should receive a filing date of June 30, 2008, using the original application papers filed on that date, as well as the one-page specification (containing a single claim) submitted on July 24, 2008, and it will be noted in Office records that a one-page specification containing a single claim was present on filing.

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.[1]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

1 Applicants 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, Applicants are reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Applicants.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RICHES, MCKENZIE & HERBERT, LLP
SUITE 1800
2 BLOOR STREET EAST
TORONTO ON M4W 3J5
CANADA

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OFFICE OF PETITIONS

In re Application of Youssef et al. :
Application No. 29/309,210 :
Filing Date: July 8, 2008 :
Attorney Docket No. D4208 :

Decision on Petition

This is a decision in response to the petition filed August 28, 2008, requesting the application be accorded a filing date of July 8, 2008.

The petition is **granted**.

Facts

The application was filed July 8, 2008.

Although the transmittal sheet filed July 8, 2008, indicated two pages of specification were being filed, only one page of specification was matched with the file. The single page of specification did not include a claim.

The Office of Patent Application Processing mailed a "Notice of Incomplete Nonprovisional Application" on August 6, 2008. The Notice stated a claim did not appear to be part of the application as filed and that a filing date would be accorded upon the submission of a claim.

On August 28, 2008, petitioner filed the instant petition. The petition is accompanied by a postcard receipt indicating the Office received two pages of specification on July 8, 2008. The petition is also accompanied by a copy of the two pages of specification originally filed.

On September 8, 2008, the Office mailed a paper stating petitioner could disregard the Notice mailed August 6, 2008. The paper was accompanied by a filing receipt indicating the application had been accorded a filing date of July 8, 2008.

Despite the mailing of the filing receipt on September 8, 2008, a decision was not issued in response to the instant petition. Therefore, a decision on the petition is necessary.

Discussion

Petitioner contends two pages of specification were filed July 8, 2008, and contends the missing second page contained the required claim.

The USPTO file for this application includes only includes one page of specification filed July 8, 2008. The file does not contain the second page of specification petitioner asserts was filed July 8, 2008. However, petitioner has submitted a postcard receipt acknowledging receipt of two pages of specification on July 8, 2008.[1] Therefore, the Office is persuaded the second page of specification was part of the originally filed application but was later misplaced by the Office.

The Notice mailed August 6, 2008, was sent in error and is hereby vacated.

The petition fee of $400 has been credited back to petitioner's credit card.

The examiner will be informed a decision has been issued granting the instant petition.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

[1] Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self addressed post card properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the post card in the outgoing mail. "A post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." M.P.E.P. § 503.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON DC 20036

In re Application of
Gredler et al.
Application No. 29/309,255
Filed: July 14, 2008
Attorney Docket No. SDE-2387

: DECISION GRANTING PETITION

This is a decision on the "Petition to Accord Filing Date" filed November 20, 2008 requesting to accept figure 14 as part of the original disclosure.

The application was filed on July14, 2008. However, on July 28, 2008, the Office of Patent Application Processing mailed a Notice to file Missing Parts of a Nonprovisional Application, "Notice" stating that the application had been accorded a filing date of July 14, 2008, but figure 14 as described in the specification appeared to have been omitted. A response to the Notice was filed on October 17, 2008. A Notice of Incomplete Reply was mailed on October 31, 2008.

In response, the present petition was filed wherein Petitioner contends figure 14 was filed on July 14, 2008. In support, a copy of applicants' return postcard receipt, which lists "14 sheets of drawings", accompanies the petition. The petition is further accompanied by a copy 14 sheets of drawings including figure 14.

Applicants' postcard receipt is prima facie evidence that at least 14 sheets of drawings including figure 14 as described in the specification were received on July 14, 2008. The Office is in receipt of only13 pages, which does not include figure 14. Therefore, it is concluded that at least 14 pages of drawings including figure 14 were received on July 14, 2008, as shown in counsel's file.

The petition is Granted to the extent indicated above. The $400.00 petition fee will be refunded.

Figure 14 supplied on November 20, 2008, will be used for processing and examination purposes.

The application will be returned to the Office of Patent Application Processing for pre-examination processing with a filing date of July 14, 2008, using the drawings submitted on July 14, 2008 and substitute figure14 supplied with the petition on November 20, 2008.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272 -3215.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

NOV 20 2008
PATENT & TRADEMARK OFFICE

Docket No.: SDE-2387
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Design Application of:
Christoph Gredler et al.

Application No.: 29/309,255

Confirmation No.: 2208

Filed: July 14, 2008

Art Unit: 2913

For: TELEVISION RECEIVER

Examiner: Not Yet Assigned

PETITION TO ACCORD FILING DATE

MS MISSING PARTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby petition for the withdrawal of the Notice of Incomplete (Non Provisional) Application mailed on October 31, 2008, and for according the above-identified application with a filing date of July 14, 2008.

In support of the Petition to Accord a Filing Date of July 14, 2008, the applicants, through their attorneys, hereby submit (1) a copy of the Design Transmittal as filed; (2) a copy of Fee Transmittal as filed; (3) a copy of the postcards bearing the stamp of the Patent and Trademark Office mail room acknowledging the filing of the application; and (4) Figures 1-14.

The application papers were deposited with the Patent and Trademark Office (USPTO) on July 14, 2008. The deposited application papers include a specification containing a description of fourteen figures, and fourteen sheets of drawings containing figures 1 through 14. A copy of the specification and fourteen sheets of drawings are provided along with this petition.

11/21/2008 SZEWDIE1 00000012 180013 29309255
01 FC:1462 400.00 DA

Adjustment date: 02/09/2009 CKHLOK
11/21/2008 SZEWDIE1 00000012 180013 29309255
01 FC:1462 400.00 CR

The application papers deposited with the USPTO on July 14, 2008 were accompanied by two postcard receipts. The first of the two postcard receipts was presented on July 14, 2008 along with the application papers and stamped with the Office Date stamp of July 14, 2008. A copy of the postcard receipt bearing the Office Date stamp of July 14, 2008 is provided along with this petition.

On July 22, 2008, approximately one week after the July 14, 2008 date of deposit, the second of the two postcard receipts was received. Unlike the first postcard receipt bearing the Office Date stamp of July 14, 2008, the mailed postcard receipt contends that the USPTO did not receive "1 page of DRW". The second postcard receipt does not bear an Office Date stamp. A copy of the second postcard receipt received on July 22, 2008 is provided along with this petition.

The USPTO mailed a Notice of Incomplete Nonprovisional Application on October 31, 2008. The Notice indicates that a filing date has not been accorded to the above-identified application due to the alleged absence of a drawing. A copy of the Notice is provided along with this petition.

This is a petitionable issue because Applicants seek review of the refusal to accord the above-identified application with a filing date of July 14, 2008.

The filing date of an application for patent is the date on which a specification containing a description and at least one claim, and any drawing, are filed in the USPTO. See 37 C.F.R. §1.53(b).

The USPTO has a well-established and well-published practice of providing a receipt for papers filed in the USPTO to any applicants desiring a receipt. This practice requires that any paper for which a receipt is desired be filed in the USPTO with a postcard identifying the paper. A postcard receipt that itemizes and properly identifies the papers that are being filed serves as *prima facie* evidence of receipt in the USPTO. See M.P.E.P. §505.

The postcard receipt bearing the Office Date stamp of July 14, 2008 itemizes and properly identifies fourteen sheets of drawings containing figures 1-14.

Thus, the postcard receipt bearing the Office Date stamp of July 14, 2008 serves as *prima*

facie evidence for the purpose of establishing that fourteen sheets of drawings containing figures 1 through 14 were deposited with the USPTO on July 14, 2008.

Accordingly, this application was complete on July 14, 2008, and should be properly accorded a filing date of July 11, 2001.

Upon this petition and in view of the evidence submitted, it is requested that that the Notice of Incomplete Nonprovisional Application mailed on October 31, 2008 be withdrawn.

Upon this petition and in view of the evidence submitted, it is further requested that the above-identified application be accorded with a filing date of July 14, 2008.

No fee is believed required to support this petition. See 37 C.F.R. §1.181.

However, if a fee is required, the Commissioner is hereby authorized to charge the petition fee to Deposit Account No. 18-0013.

Please charge Deposit Account No. 18-0013 for any additional costs that may be incurred.

Dated: November 20, 2008

Respectfully submitted,

By

Toshikatsu Imaizumi, Reg. #61,648
RADER, FISHMAN & GRAUER PLLC
Correspondence Customer Number: 23353
Attorney for Applicants

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request: 02/05/09

2 Serial/Patent # 29/309,255

	3 Please refund the following fee(s):	4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing			$
	Amendment			$
	Extension of Time (2253)			$
	Notice of Appeal/Appeal			$
X	Petition (1462)		11/20/08	$ 400.00
	Issue			$
	Cert of Correction/Terminal Disc.			$
	Maintenance			$
	Assignment			$
	Other			$

7 TOTAL AMOUNT OF REFUND $ 400.00

8 TO BE REFUNDED BY:

	Treasury Check
X	Credit Deposit A/C #:

9 1 8 -- 0 0 1 3

10 REASON:

	Overpayment
	Duplicate Payment
X	No Fee Due (Explanation):

Pet. Granted

11 REFUND REQUESTED BY:

TYPED/PRINTED NAME: Charlema Grant TITLE: Atty

SIGNATURE: /Charlema Grant/ PHONE: X-3215

OFFICE: OP

****

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APPROVED: CRhOK DATE: 2/9/09

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Office of Finance
Refund Branch
Crystal Park One, Room 802B

FORM PTO 1577
(01/90)

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ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON, DC 20036

MAILED

JUN 0 8 2009

OFFICE OF PETITIONS

In re Application of	:	
Peter S. LEONARDI	:	
Application No. 29/309,366	:	DECISION ON PETITION
Filed: August 04, 2008	:	
Attorney Docket No. **54898**	:	

This is a decision on the petition under 37 CFR 1.182, filed, December 02, 2008, to correct the spelling of the name of inventor "Peter S. Leonardi" to – Peter F. Leonardi --.

The petition is **GRANTED**.

Office records have been corrected to reflect the correct spelling of the above-named inventor. A corrected Filing Receipt, which sets forth the correct spelling of the above-named inventor, accompanies this decision on petition.

The issue fee in this case was paid on December 29, 2008. Therefore, the printing of the patent may have progressed to the point where the correct spelling of the inventor's name could not be included on the front page of the Letters Patent. In such event, petitioner may request a certificate of correction pursuant to the provisions of 37 CFR 1.323 and pay the required fee of $100.

As authorized, the $400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account.

Any questions concerning this matter may be directed to Tredelle Jackson at (571) 272-2783.

The matter is being referred to Office of Data Management for further processing in due course.

Ramesh Krishnamurthy
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
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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
29/309,366	08/04/2008	2915	220	54898	1	1

CONFIRMATION NO. 1237

CORRECTED FILING RECEIPT

1609
ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON,, DC 20036

OC000000036275018

Date Mailed: 06/02/2009

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: 08/14/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 29/309,366**

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).

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BACON & THOMAS, PLLC
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FOURTH FLOOR
ALEXANDRIA VA 22314-1176

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SEP 11 2009

OFFICE OF PETITIONS

In re Application of	:	
Arif Maskatia	:	
Application No. 29/309,413	:	DECISION ON PETITION
Filed: August 12, 2008	:	
Attorney Docket No. MASK3001D/JJC/JS	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 29, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of Corrected Drawings; (2) the petition fee of $1,620.00; (3) a proper statement of unintentional delay and (4) a Terminal Disclaimer with the accompanying $140.00 fee.

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.

The request for a terminal disclaimer is accepted.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to the Office of Data Management for processing into a patent and review of the Corrected Drawings submitted on July 29, 2009.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

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MAIER & MAIER, PLLC
1000 DUKE STREET
ALEXANDRIA VA 22314

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OFFICE OF PETITIONS

In re Application of :
Lik :
Filed: August 15, 2008 : ON PETITION
Application No. 29/309,425 :
Atty. Dkt. No.: LIK-001-DES :

This decision is in response to the "REPLY TO NOTICE TO FILE MISSING PARTS," filed October 31, 2008. This matter is being treated as a petition to accord the instant application a filing date of August 15, 2008 with Figures 3 through 6 as part of the application as originally filed.

The Notice to File Missing Parts of Nonprovisional Application (Notice) mailed September 3, 2008 indicated, *inter alia*, that the instant application had been accorded a filing date, but that Figures 3 through 6 appeared to have been omitted from the application as filed.

In response, petitioner argues that the application as deposited included 2 sheets of drawings bearing Figures 1-6, and have presented as proof of mailing and proof of receipt of the drawing figures in question a receipt card date stamped by the Office on August 15, 2008. A copy of Figures 3, 4, 5, and 6 purportedly filed with the application was submitted herewith.

The original drawing sheet containing Figures 3, 4, 5, and 6 has not been located. However, in view of the evidence presented, the petition to accord the application a filing date of August 15, 2008 with Figures 3, 4, 5, and 6 as part of the disclosure of invention is GRANTED.

Since the originals of drawing sheet containing Figures 3, 4, 5, and 6 cannot be located in the Office, the copy of the figures submitted herewith will be used for examination purposes.

No petition fee is due in connection with this matter. Petitioner is entitled to a refund of the $400.00 petition fee submitted herewith. Petitioner may request a refund by writing to the Finance Office, Refund Section. A copy of this decision should accompany any request for refund.

This application will be returned to the Office of Patent Application Processing for further processing with a filing date of August 15, 2008 with Figures 3, 4, 5, and 6 as part of the application.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

MAIER & MAIER, PLLC
1000 DUKE STREET
ALEXANDRIA VA 22314

In re Application of :
Lik : REFUND
Application No. 29/309,425 :
Filed: August 15, 2008 :
Atty. Dkt. No.: LIK-001-DES :

This letter is in response to the request for refund filed December 19, 2008.

In view of the decision granting petition mailed December 8, 2008, applicants request refund of the $400.00 petition fee submitted October 31, 2008.

However, a review of finance records reveals that the requested refund was issued March 18, 2009.

Accordingly, the request for refund of petition fee is hereby **DISMISSED AS MOOT**.

This application is being referred to Group Art Unit 2911 for further processing.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

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Commissioner for Patents
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Alexandria, VA 22313-1450
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March 22, 2010

Patent No. : D598,473 S
Appl. No. : 29/309,630
Inventor(s) : Simone Ferrari
Issued : August 18, 2009
Title : **LAWN MOWER TRACTOR**
Docket No. : **2008_1674A**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule 1.323.

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) 273-8300
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.

Antonio Johnson
For Mary F. Diggs
Decisions & Certificates
of Correction Branch
(571)272-0483

WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington DC 20005-1503

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Alexandria, VA 22313-1450
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WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington DC 20005-1503

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JUN 2 1 2010

OFFICE OF PETITIONS

In re Patent No. D598,473	:	
Issue Date: August 18, 2009	:	
Application No. 29/309,630	:	ON PETITION
Filed: September 16, 2008	:	
Attorney Docket No. 2008_1674A	:	

This is a decision on the petition filed April 28, 2010, 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**.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3230. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

In re Application of	:	
Nobuharu Masuyama et al.	:	
Application No.: 29/309,729	:	DECISION ON PETITION
Filed: September 29, 2008	:	
Attorney Docket No.: 1650.1029	:	

This is a decision in response to the Petition to Correct Filing Date Under 37 CFR 1.181, filed on August 26, 2009.

Petitioner requests that the above-identified application be accorded a filing date of September 29, 2008, instead of the presently accorded date of September 30, 2009. Petitioner explains that his courier delivered papers related to 114 patent applications to the USPTO mailroom on September 29, 2008, including the present application. While the first postcard was returned to the courier on September 29, 2008, showing a receipt date stamp of September 29, 2008; the second postcard receipt remained with the application. The second postcard receipt was subsequently returned via U.S. Postal Service with an indication thereon that this application was assigned Serial No. 29/309,729 and a filing date of September 30, 2008. Petitioner notes that the original date stamp of September 29, 2008 was "CANCELLED" and replaced with a second date stamp of September 30, 2008.

Petitioner provides, *inter alia*, a declaration by the Manager of counsel's Docketing Department, a copy of the PTO Run Log for September 29, 2008, copies of all the postcard receipts returned to the courier by the USPTO mailroom on September 29, 2008, including the post card receipt for the present application.

The postcard receipt shows an "Office-date" stamp date of September 29, 2008. The postcard identifies the application by the first named inventor's name, invention title, and attorney docket number, and acknowledges receipt of New Design Patent Application including: 1 page Specification, 7 pp Drawings (Figs 1-9), Submission of Certified Copy for Japanese Application No. 2008-007951 and Check in the amount of $440.

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 September 29, 2008 and issuance of a corrected filing receipt.

Telephone inquiries should be directed to the undersigned at 571-272-3204.

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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BACON & THOMAS, PLLC
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FOURTH FLOOR
ALEXANDRIA VA 22314-1176

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JAN 26 2009

OFFICE OF PETITIONS

In re Application of
Huo-Tu Huang
Application No. 29/309,904
Filed: November 7, 2008
Attorney Docket No.: HUAN3602/EM

: DECISION GRANTING PETITION

This is a decision on the petition filed December 23, 2008, in response to the "Notice of Omitted Items" mailed November 28, 2008, which is treated under 37 CFR 1.182.

The instant application was filed November 7, 2008 and a filing date was accorded. However, the Notice indicated that Figure 2 as described in the specification appeared to have been omitted.

Petitioner asserts that Figure 2 was among the papers filed on November 7, 2008, and submits, *inter alia*, a "legible" filing receipt card in evidence thereof. While only four (4) sheets of drawing figures is of record, the filing receipt card, identifies the application and acknowledges, inter alia, that the application included 5 sheets of drawings including Figures 1-7 and bears a United States Patent and Trademark Office date-stamp of November 7, 2008. 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, the petition fee in the amount of $400 will be credited to deposit account no. 02-0200.

This matter will be forwarded to the Office of Patent Application Processing for further processing, using the application papers received in the Office on November 7, 2008 and Figure 2 submitted on petition December 23, 2008.

Telephone inquiries regarding this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-3873

Mail Date: 04/23/2010

Applicant	: Atsushi Ishibashi	: DECISION ON REQUEST FOR
Patent Number	: D599391	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 29/309,976	: OF WYETH
Filed	: 11/25/2008	:
		:

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.

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DEC 29 2009

OFFICE OF PETITIONS

WILEY HORTON
215 SOUTH MONROE STREET
2ND FLOOR
TALLAHASSEE FL 32301

In re Application of	:	
Anthony Fiore, IV	:	
Application No. 29/310,060	:	DECISION ON PETITION
Filed: July 24, 2008	:	
Attorney Docket No. 21362-24394	:	

This is a decision on the petitions, filed October 6, 2009, under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application and under the unintentional provisions of 37 CFR 1.137(b) filed October 16, 2009 to revive the above-identified application.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. However, if petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. A courtesy copy of this decision is being mailed to petitioner. Nevertheless, all future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

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.

This application became abandoned for failure to timely pay the issue and publication fees and to submit corrected formal drawings on or before August 27, 2009, as required by the Notice of

Allowance and Fee(s) Due and the Notice of Allowability, mailed May 27, 2009. Accordingly, the date of abandonment of this application is August 28, 2009.

The petition under 37 CFR 1.181 is **DISMISSED**.

The supplemental petition filed October 16, 2009 requests withdraw of the petition filed under 37 CFR 1.181 requesting withdrawal of the holding of abandonment in the above identified application.

This is also a decision on the petition under 37 CFR 1.137(b).

This application became abandoned for failure to timely pay the issue and publication fees and to submit corrected formal drawings on or before August 27, 2009, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed May 27, 2009. Accordingly, the date of abandonment of this application is August 28, 2009. A Notice of Abandonment was mailed on September 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 the $430 issue fee and 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 pay the issue fee as required by the Notice of Allowance 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.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to April M., Wise 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.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

Cc: JOHN WILEY HORTON
PENNINGTON, MOORE, WILKINSON,
BELL & DUNBAR, PA
PO DRAWER 10095
TALLAHASSEE, FL 32302-2095

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CISLO & THOMAS LLP
1333 2ND STREET
SUITE #500
SANTA MONICA CA 90401-4110

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SEP 14 2009

OFFICE OF PETITIONS

In re Application of	:	
Jack SCHMITT	:	
Application No. 29/310,103	:	DECISION ON PETITION
Filed: July 25, 2008	:	
Attorney Docket No. **08-21195**	:	

This is a decision on the petition under 37 CFR 1.137(b), filed August 04, 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 and to submit corrected formal drawings on or before July 06, 2009, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed April 06, 2009. Accordingly, the date of abandonment of this application is July 07, 2009.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item **(4).**

With respect to item (4), since the instant application is a design application, a terminal disclaimer and the small entity fee of $70.00 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

CISLO & THOMAS LLP
1333 2ND STREET
SUITE #500
SANTA MONICA CA 90401-4110

COPY MAILED

OCT 2 6 2009

OFFICE OF PETITIONS

In re Application of	:	
Jack SCHMITT	:	
Application No. 29/310,103	:	DECISION ON PETITION
Filed: July 25, 2008	:	
Attorney Docket No. 08-21195	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed October 09, 2009, to revive the above-identified design application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee and to submit corrected formal drawings on or before July 06, 2009, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed April 06, 2009. Accordingly, the date of abandonment of this application is July 07, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the issue fee of $430.00 and corrected drawings; (2) the petition fee of $810.00; (3) a proper statement of unintentional delay and; (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the issue fee and corrected drawings are accepted as having been unintentionally delayed.

The terminal disclaimer is accepted and has been made of record.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at (571) 272-4231.

This application is being referred to the Office of Data Management.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/23/2010

Applicant	: Roy Thomas Moore	: DECISION ON REQUEST FOR
Patent Number	: D603757	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 29/310,245	: OF WYETH
Filed	: 08/05/2008	:
		:

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

EUGENE CARL WAGNER
1626 CHASTAIN PARKWAY EAST
PACIFIC PALISADES, CA 90272

COPY MAILED
SEP 26 2008

In re Application of	:	
Eugene Carl Wagner	:	
Application No. 29/310,336	:	DECISION ON PETITION
Filed: August 11, 2008	:	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 September 2, 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 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 referred to the Office of Patent Application Papers to await a reply to the Notice to File Missing Parts (Notice) mailed September 2, 2008. This application will be accorded "special" status when pre-examination processing is done.

April M. Wise
April M. Wise
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 02/22/10

TO SPE OF : ART UNIT 2914

SUBJECT : Request for Certificate of Correction for Appl. No.: 29310421 Patent No.: D606656

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 9D40-D
Palm Location 7580
You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome
Certificates of Correction Branch
703-756-1574

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

XApproved	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: _____

/T. Chase Nelson/, SPE, Art Unit 2914, SPE
Art Unit

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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KEVIN L KLUG
ATTORNEY AT LAW
11237 CONCORD VILLAGE AVENUE
ST. LOUIS MO 63123-2273

COPY MAILED

SEP 15 2008

In re Application of	:	
KERN, Raymond E.	:	
Application No. 29/310,430	:	DECISION ON PETITION
Filed: August 18, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **KERNLURE**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 18, 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 by Raymond E. Kern attesting that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

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.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 12-24-09

TO SPE OF : ART UNIT 2915

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/310577 Patent No.: D606268

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: _____

_____ 1/24/10
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

STRATEGIC LEGAL COUNSELING
1055 EAST COLORADO BLVD
Suite # 500
PASADENA CA 91106

MAILED
MAR 23 2010
OFFICE OF PETITIONS

In re Application of	:	
Rani Chaoui	:	
Application No. 29/310,629	:	ON PETITION
Filed: August 29, 2008	:	
Attorney Docket No. CHA6A-M09	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 22, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure s 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, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on November 4, 2009. The Notice of Abandonment was mailed November 16, 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 fee was received, however the Terminal Disclaimer form (PTO/SB/63) was not filed herewith petition.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-2991.

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

STRATEGIC LEGAL COUNSELING
1055 EAST COLORADO BLVD
Suite # 500
PASADENA CA 91106

MAILED
JUN 11 2010
OFFICE OF PETITIONS

In re Application of	:	
Rani Chaoui	:	
Application No. 29/310,629	:	DECISION ON PETITION
Filed: August 29, 2008	:	
Attorney Docket No. CHA6A-M09	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed May 13, 2010, 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 $430, as required by the Notice of Allowance and Fee(s) Due, mailed August 3, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on 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 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 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.

There is no indication that petitioner has submitted a Part B-Fee(s) Transmittal form (PTOL-85). Accordingly, if petitioner desires to have the information normally found thereon printed on the patent, the attached blank Fee(s) Transmittal form should be completed and returned to the Office of Data Management within **ONE MONTH** from the mail date of this decision.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Data Management for further processing in accordance with this decision on petition.

Terri Johnson

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

THE DIAL CORPORATION
19001 N. Scottsdale Road
SCOTTSDALE AZ 85255

MAILED

JAN 13 2010

OFFICE OF PETITIONS

In re Application of
Kacie Bruscha et al.
Application No. 29/310,633
Filed: August 29, 2008
Attorney Docket No. **7312**

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 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)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to submit formal drawings on or before November 3, 2009, as required by the Notice of Allowability, mailed August 3, 2009. Accordingly, this application became abandoned on November 4, 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 $140 is required. If the terminal disclaimer is signed by an assignee, the assignee must comply with the requirements of 37 CFR 3.73(b).

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to be acknowledged as the attorney of record in this application, the appropriate power of attorney document must be submitted.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to the JoAnne Burke at (571) 272-4584.

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

THE DIAL CORPORATION
19001 N. Scottsdale Road
SCOTTSDALE AZ 85255

MAILED

APR 16 2010

OFFICE OF PETITIONS

In re Application of
Kacie Bruscha et al.
Application No. 29/310,633
Filed: August 29, 2008
Attorney Docket No. **7312**

ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed February 2, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to submit formal drawings on or before November 3, 2009, as required by the Notice of Allowability, mailed August 3, 2009. Accordingly, this application became abandoned on November 4, 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).

As to Item 4

The Revocation of Power of Attorney submitted with the petition on February 2, 2010, was not accepted. The Revocation of Power of Attorney was signed by Brad A. Gazaway, acting on behalf of the assignee. However, the Revocation and Power of attorney does not comply with 37 CFR 3.73 since it does not does not state that the person whose signature appears thereon is authorized to act on behalf of the assignee, neither the documentary evidence of a chain of title to the assignee nor a statement specifying the reel/frame where such evidence is recorded is included therein. Therefore, the Revocation and Power of attorney will not be accepted at this time.

Terminal Disclaimers must be signed by the all the inventors, attorney/agent of record. Accordingly, since the Revocation and Power of Attorney has not been accepted the terminal disclaimer filed with the instant petition is not acceptable and will not be entered. Therefore, as stated in the previous decision mailed January 13, 2010, 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. If the terminal disclaimer is signed by an assignee, the assignee must comply with the requirements of 37 CFR 3.73(b).

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to the JoAnne Burke at (571) 272-4584.

JoAnne Burke
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
29/310,633	08/29/2008	Kacie Bruscha	7312

CONFIRMATION NO. 3230

IMPROPER CPOA LETTER

49641
THE DIAL CORPORATION
19001 N. Scottsdale Road
SCOTTSDALE, AZ 85255

OC000000040824080

Date Mailed: 03/26/2010

NOTICE REGARDING POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/02/2010. The Power of Attorney in this application is not accepted for the reason(s) listed below:

- The Power of Attorney is from an assignee and the Certificate required by 37 CFR 3.73(b) has not been received.

/jlburke/

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

THE DIAL CORPORATION
19001 N. Scottsdale Road
SCOTTSDALE AZ 85255

MAILED

JUN 04 2010

OFFICE OF PETITIONS

In re Application of Kacie Bruscha et al. Application No. 29/310,633 Filed: August 29, 2008 Attorney Docket No. **7312**	: : : : :	ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed April 20, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit formal drawings on or before November 3, 2009, as required by the Notice of Allowability, mailed August 3, 2009. Accordingly, this application became abandoned on November 4, 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 formal drawings, (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 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

THE DIAL CORPORATION
19001 N. SCOTTSDALE ROAD
SCOTTSDALE AZ 85255

MAILED

JUN 10 2010

OFFICE OF PETITIONS

In re Application of	:	
Kacie Bruscha et al	:	
Application No. 29/310,633	:	DECISION ON REQUEST FOR REFUND
Filed: August 29, 2008	:	
Attorney Docket No. 7312	:	

This is a decision on the Request For Refund filed January 21, 2010.

The request is **DISMISSED**.

A Petition for Revival of Application for Patent abandoned unintentionally under the provisions of 37 CFR 1.137(b) and accompanied by Replacement Drawings, were received in the USPTO on November 24, 2009. A renewed petition was filed on February 2, 2010. Another renewed petition accompanied by a terminal disclaimer was filed on November 20, 2010.

Applicant files the above request for refund in the amount of $1,620.00 paid on November 24, 2009. Applicant request a refund of the petition fee and asserts that the petition filed on November 24, 2009, was dismissed on January 13, 2010. However, applicant is encouraged to note MPEP 711.03 which states:

> [T]he petition fee is required for the filing (and not merely the grant) of a petition under 37 CFR 1.137. See H.R. Rep. No. 542, 97th Cong., 2d Sess. 6 (1982), reprinted in 1982 U.S.C.C.A.N. 770 ("[t]he fees set forth in this section are due on filing the petition"). Therefore, the Office: (A) will not refund the petition fee required by 37 CFR 1.17(1) or 1.17(m), regardless of whether the petition under 37 CFR 1.137 is dismissed or denied; and (B) will not reach the merits of any petition under 37 CFR 1.137 lacking the requisite petition fee.

In view of the above, the request for refund of the petition fee paid on November 24, 2009 is dismissed. However, the petition fee charged on February 2, 2010, is being credited to deposit account no. 50-4219, since the petition fee was previously paid on November 24, 2009.

The application is being referred to the Office of Data Management to be processed into a patent. Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Thomas J. DiVito
126 Roaring Brook Drive
Southington CT 06489

MAILED

FEB 17 2010

OFFICE OF PETITIONS

In re Application of	:	
Thomas J. DiVito	:	
Application No. 29/310,640	:	DECISION ON PETITION
Filed: September 2, 2008	:	
Title: Cam For Cam Lock	:	

This is a decision on the petition under 37 CFR 1.137(b), filed December 7, 2009 revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to timely pay the issue fee on or before July 17, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed April 17, 2009, which set a statutory period of reply of three (3) months. Accordingly, the application became abandoned on July 18, 2009. A Notice of Abandonment was mailed August 11, 2009.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the 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 items (2) and (4)

With regards to item (2) petitioner has submitted $60.00 towards the petition fee of $810.00. Therefore, due to the nonpayment of the $750.00 shortage for the required petition fee the petition cannot be considered on the merits.

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition to revive an abandoned application for patent based on unintentional delay. The petition in the above-identified application was not accompanied by payment of the required fee. **No consideration on the merits can be given to the petition until the required fee is received.**

Additionally, with regards to item (4) petitioner has not submitted the required terminal disclaimer fee of $70.00.

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) 272-7751.

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

THOMAS J. DIVITO
126 ROARING BROOK DRIVE
SOUTHINGTON CT 06489

MAILED

APR 22 2010

OFFICE OF PETITIONS

In re Application of	:	
Thomas J. DiVito	:	
Application No. 29/310,640	:	DECISION ON PETITION
Filed: September 2, 2008	:	
Title: Cam For Cam Lock	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed April 5, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue fee on or before July 17, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed April 17, 2009, which set a statutory period of reply of three (3) months. Accordingly, the application became abandoned on July 18, 2009. A Notice of Abandonment was mailed August 11, 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 (previously paid on December 7, 2009); (2) the petition fee of $810.00; (3) a proper statement of unintentional delay; and (4) a Terminal Disclaimer (previously submitted December 7, 2009) and fee of $70.00.

The request for a terminal disclaimer is accepted.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to the Office of Data Management for processing into a patent.

Joan Olszewski

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

Paper No.

UNILEVER PATENT GROUP
800 SYLVAN AVENUE
AG West S. Wing
ENGLEWOOD CLIFFS NJ 07632-3100

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JAN 15 2009

In re Application of	:	
Brett Christopher Domoy et al.	:	
Application No. 29/310,676	:	DECISION ON PETITION
Filed: September 3, 2008	:	PURSUANT TO
Attorney Docket No.: DM7663(V)	:	37 C.F.R. § 1.182
Title: CONTAINER WITH COVER	:	

This is a decision on the "PETITION TO ACCORD A CORRECTED FILING DATE" filed on November 21, 2008, requesting that the above-identified application be accorded a filing date of September 3, 2008. This submission is being treated as a petition pursuant to 37 C.F.R. § 1.182.

The petition pursuant to 37 C.F.R. § 1.182 is **GRANTED**.

The application was deposited on September 3, 2008. However, on September 23, 2008, the Office of Data Management mailed a "Notice of Incomplete Nonprovisional Application" (notice), stating, *inter alia*, that the application had not been accorded a filing date, and advising applicant that the application would be accorded a filing date upon the deposit of a claim. The notice set a two-month period for response.

In response, on November 21, 2008, Applicant filed this petition, along with the petition fee and a preliminary amendment directing the entry of a concurrently submitted claim.

It is noted that Petitioner has referred to the need to file a petition pursuant to Rule 1.57(a), however such a petition would be inappropriate. First, a petition pursuant to 37 C.F.R. § 1.57(a) would necessitate an attempt to incorporate essential material by reference, by way of an incorporation by reference to a foreign application.[1] This is prohibited by 37 C.F.R. § 1.57(c).[2] Moreover, it is noted in passing that Petitioner provided copies of this foreign reference on filing as well as with this petition, and this foreign reference does not contain a claim - as such, there is no claim to incorporate.

A review of the record reveals that no formal claim was included with the application papers presented on initial deposit on September 3, 2008. However, it is noted that the application papers deposited on September 3, 2008, included a declaration stating that each inventor believes himself to be "the original, first, and joint inventor . . . of the subject matter which is claimed and for which a patent is sought on the invention entitled: "container with cover."

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.[3]

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

---

1 This application claims the benefit of prior-filed British application number 4006765, filed on March 3, 2008. See the first page of the declaration that was included on filing.
2 Rule 1.57(c) indicates that essential material "may be incorporated by reference, but only by way of an incorporation by reference to a U.S. patent or U.S. patent application publication."
3 On the second page of this petition, it has been erroneously asserted that "[t]he phrase 'The ornamental design for…as shown and described' is merely pro forma in all design applications."

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, 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 September 3, 2008.

Petitioner is reminded that errors such as occurred can result in loss of rights and care must be taken to avoid such.

Accordingly, the petition is **GRANTED**.

The petition fee of $400 will not be refunded, as this petition was not necessitated by any error on the part of the Office.

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 September 3, 2008, using the original application papers filed on that date and the formal claim submitted via the amendment which was submitted concurrently with this petition.

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.[4]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

4 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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DRINKER BIDDLE & REATH
ATTN: INTELLECTUAL PROPERTY GROUP
ONE LOGAN SQUARE
18TH AND CHERRY STREETS
PHILADELPHIA PA 19103-6996

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OCT 3 0 2008

OFFICE OF PETITIONS

In re Application of	:	
Maurice Kanbar	:	
Application No. 29/310,885	:	DECISION ON PETITION
Filed: September 16, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 47178-0009-00-US (427077)	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 16, 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.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

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JUN 17 2008

OFFICE OF PETITIONS

In re Application of :
Katoaka et al. :
Application Number: 12/007283 :
Filing Date: 01/09/2008 :
Attorney Docket Number: 9694H-000050/US :

ON PETITION

This is a decision on the petition filed on February 19, 2008, under 37 CFR 1.182, 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 applicants filed a utility application transmittal sheet and paid the utility application filing, search, and examination fees, but also filed two (2) pages of written description referencing a design patent application, one (1) page containing a claim to an ornamental design, and 12 sheets of drawing figures. Applicants state that they intended to file a design application, but inadvertently used a utility application transmittal sheet and paid the utility application fees.

It is clear, based on the specification and claim filed, that applicants intended to file a design application, but inadvertently filed a utility application.

Accordingly, on petition, the application will be reprocessed as a design application, as requested, using the application papers filed on January 9, 2008.

On January 9, 2008, applicants paid a total of $1,030.00 for the utility application basic filing fee, search fee, and examination fee.

The utility application fees will be credited to counsel's deposit account, and the correct design application fees will be charged. Office records will be corrected to show that the

Copied from 12007283 on 10/08/2008

$210.00 design filing fee, $100.00 design search fee, and $130.00 design examination fee, have been paid.

As the petition was necessitated by an error on the part of applicants, however, the petition fee will not be refunded.

Thereafter, the application will be referred to the Office of Patent Application Processing for reprocessing as a design application, not a utility application, with a filing date of January 9, 2008, using the two (2) pages of written description, one page containing a design claim, and 12 sheets of drawings filed on January 9, 2008. The application will be assigned a new design application number. The new design application number will be communicated to applicants by the Office of Patent Application Processing in due course.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Copied from 12007283 on 10/08/2008

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JUL 2 5 2008
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P.O. BOX 8910
RESTON VA 20195

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OFFICE OF PETITIONS

In re Application of :
Katoaka et al. :
Application Number: 12/007283 :
Filing Date: 01/09/2008 :
Attorney Docket Number: 9694H-000050/US :

ON PETITION

This is a decision on the petition filed on February 19, 2008, under 37 CFR 1.182, 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 applicants filed a utility application transmittal sheet and paid the utility application filing, search, and examination fees, but also filed two (2) pages of written description referencing a design patent application, one (1) page containing a claim to an ornamental design, and 12 sheets of drawing figures. Applicants state that they intended to file a design application, but inadvertently used a utility application transmittal sheet and paid the utility application fees.

It is clear, based on the specification and claim filed, that applicants intended to file a design application, but inadvertently filed a utility application.

Accordingly, on petition, the application will be reprocessed as a design application, as requested, using the application papers filed on January 9, 2008.

On January 9, 2008, applicants paid a total of $1,030.00 for the utility application basic filing fee, search fee, and examination fee.

The utility application fees will be credited to counsel's deposit account, and the correct design application fees will be charged. Office records will be corrected to show that the

Copied from 12007283 on 10/08/2008

$210.00 design filing fee, $100.00 design search fee, and $130.00 design examination fee, have been paid.

As the petition was necessitated by an error on the part of applicants, however, the petition fee will not be refunded.

Thereafter, the application will be referred to the Office of Patent Application Processing for reprocessing as a design application, not a utility application, with a filing date of January 9, 2008, using the two (2) pages of written description, one page containing a design claim, and 12 sheets of drawings filed on January 9, 2008. The application will be assigned a new design application number. The new design application number will be communicated to applicants by the Office of Patent Application Processing in due course.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Copied from 12007283 on 10/08/2008

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. BOX 1450
Alexandria, Va 22313- 1450
www.uspto.gov.

DATE: November 24, 2009
Patent No: D603,997 S
Applicant: Chrobak-Kando
Issued: 11/3/2009

Request for Certificate of Correction:

Consideration has been given to your request for the issuance of a certificate of correction under the provisions of Rule 1.322.

The inventor's name is printed in accordance with the typed names on the Declaration; therefore the error was the result of applicant's failure to comply with the requirement that the correct names be indicated on the Declaration or Oath. No correction is in order here under the provisions of Rule 1.322.

In view of the foregoing, in this matter your request is again hereby denied. However, further consideration will be given your request, upon receipt of a request under the provisions of Rule 1.323 accompanying the appropriate fee of $100.00.

RoChaun Johnson for
Mary Diggs, Supervisor
Decisions and Certificates of Correction
(571) 272-0740

Frishauf, Holtz, Goodman & Chick P.C.
220 Fifth Avenue- 16th floor
New York, NY 10001-7708

UNITED STATES PATENT AND TRADEMARK OFFICE

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PO BOX 320056
ALEXANDRIA, VA 22320

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SEP 30 2009

OFFICE OF PETITIONS

In re Application of	:	
Thomas Wesley Debow	:	
Application No. 29/311,316	:	DECISION ON PETITION
Filed: February 18, 2009	:	
Attorney Docket No. DEBO002	:	

This is a decision on the petition under 37 CFR 1.137(b), filed August 14, 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 August 1, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed May 1, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on August 2, 2009. A Notice of Abandonment was mailed on August 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 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 is accepted as being unintentionally delayed.

The terminal disclaimer is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning

this application should be directed to the Office of Data Management at their hotline 571-272-4200.

This application is being referred to the Office of Data Management for further processing in accordance with this decision on petition.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-3873

Mail Date: 04/23/2010

Applicant	: Toshiya Satoh	: DECISION ON REQUEST FOR
Patent Number	: D598846	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 29/311,339	: OF WYETH
Filed	: 02/26/2009	:
		:

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.

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NOV 25 2009

OFFICE OF PETITIONS

JACOBSON HOLMAN PLLC
400 SEVENTH STREET NW
SUITE 600
WASHINGTON DC 20004

In re Application of	:	
Gerald P. Skalka	:	
Application No. 29/311,406	:	DECISION ON PETITION
Filed: March 6, 2009	:	
Attorney Docket No. P73013US0	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), filed October 2, 2009.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely pay the issue fee in response to the Notice of Allowance, mailed June 1, 2009. This Notice set a statutory period for reply of three (3) months for issue fee transmittal. No issue fee having been received, the application became abandoned on September 2, 2009. A Notice of Abandonment was mailed on September 24, 2009.

With the instant petition, petitioner paid the petition fee, submitted the required reply in the form of the issue fee, filed a terminal disclaimer, and made the proper statement of unintentional delay.

The application is being forwarded to the Office of Data Management for processing into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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KANESAKA BERNER AND PARTNERS LLP
1700 DIAGONAL RD
SUITE 310
ALEXANDRIA VA 22314-2848

MAILED

JUN 08 2008

OFFICE OF PETITIONS

In re Application of :
Noguchi, et al. :
Application No. 29/311,523 : ON PETITION
Filing Date: April 10, 2009 :
Attorney Docket No.: HAT/KPO-001DES :

This decision is in response to the petition filed May 5, 2009 for a filing date of April 10, 2009 with Drawing Figures 5, 6, and 7 as part of the original disclosure of application.

The Notice of Omitted Items in a Nonprovisional Application (Notice) mailed April 29, 2009 indicated that the instant application had been accorded a filing date, but that Figures 5, 6 and 7 of the drawings appeared to have been omitted from the application as filed.

Petitioners argue that the application as deposited included four sheets of drawing that included Figures 5, 6, and 7, and have presented as proof of mailing and proof of receipt of Figures 5, 6, and 7 of the drawing a receipt card date stamped by the Office on April 10, 2009. The postcard indicates receipt of four pages of drawings. Petitioners have included a copy of the drawing sheets containing Figures 5, 6, and 7.

The original sheets containing Figures 5, 6, and 7 of the drawings have not been located. However, in view of the evidence presented, the petition to accord the application a filing date of April 10, 20090 with Figures 5, 6, and 7 as part of the application is GRANTED.

No fee is due in connection with this matter. Petitioners may request a refund of the $400.00 petition fee submitted herewith by directing a written request for refund to the Finance Office, Refund Section. A copy of this decision should accompany any request for refund.

Since the original sheets containing Figures 5, 6, and 7 of the drawings have not be located in the Office, the copy of the sheets submitted herewith will be used for examination purposes.

This application is being forwarded to the Office of Patent Application Processing with a filing date of April 10, 2009 with Figures 5, 6, and 7 as part of the original disclosure of application.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

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SUITE 310
ALEXANDRIA VA 22314-2848

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JUN 15 2009

OFFICE OF PETITIONS

In re Application of :
Akihiro Noguchi et al. :
Application No. 29/311,524 : DECISION GRANTING PETITION
Filed: April10, 2009 :
Attorney Docket No.: **HAT/KPO-002DES** :

This is a decision on the petition filed May 5, 2009 under 37 CFR 1.53(e), in response to the "Notice of Omitted Items" mailed April 29, 2009, which is treated under 37 CFR 1.182.

The instant application was filed April 10, 2009 and a filing date was accorded. However, a "Notice of Omitted Items" indicated that Figure 7 described in the specification appeared to have been omitted.

Petitioner asserts that Figure 7 was among the papers filed on April 10, 2009, and submits, *inter alia*, a "legible" postcard receipt in evidence thereof. While only three (3) sheets of drawing figures is of record, the postcard receipt, identifies the application and acknowledges, inter alia, that the application included 4 sheets of drawings. The postcard did not itemize the drawing figures but the postcard bears a United States Patent and Trademark Office date-stamp of April 10, 2009 and 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. The credit card provided will be credited in the amount of $400.00.

This matter will be referred to the Office of Patent Application Processing for processing, using the application papers received in the Office on April 10, 2009 and Figure 7 submitted on petition May 5, 2009.

Telephone inquiries regarding this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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MAR 22 2010
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BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

In re Application of	:
Craig Caldwell, et al.	: DECISION GRANTING PETITION
Application No. 29/311,579	: UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: April 23, 2009	:
Attorney Docket No. 1011525-000486	:

This is a decision on the petition under 37 CFR 1.313(c)(3), filed March 19, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is hereby withdrawn from issue in favor of a continued prosecution application (CPA) under 37 CFR 1.53(d).

Petitioner is advised that the issue fee paid on February 18, 2010 in the parent application is not refundable nor can it be applied towards any new Notice of Allowance which may issue on the CPA filed March 19, 2010.

Telephone inquiries should be directed to the undersigned at (571) 272-3204.

This matter is being referred to Technology Center AU 2913 for processing of the CPA and consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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LITMAN LAW OFFICES, LTD.
POST OFFICE BOX 15035
CRYSTAL CITY STATION
ARLINGTON VA 22215-0035

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JUL 16 2009

OFFICE OF PETITIONS

In re Application of	:	
ST. PETER, Lawrence S. et al.	:	
Application No. 29/311,637	:	DECISION ON PETITION
Filed: May 12, 2009	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **29840.01**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 12, 2009, 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 by Lawrence Peter, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

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.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

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Alexandria, VA 22313-1450
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MAR 15 2010

OFFICE OF PETITIONS

FOLEY AND LARDNER LLP
3000 K STREET NW, SUITE 500
WASHINGTON, DC 20007

In re Application of	:	
Joel Tetreault	:	
Application No. 29/311,768	:	DECISION ON PETITION
Filed: June 15, 2009	:	TO WITHDRAW
Attorney Docket No. 049159-0398	:	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 Joel Tetreault 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: Joel Tetreault
155 Thistlewood Lane
Rosewell, GA 30075

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
29/311,768	06/15/2009	Joel Tetreault	049159-0398

CONFIRMATION NO. 2556

POWER OF ATTORNEY NOTICE

22428
FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

OC000000040532141

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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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
29/311,768	06/15/2009	Joel Tetreault	049159-0398

CONFIRMATION NO. 2556

POA ACCEPTANCE LETTER

Joel Tetreault
155 Thistlewood Lane
Rosewell, GA 30075

OC000000040532182

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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MORLAND C. FISCHER
SUITE 1300
2030 MAIN STREET
IRVINE CA 92614

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FEB 0 2 2009

OFFICE OF PETITIONS

In re Application of
Ray G. Smith
Application No. 29/312,005
Filed: September 25, 2008
Attorney Docket No. TSC-1228

: DECISION REFUSING STATUS
: UNDER 37 CFR 1.47(b)

This decision is in response to the petition filed December 19, 2008 (December 16, 2008 certificate of mail date), under 37 CFR 1.47(b), in response to the Notice to File Missing Parts "Notice" mailed October 17, 2008.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to respond, correcting the below-noted deficiencies. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the 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, naming Ray G. Smith as the sole inventor was filed September 25, 2008 with an unsigned declaration. Accordingly, on October 17, 2008, a "Notice To File Missing Parts of Nonprovisional Application" was mailed, requiring an executed oath or declaration and a surcharge for its late filing. In response, the present petition was filed.

A grantable petition under 37 CFR 1.47(b) requires:

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee;

(4) a statement of the last known address of the non-signing inventor;

(5) proof of proprietary interest, and

(6) proof of irreparable damage.

The petition lacks items (2) and (6).

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. A declaration in compliance with 37 CFR 1.63, 1.64, and 1.67 must be presented, signed by all of the signing inventors, if any. If no inventor(s) will sign the declaration, the declaration may be signed on behalf of the inventor by an assignee. The oath or declaration must be signed by an officer of the corporation (president, vice president, secretary, or treasurer) on behalf of and as agent for the non-signing inventor(s). The officer must identify his/her title in the declaration, as well as his/her mailing address, residence, if the applicant lives at a different location from where he or she customarily receives mail, as well as the citizenship of individual signing on behalf of the non-signing inventor. If the oath or declaration is not signed by an officer of the corporation, then proof of authority of the person signing on behalf of the corporation must be submitted.[1]

Finally, as to item (6), petitioner must provide proof of irreparable damages in accordance with MPEP 409.03(g).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

[1] MPEP 409.03(b).

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MORLAND C. FISCHER
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IRVINE CA 92614

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APR 06 2009

OFFICE OF PETITIONS

In re Application of
Ray G. Smith
Application No. 29/312,005
Filed: September 25, 2008
Attorney Docket No. TSC-1228

: DECISION REFUSING STATUS
: UNDER 37 CFR 1.47(b)

This decision is in response to the request for reconsideration filed March 11, 2009, under 37 CFR 1.47(b).[1]

The petition is **DISMISSED.**

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to respond, correcting the below-noted deficiencies. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the 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, naming Ray G. Smith as the sole inventor was filed September 25, 2008 with an unsigned declaration. Accordingly, on October 17, 2008, a "Notice To File Missing Parts of Nonprovisional Application" was mailed, requiring an executed oath or declaration and a surcharge for its late filing. In response, a petition was filed December 19, 2008, the petition was dismissed in a decision mailed February 2, 2009 because the petition lacked items (2) and (6) under 37 CFR 1.47(b).

---

[1]A grantable petition under 37 CFR 1.47(b) requires:
(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
(3) the petition fee;
(4) a statement of the last known address of the non-signing inventor;
(5) proof of proprietary interest, and
(6) proof of irreparable damage.

Comes now petitioner with the instant request for reconsideration and a Declaration signed by Malcolm Smith, Chief Operation Officer for the assignee, True Seating Concepts, LLC. Included also with the request for reconsideration is a statement regarding irreparable damages in accordance with MPEP 409.03(g).

The request for reconsideration however still lacks item (2).

As to item (2), there does not appear to be a valid statement under 37 CFR 3.73(b). The putative assignee has not established its right to take action in accordance with 37 CFR 3.73(b). Specifically, petitioners have not provided documentary evidence of a chain of title from the original owner to the assignee, nor shown that documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*i.e.* reel and frame number). Petitioners must establish the right of an assignee to take action in accordance with 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 FAX: (571) 273-8300

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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JUL 17 2009

OFFICE OF PETITIONS

In re Application of
Ray G. Smith
Application No. 29/312,005
Filed: September 25, 2008
Attorney Docket No. TSC-1228

: DECISION REFUSING STATUS
: UNDER 37 CFR 1.47(b)

This decision is in response to the request for reconsideration filed June 9, 2009, under 37 CFR 1.47(b).[1]

The petition is **GRANTED**.

The above-identified application, naming Ray G. Smith as the sole inventor was filed September 25, 2008 with an unsigned declaration. Accordingly, on October 17, 2008, a "Notice To File Missing Parts of Nonprovisional Application" was mailed, requiring an executed oath or declaration and a surcharge for its late filing. In response, a petition was filed December 19, 2008, the petition was dismissed in a decision mailed February 2, 2009 because the petition lacked items (2) and (6) under 37 CFR 1.47(b). With a request for reconsideration filed March 11, 2009 petitioners included a declaration signed by Malcolm Smith, Chief Operation Officer for the assignee, True Seating Concepts, LLC. Included also with the request for reconsideration was a statement regarding irreparable damages in accordance with MPEP 409.03(g). The petition was dismissed in a decision mailed April 6, 2009 because the assignee had not established its right to take action in accordance with 37 CFR 3.73(b).

In response thereof, petitioner has filed a statement under 37 CFR 3.73(b).

---

[1]A grantable petition under 37 CFR 1.47(b) requires:
(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
(3) the petition fee;
(4) a statement of the last known address of the non-signing inventor;
(5) proof of proprietary interest, and
(6) proof of irreparable damage.

All requirements under 37 CFR 1.47(b) therefore having been met, 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 matter is being referred to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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VALENTINE G. FERET JR.
5971 SILVERTHORN RUN
LITTLETON CO 80125

MAILED

JUL 0 2 2009

OFFICE OF PETITIONS

ON PETITION

In re Application of	:	
Feret, Valentine George	:	
Application No. 29/312,007	:	
Filed: September 25, 2008	:	
Title: FERRET PUTTER	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 19, 2009, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement signed by the applicant, Valentine G. Feret. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3711 to await a response to the Office action mailed May 21, 2009.

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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MEYER CORPORATION, U.S.
ATTN: EDWARD S. SHERMAN, ESQ.
ONE MEYER PLAZA
VALLEJO CA 94590

MAILED

AUG 28 2009

OFFICE OF PETITIONS

In re Application of	:	
Robert A. Rae	:	
Application No. 29/312,051	:	DECISION ON PETITION
Filing Date: September 26, 2008	:	
Attorney Docket No. 137.101.3D	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 20, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers mailed October 23, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on December 24, 2008. The Notice of Abandonment was mailed June 30, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the $130 surcharge and the $140 to complete the examination fee; (2) the petition fee of $1,620; (3) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d); and (4) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

This application is being referred to the Office Patent Application Processing for further processing.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/23/2010

Applicant	: Toshihiro Oka	: DECISION ON REQUEST FOR
Patent Number	: D609646	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 29/312,229	: OF WYETH
Filed	: 10/07/2008	:
		:

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	: Toshihiro Oka	: DECISION ON REQUEST FOR
Patent Number	: D609647	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 29/312,230	: OF WYETH
Filed	: 10/07/2008	:
		:

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

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P.O. Box 1450
Alexandria, VA 22313-1450
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YOKOI & COMPANY U.S.A., INC.
13700 MARINA POINT DRIVE
SUITE 723
MARINA DEL REY, CA 90292

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NOV 13 2009

OFFICE OF PETITIONS

In re Application of	:	
Takumi Matsumoto	:	
Application No. 29/312,306	:	NOTICE
Filed: October 14, 2008	:	
Attorney Docket No. D08-1045	:	

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 April M. Wise at (571) 272-1642.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

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13700 MARINA POINTE DRIVE
SUITE 723
MARINA DEL REY, CA 90292

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NOV 13 2009

OFFICE OF PETITIONS

In re Application of	:	
Takumi Matsumoto	:	
Application No. 29/312,326	:	NOTICE
Filed: October 14, 2008	:	
Attorney Docket No. D08-1039	:	

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 April M. Wise at (571) 272-1642.

/Carl Friedman/
Carl Friedman
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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FEB 01 2010

OFFICE OF PETITIONS

CHARLOTTE JORST
SKAGEN DESIGNS, LTD.
640 MAESTRO DRIVE
SUITE 100
RENO NV 89511

In re Application of	:	
Charlotte Kjolbe Jorst et al.	:	
Application No. 29/312,593	:	DECISION ON PETITION
Filed: November 3, 2008	:	
Attorney Docket No. 17	:	

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 **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned for failure to timely pay the issue fee on or before September 8, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed June 8, 2009. Accordingly, the date of abandonment of this application is September 9, 2009. A Notice of Abandonment was mailed on November 23, 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 (3).

As to item (3) the statement of unintentional delay is presently not acceptable since the petition was not signed by a proper party. See 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 assignee has properly intervened in this application. The petition was signed by Charlotte Jorst. Our records do not indicate that Charlotte Jorst is authorized to sign on behalf of the assignee in this application. A properly signed petition should be submitted with a renewed petition.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:
Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By 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.

/Kimberly A Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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MAR 15 2010

OFFICE OF PETITIONS

CHARLOTTE JORST
SKAGEN DESIGNS, LTD.
640 MAESTRO DRIVE
SUITE 100
RENO NV 89511

In re Application of	:	
Charlotte Kjolbe Jorst et al.	:	
Application No. 29/312,593	:	DECISION ON PETITION
Filed: November 3, 2008	:	
Attorney Docket No. 17	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed February 10, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee on or before September 8, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed June 8, 2009. Accordingly, the date of abandonment of this application is September 9, 2009. A Notice of Abandonment was mailed on November 23, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of 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
United States Patent and Trademark Office
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OFFICE OF PETITIONS

JOHN G. CHUPA
LAW OFFICES OF JOHN CHUPA
AND ASSOCIATES, P.C.
28535 ORCHARD LAKE RD., SUITE 50
FARMINGTON HILLS, MI 48334

In re Application of	:	
Sonjia SIMPSON-GARDNER	:	
Application No. 29/312,604	:	ON PETITION
Filed: November 3, 2008	:	
Attorney Docket No. H660-002	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 28, 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 May 20, 2009, which set a period for reply of three (3) months. Accordingly, this application became abandoned on August 21, 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.

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.

If the terminal disclaimer is signed by an assignee, the assignee must comply with the requirements of 37 CFR 3.73(b).

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane C. 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

JOHN G. CHUPA
LAW OFFICES OF JOHN CHUPA
AND ASSOCIATES, P.C.
SUITE 50
28535 ORCHARD LAKE RD.
FARMINGTON HILLS, MI 48334

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DEC 0 8 2009

OFFICE OF PETITIONS

In re Application of	:	
Sonjia SIMPSON-GARDNER	:	
Application No. 29/312,604	:	DECISION ON PETITION
Filed: November 3, 2008	:	
Attorney Docket No. H660-002	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed November 27, 2009, to revive the above-identified application.

The petition is **GRANTED**.
The application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowability, mailed May 20, 2009, which set a period for reply of three (3) months. Accordingly, this application became abandoned on August 21, 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) 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 the undersigned at (571) 272-6735.

This application is being referred to the Office of Data Management for processing.

/Diane C. Goodwyn/
Diane C. 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

P. Jeff Martin of The McGougan Law Firm, LLC
Suite 2
1180 Hwy. 17 N.
P.O. Box 250
Little River SC 29566

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NOV 26 2008

In re Application of	:	
Dollie B. SKIPPER	:	
Application No.: 29/312,649	:	DECISION ON PETITION
Filed: November 4, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No.: SC-4181-001	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 4, 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/declaration by the Applicant. Accordingly, the above-identified application has been accorded "special" status.

It is noted that while the petition included identification of the application by docket number, title and applicant, it did not identify the application by the application number and filing date set forth above in compliance with MPEP 708.02.

Telephone inquiries concerning this decision should be directed to K. Reichle at 571-272-6051.

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 2916 for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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JAN 29 2010

OFFICE OF PETITIONS

DONALD N. HALGREN
35 CENTRAL STREET
MANCHESTER MA 01944

In re Application of	:	
Rebecca C. SUCIU, et al	:	
Application No. 29/312,947	:	DECISION ON PETITION
Filed: November 24, 2008	:	
Attorney Docket No. ROSE-33DES1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 20, 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 June 17, 2009, which set a period for reply of three (3) months. Accordingly, this application became abandoned on September 18, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings; (2) the petition fee of $810; (3) a proper statement of unintentional delay; and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d).

The terminal disclaimer is accepted and has been made of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-6735.

This application is being referred to the Office of Data Management for processing into a patent.

/Diane C. Goodwyn/
Diane C. Goodwyn
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

Lewis Anten
Suite 236
16830 Ventura Blvd.
Encino, CA 91436

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JAN 08 2010

In re Application of	:	
Alan Peter Zovar et al.	:	
Application No. 29/312,976	:	DECISION ON PETITION
Filed: November 26, 2008	:	
Attorney Docket No. P-15862	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 27, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned for failure to timely pay the issue fee on or before September 8, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed June 5, 2009. Accordingly, the date of abandonment of this application is September 9, 2009. A Notice of Abandonment was mailed on September 30, 2009.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and **(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d)**. Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (4).

As to item (4) the terminal disclaimer filed along with the petition is not acceptable. The owner(s) name listed on the terminal disclaimer Alan Peter Zovar as having 100% interest in this application. There appears to be co-inventors in this application. A proper terminal disclaimer 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 Kimberly Inabinet at (571) 272-4618.

Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAR 15 2010

OFFICE OF PETITIONS

Lewis Anten
Suite 236
16830 Ventura Blvd.
Encino, CA 91436

In re Application of	:	
Alan Peter Zovar et al.	:	
Application No. 29/312,976	:	DECISION ON PETITION
Filed: November 26, 2008	:	
Attorney Docket No. P-15862	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 2, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee on or before September 8, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed June 5, 2009. Accordingly, the date of abandonment of this application is September 9, 2009. A Notice of Abandonment was mailed on September 30, 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

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

COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/23/2010

Applicant	: Jen-Lin Chen	: DECISION ON REQUEST FOR
Patent Number	: D607725	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 29/313,025	: OF WYETH
Filed	: 12/02/2008	:
		:

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
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/23/2010

Applicant	: Philippe Peyridieu	: DECISION ON REQUEST FOR
Patent Number	: D608356	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 29/313,040	: OF WYETH
Filed	: 12/03/2008	:
		:

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

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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/23/2010

Applicant	: Philippe Peyridieu	: DECISION ON REQUEST FOR
Patent Number	: D608357	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 29/313,055	: OF WYETH
Filed	: 12/03/2008	:
		:

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.

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JAMES C. WRAY
1493 CHAIN BRIDGE ROAD
SUITE 300
MCLEAN, VA 22101

MAILED

JAN 12 2010

OFFICE OF PETITIONS

In re Application of	:	
Christophe VERLINDEN	:	
Application No. 29/313,122	:	DECISION ON PETITION
Filed: December 9, 2008	:	TO WITHDRAW
Attorney Docket No. 20341-210337	:	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 20, 2009.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to James C. Wray and all the attorneys associated with Customer No. 49801, has been revoked by the assignee of the patent application on January 5, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
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In re Application of
Yechiel Gotfried

Application No. 29313186

Filed: December 12,2008

Attorney Docket No. 08720DES/RPM

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 12-JUN-2009 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.