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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	29/355,692	Confirmation Number	6448	Filing Date	2010-02-12
Attorney Docket Number (optional)	10-208	Art Unit		Examiner	Not Yet Assigned
First Named Inventor	Christopher T. Caldwell				
Title of Invention	CONTAINER BODY PORTION				

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
William	C.	Young	

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	/Mario A. Tabone/	Date (YYYY-MM-DD)	2010-02-12
Name	Mario A. Tabone	Registration Number	65666

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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

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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
Christopher T. Caldwell

Application No. 29355692

Filed:

Attorney Docket No. 10-208

: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-FEB-2010 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.

PTO/SB/130 (07-09)
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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	29356250	Confirmation Number	8600	Filing Date	2010-02-23
Attorney Docket Number (optional)	friel-153cont	Art Unit		Examiner	
First Named Inventor	Bela Elek				
Title of Invention	CROSS-GRIND SHARPENER				

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
DANIEL	D.	FRIEL	Sr.

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	/HAROLD PEZZNER/	Date (YYYY-MM-DD)	2010-02-23
Name	HAROLD PEZZNER	Registration Number	22112

PTO/SB/130 (07-09)
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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.

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In re Application of
Bela Elek

Application No. 29356250

Filed:

Attorney Docket No. FRIEL-153CONT

: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 23-FEB-2010 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.

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APR 13 2009

OFFICE OF PETITIONS

Mary Lou Olson
390 Fry Street
Saint Paul MN 55104

In re Application of	:	
Mary Lou Olson	:	
Application No. 61/011,396	:	A COMMUNICATION
Filing Date: January 18, 2008	:	
Attorney Docket No.	:	

This is a communication on the requests, dated January 29, 2009 and on March 17, 2009, requesting an extension of time allowing for (a) the instant application to be converted to a Non-Provisional application or (b) the filing of a "Regular Patent Application (RPA)" that references the instant provisional application.

The requests are **DISMISSED** for reasons set forth below.

The processing of a provisional application is governed by 35 U.S.C. 111(b) that states in the relevant part:

(b) PROVISIONAL APPLICATION. —

(5) ABANDONMENT. —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.

The instant provisional application was filed on January 18, 2008. The statute – 35 USC 111 (b)(5) here, states that (a) request to convert a provisional application to a non-provisional application needs to be a timely request in the manner prescribed by the Director and (b) in the absence of such a timely request, the provisional application shall be regarded as abandoned and shall not be subject to revival after 12 months from the filing date of the provisional application. The timeliness requirement for such a request is set forth in 37 CFR 1.53 (c)(3) that states in the relevant part:

A request to convert a provisional application to a nonprovisional application must also be filed prior to the earliest of:
(i) Abandonment of the provisional application filed under paragraph (c) of this section; or

(ii) Expiration of twelve months after the filing date of the provisional application filed under paragraph (c) of this section.

Thus, granting the relief requested by the petitioner in the form of a two-month extension of time to convert the instant provisional application to a non-provisional application would be inconsistent with the law. The United States Patent and Trademark Office (Office) simply lacks the authority or discretion to relax any requirement of the law.[1] This request cannot be granted and thus stands DISMISSED.

In regard to the request for an extension of time allowing the filing of a "Regular Patent Application (RPA)" that references the instant provisional application, it is noted that claiming priority in a non-provisional application to a previously filed provisional application is governed by 35 USC 119(e) that states in the relevant part (emphasis added):

(e)
(1) An application for patent filed under section 111(a) or section 363 of this title for an invention disclosed in the manner provided by the first paragraph of section 112 of this title in a provisional application filed under section 111(b) of this title, by an inventor or inventors named in the provisional application, shall have the same effect, as to such invention, as though filed on the date of the provisional application filed under section 111(b) of this title, if the application for patent filed under section 111(a) or section 363 of this title ***is filed not later than 12 months after the date on which the provisional application was filed*** *and if it contains or is amended to contain a specific reference to the provisional application. No application shall be entitled to the benefit of an earlier filed provisional application under this subsection unless an amendment containing the specific reference to the earlier filed provisional application is submitted at such time during the pendency of the application as required by the Director. The Director may consider the failure to submit such an amendment within that time period as a waiver of any benefit under this subsection. The Director may establish procedures, including the payment of a surcharge, to accept an unintentionally delayed submission of an amendment under this subsection during the pendency of the application*
(2) A provisional application filed under section 111(b) of this title may not be relied upon in any proceeding in the Patent and Trademark Office unless the fee set forth in subparagraph (A) or (C) of section 41(a)(1) of this title has been paid.

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[1] See Baxter Int'l, Inc. v. McGaw, Inc., 149 F.3d 1321, 1334, 47 USPQ2d 1225, 1234 – 1235 (Fed. Cir. 1998) (*the PTO cannot, by rule, or waiver of the rules, fashion a remedy that contravenes* 35 USC §§ 112, 120); A. F. Stoddard v. Dann, 564 F.2d 556, 566, 195 USPQ 97, 105 (D.C. Cir 1977) (*since the USPTO is an executive branch agency, it must follow the strict provisions of the applicable statute*).

(3) If the day that is 12 months after the filing date of a provisional application falls on a Saturday, Sunday, or Federal holiday within the District of Columbia, the period of pendency of the provisional application shall be extended to the next succeeding secular or business day.

Here, a non-provisional application seeking priority to the instant provisional application has not been filed within the twelve-month period beginning from the filing date of the instant application i.e., before January 18, 2009. Granting the instant request of a two-month forbearance to file an RPA i.e. a non-provisional application that "references" the provisional application, would essentially amount to extending the twelve month limit set forth in the statute. See 35 USC 119 (e)(1) above. The Office being an executive branch agency must follow the strict provisions of the applicable statute and is without authority or discretionary powers to relax any requirement of the law, as noted earlier. This request cannot be granted and thus stands DISMISSED.

Any questions regarding this decision may be directed to Ramesh Krishnamurthy at (571)–272 - 4914.

Anthony Knight
Supervisor,
Office of Petitions

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Thomas A. Fairhall
McDonnell, Boehem, Hulburt & Berghoff
300 South Wacker Drive
Chicago, IL 60606

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OFFICE OF PETITIONS

Access Petition for in re Patent Application Damodar D. Periwal Application No. 60/051,108 Filed: June 26, 1997 Attorney Docket No. 2873-US	: : : : :	DECISION DISMISSING PETITION UNDER 37 CFR §1.14

This is a decision on a February 26, 2007, "PETITION UNDER 37 CFR 1.14(h) and MPEP § 103 FOR COPY OF PROVISONAL APPLICATION SERIAL NO. 60/051,108 FILED JUNE 26, 1997 DUE TO SPECIAL CIRCUMSTANCES" requesting access to US Application SN 60/051,108.

The petition is before the Office of Patent Legal Administration of the United States Patent and Trademark Office.

The petition is **dismissed as moot.**

BACKGROUND

On June 26, 1997, Damodar D. Periwal filed US Provisional Patent Application SN 60/051,108, (the '108 application). The '108 application went abandoned on June 27, 1998. The '108 application was not published, nor was benefit to the '108 application made prior to abandonment.

On March 23, 1998 US Application SN 09/046,779 was filed by Damodar D. Periwal (the '779 application), which issued on December 19, 2000 as US Patent 6,163,776 (the '776 patent).

On July 6, 2005, a request for *ex parte* reexamination of the '776 patent was filed. The request was assigned reexamination control number 90/007,616 (the '7616 proceeding). The request for *ex parte* reexamination was granted.

During the '7616 *ex parte* reexamination proceeding, a proper benefit claim to the '108 application was made.

On March 5, 2007, a Notice of Intent to Issue a Reexamination Certificate was issued (NIRC).

A reexamination certificate was not published at the time of this decision.

37 CFR 1.14 states (in part):

(a)(1)(iv) *Unpublished abandoned applications (including provisional applications) that are identified or relied upon.* The file contents of an unpublished, abandoned application may be made available to the public if the application is identified in a U.S. patent, a statutory invention registration, a U.S. patent application publication, or an international patent application publication of an international application that was published in accordance with PCT Article § 21.(2). An application is considered to have been identified in a document, such as a patent, when the application number or serial number and filing date, first named inventor, title and filing date or other application specific information are provided in the text of the patent, but not when the same identification is made in a paper in the file contents of the patent and is not included in the printed patent. Also, the file contents may be made available to the public, upon a written request, if benefit of the abandoned application is claimed under 35 U.S.C. § 119(e), 120, 121 or 365 in an application that has issued as a U.S. patent, or has published as a statutory invention registration, a U.S. patent application publication, or an international patent application that was published in accordance with PCT Article § 21(2). A copy of the application-as-filed, the file contents of the application, or a specific document in the file of the application may be provided to any person upon written request, and payment of the appropriate fee (§ 1.19(b)).

(b) *Electronic access to an application.* Where a copy of the application papers or access to the application may be made available pursuant to paragraphs (a)(1)(i) through (a)(1)(vi) of this section, the Office may at its discretion provide access to only an electronic copy of the specification, drawings, and file contents of the application.

(h) *Access or copies in other circumstances.* The Office, either *sua sponte* or on petition, may also provide access or copies of all or part of an application if necessary to carry out an Act of Congress or if warranted by other special circumstances. Any petition by a member of the public seeking access to, or copies of, all or part of any pending or abandoned application preserved in confidence pursuant to paragraph (a) of this section, or any related papers, must include:

(1) The fee set forth in § 1.17(g); and

(2) A showing that access to the application is necessary to carry out an Act of Congress or that special circumstances exist which warrant petitioner being granted access to all or part of the application.

37 CFR 1.11 states (in part):

(d) All papers or copies thereof relating to a reexamination proceeding which have been entered of record in the patent or reexamination file are open to inspection by the general public, and copies may be furnished upon paying the fee therefor.

DECISION

Petitioner filed a petition under 37 CFR 1.14(h) and MPEP 103 "special circumstances" requesting access to the '108 application. At the time of filing the petition the '108 application

was abandoned and identified in the '7616 proceeding. By operation of 37 CFR 1.11 the '7616 proceeding is open to the public. The new and proper benefit claim made in the publicly accessible reexamination proceeding made the '108 application available to the public in accordance with 37 CFR 1.14(a)(1)(iv). Therefore an analysis of "special circumstances" is unnecessary.

In view of the above, US Patent Application No. 60/051,108 is accessible to the public under 37 CFR 1.14(b) and/or via the procedures set forth in MPEP 1730E. Therefore, the petition is **dismissed as moot**.

Any request for a refund of the fee for the petition should include a copy of this decision and be sent to the attention of the Office of Finance.

CONCLUSION

1. The petition under 37 CFR 1.14(h) and MPEP 103 "special circumstances" for access to US Patent Application No. 60/051,108 is **dismissed as moot**.

2. Telephone inquiries with regard to this decision should be directed to Joseph F. Weiss, Jr., Office of Patent Legal Administration, at (571) 272-7759.

HIRAM H. BERNSTEIN
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examining Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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CHRISTIE PARKER & HALE
P O BOX 7068
PASADENA CA 91109-7068

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JUL 07 2008

In re Application of :
Knowles, et al. :
Application No.: 60/094,564 : ON PETITION
Filed: July 29, 1998 :
Attorney Docket No.: 32966/LTR/S7 :

This a decision on the petition under 37 CFR 1.53 filed October 5, 2007.

The petition is **dismissed.**

The application was filed on July 29, 1998. On October 5, 2007, the instant petition was filed wherein petitioner maintains that the Image File Wrapper (IFW) file for the application incomplete in that is shows only 266 pages of the specification when, in fact, 276 pages of the specification were filed. In support, the petition is accompanied by an Office date-stamped postcard that indicates that 276 pages of the specification were received on July 29, 1998. Petitioner requests that the provisional application retain the filing date of July 29, 1998, with 276 of the specification included as part of the original disclosure.

A review of the application file reveals that only 266 pages of the specification are present in the IFW file, however, the Office date-stamped postcard provided by petitioner clearly indicates that 276 pages of the specification were received on July 29, 1998. The evidence is convincing that 276 pages of the specification were received on July 29, 1998, with ten pages being lost by the USPTO thereafter. The petition must be dismissed, however, because petitioner did not provide a copy of the missing pages of the specification so that pages can be scanned into the IFW file. Petitioner may file a renewed petition that is accompanied by the missing pages of the specification. The petition fee will be refunded once the renewed petition is deemed 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 concerning this decision may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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OFFICE OF PETITIONS

CHRISTIE PARKER & HALE
P O BOX 7068
PASADENA CA 91109-7068

In re Application of :
Knowles, et al. :
Application No.: 60/094,564 : ON PETITION
Filed: July 29, 1998 :
Attorney Docket No.: 32966/LTR/S7 :

This a decision on the renewed petition under 37 CFR 1.53 filed February 12, 2009.

The petition is **granted.**

The application was filed on July 29, 1998. On October 5, 2007, a petition was filed wherein petitioner maintained that the Image File Wrapper (IFW) file for the application incomplete in that is shows only 266 pages of the specification when, in fact, 276 pages of the specification were filed. In support, the petition was accompanied by an Office date-stamped postcard that indicates that 276 pages of the specification were received on July 29, 1998. Petitioner requested that the provisional application retain the filing date of July 29, 1998, with 276 of the specification included as part of the original disclosure. The petition was dismissed by a decision mailed July 7, 2008, because petitioner did not provide a copy of the missing pages of the specification.

The renewed petition was filed February 12, 2009, and was accompanied by the pages of the specification that were misplaced by the USPTO. Petitioner has established that the subject application is entitled to a filing date of July 29, 1998, with 276 pages of the specification being received on that date.

The petition fee of $400.00 will be refunded in due course.

The application file is being directed to the Office of Patent Application Processing where the application will be noted as retaining the filing date of July 29, 1998, with 276 pages of the specification present on that date.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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APR 01 2010

OFFICE OF PETITIONS

Mr. Henry Whitefield
2490 Agnes Way
Palo Alto, CA 94303

Enclosure: PETITION FOR ACCESS – SPECIAL CIRCUMSTANCES (37 CFR § 1.14(i))

Access Petition for *in re* application	:	
Henry Whitfield	:	THREE
Application No. 60/113,706	:	WEEK
Filed: December 24, 1998	:	LETTER
Attorney Docket No. ADEX0001PR	:	

Title: SECURE METHOD AND PROCESS FOR THE ISSUANCE, PURCHASE AND REDEMPTION OF CERTIFICATES IN A TRANSACTION NETWORK

A petition for access under 37 CFR 1.14(i) was filed by S.F. IP Properties 59 LLC, for access to the above-identified application on August 20, 2009, with a duplicate copy of the petition (attached).

A member of the public may be entitled to access if "special circumstances" are shown which warrant a grant of access under 35 USC § 122. See Manual of Patent Examination Procedure (MPEP), Section 103. The use of such application to interfere with the business of others may be such special circumstances. *Ex parte Bonnie-B Co., Inc.*, 1923 C.D. 42; *In re Application for Trimless Cabinets*, 128 USPQ 95 (Comm'r Pats. 1960); and *In re Crossman, Kenrick and LeMieux*, 187 USPQ 367 (PTO Solicitor 1975).

Petitioner states that access should be granted to the above-identified application because petitioner is the owner of U.S. Patent 7,209,889 (the '889 patent) and the '889 patent may be eligible to claim benefit under 35 U.S.C. 119(e), to U.S. Provisional Application 60/113,706.

Applicant is hereby given THREE WEEKS from the mail date of this letter to file a response. If applicant fails to respond within THREE WEEKS, petitioner may be allowed access to the file.

Any 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

By FAX: 571-273-0100
Attn: Office of Patent Legal Administration/Joseph F. Weiss, Jr.

Inquiries relating to this matter may be directed to the undersigned, at (571) 272-7759.

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

Paper No.

CHRISTOPHER & WEISBERG, P.A.
200 EAST LAS OLAS BOULEVARD
SUITE 2040
FORT LAUDERDALE FL 33301

COPY MAILED
SEP 15 2008
OFFICE OF PETITIONS

In re Application of	:	
Marwan Aboud et al.	:	
Application No. 60/117,175	:	DECISION ON PETITION
Filed: January 25, 1999	:	PURSUANT TO
Attorney Docket No.: 22751-45	:	37 C.F.R. § 1.182
Title: CRYOABLATION SYSTEM	:	

This is a decision on the petition filed March 31, 2008, requesting that the above-identified application, including "86 pages of description and illustrations,"[1] be accorded a filing date of January 25, 1999 as part of the original disclosure.

The application was deposited on January 25, 1999. With this petition, Petitioner has indicated that he recently became aware that the electronic file was incomplete.

Petitioner has included a copy of what was purportedly included on filing, totaling 86 pages, along with a copy of Petitioner's postcard receipt acknowledging receipt of "Closed Loop Cath. Coolant Sys (Spec./Figs.) (21 Pgs.)x Cardial Cry. Leak Syst (3 pgs)," "Sys Des. Descrip. (20 pgs.)," "Cardiac Cry. Sys. (20 pgs)," and "Cryoplaton Sys. Schematics (22 sheets)" in the United States Patent and Trademark Office (Office) on January 25, 1999.

1 Petition, page 2.

It is noted that these items add up to 86 pages. Petitioner requests that 86 pages of description and illustrations be accorded a filing date of January 25, 1999.

Upon review of the electronic file, a one-page cover sheet, four pages of drawings, a 12-page specification, four pages of claims, and a one-page abstract have been located. Eighty-six pages of description and illustrations have not been located among the application papers. However, the evidence is convincing that the application papers deposited on January 25, 1999 included 86 pages of description and illustrations, and the majority of these sheets were subsequently misplaced in the Office.

Therefore, the application, including 86 pages of description and illustrations, was complete on filing and entitled to a filing date of January 25, 1999 as part of the original disclosure. **The record will reflect that 86 pages of description and illustrations, submitted concurrently with this petition on March 31, 2008, were present of filing.**

Accordingly, the petition under 37 C.F.R. § 1.182 is **GRANTED**.

No petition fee is necessary, and the petition fee will be credited to Petitioner's credit card in due course.

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

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/152,785	09/03/1999		150	230074.0226	1		

CONFIRMATION NO. 7196

CORRECTED FILING RECEIPT

OC000000016307423

FOLEY AND LARDNER
2029 CENTURY PARK EAST
SUITE 3500
LOS ANGELES, CA 900673021

Date Mailed: 06/16/2005

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

MARK REDDING, IRVINE, CA;
LOGAN BADIA, IRVINE, CA;
SANDEEP HANDA, IRVINE, CA;

Power of Attorney:

Ted Rittmaster–32933

If Required, Foreign Filing License Granted: 09/24/1999

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/152,785

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

Non-Publication Request: No

Early Publication Request: No

Title

LICENSE MANAGEMENT SYSTEM AND PROCESS WITH REDUNDANT SERVERS AND COMMUTING USERS

BEST AVAILABLE COPY

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

GRANTED

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

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

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

NOT GRANTED

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 6-2-06

TO SPE OF : ART UNIT 2626

SUBJECT : Request for Certificate of Correction on Patent No.: 6954282

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Palm location **7580, Certificates of Correction Branch – South Tower – 9A22**
If response is for an IFW, **return to employee (named below) via PUBSCofC Team in MADRAS.**
With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction (COCIN)? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Valerie Jackson

Thank You For Your Assistance

Certificates of Correction Branch
Tel. No. 703-308-9390 ext. 114

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

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

Comments:

SPE

2625
Art Unit

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
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/165,246	11/12/1999		150	NRT.0025L1US	10		

CONFIRMATION NO. 2929

CORRECTED FILING RECEIPT

OC000000012029427

DAN C HU
TROP PRUNER HU AND MILES P C
8554 KATY FREEWAY SUITE 100
HOUSTON, TX 77024

Date Mailed: 03/04/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

JERRY L. MIZELL, PLANO, TX;
CURTIS M. PROVOST, PLANO, TX;
MARTIN GALLANT, GARLAND, TX;

If Required, Foreign Filing License Granted: 02/26/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

USING MULTICAST TO COMMUNICATE IN A MOBILE COMMUNICATIONS SYSTEM

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

GRANTED

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

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 6

JAYE G HEYBL
KOPPEL & JACOBS
SUITE 107
555 STREET CHARLES DRIVE
THOUSAND OAKS CA 91360

COPY MAILED

MAR 1 3 2003

OFFICE OF PETITIONS

In re Application of
Ibbetson, et al.
Application No. 60/168,495
Filed: December 2, 1999
Attorney Docket No. 585-27-011
For: HIGH EFFICIENCY LIGHT EMITTERS
THROUGH POLARIZATION ENGINEERING

DECISION ON PETITION TO WITHDRAW HOLDING OF ABANDONMENT

This is a decision on the petition under 37 CFR 1.137(a), filed October 15, 2002, to revive the above-identified application. The petition is properly treated as a feeless petition under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application.

This application was held abandoned for failure to respond in a timely manner to the Notice To File Missing Parts of Provisional Application, mailed December 15, 1999. A Notice of Abandonment was mailed on May 31, 2002.

Petitioners assert that the application never went abandoned because petitioners (1) authorized the payment of any additional filing fees on December 2, 1999 and (2), after receiving the December 15, 1999 Notice, petitioners contacted the Office and a PTO employee verbally assured petitioners that their deposit account would be charged. In fact, the deposit account was not charged.

Petitioners are reminded that official communication with the Office must be carried out in writing. 37 CFR 1.2. This rule protects both petitioners and the agency. Oral statements by Office employees are not binding. See In re Sivertz, 227 USPQ 255,256 (Comm'r Pat. 1985).

However, a review of the application file reveals that the transmittal letter filed on December 2, 1999 contained authorization to charge " payment of any additional filing fees required under 37 CFR 1.16...." The balance due for the filing fee is covered by this authorization. In addition, a review of Office financial records for petitioners' deposit account during December 1999 reveals that petitioners had more than enough money in the account to cover the balance due for the filing fee. The Office should have charged the balance due on December 2, 1999.

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

Regarding finances, petitioners should have only been charged $150.00 for the filing fee. A review of Office records reveals that petitioners were charged $160.00. Pursuant to petitioner's authorization, the $10.00 balance due to petitioner from the $160.00 filing fee, the $110.00 petition fee, and the $50.00 late filing fee will be credited to deposit account No. 11-1580.

The application file will be forwarded to the Office of Initial Patent Examination for further processing with a filing date of December 2, 1999.

Telephone inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No. 4

FISH & RICHARDSON PC
225 FRANKLIN STREET
BOSTON MA 02110

COPY MAILED

FEB 21 2008

OFFICE OF PETITIONS

In re Application of John Bertin Application Number: 60/168780 Filing Date: 12/03/1999 Attorney Docket Number: 07334-139001	: : : : : :	DECISION ON PETITION

This is a decision on the petition, filed on December 19, 2007, which is treated as a petition under 37 CFR 1.10(c), requesting that the above-identified application be accorded a filing date of December 3, 1999, rather than the presently accorded filing date of December 1, 1999.

Petitioner alleges that the application was deposited in Express Mail service on December 3, 1999. In support, petitioners have provided a copy of Express Mail Label No. EL445371957US (the same Express Mail number found on the itemized Provisional Application for Patent Cover Sheet accompanying the original application papers located in the official file). Although the Express Mail label bears a "date-in" of "12-1-99" the label also contains an Official USPS postmark dated December 3, 1999.

In view of the above, the correct date of deposit in Express Mail is December 3, 1999.

In view of the above, the petition is granted. No petition fee is necessary, and none has been paid.

The address in the petition is different than the correspondence address. A courtesy copy of this decision is being mailed to the address in the petition. All future correspondence, however, will be mailed solely to the address of record.

The application is being referred to the Office of Patent Application Processing for correction of the filing date to **December 3, 1999.**

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Cc:

MILLENIUM PHARMACEUTICALS, INC.
40 LANSDOWNE STREET
CAMBRIDGE MA 02139

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/193,988	03/31/2000		150	SPEE0009PR			

CONFIRMATION NO. 7683

CORRECTED FILING RECEIPT

OC000000011753728

GLENN PATENT GROUP
3475 Edison Way, Suite L
Menlo Park, CA 94025

Date Mailed: 01/23/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Shanker Iyer, Cupertino, CA;
Sridhara Lanka, San Jose, CA;

If Required, Foreign Filing License Granted: 06/12/2000

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

Non-Publication Request: No

Early Publication Request: No

Title

Method for determining latency between multiple servers and a client

---

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

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING

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

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

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

NOT GRANTED

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

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Alexandria, VA 22313-1450
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M.H.K.K.G., P.C. / ADOBE SYSTEMS INCORPORATED
P.O. BOX 398
AUSTIN TX 78767-0398

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OCT 01 2008

OFFICE OF PETITIONS

In re Application of	:	
Arlyn Asch et al	:	
Application No. 60/209,841	:	DECISION GRANTING
Filed: June 6, 2000	:	FILING DATE OF
Attorney Docket No. 6067-16201	:	JUNE 6, 2000

This is a decision on the petition filed April 28, 2008, requesting that the above-identified application be accorded a filing date of June 6, 2000, rather than the presently accorded date of June 7, 2000. The petition is properly treated as a petition under 37 CFR 1.10(c).

Applicant requests the earlier filing date on the basis that the application was purportedly deposited with Express Mail Service on June 6, 2000, pursuant to 37 CFR 1.10. The Express Mail label receipt no. EL501131669US bears a handwritten "date-in" of June 6, 2000. The same Express Mail number appears on the originally filed application papers.

The petition is **granted**.

This matter is being referred to the Office of Patent Application Processing for correction of the filing date to **June 6, 2000.**

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3208. Telephone inquiries related to OPAP processing should be directed to their hotline at (571) 272-4000.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

Robert C. Freed
MOORE & HANSEN
2900 Wells Fargo Center
90 South Seventh Street
Minneapolis, Minnesota 55402-4101

COMPLETED

In re:	Schmeichel et al	:	DECISION ON REQUEST
Serial No.:	60/225,109	:	UNDER 37 CFR 5.25
Filing date:	14 August 2000		
Docket No:	A20-011-01		

Title: TONNEAU COVER HAVING REAR BAR LOCK

This is a decision on the petition filed on 24 October 2002 for a retroactive foreign filing license and subsequent to the decision mailed on 10 October 2003 for a retroactive license.

37 CFR 5.25(a) requires the following:

1. A listing of each of the foreign countries in which the unlicensed patent application material was filed,
2. The dates on which the material was filed in each country,
3. A verified statement (oath or declaration) containing:
   i. An averment that the subject matter in question was not under a secrecy order at the time it was filed abroad, and that it is not currently under a secrecy order,
   ii. A showing that the license has been diligently sought after discovery of the proscribed foreign filing, and
   iii. An explanation of why the material was filed abroad through error and without deceptive intent without the required license under § 5.11 first having been obtained, and
4. The required fee (§ 1.17(h)).

The petition is **Denied** at this time in that the petition is defective since the requirements set forth in 37 C.F.R. 5.25(a)(3)(iii) have not been met.

The verified statement must include an averment that the subject matter in question was not under a secrecy order at the time it was filed abroad, and that it is not currently under a secrecy order. In addition, the verified statement must show that the license was diligently sought after the discovery of the proscribed foreign filing. Mr. Freed states that the application was filed in Canada on 23 August 2000; however, the petition for a retroactive license wasn't filed until 24 October 2002. Therefore, a significant time elapsed between the two filings and an explanation

for this gap was not provided.

Accordingly, the provisions of 37 CFR 5.25 not having been fully met, the petition is FINALLY DENIED. A final denial of a petition stands unless a petition is filed under 1.181 within two months of the date of the denial.

Andrea M. Valenti

Andrea M. Valenti
Patent Examiner
Group 3643
(571)272-6895

02 July 2008

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

Paper No. 6

BURNS DOANE SWECKER & MATHIS LLP
P O BOX 1404
ALEXANDRIA, VIRGINIA 22313-1404

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SEP 17 2001

OFFICE OF PETITIONS

In re Application of	:	
Peter Jensen et al	:	
Application No. 60/243,647	:	DECISION GRANTING
Filed: October 25, 2000	:	FILING DATE
Attorney Docket No. 033158-001	:	

This is a decision on the petition filed January 5, 2001 and supplemented on August 8, 2001, requesting that six sheets of drawings containing Figures 1-8 be entered into the application and that the application be accorded a filing date of October 25, 2000.[1]

The petition is **granted**.

The application was deposited on October 25, 2000. On December 26, 2000, the Initial Patent Examination Division mailed a "Notice of Incomplete Provisional Application [hereafter Notice]" stating that the application was deposited without drawings and that the filing date would be the date of receipt of the missing items.

In response, on January 5, 2001, the present petition was filed. Petitioner asserts that six sheets of drawings containing Figures 1-8 were in fact submitted with the application on October 25, 2000. In support of this assertion, petitioner has submitted a copy of a stamped return post card which acknowledges receipt by the PTO on October 25, 2000 of, inter alia, six sheets of drawings of Figures 1-8. Additionally, petitioner has submitted a copy of the drawings asserted to have been filed with the application on October 25, 2000.

---

[1] The delay in replying to the instant petition and any inconvenience caused petitioner by this delay is sincerely regretted.

MPEP 503 states that "A post card receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO." In view of the acknowledged receipt of the six sheets of drawings containing Figures 1-8, the missing drawings will be accepted as having been present on filing. Accordingly, the Notice mailed December 26, 2000 is vacated as having been mailed in error.

In view of the above, no fee is required for the filing of the instant petition. Accordingly, the $50 fee[2] submitted with the instant petition will be refunded to Deposit Account No. 02-4800, as authorized.

This application file is being forwarded to the Office of Initial Patent Examination Division for processing with a filing date of October 25, 2000, using the drawings received on January 5, 2001 and with an indication that six sheets of drawings of Figures 1-8 were present on filing. Additionally, a corrected Filing Receipt will be mailed in due course.

Any questions concerning this decision on petition may be directed to Frances Hicks at (703) 305-8680.

Brian Hearn
Senior Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

---

[2] Petitioner is advised that the $50 fee quoted in the Notice of December 26, 2000 is incorrect; the actual fee for filing a petition for a filing date is $130. *See* 65 *Fed. Reg.* 54604, 54621 (Sept. 8, 2000).

SWISS LAW GROUP

BUILDING 3, PALO ALTO SQUARE
3000 EL CAMINO REAL, SUITE 100
PALO ALTO, CA 94306
TELEPHONE: 650-856-3700
FACSIMILE: 650-856-3710

FACSIMILE TRANSMITTAL SHEET

TO:
Brian Hearn, Esq.
Senior Petitions Examiner
Office of Petitions
P.O. Box 1450
Alexandria, VA 22313-1450

FROM:
William H. Benz, Esq.

DATE:
October 30, 2003

TOTAL NO. OF PAGES INCLUDING COVER:
4

FAX NUMBER:
703 308-6916

SENDER'S REFERENCE NUMBER:
33158-001

PHONE NUMBER:
703 305-1820

YOUR REFERENCE NUMBER:

RE:
U.S. Application No. 60/243,647
Filed: October 25, 2000
For: High Efficiency Ion Exchange System For Removing Contaminants From Water

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

FAX RECEIVED
OCT 30 2003
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Patent
Attorney's Docket No. 33158-001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of	) **MAIL STOP:**
GUTER, Gerald, et al	)
Application No. 60/243,647	)
Filed: October 25, 2000	)
For: HIGH EFFICIENCY ION EXCHANGE SYSTEM FOR REMOVING CONTAMINANTS FROM WATER	)

COMMUNICATION

Via Facsimile: 703 308-6916

FAX RECEIVED
OCT 30 2003
PETITIONS OFFICE

Brian Hearn, Esq.
Senior Petitions Examiner
Office of Petitions
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On September 17, 2001 you entered a decision admitting 6 sheets of drawings and granting this application an October 25, 2000 filing date. It has come to my attention when ordering certified copies of this application that the drawings in question were not added to the file. In a telephone conversation today, you asked me to submit this paper and told me that you would try to have the missing drawings entered.

Please note that my office has moved. I can now be reached at:

Swiss Law Group
Building 3, Palo Alto Square
3000 El Camino Real, Suite 100
Palo Alto, CA 94306
Telephone: 650-856-3700
Facsimile: 650-856-3710

Thank you for your kind attention.

Respectfully submitted,

Date: October 30, 2003

By: _____
William H. Benz
Registration No. 25,952
Attorney for Applicants
(650) 856-3700

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
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Paper No. 6

BURNS DOANE SWECKER & MATHIS LLP
P O BOX 1404
ALEXANDRIA, VIRGINIA 22313-1404

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SEP 17 2001

OFFICE OF PETITIONS

In re Application of	:	
Peter Jensen et al	:	
Application No. 60/243,647	:	DECISION GRANTING
Filed: October 25, 2000	:	FILING DATE
Attorney Docket No. 033158-001	:	

This is a decision on the petition filed January 5, 2001 and supplemented on August 8, 2001, requesting that six sheets of drawings containing Figures 1-8 be entered into the application and that the application be accorded a filing date of October 25, 2000.[1]

FAX RECEIVED
OCT 30 2003
PETITIONS OFFICE

The petition is **granted**.

The application was deposited on October 25, 2000. On December 26, 2000, the Initial Patent Examination Division mailed a "Notice of Incomplete Provisional Application [hereafter Notice]" stating that the application was deposited without drawings and that the filing date would be the date of receipt of the missing items.

In response, on January 5, 2001, the present petition was filed. Petitioner asserts that six sheets of drawings containing Figures 1-8 were in fact submitted with the application on October 25, 2000. In support of this assertion, petitioner has submitted a copy of a stamped return post card which acknowledges receipt by the PTO on October 25, 2000 of, inter alia, six sheets of drawings of Figures 1-8. Additionally, petitioner has submitted a copy of the drawings asserted to have been filed with the application on October 25, 2000.

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[1] The delay in replying to the instant petition and any inconvenience caused petitioner by this delay is sincerely regretted.

WHB
Basin Water

MPEP 503 states that "A post card receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO." In view of the acknowledged receipt of the six sheets of drawings containing Figures 1-8, the missing drawings will be accepted as having been present on filing. Accordingly, the Notice mailed December 26, 2000 is vacated as having been mailed in error.

In view of the above, no fee is required for the filing of the instant petition. Accordingly, the $50 fee[2] submitted with the instant petition will be refunded to Deposit Account No. 02-4800, as authorized.

This application file is being forwarded to the Office of Initial Patent Examination Division for processing with a filing date of October 25, 2000, using the drawings received on January 5, 2001 and with an indication that six sheets of drawings of Figures 1-8 were present on filing. Additionally, a corrected Filing Receipt will be mailed in due course.

Any questions concerning this decision on petition may be directed to Frances Hicks at (703) 305-8680.

Brian Hearn
Senior Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

[2] Petitioner is advised that the $50 fee quoted in the Notice of December 26, 2000 is incorrect; the actual fee for filing a petition for a filing date is $130. *See* 65 *Fed. Reg.* 54604, 54621 (Sept. 8, 2000).

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Paper No. 2

WORKMAN NYDEGGER (F/K/A WORKMAN NYDEGGER & SEELEY)
60 EAST SOUTH TEMPLE
1000 EAGLE GATE TOWER
SALT LAKE CITY, UT 84111

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SEP 02 2003

OFFICE OF PETITIONS

In re Application of
Kulsomphob, et al.
Application No. 60/288,124
Filed: May 1, 2001
Attorney Docket No.: 9342-88PR

ON PETITION

This decision is in response to the petition under 37 CFR 1.10(c), filed November 30, 2001, requesting that the above-identified application be accorded a filing date of May 1, 2001 instead of the presently accorded filing date of May 2, 2001.

Petitioner alleges that the application was deposited in Express Mail service May 1, 2001. In support, petitioner provided a copy of an Express Mail label bearing tracking number EL746189077US (the same Express Mail number found on the application transmittal letter accompanying the original application papers located in the official file) and a "date-in" of May 1, 2001.

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

No fee is due in connection with this matter. Petitioner is entitled to a refund of the previously submitted $130.00 petition fee and 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 is being forwarded to the Official of Initial Patent Examination for correction of the filing date to May 1, 2001 thereafter the file will be forwarded to Files Repository.

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0310.

Alesia M. Brown
Senior Petitions Attorney
Office of Petitions

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JJGJr: 08-03

Paper No: 3

MYERS BIGEL
SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH NC 27627

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AUG 0 8 2003
OFFICE OF PETITIONS

In re Application of	:	
Proebsting	:	
Application No. 60/298,668	:	ON PETITION
Filed: 15 June, 2001	:	
Attorney Docket No.: 5646-54PR	:	

This is a response to the paper styled as a "Petition to Accord Proper Filing Date,"filed on 26 June and supplemented via FAX on 7 August, 2003, which is being treated as:

- a submission under 37 C.F.R. §1.10[1] requesting that the above-identified application be

[1]The regulations at 37 C.F.R. §1.10 provide:

§ 1.10 Filing of papers and fees by "Express Mail."

(a) Any correspondence received by the Patent and Trademark Office (Office) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) will be considered filed in the Office on the date of deposit with the USPS. The date of deposit with the USPS is shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation. If the USPS deposit date cannot be determined, the correspondence will be accorded the Office receipt date as the filing date. See § 1.6(a).

(b) Correspondence should be deposited directly with an employee of the USPS to ensure that the person depositing the correspondence receives a legible copy of the "Express Mail" mailing label with the "date-in" clearly marked. Persons dealing indirectly with the employees of the USPS (such as by deposit in an "Express Mail" drop box) do so at the risk of not receiving a copy of the "Express Mail" mailing label with the desired "date-in" clearly marked. The paper(s) or fee(s) that constitute the correspondence should also include the "Express Mail" mailing label number thereon. See paragraphs (c), (d) and (e) of this section.

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

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

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

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

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

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;

accorded a filing date of 15 June, 2001, rather than the presently accorded filing date of 14 June, 2001; and

- a petition (with fee authorization, and the fee ($130.00) is charged to Deposit Account 50-0220) for a waiver under 37 C.F.R. §1.183[2] of the timeliness provisions of 37 C.F.R. §1.10.

The petition under:

- 37 C.F.R. §1.183 is **GRANTED**; and
- 37 C.F.R. §1.10 is **GRANTED**.

BACKGROUND

In the 26 June, 2003, filing, Petitioner was unspecific about the method in which the application was deposited with the US Postal Service (USPS), but clarified the matter with the supplement

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

(3) The petition includes a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

(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 Commissioner 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 Commissioner, 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.

(f) The Office may require additional evidence to determine if the correspondence was deposited as "Express Mail" with the USPS on the date in question.

[48 Fed. Reg. 2708, Jan. 20, 1983, added effective Feb. 27, 1983; 48 Fed. Reg. 4285, Jan. 31, 1983, paras. (a) & (c), 49 Fed. Reg. 552, Jan. 4, 1984, effective Apr. 1, 1984; paras. (a)-(c) revised and paras. (d) - (f) added, 61 Fed. Reg. 56439, Nov. 1, 1996, effective Dec. 2, 1996; paras. (d) & (e) revised, 62 Fed. Reg. 53131, Oct. 10, 1997, effective Dec. 1, 1997]

[2] The regulations at 37 C.F.R. §1.183 provide:

§1.183. Suspension of the rules.

In an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Commissioner or the Commissioner's designee, *sua sponte*, or on petition of the interested party, subject to such other requirements as may be imposed. Any petition under this section must be accompanied by the petition fee set forth in §1.17(h).

[47 Fed. Reg. 41278, Sept.17, 1982, effective Oct.1,1982]

indicating that the instant item was but one of several Express Mail packages picked up from Petitioner by USPS personnel.

In support of his allegation that the instant application was deposited with the USPS Express Mail service on 15 June, 2001, pursuant to the requirements of 37 C.F.R. §1.10, Petitioner relies upon:

- a declaration in which Petitioner states that the application was deposited in Express Mail, (but fails to specify how or under what label number);
- a copy of the transmittal page bearing a certificate of Express Mail with Label Number EL733098562US;
- a copy of a USPS "Pickup Service Statement," dated "6-15-01" (a Friday), listing the USPS Express Mail Label Number EL733098562US as among the items picked up by USPS personnel on that date at a time that appears to be "1730" (5:30 p.m.);
- a copy of a USPS form letter dated 23 June, 2003, stating that the "item [with Label Number EL733098562US] was delivered on 6/18/01" (the following Monday);
- two copies of Petitioner's receipt card:

  --one bearing USPS Express Mail Label Number EL733098562US and no filing date; and

  --the second bearing a filing date of "6/14/01" but no Express Mail label number;
- a copy of Petitioner's filing receipt--mailed by the Office to Petitioner on 27 July, 2001--bearing a filing date of 6/14/01.

Accordingly, as to the instant provisional Application No. 60/298,668, the instant petition is granted to correct the filing date to 15 June, 2001.

Further, as to the instant provisional Application No. 60/298,668, the Office of Initial Patent Examination is specifically instructed to:

- **assign a filing date of 15 June, 2001; and**
- **issue a corrected filing receipt specifying the filing date as that of 15 June, 2001.**

The instant application is being forwarded to OIPE to be handled as set forth above before being forwarded to Files Repository.

Telephone inquiries concerning this decision may be directed to the undersigned at (703)305-9199.

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/310,670	08/06/2001		150	4407P006Z	7		

CONFIRMATION NO. 1154

CORRECTED FILING RECEIPT

OC000000017976220

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

Date Mailed: 02/02/2006

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Suzy Brown, Menlo Park, CA;

Power of Attorney:

Tarek Fahmi--41402

If Required, Foreign Filing License Granted: 09/06/2001

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/310,670

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Method and apparatus for ensuring reliable loading of materials on aircraft and other vehicles

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

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

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

NOT GRANTED

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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/314,530	08/23/2001		75	FCCC-Testa	6		

CONFIRMATION NO. 1267

CORRECTED FILING RECEIPT

OC000000014883769

000110
DANN, DORFMAN, HERRELL & SKILLMAN
1601 MARKET STREET
SUITE 2400
PHILADELPHIA, PA 19103-2307

Date Mailed: 01/05/2005

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Joseph R. Testa, Philadelphia, PA;
Yasuhiro Mitsuuchi, Philadelphia, PA;

Power of Attorney: The patent practitioners associated with Customer Number **000110**.

If Required, Foreign Filing License Granted: 10/12/2001

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/314,530

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

Non-Publication Request: No

Early Publication Request: No

Title

Antisense modulation of APPL expression

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

GRANTED

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

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

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

NOT GRANTED

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

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KICHIJOUJI, KITAMACHI
TOKYO 180-0-001
JAPAN

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SEP 22 2003

OFFICE OF PETITIONS

In re Application of Fujisaki Application No. 60/319,931 Filed: February 8, 2003 Attorney Docket No. N/A For: COMMUNICATION DEVICE	DECISION GRANTING PETITION

This is a decision on the correspondence entitled, " Letter in Response to USPTO's 2003/05/09 Office Communication," filed June 17, 2003, requesting, in effect, withdrawal of the Notice to File Omitted Item(s) in a Provisional Application (Notice), mailed May 9, 2003 . The correspondence will be treated as a petition under 37 CFR 1.53(e).

The application was deposited on February 8, 2003. On May 9, 2003, the Office of Initial Patent Examination mailed a Notice informing petitioner that drawing figures 32b, 32e, 44e, 193, 204, 206, 281, 326 to 328, 329, 329a to 329c, 330 to 332, and 384 described in the specification appeared to have been omitted.

In response to the Notice, petitioner timely filed the present petition. Petitioner requests that drawing figures 32b, 32e, 44e, 193, 204, 206, 281, 326 to 328, 329, 329a to 329c, 330 to 332, and 384 be accorded a filing date of February 8, 2003 on the basis that they were received in the Patent and Trademark Office (PTO) on February 8, 2003. In support, the petition is accompanied by a copy of a ZIP file which was produced when the application was filed via EFS.

It was unnecessary to review the ZIP file because the original electronic filing was checked again and the allegedly missing drawing figures were present. The allegedly missing drawing figures have been printed and associated with the application file.

Accordingly, the request is granted and the May 9, 2003 Notice is withdrawn.

No petition fee has been or will be charged in connection with this matter.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of February 8, 2003, using the reprinted drawing figures 32b, 32e, 44e, 193, 204, 206, 281, 326 to 328, 329, 329a to 329c, 330 to 332, and 384. Office records will be corrected to show that 560 sheets of drawing figures were present on filing.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/320,296	06/20/2003		80		6		

CONFIRMATION NO. 2718

CORRECTED FILING RECEIPT

OC000000012944072

36231
DAVID YU HU
100 NANYANG CRESCENT
#05-06
SINGAPORE, 637819
SINGAPORE

Date Mailed: 06/15/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

David Yu Hu, Singapore, SINGAPORE;

If Required, Foreign Filing License Granted: 11/19/2003

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

ESD protection device and network with 5 volt tolerance

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

GRANTED

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

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450

Paper No. 7

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JUN 3 0 2003

OFFICE OF PETITIONS

ON PETITION

RYAN KROMHOLZ & MANION, S.C.
PO BOX 26618
MILWAUKEE, WI 53226

In re Application of
Callaway et al.
Application No. 60/322,170
Filed: September 11, 2001
Attorney Docket No. 9417.17584

This decision concerns the December 26, 2002 "Request for Reconsideration of Dismissal of Petition to Credit Filing Date" which is being properly treated as a renewed petition under 37 CFR 1.181.

The renewed petition is **GRANTED.**

Petitioners attempted to deposit the application in "Express Mail" service with the U. S. Postal Service (USPS) on September 11, 2001. Unfortunately, the USPS refused to accept the application papers for delivery by Express Mail due to the postal emergency subsequent to the September 11, 2001 event.

The United States Patent and Trademark Office (USPTO) designated this interruption in USPS Express Mail service as a postal service interruption within the meaning of 35 USC 21(a) and 37 CFR 1.6(e), and published a notice in the Official Gazette on October 9, 2001 that provides guidance in such situations wherein deposits in Express Mail are refused due to suspension of Express Mail service to Washington, D.C. zip codes 202xx through 205xx. See United States Postal Service Interruption and Emergency, 1251 Off. Gaz. Pat. Office 55 (Oct. 9, 2001).

One of the requirements under the O.G. Notice is **a statement by the person who originally deposited the correspondence** with the USPS by Express Mail. The petition includes a properly signed and dated statement by this person, Mary A. Szollar, declaring that she had attempted to deposit the application into Express Mail on September 11, 2001, but the USPS refused to accept it; and that subsequently, on the same day, she deposited the application in the first class mail.

The evidence is convincing that petitioners attempted to deposit the provisional application as "Express Mail" with the U.S. Postal Service on September 11, 2001, but due to a postal emergency, the package was refused by the USPS.

All of the requirements have been met. Therefore, the application will be accorded a filing date of September 11, 2001.

The file is now being forwarded to the Office of Initial Patent Examination to accord the provisional application a filing date of September 11, 2001.

Telephone inquiries should be directed to Petitions Attorney RC Tang at (703) 308-0763.

Beverly M. Flanagan
Supervisory Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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Paper No. 5

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NOV 1 3 2002

OFFICE OF PETITIONS

RYAN KROMHOLZ & MANION, S.C.
PO BOX 26618
MILWAUKEE, WI 53226

In re Application of
Callaway et al.
Application No. 60/322,170
Filed: September 15, 2001
Attorney Docket No. 9417.17584

ON PETITION

This decision concerns the "Petition to Credit Filing Date," filed on January 4, 2002 (Certificate of Mailing date October 31, 2001), requesting that the above-identified provisional application be accorded a filing date of September 11, 2001 on the basis that counsel for Applicants **attempted** to deposit the instant provisional application on that day in the U.S. Postal Service (USPS) "Express Mail Post Office to Addressee" Service ("Express Mail") pursuant to the requirements of 37 CFR 1.10, but the USPS refused to accept the application papers for delivery by Express Mail due to the postal emergency subsequent to the September 11, 2001 event. This petition is being properly treated as a petition under 37 CFR 1.181.

The petition is **DISMISSED**.

Special USPTO post-9/11/01 procedures

The Office notes that the USPS official website does not show any record for the Express Mail mailing label number contained in the "Certificate of Mailing Under 37 CFR 1.10" on the Cover Sheet of the provisional application as filed.[1] However, the scenario alleged in the instant petition was specifically addressed in a USPTO *Official Gazette* which was also posted on the USPTO website.[2] According to that *Official Gazette* notice, the USPTO has designated the USPS' refusal to accept mail for delivery by Express Mail during the post-9/11/01 period as a postal service interruption within the meaning of 35 U.S.C. 21(a) and 37 CFR 1.6(e). In such a situation, a correspondence to the USPTO may be mailed by, e.g., first class mail along with a statement:[3]

(1) by the person who originally attempted to deposit the correspondence with the USPS for delivery by Express Mail;

(2) indicating the date on which the USPS refused to accept the correspondence for delivery as Express Mail; and

(3) **signed in accordance with 37 CFR 10.18.**

---

[1] EL 889147899US. **Even if the USPS refused to accept correspondence on 9/11-12/01 for delivery by Express Mail, the petition does not indicate when, or, through what means if not Express Mail, the application was ultimately filed.**

[2] 1251 *Off. Gaz.* Pat. Office 55 (Oct. 9, 2001) (see attached).

[3] *Id.*

The petition, while including a statement that the provisional application was attempted to be deposited in the USPS Express Mail on September 11, 2001 but was refused by the USPS, does not meet the requirements of 37 CFR 10.18. The petition is thus subject to dismissal under the special post-9/11/01 procedures.

No fee is required for a §1.181 petition.

A request for reconsideration of this decision (no fee) must be filed within **TWO MONTHS** of the mailing date of this decision,[4] and may be addressed as follows:

by mail/by hand:	Commissioner for Patents, USPTO Office of Petitions Crystal Plaza Four, Suite CP4-3C23 2201 South Clark Place Arlington, VA 22202
by fax:	(703) 308-6916 Attn: Office of Petitions

Telephone inquiries should be directed to Petitions Attorney RC Tang at (703) 308-0763.

Beverly M. Flanagan
Supervisory Petitions Attorney
Office of Petitions
Office of the Commissioner
for Patents

Attachment: Copy of 1251 *Off. Gaz.* Pat. Office 55 (Oct. 9, 2001).

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[4] 37 CFR 1.181(f) (This 2-month period is not extendable).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 4

Anita Nador
Bereskin & Parr
40 King Street West
Box 401
Toronto ON M5H 3Y2
CANADA

COPY MAILED

MAY 1 3 2003

OFFICE OF PETITIONS

In re Application of Wiersma et al. Application No. 60/332,531 Filed: November 26, 2001 Attorney Docket No. 7841-111	DECISION ON PETITION

This is a decision on the "Petition under 37 CFR 1.182," filed March 6, 2003. Petitioners request that the Office affirm that the above-identified provisional application has been accorded a filing date of November 26, 2001, with page 29 of the specification considered a part of the original application disclosure.

Application papers in the above-identified application were filed on November 26, 2001. A review of the application file (and the electronic records of the application) does not reveal that any Notices were mailed to applicants regarding the sufficiency of the filing. However, on January 30, 2003, in response to a request for a certified copy of the application, applicants were advised that a true reproduction of the official office record of the application was missing page 29. Applicants were further advised that the page was missing because it was either not scannable or was received after the filing date of the application.

In response, applicants timely filed the instant petition (and petition fee). Applicants assert that page 29 was indeed filed on November 26, 2001. In support thereof, applicants submitted a copy of their return postcard from the USPTO. Petitioners also submitted a copy of page 29 as originally filed.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503. A review of petitioners' postcard receipt reveals that: 1) it was date stamped as received in the USPTO on November 26, 2001, and the items filed therewith were assigned Application No. 60/332,531; 2) it specifically identifies the items being filed, including "☐ Specification (No. Of Pages 49)" and 3) it lacks any annotation of nonreceipt of any item denoted on the postcard. Thus, petitioners have shown that the items denoted, including the 49 pages of specification, were filed on November 26, 2001.

The pages of specification already considered received in the Office on November 26, 2001, were reviewed along with page 29 of the specification submitted on petition. These papers together constitute the item described on the postcard receipt as "☐ Specification (No. Of Pages 49)." It is concluded that

petitioners have shown that page 29 of the specification was among the items present in the application on the date of deposit and should be included in the original application disclosure.

Accordingly, the petition is **GRANTED**.

Given the basis for granting the petition, the petition fee is being refunded to Deposit Account No. 02-2095, as authorized.

The application is being returned to the Office of Initial Patent Examination (OIPE) for:

- reprocessing with a filing date of November 26, 2001 using the application papers received in the Office and presently accorded that date; and page 29 of the specification resupplied on petition filed March 6, 2003.

Applicant will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OIPE.

Telephone inquiries related to this decision should be directed to Petitions Attorney Nancy Johnson at 703-305-0309.

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions

Nancy Johnson
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 3

Ivor R. Elrifi
MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY AND POPEO, P.C.
One Financial Center
Boston, MA 02111

COPY MAILED

JUN 03 2002

OFFICE OF PETITIONS

In re Application of	:	
Sackstein et al.	:	
Application No. 60/334,151	:	ON PETITION
Filed: November 28, 2001	:	
Attorney Docket No. 18989-021 (BWH-21)	:	

This is a decision on the petition filed May 1, 2002, to accord the above-identified application a filing date of November 28, 2001, instead of November 29, 2001.

The petition is **granted**.

37 CFR 1.10(d) states:

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

All of the above requirements have been met. Therefore, the application will be accorded a filing date of November 28, 2001.

The file is now being forwarded to the Office of Initial Patent Examination to accord the application a filing date of November 28, 2001.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

Charles Steven Brantley
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KIRTON AND MCCONKIE
60 EAST SOUTH TEMPLE,
SUITE 1800
SALT LAKE CITY UT 84111

MAILED

APR 12 2010

OFFICE OF PETITIONS

In re Application of :
Ohishi :
Application No. 60/335,313 : DECISION ON PETITION
Filed: November 2, 2001 :
Attorney Docket No. 10209.364 :

This is a decision on the petition under 37 CFR 1.182, filed, October 5, 2009, to correct the spelling of the name of inventor "Hifumi Oishi" to – HIFUMI OHISHI --.

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.

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Bib Data Sheet

CONFIRMATION NO. 8818

SERIAL NUMBER	FILING OR 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
60/335,313	11/02/2001 RULE			10209.364

APPLICANTS

Hifumi Ohishi, Hirushima-shi, JAPAN;

** CONTINUING DATA **********

** FOREIGN APPLICATIONS **********

IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** SMALL ENTITY **
** 12/28/2001

		STATE OR COUNTRY	SHEETS DRAWING	TOTAL CLAIMS	INDEPENDENT CLAIMS
Foreign Priority claimed 35 USC 119 (a-d) conditions met Verified and Acknowledged	☐ yes ☐ no ☐ yes ☐ no ☐ Met after Allowance Examiner's Signature Initials	JAPAN			

ADDRESS
21999

TITLE

Methods for treating conditions related to diabetes

FILING FEE RECEIVED		
80	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
60/335,313	11/02/2001		80	10209.364		

CONFIRMATION NO. 8818

CORRECTED FILING RECEIPT

21999
KIRTON AND MCCONKIE
60 EAST SOUTH TEMPLE,
SUITE 1800
SALT LAKE CITY, UT 84111

OC000000041066757

Date Mailed: 04/12/2010

Receipt is acknowledged of this provisional patent application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. 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)

Hifumi Ohishi, Hirushima-shi, JAPAN;

Power of Attorney: The patent practitioners associated with Customer Number 21999

If Required, Foreign Filing License Granted: 12/28/2001

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 60/335,313**

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

Non-Publication Request: No

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

Methods for treating conditions related to diabetes

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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Paper No. 5

HOWREY SIMON ARNOLD & WHITE
BOX 34, 301 RAVENSWOOD AVE.
MENLO PARK, CA 94025

COPY MAILED

JUL 21 2004

OFFICE OF PETITIONS

In re Application of	:	DECISION GRANTING
Natasha Aziz et al	:	PETITION
Application No. 60/335,394	:	
Filed: November 15, 2001	:	
Attorney Docket No. 05882.0182.PZUS02	:	

This is a decision on the paper styled "PETITION FOR CORRECTION OF FILING DATE" filed March 22, 2004, requesting that the above-identified application be accorded a filing date of November 15, 2001, rather than the presently accorded filing date of December 3, 2001. The petition is properly treated as a petition under 37 CFR 1.10(c).

Applicants request the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on November 15, 2001, pursuant to the requirements of 37 CFR 1.10. In support, applicants provided, inter alia, a copy of the Express Mail label, receipt No. EL104829405US. It is noted that the copy of the Express Mail label receipt reveals that the "date-in" entered is not clear; however, it includes a "CA GATEWAY STA" receipt stamp dated November 15, 2001. The same Express Mail receipt number appears on the copy of the original Provisional Application For Patent Cover Sheet submitted with the present petition.

In view of the official notation, in the form of an official USPS stamp, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on November 15, 2001. Accordingly, the instant application is entitled to a filing date of November 28, 1995, and has been so accorded.

The petition is granted.

The $130.00 petition fee is being credited to Deposit Account No. 08-3038 as authorized.

The application is being returned to the Office of Initial Patent Examination for correction of the filing date to November 15, 2001.

Telephone inquires specific to this matter should be directed to Wan Laymon at (703) 306-5685.

Brian Hearn
Senior Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mr. Ray M. Alden
808 Lake Brandon Trail
Raleigh, NC 27610

MAILED

FEB 02 2007

CENTRAL REEXAMINATION

Applicant: Joseph S. Stam
Appl. No.: 60/339762
Filing Date: July 30, 1997
Title: Segmented Distribution Headlight System, method and Apparatus
Attorney Docket No.: GEN10 PP-420

This is in response to the "Petition for Access to Provisional Application 60/339,762" which was received on September 11, 2004, for the above-identified application.

The petition is before the Office of Patent Legal Administration for decision.

The petition is **DISMISSED as moot.**

DECISION

37 CFR 1.14(a)(1)(iv) states:

(iv) *Unpublished abandoned applications (including provisional applications) that are identified or relied upon.* **The file contents of an unpublished, abandoned application may be made available to the public if the application is identified in a U.S. patent,** a statutory invention registration, a U.S. patent application publication, or an international patent application publication of an international application that was published in accordance with PCT Article 21(2). An application is considered to have been identified in a document, such as a patent, when the application number or serial number and filing date, first named inventor, title and filing date or other application specific information are provided in the text of the patent, but not when the same identification is made in a paper in the file contents of the patent and is not included in the printed patent. Also, the file contents may be made available to the public, upon a written request, if benefit of the abandoned application is claimed under 35 U.S.C. 119(e), 120, 121, or 365 in an application that has issued as a U.S. patent, or has published as a statutory invention registration, a U.S. patent application publication, or an international patent application that was published in accordance with PCT Article 21(2). ***A copy of the application-as-filed, the file contents of the application, or a specific document in the file of the application may be provided to any person upon written request, and payment of the appropriate fee (§ 1.19(b)).***

MPEP § 1730 VI Miscellaneous E. Copies of Documents states:

Inquiries regarding certified or uncertified copies of documents, including patent applications-as-filed, patent related file wrappers, patent copies, and reproduced copies of individual replacement pages or previous revisions of the MPEP, should be directed to the Office of Public Records Document Services at 571-272-3150 or 1-800-972-6382. Orders may be placed by facsimile when paying by VISA®, MasterCard®, American Express®, Discover®, or USPTO Deposit Account at 571-273-3250. To order file histories for self-service copying, contact the File Information Unit at (703) 308-2733.

Petitioner requests access to US Provisional application 60/339762. The Provisional application was identified and relied upon for priority on the face of US Patent Publication No. US 2003/0107323 A1 published on June 12, 2003.

By operation of law under 37 CFR 1.14(a)(1)(iv) US Provisional application 60/339762 was available to the public as of the publication date of June 12, 2003. The mechanism by which Petitioner could exercise his right of access is outlined in MPEP § 1730 VI E. The examiner of record in Petitioner's then pending application, US Serial 10/054223, cited MPEP § 1730 VI E in a Notification of Non-compliant Appeal Brief dated March 8, 2005.

Currently, petitioner has not authorized payment of the necessary fees to fulfill an order for a copy of US Provisional application 60/339762. Furthermore free access to 60/339762 can be obtained via the Public PAIR portal from the USPTO home page domain.

Accordingly, because provisional application 60/339762 was and is available to the public, the request is deemed moot.

CONCLUSION

1. The petition is **DISMISSED as moot.**

2. Any further communication as to this decision should be directed to Joseph F. Weiss, Jr., Legal Advisor Office of Patent Legal Administration, at (571) 272-7759.

Hiram H. Bernstein
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
United States Patent and Trademark Office
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Arlington, VA 22313-1450
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Paper No. 5

Gregg C. Benson
Pfizer Inc.
Patent Department, MS 4159
Eastern Point Road
Groton, CT 06340

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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Glenn Wilcox et al. :
Application No. 60/341,048 :
Filed: December 6, 2001 :
Attorney Docket No. PC23066BTC :

This is a decision on the petition under 37 CFR 1.137(b), filed August 28, 2003, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner in reply to the Notice to File Missing Parts (Notice) mailed April 3, 2002, which set a shortened statutory period for reply of three months. No extensions of time under the provisions of 37 CFR 1.136 have been obtained. Accordingly, the application became abandoned on June 4, 2002.

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.

The application file is being forwarded to the Office of Initial Patent Examination for further processing.

Latrice Bond

Latrice Bond
Paralegal Specialist
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Pfizer Inc.
Patent Department, MS 8260-1611
Eastern Point Road
Groton, CT 06340

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/342,334	12/21/2001		80	PP/2623-33			

CONFIRMATION NO. 8984

CORRECTED FILING RECEIPT

OC000000016874386

2352
OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 100368403

Date Mailed: 08/25/2005

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Gary Grey, New York, NY;

Power of Attorney:

Robert Faber--24322

If Required, Foreign Filing License Granted: 01/08/2002

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/342,334

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Method for straightening the hair, without lye or drying effect

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

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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.

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NOT GRANTED

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

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Paper No. 4

JENNIFER PEARSON MEDLIN, ESQ.
NEEDLE & ROSENBERG, P.C.
THE CANDLER BUILDING, SUITE 1200
127 PEACHTREE STREET, N.E.
ATLANTA, GA 30303-1811

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OFFICE OF PETITIONS

In re Application of :
Wilheim et al. :
Application No. 60/349,185 :
Filed: January 15, 2002 :
Attorney Docket No. :
19264.0018U1

This is a decision in response to the petition under 37 CFR 1.137(b), filed on June 16, 2003, to revive the above-identified application.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application ("Notice") mailed April 2, 2002. The Notice required the statutory basic filing fee and a late filing fee or oath or declaration surcharge. The Notice set a period for reply of two (2) months from the mail date of the Notice, and also provided for extensions of time under 37 CFR 1.136(a).

In response to the Notice, Petitioner files the instant petition, filing fee, and late filing fee.

The late filing fee, $25.00, has been charged to deposit account 14-0629 as authorized in the instant petition.

The application is being returned to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 305-0014.

Derek L. Woods
Petitions Attorney
Office of Petitions

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Central Coast Patent Agency
P.O. Box 187
Aromas, CA 95004

In re Application of	:	
James Stout	:	
Application No. 60/353,356	:	
Filed: January 31, 2002	:	
Attorney Docket No. STOTP001P	:	
	:	DECISION GRANTING PETITION
~~In re Application of~~	:	
~~James Stout~~	:	
~~Application No. 09/905,721~~	:	
~~Filed: May 28, 2002~~	:	
~~Attorney Docket No. P1382~~	:	

This is a decision on the Letter filed by facsimile on September 17, 2002, which is being treated as a request under 37 CFR 1.53(c)(2) to convert the application filed on January 31, 2002 (attorney docket No. STOTP001P) to a provisional application and to process the application papers filed on May 28, 2002 (attorney docket No. P1382) as a nonprovisional application claiming the benefit under 35 U.S.C. 119(e) of the STOTP001P provisional application.

On January 31, 2002, provisional application No. 60/353,356 was filed including, inter alia, 14 pages of specification, an abstract page, 6 sheets of drawings, a provisional application cover sheet, and the provisional application filing fee.

On May 28, 2002, a "Letter of Conversion from Provisional to Non-Provisional Patent Application" was filed. The "Letter of Conversion" was accompanied by, inter alia, a new specification (24 pages including 16 claims), 10 sheets of drawings, a nonprovisional application transmittal form, an abstract page, and an executed declaration. These new application papers were identified by attorney docket No. P1382 on the nonprovisional application transmittal form. The "Letter of Conversion" requested: (1) the conversion of provisional application No. 60/353,356 to a nonprovisional application[1]; and (2) the 35 U.S.C. 119(e) benefit of provisional application No. 60/353,356.[2] These two requests were conflicting since a 35 U.S.C. 119(e) benefit claim cannot be based on a nonprovisional application resulting from conversion of a provisional application.

On June 11, 2002, a decision was mailed treating the May 28, 2002 "Letter of Conversion" as a request under 37 CFR 1.53(c)(3) to convert provisional application No. 60/353,356 to a

[1] The March 22, 2002 "Letter of Conversion" stated "[A]pplicant is hereby converting provisional application, serial number 60/353,356, to a nonprovisional application."

[2] The March 22, 2002 "Letter of Conversion" stated "[A]pplicant hereby claims benefit under 35 U.S.C. 119(e) of the United States provisional patent application 60/353,356."

nonprovisional application. The June 11, 2002 decision granted the request by converting the application filed on January 31, 2002 (attorney docket No. STOTP001P) from provisional application No. 60/353,356 to nonprovisional application No. 09/905,721 with a filing date of January 31, 2002. The application papers (attorney docket No. P1382) filed on May 28, 2002 with the "Letter of Conversion" were placed in the file wrapper of nonprovisional application No. 09/905,721 as extraneous papers.

On September 17, 2002, the present petition was filed. On April 22, 2003, petitioner filed by facsimile a "Supplemental Letter" verifying that the September 17, 2002 petition should be treated as a request to: (1) convert application No. 09/905,721 (attorney docket No. STOTP001P) to a provisional application under 37 CFR 1.53(c)(2); and (2) process the application papers filed on May 28, 2002 (attorney docket No. P1382) as a nonprovisional application claiming the benefit under 35 U.S.C. 119(e) of the STOTP001P application.

The September 17, 2002 petition was filed within twelve months of the January 31, 2002 filing date of the STOTP001P application. Petitioner requests, in effect, that the STOTP001P application be converted back to a provisional application because the May 28, 2002 "Letter of Conversion" was not intended by petitioners to be a 37 CFR 1.53(c)(3) conversion request, but rather a new nonprovisional application filing using the accompanying new application papers and claiming the benefit under 35 U.S.C. 119(e) of provisional application No. 60/353,356.

The petition is granted.

After mailing of this decision the $50.00 petition fee will be charged to deposit account No. 500534 as authorized in the April 22, 2003 "Supplemental Letter".

Application No. 09/905,721 is being forwarded to Initial Patent Examination Division for:
(1) removing all the provisional application papers filed January 31, 2002 from the file of application No. 09/905,721 and placing those papers in a provisional application file wrapper assigned provisional application No. 60/353,356 (the same provisional application number originally assigned to those provisional application papers);
(2) processing the application papers filed May 28, 2002 as the nonprovisional application papers in application No. 09/905,721; and
(3) correcting Office records to show that the filing date of application No. 09/905,721 is **May 28, 2002** and for an indication that 16 claims and 10 sheets of drawings were present on filing.

Any inquiries related to this decision should be directed to the undersigned at (703) 308-5106.

James

James J. Engel
Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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In re Application of
Macauley Duff Kerr
Application No. 60/351,688
Filed: January 22, 2002
Title: GOLF GREEN REPAIR TOOL

In re Application of
Macauley Duff Kerr
Application No. 60/355,055
Filed: February 7, 2002
Title: GOLF GREEN REPAIR TOOL

DECISION GRANTING
PETITION

This is a decision on the paper titled "Petition to the Commissioner to Invoke the Supervisory Authority of the Commissioner Pursuant to 37 CFR § 1.181(a)(3)", filed in nonprovisional application no. 10/348,376 on February 10, 2003, which is being treated as a petition under 37 CFR 1.182 to merge provisional application no. 60/351,688 into provisional application no. 60/355,055, and to accord application no. 60/355,055 a filing date of January 22, 2002.

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

Petitioner requests that provisional application 60/355,055 be accorded a filing date of January 22, 2002 and be refunded the filing fee of $80. As set forth on petition, pro-se applicant filed provisional application no. 60/351,688 via USPS Express Mail No. EE582748745US on January 22, 2002. However, after filing the application, petitioner queried the USPS on February 4, 2002 and learned that the USPS was unable to locate any delivery records. Accordingly, on February 7, 2002, applicant remailed the provisional application papers and the filing fee, together with a letter from the

USPS stating that the application was originally filed by Express Mail on January 22, 2002. These papers were treated as a new provisional application and assigned application no. 60/355,055.

Sometime after February 12, 2002, pro-se applicant received the postcard receipt for application no. 60/351,688, with a USPS date-stamp of January 22, 2002. Thereafter, applicant received a filing receipt for application no. 60/355,055, indicating a filing date of February 7, 2002.

Obviously, pro-se applicant did not intend to file two separate applications. It is appropriate to merge the file of application no. 60/351,688 into the file of application no. 60/355,055, and to accord application no. 60/355,055 a filing date of January 22, 2002.[1]

The $80 filing fee paid in application no. 60/351,688 will be refunded to petitioner under separate cover.

Application nos. 60/351,688 and 60/355,055 are being forwarded to the Office of Initial Patent Examination for merging the file of application no. 60/351,688 into the file of application no. 60/355,055. Application no. 60/351,688 will no longer be an active serial number. **The filing date of application no. 60/355,055 will also be corrected to January 22, 2002.**

Application no. 10/348,376 is being forwarded to Technology Center 3700 for consideration of the petition to make special, filed April 7, 2003, and to await for applicant's reply to the Notice to File Corrected Application Papers, mailed April 8, 2003.

Telephone inquiries related to this decision should be directed to the Petition Attorney Cliff Congo at (703) 305-0272.

Beverly Flanagan
Supervisory Petitions Examiner
Office of Petitions

---

[1] While normally application no. 60/355,055 would be merged into application no. 60/351,688, nonprovisional application 10/348,376 claimed priority to application no. 60/355,055, not application 60/351,688.

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OFFICE OF PETITIONS

In re Application of
Macauley Duff Kerr
Application No. 60/351,688
Filed: January 22, 2002
Title: GOLF GREEN REPAIR TOOL

In re Application of
Macauley Duff Kerr
Application No. 60/355,055
Filed: February 7, 2002
Title: GOLF GREEN REPAIR TOOL

DECISION GRANTING
PETITION

This is a decision on the paper titled "Petition to the Commissioner to Invoke the Supervisory Authority of the Commissioner Pursuant to 37 CFR § 1.181(a)(3)", filed in nonprovisional application no. 10/348,376 on February 10, 2003, which is being treated as a petition under 37 CFR 1.182 to merge provisional application no. 60/351,688 into provisional application no. 60/355,055, and to accord application no. 60/355,055 a filing date of January 22, 2002.

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

Petitioner requests that provisional application 60/355,055 be accorded a filing date of January 22, 2002 and be refunded the filing fee of $80. As set forth on petition, pro-se applicant filed provisional application no. 60/351,688 via USPS Express Mail No. EE582748745US on January 22, 2002. However, after filing the application, petitioner queried the USPS on February 4, 2002 and learned that the USPS was unable to locate any delivery records. Accordingly, on February 7, 2002, applicant remailed the provisional application papers and the filing fee, together with a letter from the

USPS stating that the application was originally filed by Express Mail on January 22, 2002. These papers were treated as a new provisional application and assigned application no. 60/355,055.

Sometime after February 12, 2002, pro-se applicant received the postcard receipt for application no. 60/351,688, with a USPS date-stamp of January 22, 2002. Thereafter, applicant received a filing receipt for application no. 60/355,055, indicating a filing date of February 7, 2002.

Obviously, pro-se applicant did not intend to file two separate applications. It is appropriate to merge the file of application no. 60/351,688 into the file of application no. 60/355,055, and to accord application no. 60/355,055 a filing date of January 22, 2002.[1]

The $80 filing fee paid in application no. 60/351,688 will be refunded to petitioner under separate cover.

Application nos. 60/351,688 and 60/355,055 are being forwarded to the Office of Initial Patent Examination for merging the file of application no. 60/351,688 into the file of application no. 60/355,055. Application no. 60/351,688 will no longer be an active serial number. **The filing date of application no. 60/355,055 will also be corrected to January 22, 2002.**

Application no. 10/348,376 is being forwarded to Technology Center 3700 for consideration of the petition to make special, filed April 7, 2003, and to await for applicant's reply to the Notice to File Corrected Application Papers, mailed April 8, 2003.

Telephone inquiries related to this decision should be directed to the Petition Attorney Cliff Congo at (703) 305-0272.

Beverly Flanagan
Supervisory Petitions Examiner
Office of Petitions

---

[1] While normally application no. 60/355,055 would be merged into application no. 60/351,688, nonprovisional application 10/348,376 claimed priority to application no. 60/355,055, not application 60/351,688.

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Date: 02/04/2002

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60/355055
012202

Fax Transmission To: MACAULEY KERR
Fax Number: 406-256-8410

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United States Postal Service

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FROM: (PLEASE PRINT) PHONE (406) 252 1208

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Billings, MT 59102

TO: (PLEASE PRINT) PHONE (703) 308 4357

Box Provisional Application
Assistant Commissioner for Patents
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Cashier's Name TONY
Stock Unit Id WINTONY
PO Phone Number 406-657-5746

1. Exp. Mail PO-ADD 12.45
Destination: 20231
Weight: 4.90oz
Postage Type: PVI
Total Cost: 12.45
Base Rate: 12.45
Label#: EE582748745US

Subtotal 12.45
Total 12.45

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/357,563	02/14/2002		160	P04702US0			

CONFIRMATION NO. 3508

CORRECTED FILING RECEIPT

OC000000011761916

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MCKEE, VOORHEES & SEASE, P.L.C.
ATTN: PIONEER HI-BRED
801 GRAND AVENUE, SUITE 3200
DES MOINES, IA 50309-2721

Date Mailed: 01/26/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Dwight T. Thomes, Johnston, IA;
Deping Xu, Johnston, IA;
Haiyin Wang, Johnston, IA;
Xiaomu Niu, Johnston, IA;

If Required, Foreign Filing License Granted: 04/05/2002

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

Non-Publication Request: No

Early Publication Request: No

Title

Methods for large scale functional evaluation of nucleotide sequences in plants

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

GRANTED

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

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

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

NOT GRANTED

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

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JJGJr: 06-05

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OFFICE OF PETITIONS

TRASKBRITT
P.O. Box 2550
Salt Lake City UT 84110

In re Application of	:	
McGee	:	
Application No. 60/364,506	:	NOTICE
Filed: 15 March, 2002	:	
Attorney Docket No. 2020-4411US	:	

This is a notice regarding the request for acceptance of a fee deficiency submission (properly considered under 37 C.F.R. §1.28) filed 28 September, 2004.

The Office regrets the delay in addressing this matter.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 C.F.R. §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.

Your fee deficiency submission under 37 C.F.R. §1.28 hereby is accepted. Accordingly, the petition is **GRANTED**.

This file is released to Files Repository.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3214.

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of
Kenneth D. Rice et al.
Application No. 60/367,300
Filed: July 23, 2003
Attorney Docket No. EX03-035P

DECISION GRANTING PETITION

This is a decision on the petition filed November 10, 2003, requesting that the above-identified provisional application be accorded a filing date of July 23, 2003.

The petition is **GRANTED**.

The application was filed on July 23, 2003, without drawings. Accordingly, on October 6, 2003, the Office of Initial Patent Examination mailed a "Notice of Incomplete Provisional Application" stating that the application had been deposited without drawings.

On November 10, 2003, the present petition was filed. Petitioners argue that drawings are not necessary for an understanding of the subject matter sought to be patented, and request that the application be accorded a filing date of July 23, 2003.

As stated in MPEP § 601.01(f), it is the practice of the PTO to treat a provisional application that contains at least some disclosure of a process or method as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

MPEP § 601.01(f) also states that:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description and the names of all the inventors.

As a review of the official file reveals that the application includes at least one method claim. Therefore, this application contains disclosure relating to a process or method.

In view of the above, the "Notice" mailed October 6, 2003, was mailed in error and is hereby withdrawn.

The application will be processed with only the papers present on filing on July 23, 2003. The drawings supplied with the present petition will not be processed for filing date purposes, but will be retained in the application file.

The application is accorded a filing date of July 23, 2003, without drawings as a part of the original disclosure. The petition fee of $130.00 paid with the present petition will be refunded to counsel's deposit account, No. 50-1108, indicated on the petition.

The application is being returned to the Office of Initial Patent Examination for correction of the filing date to July 23, 2003, and correction of PTO records to show that zero (0) sheets of drawings were present on filing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (703)305-4497.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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Paper No. 4

Terri M. Shieh-Newton
Morrison & Foerster LLP
755 Page Mill Road
Palo Alto CA 94304-1018

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JUL 10 2003

OFFICE OF PETITIONS

In re Application of
Li et al.
Application No. 60/372,277
Filed: April 12, 2002
Attorney Docket No. 415073001500

DECISION ON PETITION

This is a decision on the petition filed July 3, 2003,[1] requesting that the above-identified application be accorded a filing date of April 12, 2002.

On April 12, 2002, applicants filed the above-identified application. However, on May 13, 2002, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s) in a Provisional Application," stating that the application had been accorded a filing date of April 12, 2002, and advising applicants that Figures 5-8 described in the specification appeared to have been omitted.

In response, on July 12, 2002, applicants submitted Figures 5-8 in an unlabeled reply to the Notice. However, applicants did not submit a petition and petition fee to accept the later filing date or file an amendment with Figures 5-8. After receipt of the Figures 5-8, the Office of Initial Patent Examination changed the filing date of the present application to July 12, 2002, the date of receipt of omitted Figures 5-8.

On July 3, 2003, applicants filed the present petition and an authorization to charge the petition fee. In the present petition, applicants admitted that Figures 5-8 were inadvertently omitted during the mailing of the original application papers. Applicants requested that the application be accorded a filing date of April 12, 2002, based on the specification, claims and drawings originally filed. Applicants state that in the event that the submission of Figures 5-8 must be withdrawn from the application in order to accord the present application a filing

---

[1]Applicants also submitted a request for expedited treatment of the present petition and an authorization to charge fee of $130.00. The fee will be charged to Deposit Account No. 03-1952, as authorized by applicants.

date of April 12, 2002, applicants request that those Figures not be considered part of the original disclosure. Applicants further state that it was not their intention to accept a later filing date with Figures 5-8 as part of the original disclosure.

As applicants admitted, Figures 5-8 were not present on April 12, 2002, the date the application was filed. For this reason, the application cannot be accorded the filing date of April 12, 2002, with the drawings of Figures 5-8 as a part of the original disclosure. Figures 5-8, submitted on July 12, 2002, will not be entered.

Accordingly, the petition is granted to the extent that the application will be accorded a filing date of April 12, 2002, without Figures 5-8.

The drawings containing Figures 5-8, filed on July 12, 2002, are withdrawn and will not be entered. No petition fee will be charged.

The application file is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of **April 12, 2002**, using the drawing sheets containing Figures 1-4 that were filed on that date, and indicating in the Office records that four (4) sheet of drawings were present on filing.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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Paper No. 4

David G. Perry
Office Of Technology Transfer; Univ. of Arizona
Babcock Bldg., 3205
1717 E. Speedway Blvd.
Tucson AZ 85721-0151

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OFFICE OF PETITIONS

In re Application of
Gong, et al.
Application No. 60/372,842
Filed: April 17, 2002
Attorney Docket No. US 02-078

DECISION DISMISSING PETITION

This is a decision on the petition entitled, "RESPONSE TO NOTICE OF INCOMPLETE PROVISIONAL APPLICATION & PETITION OF ENTITLEMENT TO INITIAL FILING DATE,", filed July 23, 2002, requesting, in effect, withdrawal of the Notice of Incomplete Provisional Application (Notice), filed May 24, 2002 . The petition will be treated under 37 CFR 1.53(e).

The application was deposited on April 17, 2002. On May 24, 2002, the Office of Initial Patent Examination mailed a Notice informing petitioners that no filing date had been accorded because no drawings were present on filing.

In response to the Notice, petitioners timely filed the present petition. Petitioners request that the application be accorded a filing date of April 17, 2002 because they assert "the required items were submitted... at the time of the initial filing."

The Office file is the official record of what was mailed by Express Mail or filed on April 17, 2002. An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence. In this regard, declarations by individuals involved in the preparation and mailing of the original application reciting their personal recollection or belief of what was contained in the application that they reviewed and/or mailed are no more persuasive of what was actually mailed than the contents of the official record. Such declarations, as in this case, are usually made months after the actual events recited. In this case, the statement found in the petition was made more three (3) months after the application was actually mailed.

It is for this reason that the Office has established a practice of providing a receipt for papers filed in the Office to any applicant desiring a receipt. The practice, which was long ago established and is well publicized, requires that any paper for which a receipt is desired be filed in the Office with a self-addressed postcard identifying the paper. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the Office of all the items listed thereon on the date stamped thereon by the Office. See section 503, Manual Of Patent Examining Procedure (MPEP 503).

Petitioners are strongly urged to submit their date stamped return receipt postcard.

However, petitioners have an option besides the postcard receipt route to obtain an April 17, 2002 filing date. Petitioners should consider whether drawings are necessary to for the understanding of the invention. If petitioners determine that they are not necessary, petitioners should assert this fact in a renewed petition. If the renewed petition is granted, a filing date of April 17, 2002 will be assigned to the papers filed on April 17, 2002.

Pursuant to petitioners' authorization, deposit account no. 50-0884 will be charged the $130.00 petition fee.

The application is being returned to Office of Initial Patent Examination for further processing. The application has not been accorded a filing date.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

E Shirene Willis

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 3

Leonard C. Mitchard
NIXON & VANDERHYE P.C.
8th Floor
1100 North Glebe Road
Arlington VA 22201

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In re Application of
Martin, et al.
Application No. 60/375,012
Filed: April 25, 2002
Attorney Docket No. 604-634
For: CANNABINOIDS

DECISION GRANTING
PETITION

This is a decision on the petition, filed June 14, 2002, requesting, in effect, withdrawal of the Notice of Incomplete Provisional Application (Notice) . The petition will be treated under 37 CFR 1.53(e).

The application was deposited on April 25, 2002. On June 3, 2002, the Office of Initial Patent Examination mailed a Notice informing petitioners that the application had not been accorded a filing date because it was deposited without drawings.

In response to the Notice, petitioners timely filed the present petition on June 14, 2002. Petitioners request an April 25, 2002 filing date on the basis that a drawing was received in the Patent and Trademark Office (PTO) on April 25, 2002. In support, the petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination date stamp citing April 25, 2002 as the date of receipt.

The postcard lists, inter alia, 1 sheet of drawings. The itemized return postcard receipt constitutes *prima facie* evidence that 1 sheet of drawings was filed on April 25, 2002. MPEP 503. In addition, a review of the application file reveals that 1 sheet of drawings is present. Accordingly, the request is granted.

No fee has been or will be charged in connection with this matter.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **April 25, 2002**. Office records will be corrected to show that 1 sheet of drawings were present on filing. The Office of Initial Patent Examination will mail a corrected filing receipt.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

E. Shirene Willis
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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Paper No. 16

Dominique de Ziegler
22 Chemin des Mollies
Bellevue 1293 CH SWITZERLAND

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AUG 20 2003
OFFICE OF PETITIONS

In re Application of :
Dominique de Ziegler :
Application No. 60/378,640 :
Filed: May 9, 2002 :
Attorney Docket No. :
81827-4088 :

This is a decision in response to the petition under 37 CFR 1.137(b), filed August 5, 2003, to revive the above-identified application.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Provisional Application (hereinafter "Notice"), mailed June 12, 2002. The Notice required, *inter alia*, an application cover sheet or an application data sheet, identifying the city and state or city and foreign country of all inventors. The Notice set a two (2) month period for reply from the mail date of the Notice, and also provided for extensions of time under 37 CFR 1.136(a). No extensions of time having been obtained, the application became abandoned on August 13, 2002. A Notice of Abandonment was mailed on July 14, 2003.

With the instant petition, Petitioner has submitted the necessary documents and fees 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. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.

The application will be returned to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 305-0014.

Derek L. Woods
Petitions Attorney
Office of Petitions

Cc: WINSTON & STRAWN
200 PARK AVENUE
NEW YORK, NY 10166

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Paper No. 5

MCDONNELL BOEHNEN HULBERT & BERGHOFF
300 SOUTH WACKER DRIVE
SUITE 3200
CHICAGO, IL 60606

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OFFICE OF PETITIONS

In re Application of :
Gailunas et al. : DECISION ON PETITION
Application No. 60/380,574
Filed: December 21, 2001 :
Attorney Docket No. 01-1733-B :

This is a decision on the "Petition to Commissioner" filed May 27, 2003, requesting a corrected filing receipt showing a filing date of December 21, 2001. This petition is considered in light of the resubmission of the application papers on May 14, 2002 and the previous requests for corrected filing receipt filed August 6, 2002 and March 27, 2003. This petition is properly treated pursuant to 37 CFR 1.10(e)[1].

It is noted that a "LETTER OF RE-SUBMISSION" was filed on May 14, 2002, with a copy of the application as purportedly filed on December 21, 2001, a copy of the United States Postal Service (USPS) track and confirm record for the relevant Express Mail mailing, and a request therein that the papers be given the original filing date of December 21, 2001[2]. The papers filed on May 14, 2002, however, were processed by the Patent and Trademark Office as a new provisional application, assigned application No. 60/380,574, and accorded a May 14, 2002 filing date without regard to the request for the earlier filing date.

Consideration now turns on whether the papers resubmitted on May 14, 2002, are entitled to a filing date of December 21, 2001. In essence, petitioners allege that the original application papers were deposited in Express Mail service on December 21, 2001, in

---

[1] These papers were recently forwarded for consideration to the undersigned. It is noted that in the months following the tragic events of September 11, 2001, and the anthrax related-mail problems of the period, the Office instituted revised policies for dealing with the filing of duplicates of lost applications. However, petitioner is advised that such requests are not effectuated by either filing a letter of resubmission or a request for a corrected filing receipt. Rather, applicants are required to file a petition under 37 CFR § 1.10(e) directed to the Office of Petitions at "Mail Stop Petitions."

[2] The letter of resubmission states that an Express Mail Confirmation dated December 21, 2001 and a postcard are among the papers being submitted March 14, 2002. However, these items are not present in the application file.

accordance with the procedures set forth in 37 CFR 1.10 and thus, are entitled to the date of deposit in Express Mail service as their filing date. In support thereof, petitioners have supplied *inter alia* a copy of the provisional application as originally filed, including the provisional application cover sheet showing the "Express Mail" mailing label No. EL604657200US thereon; a copy of "Express Mail" mailing label No. EL604657200US showing a "date-in" of December 21, 2001; and the USPS track and confirm record showing that the relevant Express Mail item was accepted at 4:46 pm on December 21, 2001. Further, the petition which is signed by registered practitioner Stephen H. Docter, states that the provisional application papers filed May 14, 2002 are resubmissions of the papers originally filed December 21, 2001.

37 C.F.R. § 1.10(e) provides that:

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 Commissioner 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 Commissioner, 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.

The Office has no evidence of receipt of the papers as originally filed on December 21, 2001. The petition filed May 27, 2003 is considered filed promptly in light of the prior requests for

corrected filing receipt. The number of the "Express Mail" mailing label was placed on the provisional application cover sheet, which specifically itemizes the application papers being filed therewith. The petition includes the papers required under § 1.10(e)(3) discussed herein.

Moreover, these papers have been reviewed and found persuasive that this provisional application is entitled to a filing date of December 21, 2001. The "Express Mail" mail log submitted does not reference the relevant "Express Mail" item, and thus, is given no weight. Nonetheless, the "date-in" on the copy of the "Express Mail" mailing label submitted is December 21, 2001. The USPS track and confirm record is corroborative, stating that the "Express Mail" item was accepted on December 21, 2001. Practitioner Stephen H. Docter has made statements sufficient to satisfy § 1.10(e)(4).

In view thereof, the petition under § 1.10(e) is **GRANTED**.

No petition fee is required for consideration under § 1.10(e). The fee ($130) submitted has been refunded to Deposit Account No. 13-2490, as authorized.

The provisional application file (including 165 pages of specification resupplied on May 14, 2002) is being forwarded to the Office of Initial Patent Examination for **correction of the filing date to December 21, 2001** and **issuance of a corrected filing receipt**.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-0309.

Nancy Johnson
Petitions Attorney
Office of Petitions

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Paper No. 5

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OCT 17 2003

OFFICE OF PETITIONS

In re Application of	:	
Alireza Gharavi and Haythem	:	
Saadeh	:	
Application No. 60/380,581	:	CORRECTED DECISION ON
Filed: May 14, 2002	:	PETITION
Attorney Docket No.: 29634/38404/US	:	
Title: WATER-SOLUBLE POLYIMIDES	:	

This is a corrected decision on the petition filed July 1, 2003, entitled "Renewed Petition under 37 C.F.R. §1.182", which is properly treated as a petition under 37 C.F.R. §1.10, requesting that application number 60/380,581 be accorded a filing date of May 16, 2002.

On August 8, 2003, a decision was mailed which set forth:

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of May 16, 2002, as well as the mailing of a corrected filing receipt.

The decision should have indicated that the filing date would be changed to May *15*, 2002.

As such, the application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of May 15, 2002, as well as the mailing of a corrected filing receipt.

Any inquiries related to this decision should be directed to Attorney Paul Shanoski at (703) 305-0011.

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
United States Patent and Trademark Office

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Paper No. 3

Mark H. Hopkins
MARSHALL, GERSTEIN & BORUN
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Chicago IL 60606-6357

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OFFICE OF PETITIONS

In re Application of	:	
Alireza Gharavi and Haythem	:	
Saadeh	:	
Application No. 60/380,581	:	DECISION ON PETITION
Filed: May 14, 2002	:	
Attorney Docket No.: 29634/38404/US	:	
Title: WATER-SOLUBLE POLYIMIDES	:	

This is a decision on the petition filed July 1, 2003, entitled "Renewed Petition under 37 C.F.R. §1.182", which is properly treated as a petition under 37 C.F.R. §1.10, requesting that application number 60/380,581 be accorded a filing date of May 16, 2002.

On June 19, 2002, the Office of Initial Patent Examination (OIPE) mailed a Filing Receipt, stating that the application had been accorded a filing date of May 14, 2002.

In response, on May 27, 2003, petitioner filed a Request for Issuance of a Corrected Filing Receipt, stating that the filign receipt and the return postcard both contained the incorrect filing date. Petitioner asserted that the correct date was May 15, 2002, and included a copy of the cover sheet originally submitted with the application (which contained a certificate of mailing dated May 15, 2002), a return postcard (which was date stamped May 14, 2002 and Petitioner wrote "5/15/02 at the top," and a confirmation of overnight delivery on May 16, 2002. On June 12, 2003, the Office mailed a response which indicated that Petitioner's request was not granted, as he failed to include a copy of the Express mail label with his request.

With the instant petition, petitioner has labeled his letter as a "Renewed Petition under 37 C.F.R. 1.182," has stated that the Express Mail label cannot be located, and has requested that the Office

"treat the filing as a 37 C.F.R. §1.8 filing and assign the filing date of May 16, 2002 in the above-identified application[1]."

With the request for a corrected filing receipt, petitioner submitted a "Provisional Application for Patent Cover Sheet," which clearly contains a certificate of mailing dated May 15, 2002. Petitioner has also included a letter from the United States Postal Service (USPS) which contains the same Express Mail number as that found on the cover sheet included on filing, and states that the item was delivered on May 16, 2003.

37 C.F.R. §1.8 sets forth, in part:

> § 1.8 Certificate of mailing or transmission.
> (a) Except in the cases enumerated in paragraph (a)(2) of this section, correspondence required to be filed in the Patent and Trademark Office within a set period of time will be considered as being timely filed if the procedure described in this section is followed. The actual date of receipt will be used for all other purposes.
> (1) Correspondence will be considered as being timely filed if:
> (i) The correspondence is mailed or transmitted prior to expiration of the set period of time by being:
> (A) Addressed as set out in § 1.1(a) and deposited with the U.S. Postal Service with sufficient postage as first class mail; or
> (B) Transmitted by facsimile to the Patent and Trademark Office in accordance with § 1.6(d); and
> (ii) The correspondence includes a certificate for each piece of correspondence stating the date of deposit or transmission. The person signing the certificate should have reasonable basis to expect that the correspondence would be mailed or transmitted on or before the date indicated.
> (2) <u>The procedure described in paragraph (a)(1) of this section does not apply to, and no benefit will be given to a Certificate of Mailing or Transmission on, the following</u>:
> (i) Relative to Patents and Patent Applications —
> (A) <u>The filing of a national patent application specification and drawing or other correspondence for the purpose of obtaining an application filing date</u>, including a request for a continued prosecution application under §1.53(d);
>
> [41 FR 43721, Oct. 4, 1976; 43 FR 20461, May 11, 1978; para. (a). 47 FR 47381, Oct. 26, 1982, effective Oct. 26, 1982; para. (a),48 FR 2708, Jan. 20, 1983; para. (a) 49 FR 48416, Dec. 12, 1984, effective Feb. 11, 1985; para. (a), 49 FR 5171, Feb. 6, 1985, effective Mar. 8, 1985; 52 FR 20046, May 28, 1987; subparas. (a)(2)(xiv)-(xvi), 54 FR 37588, Sept. 11, 1989, effective Nov. 16, 1989; revised, 58 FR 54494, Oct. 22, 1993, effective Nov. 22, 1993; para. (a) revised, 61 FR 56439, Nov. 1, 1996, effective Dec. 2, 1996; paras. (a)(2)(i)(A) & (b) revised; 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (a)(2)(i)(F) revised, 67 FR 520, Jan. 4, 2002, effective Apr. 1, 2002]

37 C.F.R. §1.10 sets forth, in part:

---

1 This petition is properly treated as a petition under 37 C.F.R. §1.10. As such, the appropriate fee of $130 has been charged to petitioner's Deposit Account, as requested in the petition.

§ 1.10 Filing of correspondence by "Express Mail."

(a)

(1) Any correspondence received by the U.S. Patent and Trademark Office (USPTO) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) will be considered filed with the USPTO on the date of deposit with the USPS, except for documents described in the following paragraphs (a)(1)(i) and (ii) of this section:

(2) The date of deposit with USPS is shown by the "date in" on the "Express Mail" label or other official USPS notation. If the USPS deposit date cannot be determined, the correspondence will be accorded the USPTO receipt date as the filing date. See § 1.6(a).

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

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;

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

(3) The petition includes a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

The Provisional Application was filed for the purpose of obtaining an application filing Date. As such, pursuant to 37 C.F.R. §1.8(2)(i)(A), no benefit will be given to the Certificate of Mailing. As such, petitioner's request for the filing to be treated as a 37 C.F.R. §1.8 filing cannot be granted.

However, since the petition has been treated as a petition under 37 C.F.R. §1.10, the letter from the USPS serves as a corroboration pursuant to 37 C.F.R. §1.10(d)(3) that the application was deposited with the Office on May 16, 2003.

Accordingly, the petition is **GRANTED**.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of May 16, 2002, as well as the mailing of a corrected filing receipt.

Any inquiries related to this decision should be directed to Attorney Paul Shanoski at (703) 305-0011.

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
United States Patent and Trademark Office

USPTO's USPS Express Mail Information Database

EXPRESS MAIL
UNITED STATES POSTAL SERVICE

Express Mail Number: **EV027097983US**

Origin ZIP: 60604

Weight: 00 lbs. 05 ozs.

Postage Paid: $012.45

Date and Time* Package was accepted by USPS:	05/15/2002	04:00 pm
Attempted Delivery Date and Time:	//	
Actual Delivery Date and Time:	05/16/2002	11:07 am

***Also referred to as "Date In"**

Print Record | Preview Report | Print Report | Back

Wednesday, October 01, 2003 01:09 PM

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

John M. Harrington, Esquire
Kilpatrick Stockton LLP
1001 West Fourth Street
Winston-Salem NC 27101-2400

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NOV 2 4 2004

OFFICE OF PETITIONS

In re Application of
Ferentinos et al.
Application No. 60/384,965
Filed: June 3, 2002
For: TWO STAGE ROTARY SCREW FLUID COMPRESSOR

: ON PETITION

This is a decision on the petition filed November 4, 2002, which is being treated as a petition under 37 CFR 1.183 requesting suspension of the requirements of 37 CFR 1.59(a) such that the originally filed appendix be expunged from this file.

The petition is **granted.**

The petition asserts that the appendix contains trade secret and proprietary material and may be removed en masse. Petitioner further asserts the information is not material within the meaning of 37 CFR 1.56 and is not material to patentability.

It is agreed that it would be in the interests of justice to close the appendix entry in this file, and also remove such from the listing of publicly available documents for this Image File Wrapper (IFW). In a paper file the page(s) or document would have been physically removed from the file wrapper; in the IFW realm the corresponding action(s) is to close the document and also remove such from the listing of "Public[ly available] Documents."

It is expected that petitioner will maintain the material during the enforceable life of any ensuing patent claiming benefit of this application.

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

Brian Hearn

Brian Hearn
Senior Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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

September 6, 2002

Seed Intellectual Property Law Group PLLC
701 Fifth Avenue, Suite 6300
Seattle, WA 98104-7092

In re Application of:
Charles Stone
Application No.: 09/940690
Filed: August 27, 2001
Attorney Docket: 130109.433

DECISION ON PETITION

This is a decision on your petition received in the Patent and Trademark Office on July 15, 2002, and treated as a petition under 37 CFR 1.53(b)(2)(ii) to convert the above identified application to a Provisional application under 35 U.S.C. 111 (b) and 37 CFR 1.53(b)(2).

The petition is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a Provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(b)(2), including the assignment of a new Provisional application number.

The Provisional application serial number is **60/386205**. The filing receipt for the Provisional application number will be communicated to applicant by OIPE in due course.

John Dill, Lead Legal Instruments Examiner
Office of Initial Patent Examination
(703) 308-0910

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 OR 371(c) DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
60/389,080	06/14/2002	Rodney L. Burton	4047.004	2275

34758 7590 01/21/2004

JACK SHORE
MUCH SHELIST FREED DENENBERG AMENT&RUBENSTEIN,PC
191 N. WACKER DRIVE
SUITE 1800
CHICAGO, IL 60606-1615

EXAMINER

ART UNIT	PAPER NUMBER

DATE MAILED: 01/21/2004

This is in response to the petition filed Jan 05, 2004, under 37 CFR 5.4 for recission of the Secrecy Order.

Upon recommendation of Sponsoring Defense Agency, the petition is DENIED.

attached

Petition No. 13,138

Director
Special Laws Administration

DEPARTMENT OF THE AIR FORCE
AIR FORCE MATERIEL COMMAND LAW OFFICE (AFMC)
WRIGHT-PATTERSON AIR FORCE BASE OHIO

21 January 2004

MEMORANDUM FOR COMMISSIONER OF PATENTS
U.S. PATENT AND TRADEMARK OFFICE
ATTN: LICENSING AND REVIEW
P.O. BOX 1450
ALEXANDRIA VA 22313-1450

FROM: **AFMCLO/JAZ**
2240 B St Rm 100
Wright Patterson AFB OH 45433-7109

SUBJECT: Petition No. 13,138 (Patent Application S/N 60/389,080 and 10/457,659)

1. The Air Force recommends that the petition by applicant for rescission of the Secrecy Order on patent applications 60/389,080 and 10/457,659 be DENIED.

2. The invention described in the applications was developed under contract with the Air Force. Review of the applications indicates that they disclose significant improvements over what is described in US Patents 6,295,804 and 5,924,278.

3. Justification for the Type I secrecy order (DoD Property Interest) is as follows: ITAR, 22 CFR, Section 121 – The US Munitions List, Part 121.1 General Category 15 (Spacecraft Systems and Associated Equipment).

4. If you have any questions or need additional information, please call me at (937) 255-2838.

Thomas L. Kundert

THOMAS L. KUNDERT
Director of Intellectual Property Law

AIR FORCE MATERIEL COMMAND LAW OFFICE
FAX TRANSMISSION SHEET

****

Pamela J. Mills
DIRECTORATE OF INTELLECTUAL PROPERTY LAW
AFMC LO/JAZI
Building 11
2240 B Street Suite 5
Wright-Patterson AFB OH 45433-7109

COM: (937) 255-5055, ext. 262 FAX: (937) 255-9318

TO: Patent & Trademark Office
Attn: Katie Osborne

Telephone: (703) 305-0235
Fax: (703) 305-6384

NUMBER OF PAGES TRANSMITTED INCLUDING COVER PAGE: (3)

MATERIAL TRANSMITTED: Mr. Kundert's letter denying the applicants petition to rescind the secrecy orders on patent applications 60/389,080 and 10/457,659 inventor Burton and our ltr. dated 2 September 03 recommending secrecy order for 10/457,659.

COMMENT: Katie,

I am re-sending Janice's ltr. dated 2 September 03, requesting secrecy order for 10/457,659, since we have not received notice that the secrecy order has issued and to make sure the secrecy order does issue. The secrecy order for 60/389,080 issued 10-23-03, so it is still active. Originals were mailed.

Sincerely,
Pam

****

THIS FACSIMILE CONTAINS PRIVILEGED INFORMATION INTENDED ONLY FOR THE USE OF THE ADDRESSEE(S) NAMED ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT OF THIS FACSIMILE, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY COPYING OF THIS FACSIMILE, OR USE OR DISSEMINATION OF THE INFORMATION IN IT IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS FACSIMILE IN ERROR, PLEASE IMMEDIATELY NOTIFY THE SENDER BY TELEPHONE AND RETURN THE ORIGINAL FACSIMILE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE.

ADDITIONALLY, AIR FORCE INSTRUCTION NO. 33-219 DIRECTS THE MANDATORY USE OF FACSIMILE COVER SHEETS WITH THE FOLLOWING NOTICE AND CONSENT STATEMENT: "DO NOT TRANSMIT CLASSIFIED INFORMATION OVER UNSECURED TELECOMMUNICATIONS SYSTEMS. OFFICIAL DOD TELECOMMUNICATIONS SYSTEMS ARE SUBJECT TO MONITORING. USE OF DOD TELECOMMUNICATIONS SYSTEMS CONSTITUTES CONSENT TO MONITORING."

SENDER: PJM____
DATE: 01/21/04

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 4

JOHN V. DANILUCK
WOODARD, EMHARDT, NAUGHTON, MORIARTY & MCNETT
BANK ONE CENTER/TOWER, SUITE 3700
111 MONUMENT CIRCLE
INDIANAPOLIS, IN 46204-5137

COPY MAILED

SEP 0 3 2003

OFFICE OF PETITIONS

In re Application of	:	
Edelman, et al.	:	
Application No. 60/389,193	:	ON PETITION
Filed: June 17, 2002	:	
Attorney Docket No. 3046-235	:	

This is a decision on the petition filed June 16, 2003, requesting that the above-identified provisional application be accorded a filing date of June 17, 2002, including one (1) sheet of drawings containing Figures 23A - 23E as described in the specification.

The provisional application was filed on June 17, 2002. However, on July 15, 2002, the Office of Initial Patent Application (OIPE) mailed a "Notice of Omitted Items" (Notice) that stated the application had been accorded a filing date, and that Figures 23A - 23E as described in the specification appear to have been omitted.

In response, on September 6, 2002, one (1) sheet of drawings containing Figures 23A - 23E as described in the specification, was submitted. On September 19, 2002, OIPE mailed an updated filing receipt that indicated a new filing date of September 6, 2002. On June 16, 2003, the instant petition was filed.

Petitioner states that the drawings were "inadvertently omitted from the application." However, petitioner asserts the one (1) sheet of drawings containing Figures 23A - 23E as described in the specification, was incorporated by reference by way of the

specification submitted with the application papers on June 17, 2002.[1]

Regarding the filing date, the petition is granted. For provisional applications, the option to take the later filing date, i.e. the date of submission of the omitted pages(s) or drawing(s), is not available. As such, the filing date should not have been changed to September 6, 2002. Furthermore, please note MPEP 601.01(d), page 600-13, left-hand column, (August 2001), which states, "[l]ikewise, in view of the relatively low filing fee for provisional applications, and the USPTO's desire to minimize the processing of provisional applications, the USPTO will not grant petitions under 37 CFR 1.182 to accept omitted page(s) or drawing(s) and accord an application filing date as of the date of submission in provisional applications. The applicant should simply file a new completed provisional application."

Regarding the incorporation by reference of Figures 23A - 23E, the petition is dismissed. Where a **nonprovisional** application is entitled to a filing date, the applicant must file an amendment to add the omitted material that has been incorporated by reference and the Office will **dismiss** a petition requesting that the omitted material be included in the application See MPEP 201.06(c), INCORPORATION BY REFERENCE, B. Application Entitled to a Filing Date. However, the Office does not enter amendments in provisional applications. See 37 CFR 1.121(k) and MPEP 601.01(b). While the omitted figures may be considered as being incorporated by reference into the provisional application, those figures are not physically included in the provisional application and will not be entered in the provisional application, although the figures may be placed in the application file.

The $130.00 petition has not been charged for the petition filed June 16, 2003.

This application will be returned to OIPE for further processing with a filing date of June 17, 2002, and Figures 23A - 23E, submitted with the petition will be placed in the application file.

---

[1] Petitioner states: "Figures 23A-23E are shown on drawing sheet 17 of U.S. Patent No. 6,216,423."

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 306-9200.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/389,515	06/19/2002	Richard Kounai Chang	ARL 01-34

CONFIRMATION NO.

OC000000009978284

Carolyn P. Bourget
Army Research Laboratory
Intellectual Property Law Branch
2800 Powder Mill Road
Adelphi, MD 20783-1197

Date Mailed: 05/07/2003

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **03/10/2003,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **10/360,767.** The filing receipt for the non-provisional application number will be mailed to the applicant by OIPE in due course.

JANICE L. TIRPETT
Office of Initial Patent Examination
(703) 308-0910

PART 2 - OFFICE COPY

UNITED STATES 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. 2

DR. RON JACOBS
LUMEN INTELLECTUAL PROPERTY SERVICES
2345 YALE STREET, 2ND FLOOR
PALO ALTO, CA 94306

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JUL 20 2005

OFFICE OF PETITIONS

In re Application of	:	
Blumenkranz et al.	:	
Application No. 60/390,060	:	ON PETITION
Filed: June 18, 2002	:	
Attorney Docket No. S02-031/PROV	:	

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 the undersigned at (571) 272-3282.

This file is being forwarded to the Files Repository.

Liana Chase
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. None

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FEB 09 2006

OFFICE OF PETITIONS

Jason D. Shanske
Iandiorio & Teska
260 Bear Hill Road
Waltham MA 02451-1018

In re Application of	:	
Richard Martorana	:	
Application No. 60/391,549	:	DECISION ON RENEWED PETITIONS
Filed: June 25, 2002	:	UNDER 37 C.F.R. §§ 1.59 and
Attorney Docket Number: DR-353J	:	1.183
Title: HIGH ACCURACY DRILLHEAD	:	
NAVIGATION SYSTEM	:	

This is a decision on the renewed petitions concurrently filed September 19, 2005, pursuant to 37 C.F.R. §1.59 and §1.183, requesting that information that is not forming part of the original disclosure be expunged, and 37 C.F.R. §1.59(b) be waived so that information forming part of the original disclosure may be expunged.

The application was filed on June 25, 2002. The following materials were provided on filing:

- A two page Provisional Application for Patent Cover Sheet
- A 7 page specification, with each page entitled "Invention Record."

Petitioner has set forth that "the documents submitted unintentionally included a proprietary two (2) page 'Invention Record' in addition to the specification for the provisional application[1]." Petitioner wishes to have these two pages

1 Original petition, page 1.

expunged, along with "the first sentence of the specification[2]..."

37 C.F.R. §1.59 sets forth:

§ 1.59 Expungement of information or copy of papers in application file.
(a)
(1) Information in an application will not be expunged, except as provided in paragraph (b) of this section.
(2) Information forming part of the original disclosure (i.e., written specification including the claims, drawings, and any preliminary amendment specifically incorporated into an executed oath or declaration under §§ 1.63 and 1.175) will not be expunged from the application file.
(b) An applicant may request that the Office expunge information, other than what is excluded by paragraph (a)(2) of this section, by filing a petition under this paragraph. Any petition to expunge information from an application must include the fee set forth in § 1.17(h) and establish to the satisfaction of the Director that the expungement of the information is appropriate in which case a notice granting the petition for expungement will be provided.
(c) Upon request by an applicant and payment of the fee specified in § 1.19(b), the Office will furnish copies of an application, unless the application has been disposed of (see §§ 1.53(e), (f) and (g)). The Office cannot provide or certify copies of an application that has been disposed of.

[48 FR 2710, Jan. 20, 1983, effective Feb. 27, 1983; 49 FR 554, Jan. 4, 1984, effective Apr. 1, 1984; 49 FR 48416, Dec. 12, 1984, effective Feb. 11, 1985; 50 FR 23123, May 31, 1985, effective Feb. 11, 1985; revised, 60 FR 20195, Apr. 25, 1995, effective June 8, 1995; revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (b) revised, 65 FR 54604, Sept. 8, 2000, effective Nov. 7, 2000; para. (b) revised, 68 FR 14332, Mar. 25, 2003, effective May 1, 2003; revised, 68 FR 38611, June 30, 2003, effective July 30, 2003]

The original petition was submitted on November 22, 2004, and was dismissed via the mailing of a decision on September 7, 2005, for failure to provide the Office with a specification which can be substituted for that which was submitted on filing.

With this renewed petition, a 5-page substitute specification has been provided.

Petitioner will note that the second page of the previous decision contains the following information:

Any reply must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. §§ 1.183 and 1.59" and <u>should include a substitute specification less the offending material, along with an attestation, signed over Petitioner's registration number that the submission is an exact copy of that which was provided on filing, less the offending material</u> (emphasis added). This is not a final agency action within the meaning of 5 U.S.C 704.

---

2 Id. at 2.

With this renewed petition, Petitioner has included a substitute specification less the offending material, but he has not provided an attestation, signed over his registration number, that the submission is an exact copy of that which was provided on filing, less the offending material

As such, the petitions must be **DISMISSED**.

Any reply must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a cover letter entitled "Second Renewed Petition Under 37 C.F.R. §§ 1.183 and 1.59" and should include a substitute specification less the offending material, along with an attestation, signed over Petitioner's registration number that the submission is an exact copy of that which was provided on filing, less the offending material. 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.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. Two

Jason D. Shanske
Iandiorio & Teska
260 Bear Hill Road
Waltham MA 02451-1018

COPY MAILED
SEP 0 7 2005
OFFICE OF PETITIONS

In re Application of	:	
Richard Martorana	:	
Application No. 60/391,549	:	DECISION ON PETITIONS UNDER
Filed: June 25, 2002	:	37 C.F.R. §§ 1.59 and 1.183
Attorney Docket Number: DR-353J	:	
Title: HIGH ACCURACY DRILLHEAD	:	
NAVIGATION SYSTEM	:	

This is a decision on the petitions concurrently filed November 22, 2004, pursuant to 37 C.F.R. §1.59 and §1.183, requesting that information that is not forming part of the original disclosure be expunged, and 37 C.F.R. §1.59(b) be waived so that information forming part of the original disclosure may be expunged.

The application was filed on June 25, 2002. The following materials were provided on filing:

- A two page Provisional Application for Patent Cover Sheet
- A 7 page specification, with each page entitled "Invention Record."

Petitioner has set forth that "the documents submitted unintentionally included a proprietary two (2) page 'Invention Record' in addition to the specification for the provisional application[1]." Petitioner wishes to have these two pages expunged, along with "the first sentence of the specification[2]..."

1 Petition, page 1.
2 Id. at 2.

37 C.F.R. §1.59 sets forth:

§ 1.59 Expungement of information or copy of papers in application file.
(a)
(1) Information in an application will not be expunged, except as provided in paragraph (b) of this section.
(2) Information forming part of the original disclosure (i.e., written specification including the claims, drawings, and any preliminary amendment specifically incorporated into an executed oath or declaration under §§ 1.63 and 1.175) will not be expunged from the application file.
(b) An applicant may request that the Office expunge information, other than what is excluded by paragraph (a)(2) of this section, by filing a petition under this paragraph. Any petition to expunge information from an application must include the fee set forth in § 1.17(h) and establish to the satisfaction of the Director that the expungement of the information is appropriate in which case a notice granting the petition for expungement will be provided.
(c) Upon request by an applicant and payment of the fee specified in § 1.19(b), the Office will furnish copies of an application, unless the application has been disposed of (see §§ 1.53(e), (f) and (g)). The Office cannot provide or certify copies of an application that has been disposed of.

[48 FR 2710, Jan. 20, 1983, effective Feb. 27, 1983; 49 FR 554, Jan. 4, 1984, effective Apr. 1, 1984; 49 FR 48416, Dec. 12, 1984, effective Feb. 11, 1985; 50 FR 23123, May 31, 1985, effective Feb. 11, 1985; revised, 60 FR 20195, Apr. 25, 1995, effective June 8, 1995; revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (b) revised, 65 FR 54604, Sept. 8, 2000, effective Nov. 7, 2000; para. (b) revised, 68 FR 14332, Mar. 25, 2003, effective May 1, 2003; revised, 68 FR 38611, June 30, 2003, effective July 30, 2003]

Petitioner has submitted both petition fees, but he has not provided a specification which can be substituted for that which was submitted on filing.

As such, the petitions must be **DISMISSED**.

Any reply must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. §§ 1.183 and 1.59" and should include a substitute specification less the offending material, along with an attestation, signed over Petitioner's registration number that the submission is an exact copy of that which was provided on filing, less the offending material. 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.

Any renewed petition may be submitted by mail[3], hand-delivery[4], or facsimile[5].

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

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

3 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
4 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
5 (571) 273-8300- please note this is a central facsimile number. On July 15, 2005, the Central FAX Number changed to (571) 273-8300. To give customers time to adjust to the new Central FAX Number, faxes sent to the old number (703-872-9306) will be routed to the new number until September 15, 2005.

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ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. None

Jason D. Shanske
Iandiorio & Teska
260 Bear Hill Road
Waltham MA 02451-1018

COPY MAILED

SEP 15 2006

OFFICE OF PETITIONS

In re Application of	:	
Richard Martorana	:	
Application No. 60/391,549	:	DECISION ON SECOND RENEWED
Filed: June 25, 2002	:	PETITIONS UNDER
Attorney Docket Number: DR-353J	:	37 C.F.R. §§1.59 AND 1.183
Title: HIGH ACCURACY DRILLHEAD	:	
NAVIGATION SYSTEM	:	

This is a decision on the second renewed petitions concurrently filed February 23, 2006, pursuant to 37 C.F.R. §1.183, requesting that 37 C.F.R. §1.59(a)(2) be waived so that information forming part of the original disclosure may be expunged, and 37 C.F.R. §1.59, requesting that information forming part of the original disclosure be expunged.

The petition under 37 C.F.R. §1.183 requesting waiver of 37 C.F.R. §1.59(a)(2):

37 C.F.R. § 1.183 sets forth, in toto:

> In an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Commissioner or the Commissioner's designee, sua sponte, or on petition of the interested party, subject to such other requirements as may be imposed. Any petition under this section must be accompanied by the petition fee set forth in § 1.17(h).

[47 FR 41278, Sept. 17, 1982, effective Oct. 1, 1982]

37 C.F.R. §1.183 provides a mechanism by which petitioners who are facing extraordinary situations may seek to have the requirements of the regulations suspended. In order to submit a grantable petition under 37 CFR §1.183, Petitioner must show (1) that this is an extraordinary situation where (2) justice requires waiver of the rule[1].

Petitioner has submitted the petition fee associated with the filing of a petition under 37 CFR §1.183, and has established that he is presently facing an extraordinary situation where justice requires waiver of the rule.

As such, the petition under 37 C.F.R. §1.183 is **GRANTED**. Rule §1.59(a)(2) will be waived.

The petition under C.F.R. §1.59:

37 C.F.R. §1.59 sets forth, *in toto*:

§ 1.59 Expungement of information or copy of papers in application file.
(a)
(1) Information in an application will not be expunged, except as provided in paragraph (b) of this section.
(2) Information forming part of the original disclosure (i.e., written specification including the claims, drawings, and any preliminary amendment specifically incorporated into an executed oath or declaration under §§ 1.63 and 1.175) will not be expunged from the application file.
(b) An applicant may request that the Office expunge information, other than what is excluded by paragraph (a)(2) of this section, by filing a petition under this paragraph. Any petition to expunge information from an application must include the fee set forth in § 1.17(h) and establish to the satisfaction of the Director that the expungement of the information is appropriate in which case a notice granting the petition for expungement will be provided.
(c) Upon request by an applicant and payment of the fee specified in § 1.19(b), the Office will furnish copies of an application, unless the application has been disposed of (see §§ 1.53(e), (f) and (g)). The Office cannot provide or certify copies of an application that has been disposed of.

[48 FR 2710, Jan. 20, 1983, effective Feb. 27, 1983; 49 FR 554, Jan. 4, 1984, effective Apr. 1, 1984; 49 FR 48416, Dec. 12, 1984, effective Feb. 11, 1985; 50 FR 23123, May 31, 1985, effective Feb. 11, 1985; revised, 60 FR 20195, Apr. 25, 1995, effective June 8, 1995; revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (b) revised, 65 FR 54604, Sept. 8, 2000, effective Nov. 7, 2000; para. (b) revised, 68 FR 14332, Mar. 25, 2003, effective May 1, 2003; revised, 68 FR 38611, June 30, 2003, effective July 30, 2003]

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1 In re Sivertz, 227 U.S.P.Q. 255, 256 (Comm'r Pat. 1985).

The application was filed on June 25, 2002. The following materials were provided on filing:

- A two page Provisional Application for Patent Cover Sheet
- A 7 page specification, with each page entitled "Invention Record."

Petitioner has set forth that "the documents submitted unintentionally included a proprietary two (2) page 'Invention Record' in addition to the specification for the provisional application[2]." Petitioner wishes to have these two pages expunged, along with "the first sentence of the specification[3]..."

The original petitions were concurrently submitted on November 22, 2004, and were dismissed via the mailing of a decision on September 7, 2005. The renewed petitions were concurrently submitted on September 19, 2005, and were dismissed via the mailing of a decision on February 9, 2006.

The matter Petitioner wishes to have expunged forms part of the original disclosure, however pursuant to the disposition of the petition under 37 C.F.R. §1.183, the prohibition against the waiver of the expungement of information forming part of the original disclosure has been waived.

Petitioner has included the fee associated with the filing of petition under 37 C.F.R. §1.59 and has established to the satisfaction of the Director that the expungement of this information is appropriate.

The second renewed petition under 37 C.F.R. §1.59 is **GRANTED.**

As such, the electronic document which contains these two pages has been closed in the Office's Image File Wrapper software viewing program. The paper document will not be removed from the physical file however, as the Office does not remove papers from paper files which have been scanned. The papers which have been submitted with this second renewed petition, which Petitioner has asserted are an exact copy of the specification which was provided on filing, less the offending material, shall serve as the specification for the present application.

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2 Original petition, page 1.
3 Id. at 2.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[4]. 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
United States Patent and Trademark Office

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 Petitioner's further action(s).

UNITED STATES PATENT AND TRADEMARK OFFICE

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JAN 24 2008

OFFICE OF PETITIONS

GENENTECH, INC.
1 DNA WAY
SOUTH SAN FRANCISCO CA 94080

In re Application of	:	
Luc Desnoyers	:	
Application No. 60/392,652	:	DECISION GRANTING PETITION
Deposited: June 29, 2002	:	
Attorney Docket No. PR1918	:	
Title of Invention: Methods and	:	
Compositions for Modulating and	:	
Detecting Wisp Activity	:	

This is a decision on the "Petition under 37 CFR 1.182 and 1.53(e)(2)" filed January 29, 2007, requesting that the above-identified application be accorded a filing date of June 29, 2002.

On June 29, 2002, applicant deposited the above-identified application.

The present petition was filed wherein Petitioner contends that at the time of filing (June 29, 2002)the requirements for filing date were met. In support of petitioner's contention petitioner has provided a copy of a postcard receipt which list 72 pages of specification and 12 pages of drawings. Petitioner has also provided a copy of a filing receipt mailed on July 26, 2002 indicating that a filing date of June 29, 2002 was granted. Further review of the record shows that a Withdrawal of the Previously Sent Notice was mailed on November 29, 2002 indicating the filing receipt was sent in error and was hereby withdrawn.

The filing date of a provisional application is the date on which a specification as prescribed by the first paragraph of 35 U.S.C. 112,and any drawing required by § 1.81(a) are filed in the Patent and Trademark Office.

The postcard receipt serves as prima facie evidence that the specification and drawings were present on June 29, 2002. Thus petitioner was entitled to the June 29, 2002 filing date.

It should however be noted that a request for Express Abandonment pursuant to 37 CFR 1.138 was filed by petitioner on September 3, 2002. The request for express abandonment was acknowledged on

November 29, 2002. Accordingly, while the application was entitled to the filing date of June 29, 2002, the application was then expressly abandoned. Thus, the application was expressly abandoned prior to the conclusion of the twelve month expiration date.

The petition is **granted to the extent indicated above**.

The application will be returned to the Office of Patent Application Processing for further processing with a filing date of June 29, 2002, using the application papers filed on that day.

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/403,616	08/14/2002		160	2802-135-085	5		

CONFIRMATION NO. 4054

CORRECTED FILING RECEIPT

OC000000014126995

24021
CHRISTOPHER H HUNTER
PARKER-HANNIFIN CORPORATION
6035 PARKLAND BOULEVARD
CLEVELAND, OH 44124-4141

Date Mailed: 10/19/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Justin R. Darnell, Southaven, MS;

Power of Attorney: None

If Required, Foreign Filing License Granted: 09/12/2002

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/403,616

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

Non-Publication Request: No

Early Publication Request: No

Title

Intake water separator

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

NOT GRANTED

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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/405,589	08/14/2002		80	18062G-006600US	12		

CONFIRMATION NO. 4838

CORRECTED FILING RECEIPT

OC000000011142916

20350
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

Date Mailed: 10/30/2003

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Kevan M. Shokat, San Francisco, CA;
Zachary Knight, San Francisco, CA;

If Required, Foreign Filing License Granted: 09/16/2002

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Engineered protease that cleaves post-translationally modified sites

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

GRANTED

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

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

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

NOT GRANTED

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

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Tadashi Horie
Brinks Hofer Gilson & Lione
P.O. Box 10395
Chicago IL 60610

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MAR 0 5 2007

OFFICE OF PETITIONS

In re Application of :
Gentry :
Filed: August 28, 2002 : ON PETITION
Application No. 60/406,721 :
Atty. Dkt. No.: 10745/159 :

This decision is in response to the "PETITION TO ACCEPT A PAGE OF SPECIFICATION AS TIMELY FILED" filed January 2, 2007. This matter is being treated as a petition to accord the above-identified application a filing date of August 28, 2002 with page four as part of the original application as filed.

The application was filed August 28, 2002. This decision precedes mailing of Notice of Omitted Item(s).

Petitioner alleges that the application as filed included five pages of specification, as substantiated by the copy of the return receipt postcard indicating same. The specification contained in the official record, however, is merely four pages. The copy of the postcard submitted herewith serves as proof of mailing and proof of receipt of five pages of specification, including page four, copy of which was submitted herewith.

The original page four of the specification has not been located. However, in view of the evidence presented, the petition to accord the application a filing date of August 28, 2002 with page four as part of the application papers as originally filed is GRANTED.

Since the original of page four of the specification cannot be located in the Office, the copy submitted herewith will be used for examination purposes.

No petition fee is due in connection with this matter.

The petition having been granted, the instant application shall maintain a filing date of August 28, 2002.

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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Hickman Palermo Truong
& Becker, LLP
2055 Gateway Place
Suite 550
San Jose, CA 95110

MAILED

FEB 24 2009

OFFICE OF PETITIONS

In re Application of	:	
Mike Wybo et al.	:	
Application No. 60/406,886	:	DECISION ON
Filed: August 28, 2002	:	PETITION TO WITHDRAW
Attorney Docket No. 60062-0011	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 1, 2008.

The request is **NOT APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because there is no indication that the acts noted in the above-identified certifications have been performed.

Also, no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

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

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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JJGJr: 06-05

Paper No: __

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300 S WACKER DR
25TH FLOOR
CHICAGO IL 60606

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JUN 16 2005

OFFICE OF PETITIONS

In re Application of	:	
Sherwood, et al.	:	
Application No. 60/409,106	:	NOTICE
Filed: 9 September, 2002	:	
Attorney Docket No. 0321.66937	:	

This is a notice regarding the request for acceptance of a fee deficiency submission (properly considered under 37 C.F.R. §1.28) filed 12 November, 2004.

The Office regrets the delay in addressing this matter.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 C.F.R. §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.

Your fee deficiency submission under 37 C.F.R. §1.28 hereby is accepted. Accordingly, the petition is **GRANTED**.

This file is released to Files Repository.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3214.

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
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Paper No. 4

KING & SPALDING
191 PEACHTREE STREET, N.E.
ATLANTA, GA 30303-1763

In re Application of :
Jenkins et al. :
Application No. 60/410,866 :
Filed: September 13, 2002 :
Title of Invention: Methods and :
Compositions for the Use of :
D-Malic Acid to Decrease Serum :
Triglyceride, Cholesterol and :
Lipoprotien Levels :

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AUG 20 2003
OFFICE OF PETITIONS

This is a decision in response to the petition under 37 CFR 1.137(b), filed August 11, 2003, to revive the above-identified application.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Provisional Application (hereinafter "Notice"), mailed October 8, 2002. The Notice required, *inter alia*, an application cover sheet or an application data sheet, identifying the name(s) and city and state or city and foreign country of residence of all inventors. The Notice set a two (2) month period for reply from the mail date of the Notice, and also provided for extensions of time under 37 CFR 1.136(a). No extensions of time having been obtained, the application became abandoned on December 9, 2002. A Notice of Abandonment was mailed on July 30, 2003.

With the instant petition, Petitioner has submitted the necessary documents and fees to revive the above-identified application.

The application will be returned to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 305-0014.

Derek L. Woods
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 2

Arik B. Ranson
Greer, Burns & Crain, LTD.
300 S. Wacker Drive
Suite 2500
Chicago, IL 60606-6501

COPY MAILED
AUG 27 2003
OFFICE OF PETITIONS

In re Application of
Qin Zhang, et al.
Application No. 60/413,328
Filed: September 25, 2002
Attorney Docket No. 1201.66958

DECISION GRANTING PETITION

This is a decision on the petition filed August 15, 2003, requesting that the above-identified application be accorded a filing date of September 25, 2002, rather than the presently accorded date of September 24, 2002. The petition is properly treated as a petition under 37 CFR 1.10(d).

The petition is **GRANTED**.

Applicant requests the later filing date on the basis that the application was purportedly deposited with the U. S. Postal Service (USPS) as Express Mail on September 25, 2002 pursuant to 37 CFR 1.10. Applicant indicates that the wrong date was entered on the Express Mail receipt. In support, applicant has submitted a copy of Express Mail label No. EV032727951US showing a handwritten "date-in" of September 24, 2002, as well as a copy of the USPS Track and Confirm showing that the package was deposited with the USPS on September 25, 2002. It is noted that the original provisional application for patent cover sheet includes the same express mail receipt number as well as a statement of express mailing dated September 25, 2002.

In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on September 25, 2002.

This application file is being forwarded to the Office of Initial Patent Examination Division for further **processing with a filing date of September 25, 2002.** Thereafter, the application file will be forwarded to the Files Repository.

Telephone inquiries concerning this matter may be directed to Marianne Morgan at (703) 306-3475.

Sherry Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
For Patent Examination Policy

USPTO's USPS Express Mail Information Database

EXPRESS MAIL
UNITED STATES POSTAL SERVICE

Express Mail Number: **EV032727951US**

Origin ZIP: 60604

Weight: 00 lbs. 04 ozs.

Postage Paid: $013.65

DELIVERY CONFIRMATION

POSTMARK AMERICA

Date and Time* Package was accepted by USPS:	09/25/2002	05:17 pm
Attempted Delivery Date and Time:	//	
Actual Delivery Date and Time:	09/26/2002	11:12 am

***Also referred to as "Date In"**

Print Record | Preview Report | Print Report | Back

Friday, August 22, 2003 04:49 PM

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BARNES & THORNBURG
P.O. BOX 2786
CHICAGO IL 60690-2786

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JAN 2 0 2004

OFFICE OF PETITIONS

In re Application of :
Cutler et al. :
Application No. 60/414,191 : DECISION ON PETITION
Filed: September 27, 2002 :
Attorney Docket No. 31841-93865 :

This is a petition for a corrected filing receipt under 37 CFR 1.182, filed September 26, 2003. The present petition is properly treated as a petition under 37 CFR 1.10(c), requesting that the above-identified application be accorded a filing date of September 26, 2002, rather than the presently accorded filing date of September 27, 2002.

Petitioner alleges that the application was deposited in Express Mail service on September 26, 2002. In support of the allegation, the petition is accompanied by a copy of Express Mail label No. EL833639067US, indicating a date-in of September 26, 2002. Petitioner states that the package bearing Express Mail label No. EL833639067US contained the subject patent application.

Section 1.10(a) of the Title 37 of the Code of Federal Regulations indicates that correspondence received by the Patent and Trademark Office that was delivered by Express Mail will be considered filed in the Office on the date of deposit with the United States Postal Service. Where there is a discrepancy between the date of deposit as shown on the Express Mail label and the filing date accorded the correspondence by the Office, 37 CFR 1.10(c) provides that an applicant may petition to have the Commissioner accord the correspondence a filing date as of the "date in" on Express Mail label. In accordance with 37 CFR 1.10(c), a successful petition must:

> (1) . . . be filed promptly after the person becomes aware that the Office has accorded or will accord a filing date other than the USPS deposit date;

> (2) [provide] the number on the Express Mail mailing label was placed on a paper(s) or fee(s) that constitute the correspondence prior to the original mailing by Express Mail; and
>
> (3) . . . include a true copy of the Express Mail mailing label showing the date-in and of any other official notation by the USPS relied upon to show the date of deposit.

The present petition does not satisfy the requirement of item (2) above.

The Express Mail label provided with the present petition (EL833639067US) does not match the Express Mail label number as provided on the application transmittal sheet that accompanied the above-identified application (EL833613906US). Accordingly, the Express Mail label provided with the present petition does not provide sufficient evidence that the above-identified application was filed on September 26, 2002. Where the date of deposit of the application with the United States Postal Service Express Mail cannot be satisfactorily proven, the date the application was received by the United States Patent and Trademark Office will stand as the filing date for the application. See 37 CFR 1.10(a).

In the present petition, petitioner asserts that it is clear that any reference to the incorrect Express Mail label No. EL833613906US was merely a typographic error. However, the Office reminds petitioner:

> Since the filing of correspondence under 37 CFR 1.10 without the number of the "Express Mail" mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition. **A party's inadvertent failure to comply with the requirements of a rule is not deemed to be an extraordinary situation that would warrant waiver of a rule under 37 CFR 1.183, 2.146(a)(5) or 2.148, nor is such an inadvertent omission considered "unavoidable," within the meaning of 15 U.S.C. 1062(b), 35 U.S.C. 133, 37 CFR 1.137(a) or 37 CFR 2.66(a).** See Honigsbaum v. Lehman, 903 F. Supp. 8, 37 USPQ2d 1799 (D.D.C. 1995) (Commissioner did not abuse his discretion in refusing to waive requirements of 37 CFR 1.10(c) in order to grant filing date to patent application, where applicant failed to produce "Express Mail" customer receipt or any

other evidence that application was actually deposited with USPS as "Express Mail."), aff'd without opinion, 95 F.3d 1166 (Fed. Cir. 1996); Nitto Chemical Industry. Co., Ltd. v. Comer, 39 USPQ2d 1778, 1782 (D.D.C. 1994)(Commissioner's refusal to waive requirements of 37 CFR 1.10 in order to grant priority filing date to patent application not arbitrary and capricious, because failure to comply with the requirements of 37 CFR 1.10 is an "avoidable" oversight that could have been prevented by the exercise of ordinary care or diligence, and thus not an extraordinary situation under 37 CFR 1.183.); Vincent v. Mossinghoff, 230 USPQ 621 (D.D.C. 1985) (misunderstanding of 37 CFR 1.8 not unavoidable delay in responding to Office Action); Gustafson v. Strange, 227 USPQ 174 (Comm'r Pat. 1985) (counsel's unawareness of 37 CFR 1.8 not extraordinary situation warranting waiver of a rule); In re Chicago Historical Antique Automobile Museum, Inc., 197 USPQ 289 (Comm'r Pat. 1978)(since certificate of mailing procedure under 37 CFR 1.8 was available to petitioner, lateness due to mail delay not deemed to be extraordinary situation)

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

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.10." Further correspondence with respect to this matter should be addressed as follows:

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

By FAX: (703) 872-9306
Attn: Office of Petitions

By hand: 2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA

Any inquiries should be directed to Senior Petitions Attorney Christina Tartera Donnell at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENT
UNITED STATES PATENT AND TRADEMARK OFFIC
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JJGJr.:12-02

Paper 7

MOTOROLA, INC.
1303 EAST ALGONQUIN ROAD
IL01/3RD
SCHAUMBURG IL 60196

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DEC 2 4 2002

OFFICE OF PETITIONS

In re Application of	:	
Ramassubramanian, et al.	:	DECISION ON PETITION
Application No. 60/414,527	:	
Filed: 29 December, 2000	:	
Attorney Docket No.: CR00257M	:	

This is a decision on the petition filed on 18 November and supplemented on 9 December, 2002, to accord a filing date of 29 December, 2000, under 37 C.F.R. §1.10[1] to a provisional application Petitioner alleges was filed at that time as a predicate to non-provisional Application No. 09/919,050.

The petition is **GRANTED**.

---

[1] The regulations at 37 C.F.R. §1.10 provide in pertinent part:

§ 1.10 Filing of papers and fees by "Express Mail."

* * *

(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 Commissioner 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 Commissioner, 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.

(f) The Office may require additional evidence to determine if the correspondence was deposited as "Express Mail" with the USPS on the date in question.

[48 Fed. Reg. 2708, Jan. 20, 1983, added effective Feb. 27, 1983; 48 Fed. Reg. 4285, Jan. 31, 1983, paras. (a) & (c), 49 Fed. Reg. 552, Jan. 4, 1984, effective Apr. 1, 1984; paras. (a)-(c) revised and paras. (d) - (f) added, 61 Fed. Reg. 56439, Nov. 1, 1996, effective Dec. 2, 1996; paras. (d) & (e) revised, 62 Fed. Reg. 53131, Oct. 10, 1997, effective Dec. 1, 1997]

The application was and is entitled to a filing date of 29 December, 2000, under the provisions of 37 C.F.R. §1.10.

The record reflects that:

- Petitioner alleges that a provisional application (predicate to the non-provisional Application No. 09/919,050) was filed via Express Mail (US Postal Service (USPS) Express Mail No. EF263209519US) on 29 December, 2000;

- although it appears that application may have been received by the Office, it does not appear to have been processed;

- thereafter, Petitioner received neither his receipt card alleged to have been filed with provisional application, nor a filing receipt, and Petitioner filed (also via Express Mail) on 31 July, 2001, a petition under 37 C.F.R. §1.182, alleging timely filing of the petition and seeking a filing date of 29 December, 2000, which petition was dismissed as inappropriate on 4 October, 2002, and the first petition filed on 10 October, 2002, under 37 C.F.R. §1.10 was dismissed on 28 October, 2002;

- with the original petition filed contemporaneously with the non-provisional application on 31 July, 2001, Petitioner resubmitted a copy of the entire provisional application, including 14 pages of specification (including 4 pages of claims and 1 page of abstract) and 7 sheets of drawings);

- the instant petition is supported by statements by Karen Kass (Ms. Kass), and that and earlier petitions by statements by Counsel Kenneth A. Haas (Reg. No. 42,614), Daniel W. Juffernbruch (Reg. No. 33,122) and James E. Gauger (Reg. No. 38,154), as well as USPS documents including the USPS Express Mail No. EF263209519US bearing the "date in" of 29 December, 2000 (time: 1411 or 2:11 p.m.).

As to the instant provisional application, Application No. 60/414,527, the Office of Initial Patent Examination is specifically instructed to:

- assign a filing date of 29 December, 2000; and

- issue a filing receipt specifying the filing date as that of 29 December, 2000.

Therefore, the instant provisional application file is being forwarded to Office of Initial Patent Examination for assignment of the filing date of 29 December, 2000, and issuance of a corrected Filing Receipt reflecting that filing date for Application No. 60/414,527 using the documents (including 14 pages of specification (including 4 pages of claims and 1 page of abstract) and 7

sheets of drawings) resubmitted on 31 July, 2001. Thereafter, the application file will then be forwarded to Files Repository.

Telephone inquiries concerning this decision may be directed to the undersigned at (703)305-9199.

John J. Gillon, Jr.
Senior Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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DIW 10-02

Paper No. 4

MOTOROLA, INC.
1303 EAST ALGONQUIN ROAD
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SCHAUMBURG IL 60196

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OFFICE OF PETITIONS

In re Application of	:
Ramasubramanian et al.	: DECISION DISMISSING
Application No. 09/919,050	: PETITION
Filed: 31 July, 2001	:
Attorney Docket No. CR00257M	:

This is a decision on the petition under 37 CFR 1.182 on 31 July, 2001. The Office apologizes for the delay in responding to the present petition and regrets any inconvenience to petitioners.

The petition is **dismissed**.

Petitioners state that a provisional application was filed on 29 December, 2000, to which the above-identified nonprovisional application is to claim priority. Petitioners state that no filing receipt was received for the provisional application, and request that the Office accept a claim of priority in the above-identified nonprovisional application to the prior-filed provisional application. Petitioners state that the provisional application was deposited by Express Mail on 29 December, 2000, and have included a copy of the provisional application cover sheet as well as the Express Mail mailing label.

A review of Office records reveals that no provisional application with the invention title described on the Provisional Application Cover Sheet appears to have ever been received in the USPTO and assigned an application number.

Petitioners should note that 37 CFR 1.10(e) provides that:

> Any person mailing correspondence properly addressed to the Office with sufficient postage utilizing "Express Mail Post Office to Addressee" service of the USPS but not received by the Office, may petition the Commissioner 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 Commissioner, 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.

Petitioners should consider filing a petition under 37 CFR 1.10(e) to accord the provisional application a filing date of 29 December, 2000.

As the present petition under 37 CFR 1.182 is inappropriate, the petition will be dismissed. Counsel's deposit account, No. 13-4772, will be charged the petition fee of $130.00.

The application file is being forwarded to Technology Center 2600 for examination in due course.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 308-6918.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFIC
WASHINGTON, D.C. 2023
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JJGJr.:10-02
Paper 6

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OFFICE OF PETITIONS

MOTOROLA, INC.
1303 EAST ALGONQUIN ROAD
IL01/3RD
SCHAUMBURG IL 60196

In re Application of	:	
Ramassubramanian, et al.	:	DECISION ON PETITION
Application No. 09/919,050	:	
Filed: 31 July, 2001	:	
Attorney Docket No.: CR00257M	:	

This is a decision on the petition filed via FAX on 10 October, 2002, to accord a filing date of 29 December, 2000, under 37 C.F.R. §1.10[1] to a provisional application Petitioner alleges was filed at that time as a predicate to the instant application.

The petition is **DISMISSED**.

---

[1] The regulations at 37 C.F.R. §1.10 provide in pertinent part:

§ 1.10 Filing of papers and fees by "Express Mail."

* * *

(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 Commissioner 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 Commissioner, 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.

(f) The Office may require additional evidence to determine if the correspondence was deposited as "Express Mail" with the USPS on the date in question.

[48 Fed. Reg. 2708, Jan. 20, 1983, added effective Feb. 27, 1983; 48 Fed. Reg. 4285, Jan. 31, 1983, paras. (a) & (c), 49 Fed. Reg. 552, Jan. 4, 1984, effective Apr. 1, 1984; paras. (a)-(c) revised and paras. (d) - (f) added, 61 Fed. Reg. 56439, Nov. 1, 1996, effective Dec. 2, 1996; paras. (d) & (e) revised, 62 Fed. Reg. 53131, Oct. 10, 1997, effective Dec. 1, 1997]

Your request 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. §1.10."

There will be no further reconsideration thereafter.

BACKGROUND AND ANALYSIS

The record reflects that:

- Petitioner alleges that a provisional application (predicate to the instant application) was filed via Express Mail (US Postal Service (USPS) Express Mail No. EF263209519US) on 29 December, 2000;

- although it appears that application may have been received by the Office, it does not appear to have been processed;

- thereafter, Petitioner received neither his receipt card alleged to have been filed with provisional application, nor a filing receipt, and Petitioner filed (also via Express Mail) on 31 July, 2001, a petition under 37 C.F.R. §1.182, alleging timely filing of the petition and seeking a filing date of 29 December, 2000, which petition was dismissed as inappropriate;

- it is now noted is that a statement by Karen Kass (Ms. Kass), which Petitioner indicated was attached (to satisfy the showing required) was in fact not attached or otherwise included with the filing;

- a telephone message was left with Petitioner's office (on Sunday, October, 27, 2002) requesting a copy of the statement to be transmitted via FAX to the Office.

Therefore, at this writing the showing required under 37 C.F.R. §1.10 is not yet complete.

The renewed petition, if any, must be accompanied corroborating evidence sufficient to satisfy Petitioner's burden of proof (i.e., at least the statement of Ms. Kass).

The instant petition must be and hereby is **dismissed**.

Any future correspondence with regard to this matter under 37 C.F.R. §1.10 should be addressed as follows:

By mail: Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

By FAX: (703) 308-6916
ATTN: Office of Petitions

By hand: Crystal Plaza 4
Room 3-C23
2201 South Clark Place
Arlington, VA 22202

Telephone inquiries specific to this decision should be directed to the undersigned at (703) 305-9199.

John J. Gillon, Jr.
Senior Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 3

Cox & Smith Incorporated
Suite 1800
112 East Pecan Street
San Antonio, TX 78205-1536

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MAR 1 3 2003

OFFICE OF PETITIONS

In re Application of :
Mark Hector Estrada :
Application No. 60/414,528 : ON PETITION
Filed: July 12, 2002 :
Attorney Docket No. 23792.2 :

This a decision on the petition under 37 CFR 1.10(e), filed September 5, 2002, requesting that the above-identified application be accepted and accorded a filing date of July 12, 2002.

The decision mailed January 31, 2003, granting the petition of September 5, 2002, is **vacated**.

The petition of September 5, 2002, is **granted** according the application a filing date of July 12, 2002.

The decision of January 31, 2002, is vacated because the decision incorrectly cited June 13, 2002, as the filing date accorded the above-cited application.

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

> 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 Commissioner 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 on 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 (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 Commissioner, 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.

All of the above requirements have been met. The application will, therefore, be accorded a filing date of July 12, 2002.

The application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of July 12, 2002, using the copies of the application papers filed on September 5, 2002.

Telephone injuries should be directed to the undersigned at (703)305-0010.

Kenya A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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JAN 3 1 2003

OFFICE OF PETITIONS

In re Application of
Mark Hector Estrada
Application No. 60/414528
Filed: July 12, 2002
Attorney Docket No 23792.2

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.10(e), filed September 5, 2002, requesting that the above-identified application be accepted and accorded a filing date of July 12, 2002.

The petition is **GRANTED**.

Applicants request the acceptance of the application with the filing date of July 12, 2002 on the basis that the application was purportedly deposited in Express Mail service (Express Mail mailing label # EL834533473US) on July 12, 2002, pursuant to the requirements of 37 CFR 1.10, and that the submission was not received by the Patent and Trademark Office.

In support, the petition is accompanied by a copy of the Express Mail mailing label, receipt no. EL834533473US, indicating a "date-in" of July 12, 2002. Additionally, petitioner submitted a copy of the Postal Service Express Mail Tracking and Delivery Confirmation which indicates that EL834533473US was accepted on July 12, 2002 at 11:21 a.m.. The same Express Mail receipt number was referred to in the copy of the transmittal letter submitted with the instant petition.

The Office considers the date the correspondence is shown to have been deposited as "Express Mail" to be the "date-in" on the Express Mail mailing label. See MPEP §513. The date indicated on the "date-in" on the Express Mail mailing label verifies that the package was actually mailed. In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on July 12, 2002. Accordingly, the application is accepted as filed on July 12, 2002.

Since the instant petition has been granted, no petition fee is required.

The application is being forwarded to Office of Initial Patent Examination for further processing with a filing date of June 13, 2002.

Telephone inquiries concerning this decision should be directed to Gregory J. Toatley, Jr. at (703) 305-4066 or to the undersigned at (703) 305-0010.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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Paper No. 3

SCOTT LAMPERT
4000 HOLLYWOOD BLVD., SUITE 650N
HOLLYWOOD, FL 33021

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JAN 17 2003

OFFICE OF PETITIONS

In re Application of	:	
Brian King	:	
Application No. 60/414,529	:	DECISION DISMISSING PETITION
Filed: 13 November, 2002	:	
Attorney Docket No. CONC-BK	:	

This is a decision on the paper entitled "REQUEST FOR PATENT APPLICATION NUMBER AND FILING DATE" filed on 13 November, 2002, which is being treated as a petition requesting that the above-identified application be accorded a filing date of 21 January, 2002.

Petitioner indicates that this application was mailed by first class mail to the Office on 21 January, 2002. Petitioner argues that the application should receive "a January, 2002" filing date.

The evidence and arguments submitted by petitioner have been considered; however, they are not convincing that this application was, in fact, received in the Office on 21 January, 2002, or anytime prior to 13 November, 2002.

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

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

The Director <u>may</u>, but is not required to, accept the mailing date as the filing date. The Director has determined that only the "Express Mail" procedure can be used for this purpose because the use of "Express Mail" provides very specific identifying

information in advance which establishes both the date of mailing and the particular papers being filed.

Because the filing date of an application is much more critical than the filing date of papers accepted under 37 CFR 1.8, the USPTO promulgated a separate rule, 37 CFR 1.10, which sets forth a specific procedure which must be followed in order to establish the filing date as the date of deposit with the United States Postal Service (USPS) instead of the date of receipt in the Office.

The procedure in 37 CFR 1.10 requires the use of the "Express Mail Post Office to Addressee"service of the USPS. Correspondence sent by the "Express Mail Post Office to Addressee" service is considered filed in the Office on the "date-in" entered by the USPS. If the USPS deposit date cannot be determined, the correspondence will be accorded the date of receipt in the Office as the filing date. If the procedure is not followed, applicants bear the risk of any delay in the delivery of the application papers to the Office.

In the instant petition, there is no allegation that the application papers deposited on 21 January, 2002, with the USPS as first class mail to the Office, were deposited in compliance with the "Express Mail" procedures set forth in 37 CFR 1.10. Petitioner had the option of depositing the application papers in "Express Mail" service on 21 January, 2002, in order to obtain the benefits of 37 CFR 1.10. Had petitioner followed the procedure set forth in 37 CFR 1.10, the application could have been accorded a filing date as of the date of deposit in "Express Mail." Thus, petitioner could have avoided the instant predicament merely by following the procedures established by the Director. Instead, petitioner chose to deposit the application papers in first class mail and, as such, assumed the risk of any delay in the delivery to the Office. Petitioner's failure to take advantage of the established procedures is not a justification for accepting a date based upon the 21 January, 2002, mailing of the instant application papers by first class mail as the filing date of the above-identified application. Therefore, the application is only entitled to the 13 November, 2002, receipt date as the filing date of the application.

The best evidence of when particular application papers were actually received by the USPTO is a postcard receipt containing a specific itemization of all the items being submitted. See MPEP 503. In the absence of a postcard receipt indicating the

receipt in the USPTO of the application papers on an earlier date, the USPTO must rely on the Official record, which indicates that the instant application papers were not received in the USPTO until 13 November, 2002.

In view of the above, the petition is dismissed. No petition fee is required.

The application is being forwarded to the Office of Initial Patent Examination for processing with a filing date of 13 November, 2002, using the application papers received on that date.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 306-5586.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
www.uspto.gov

JJGJr. 05-04

Paper No. __

MICHAEL P. DILWORTH - IP LEGAL
CROMPTON CORPORATION
BENSON ROAD
MIDDLEBURY CT 06749

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OFFICE OF PETITIONS

In re Application of	:	
Gray, et al.	:	
Application No. 10/460,834 (formerly)	:	ON PETITION
Application No. 60/414,530		
Filed: 12 June, 2003	:	
Attorney Docket No. US129033-1 (142-147)	:	

This is a decision on the petition under 37 C.F.R. §1.53 to convert to and treat as a provisional application a non-provisional application filed on 12 June, 2003, and that this provisional application be accorded the original filing date of the above-identified application.

The petition hereby is **GRANTED**.

NOTE: While an Associate Power of Attorney has been received, that paper does not instruct the Office to change the mailing address of record (as set forth hereinabove).

Moreover, it is noted that the mailing address of the instant petition is one other than that of record. If Petitioner desires to receive future correspondence regarding this application at the address set forth in the petition, the appropriate Notice of Change of Address documentation must be submitted.

A courtesy copy of this decision will be mailed to Petitioner.

However, all future correspondence will be directed to the address

of record until such time as appropriate instructions are received to the contrary.

A review of the application record indicates that all of the requirements for converting the above-identified application to a provisional application under 37 C.F.R. §1.53(c)(2) have been met.

This application will be forwarded to the Office of Initial Patent Examination (OIPE) for conversion to a provisional application with Provisional Application No. 60/414,530, and a filing date of 12 June, 2003, accorded to it, and this number is to be used in all future communications with regard to this application.

Telephone inquiries concerning this decision may be directed to the undersigned at (703)305-9199.

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

cc:
DILWORTH & BARRESE, LLP
333 EARLE OVINGTON BLVD.
UNIONDALE, NY 11553

UNITED STATES 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. 2

SIM & MCBURNEY
330 UNIVERSITY AVENUE
6TH FLOOR
TORONTO ON M5G 1R7 CA CANADA

COPY MAILED
JUN 24 2005
OFFICE OF PETITIONS

Application No. 60/414,532 :
Filed: April 21, 2005 : DECISION ON PETITION
Docket No. 7865-103 MIS/jb :

This is a decision on the petition filed on April 21, 2005, requesting that a provisional application entitled "FUNCTIONAL PROPERTIES OF THE 2S AND 7S PROTEINS OF CANOLA" (Docket No. 7865-103 MIS/jb) be assigned a provisional application number and accorded filing date of August 6, 2004.

Petitioner asserts that the original provisional application papers were delivered to the USPTO by DHL courier on August 6, 2004; however, they were subsequently misplaced in the USPTO. Petitioner states that the papers, filed on August 6, 2004, included a check in the amount of the filing fee and a return postcard. Petitioner did not receive the return postcard and the check was not cashed. With the present petition, petitioner submits a copy of the application papers, an authorization to charge any necessary fees, and a copy of DHL courier tracking results. Petitioner asserts that the tracking results show delivery of the application papers to the USPTO on August 6, 2004, at 8:24 am, signed for by "D. Barfield," and a facsimile of the signature.

Upon reviewing the USPTO's records, the original provisional application papers cannot be located. Initially, the Office notes that the filing date of a provisional application is the date on which a specification as prescribed by the first paragraph of

35 U.S.C. 112, and any drawing required by § 1.81(a) are filed in the USPTO. 37 CFR 1.53(c). Moreover, the Office notes:

> New applications cannot be transmitted by facsimile and are not entitled to the benefit of a Certificate of Transmission under 37 CFR 1.8. . . . The Office strongly recommends that applicants file new applications by "Express Mail" in accordance with 37 CFR 1.10 since such correspondence will be accorded the date of deposit in "Express Mail" with the USPS as the filing date. See 37 CFR 1.6(a) and MPEP § 513. Applications that are not filed by "Express Mail" can only be accorded the date of receipt in the Office as the filing date (unless there is a postal interruption or emergency designated by the Office and applicants are instructed to file their applications in a manner other than by "Express Mail"). Any applicant who files an application by first class mail bears the risk of any delay in the delivery of the application to the Office, even if the delay is unusually significant due to some unforeseen event.

MPEP 511.

In the present case, petitioner did not utilize the provisions of 37 CFR 1.10 for filing an application by Express Mail, therefore, the application can only be accorded the date of receipt in the USPTO as the filing date. However, the DHL courier tracking results do not show that the application papers for the above-identified provisional applications were deposited with the USPTO on August 6, 2004. Specifically, there is no information, which associates this application to the delivery on August 6, 2004. The tracking results do not indicate the place where the delivery occurred. Moreover, the tracking information does not confirm that "D. Barfield" was a USPTO employee, or even an individual authorized to accept packages on behalf of the Patent Office.

In view of the above, the petition is **dismissed**. The above-identified provisional application will be accorded a filing date of April 21, 2005, the date of receipt in the USPTO.

The duplicate papers received on April 21, 2005, will be used for examination purposes because the original provisional application papers cannot be located in the USPTO. The application has been assigned provisional application No. 60/414,532. All future correspondence concerning the provisional application should be directed to that application number.

Petitioner should notify this Office if the original provisional application papers are subsequently discovered in the USPTO so that the present duplicate file can be merged with the original papers and any duplicate filing fee refunded.

The $200.00 provisional application filing fee and the $400.00 petition fee will be charged to Deposit Account No. 19-2253, as authorized.

The application will be forwarded to the Office of Initial Patent Examination for processing as a provisional application with a filing date of April 21, 2005, using the copy of the application papers supplied on that date.

Telephone inquiries specific to this matter should be directed to undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DIW Apr-08

Paper No. 2

ROBERT W. DICKERSON, ESQ.
JONES DAY
555 S. FLOWER ST.
50TH FLOOR
LOS ANGELES CA 90071

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APR 22 2008

OFFICE OF PETITIONS

In re Application of Jack DeLiddo Application Number: 60/414,535 Filing Date: April 22; 2006 Attorney Docket Number: 988994-600001	DECISION GRANTING PETITION

This is a decision on the petition filed on August 1, 2007, under 37 CFR 1.10(e),[1] requesting that the above-identified provisional application be accorded a filing date of April 22, 2006.

The petition is **granted**.

---

[1] 37 CFR 1.10(e) provides that:

Any person mailing correspondence properly addressed to the Office with sufficient postage utilizing "Express Mail Post Office to Addressee" service of the USPS but not received by the Office, may petition the Commissioner 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.

Petitioner alleges that the application was deposited in "Express Mail" service with the U.S. Postal Service on April 22, 2006. In support, petitioner provided a copy of the Express Mail label, receipt No. EL975109902US, showing a "Date-in" of "4-22-06". The same Express Mail receipt number was referred to on the itemized PROVISIONAL APPLICATION FOR PATENT COVER SHEET submitted with the application papers, as well as the specification. Petitioner has also provided a copy of, *inter alia*, the provisional application cover sheet, five (5) pages of specification and one (1) sheet of drawings.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date In" on the Express Mail label.[2] That is the date that verifies that the package was actually mailed. In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the USPS on April 22, 2006.

The application will be processed and examined with a filing date of April 22, 2006, using the copies of the application papers supplied with the present petition.

The application is being referred to the Office of Patent Application Processing for processing with a filing date of **April 22, 2006**, using the application papers present on filing.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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[2] MPEP 513.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/134,510	04/29/2002	Anthony J. Berno	1023U-1

CONFIRMATION NO.

OC000000010009879

Lauren L. Stevens, Ph.D.
Perlegen Sciences, Inc.
2021 Stierlin Court
Mountain View, CA 94043

Date Mailed: 05/12/2003

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **08/06/2002,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/414,547.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JANICE L TIPPETT
Office of Initial Patent Examination
(703) 308-0910

PART 2 - OFFICE COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENT
UNITED STATES PATENT AND TRADEMARK OFFIC
WASHINGTON, D.C. 20231
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JJGJr.: 04-03

Paper No. 5

LAUREN L. STEVENS, PH.D.
PERLEGEN SCIENCES, INC.
2021 STIERLIN COURT
MOUNTAIN VIEW CA 94043

In re Application of Berno, et al Application No. 10/134,510 Filed: 29 April, 2002 Attorney's Docket No. 1023U1	: : : : :	ON PETITION
In re Application of Berno, et al Application No. 60//414,547 Filed: 29 April, 2002 Attorney's Docket No. 1023U1	: : : : :	

This is a decision on the petition filed on 14 January, 2003, and supplemented on 28 April, 2003, to convert the above-identified nonprovisional Application No. 10/134,510 to a provisional application under 35 U.S.C. § 111(b) and 37 C.F.R. §1.53(b)(2)(ii).

The petition is **GRANTED**.

The application is being returned to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of 29 April, 2002, as a **PROVISIONAL** application under 35 U.S.C. 111(b) and 37 C.F.R. §1.53(b)(2), with the newly assigned provisional Application No. 60/414,547. This number must be used in all future communications with the Office.

Telephone inquiries concerning this decision may be directed to the undersigned at (703) 305-9199.

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov
DW 04-04

Paper No. 3

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

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APR 1 3 2004

OFFICE OF PETITIONS

In re Application of	:	
Das Gupta et al.	:	
Application No. 60/414,550	:	DECISION GRANTING PETITION
Filed: 15 August, 2003	:	
Attorney Docket No. 11472/5	:	

This is a decision on the petition under 37 CFR 1.10(e)[1] filed on 1 April, 2004, requesting that the above-identified provisional application be accorded a filing date of 15 August, 2003.

Petitioners allege that the application was deposited in "Express

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[1] 37 CFR 1.10(e) provides that:

Any person mailing correspondence properly addressed to the Office with sufficient postage utilizing "Express Mail Post Office to Addressee" service of the USPS but not received by the Office, may petition the Commissioner 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 Commissioner, 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.

Mail" service with the U.S. Postal Service on 15 August, 2003. In support, petitioner provided a copy of the Express Mail Customer Label No. EL835293006US, showing a Date-in of "8-15-03". The same Express Mail receipt number was referred to on the itemized Provisional Application Transmittal sheet submitted with the present petition. Petitioners have provided a copy of 59 pages of specification (including one (1) page of abstract and one title page), and 15 sheets of drawings.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date In" on the Express Mail label.[2] That is the date that verifies that the package was actually mailed. In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the USPS on 15 August, 2003.

In view of the above, the petition is granted. No petition fee is due and none has been charged.

The application will be processed with a filing date of 15 August, 2003, using the copies of the application papers supplied with the present petition.

The application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of 15 August, 2003, using the application papers supplied with the present petition.

Telephone inquiries specific to this matter should be directed to the undersigned at 703 308-6918.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

[2] MPEP 513.

UNITED STATES PATENT AND TRADEMARK OFFICE

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S. MATTHEW CAIRNS
C/O EDWARDS & ANGELL, LLP
DIKE, BRONSTEIN, ROBERTS & CUSHMAN, IP GROUP
P.O. BOX 9169
BOSTON, MA 02209

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SEP 16 2003

OFFICE OF PETITIONS

In re Application of	:	
Gallagher, et al.	:	DECISION GRANTING
Application No. 60/414,857	:	PETITION
Filed: September 13, 2002	:	
Attorney Docket No. 51473-P	:	

This is a decision on the petition under 37 CFR 1.10(c), filed September 8, 2003, requesting that the above-identified provisional application be accorded a filing date of September 13, 2002, rather than the presently accorded filing date of September 30, 2002.

Petitioners allege that the provisional application was deposited in Express Mail service on September 13, 2002. In support, the petition is accompanied by a copy of Express Mail Receipt No. EK928790833US (the same Express Mail number found on the original application papers located in the official file) showing a "date in" of September 13, 2002.

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

Accordingly, the provisional application is entitled to a filing date of September 13, 2002.

The $130.00 petition fee, submitted September 8, 2003, will be refunded to deposit account no. 04-1105.

The application is being returned to the Office of Initial Patent Examination for processing with a filing date of September 13, 2002 and issuance of a corrected filing receipt.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 306-9200.

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

OIPE JC68
MAY 0 6 2003
PATENT & TRADEMARK OFFICE

#2 ✓ 03co #

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Mark Dement	) Attorney Reference: 30419/001
Serial No.:	60/415,201	) Examiner: Not yet assigned
Filing Date:	05/10/2002	) Group Art Unit:
Title:	HINGE MORTISE TOOL	) Confirmation No. 5555

RECEIVED
MAY 1 4 2003
OFFICE OF PETITIONS

PETITION TO ACCORD A FILING DATE
PROVISIONAL PATENT APPLICATION

Honorable Commissioner for Patents
M.S.: Petitions
P.O. Box 1450
Alexandria VA 22301-1450

Dear Sir:

The Petitioner filed a Provisional Patent Application on 10 May 2002. A copy of the application as filed is attached. Also attached is a return postcard stamped 10 May 2002 by the "Office of Public Records, Finance Section: (Note: Not OIPE). No serial number is indicated.

A copy of Bank of America Check number 165535 made out to and endorsed by the U.S. Patent and Trademark Office is enclosed .

No assignment of the Provisional Application was made, nor is one of record.

A letter was received by Petitioners' attorney on 22 July 2002 indicating that the "document" was non-recordable and enclosing parts of the application as filed.

Beginning on 25 July 2002 Petitioners' undersigned attorney made multiple telephone calls to Application Branch, specifically on Ms. Marian Robinson, who determined that the application had been forwarded to the Assignment Branch, who promptly cashed the check for the filing fee and returned the application as non-recordable.

05/07/2003 STEUHEL1 00000064 080719 60415201
01 FC:1460 130.00 CH
Document date: 00/00/0000
05/07/2003 STEUHEL1 00000064 080719 60415201
01 FC:1460 130.00 CR

A copy of the application was sent to Ms. Robinson, who subsequently requested the original copy of the filing cover sheet, which was sent. Some delay was experienced while the Eghty Dllar filing fee was transferred from Assignments to OIPE.

The Notice of Incomplete Provisional Application was mailed 7 November 2002.

Petitioner requests that the correct date of filing, 10 May 2002, be accorded to the application and be preserved for purposes of claiming the benefit thereof in a non-provisional application.

The Petition Fee of $130.00 may be charged to Customer Deposit Account No. 08-0719. A duplicate of this document is enclosed.

A request for refund is attached because this Petition is filed in response to several errors on the part of the Office and not through any fault of Petitioner or his representative.

Respectfully submitted,

J. Herbert O'Toole
Attorney for Applicant
Registration No. 31,404
NEXSEN PRUET JACOBS & POLLARD
P.O. Box 10107
Greenville, SC 29603
Telephone: 864-370-2211
Facsimile: 864-282-1177

Enclosure:
- Original Provisional Application
- Copy of Return Postcard
- Copy of Cancelled Check
- Copy of Notice of Non-Recordation
- Copy of Notice of Incomplete Provisional Application
- Petition for Refund

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as 1st class mail in an envelope addressed to: Cmmissioner of Patents , P.O. Box 1450, Alexandria, VA 22301-1450

on May 9, 2003

by Jacqueline Beavers

OIPE JC88
MAY 0 6 2003
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Mark Dement	) Attorney Reference: 30419/001
Serial No.:	60/415,201	) Examiner: Not yet assigned
Filing Date:	05/10/2002	) Group Art Unit:
Title:	HINGE MORTISE TOOL	) Confirmation No. 5555

RECEIVED
MAY 1 4 2003
OFFICE OF PETITIONS

PETITION FOR REFUND

Honorable Commissioner for Patents
M.S.: Petitions
P.O. Box 1450
Alexandria VA 22301-1450

Dear Sir:

Applicant has petitioned for a proper filing date to be accorded to the above-captioned Provisional Application. As recited in the Petition, the fee was authorized only because the Office filed to properly handle and record the documents.

A refund is respectfully solicited.

The Commissioner is authorized to credit any overpayment, and charge any additional fees associated with this paper to Customer Deposit Account No. 08-0719.

Respectfully Submitted

J. Herbert O'Toole
Attorney for Applicant
Registration No. 31,404
NEXSEN PRUET JACOBS & POLLARD, LLC
P.O. Box 10107
Greenville SC 29603
Telephone: 864/ 370- 2211
Facsimile: 864/ 282-1177

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COMMISSIONER FOR PATENTS
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Catherine M. Polizzi
Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, CA 94304

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OCT 17 2005

OFFICE OF PETITIONS

In re Application of
David L. Shelton :
Application No. 60/415,989 : CORRECTED
Filed: October 4, 2002 : NOTICE
Attorney Docket Number: 514713000300 :

This is a notice regarding your request to change your entity status to large.

Office records reveal that Rinat Neuroscience Corp., is the assignee of the above-identified application.

In accordance with 37 CFR 1.27(g), said notice is hereby accepted. Office records have been corrected to indicate loss of small entity status in the above-identified application.

The Office inadvertently charged deposit $200.00 instead of the deficient amount of $120.00. A refund of $80.00 has been credited to deposit account 03-1952.

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

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
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Paper No. 6

WILSON SONSINI GOODRICH & ROSATI
650 Page Mill Road
Palo Alto, CA 94304-1050

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OCT 2 0 2003

OFFICE OF PETITIONS

In re Application of :
Kim et al. :
Application No. 60/416,084 :
Filed: October 3, 2002 :
Attorney Docket No. 2344-749 :

Decision on Petition

This is a decision on the petition filed September 26, 2003 to accord the above-identified application a filing date of October 3, 2002.

On October 3, 2002, the application was filed.

On October 24, 2002, the Office of Initial Patent Examination mailed a Notice stating that drawings were not present and that a filing date had not been accorded and the filing date would be the date of receipt of drawings.

In response, petitioner alleges that drawings were deposited on October 3, 2002. In support, petitioner has submitted a postcard receipt which acknowledges receipt of 4 sheets of informal drawing on October 3, 2002.[1] Petitioner has also submitted a copy of the missing documentation- 4 sheets of drawings.

Upon review of the record, the drawings deposited on October 3, 2002, have not been located. However, the evidence is convincing that the application papers deposited on October 3, 2002, included 4 sheets of drawings and that the drawings were subsequently misplaced in the PTO. Therefore, the application is complete and entitled to a filing date of October 3, 2002.

In view of the above, the petition is **granted**. The copy of the drawings submitted on September 26, 2003, will be used for examination purposes.

No petition fee is required and none has been charged.

The Notice mailed October 24, 2002, was sent in error and is hereby vacated.

The Application is being returned to the Office of Initial Patent Examination for further processing with a filing date of October 3, 2002, using the application papers filed on October 3, 2002, and the copy of the 4 sheets of drawings filed on September 26, 2003.

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[1] Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self addressed post card properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the post card in the outgoing mail. "A post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." M.P.E.P. § 503.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

Charles Steven Brantley
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BAKER BOTTS L.L.P.
30 ROCKEFELLER PLAZA
44TH FLOOR
NEW YORK NY 10112-4498

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FEB 10 2009

OFFICE OF PETITIONS

In re Application of	:	
Binder et al.	:	
Application No. 60/416488	:	ON PETITION
Filing or 371(c) Date: 10/07/2002	:	
Attorney Docket Number:	:	
P35471(070457.1221]	:	

This Decision is in response to a "Petition Under 37 CFR 1.182, requesting this Office accord a filing date to documents identified as "Other" on the application transmittal.

The above-identified application was filed on October 7, 2002. The application as-filed included a Provisional Application for Patent Cover Sheet. The Cover Sheet includes a section entitled "Enclosed Application Parts (check all that apply)." Applicant checked a box labeled "Specification," and in the adjacent box labeled "Number of Pages," Applicant entered the number 4. Also included in the section is a box labeled "Other (specify)." The box was checked; however, no other indication was included, and Applicant did not specify in the adjacent box any additional information.

The Office stamped the Cover Sheet with the date of receipt and the filing date of the application.

Applicant files the present petition and avers that these "Other," were documents, and provides a copy of the "Other" documents. Applicant notes that no Notice of Omitted Items was mailed to applicant to indicate that the "Other" documents were not received by this Office.

A review of the application file reveals that along with the Provisional Application for Patent Cover Sheet and 4 pages of specification, Applicant filed a one-page Fee Transmittal, and a one-page document entitled "Certification Under 37 CFR 1.8(a) or 1.10." In sort, the application as-filed included, in addition to the Provisional Application for Patent Cover Sheet and 4 pages of specification, two "Other" documents, to wit - a one-page Fee Transmittal, and a one-page document entitled "Certification Under 37 CFR 1.8(a) or 1.10.

The Provisional Application for Patent Cover Sheet was itemized by Applicant and included a date-stamp from this Office acknowledging receipt of the items indicated thereon.

The MPEP provides:

> The postcard receipt will not serve as prima facie evidence of receipt of any item which is not adequately itemized on the postcard. For example, merely listing on the postcard "a complete application" or "patent application" will not serve as a proper receipt for each of the required components of an application (e.g., specification (including claims), drawings (if necessary), oath or declaration and the application filing fee) or missing portions (e.g., pages, sheets of drawings) of an application if one of the components or portion of a component is found to be missing by the USPTO. Each separate component should be specifically and properly itemized on the postcard. (Emphasis supplied).

The USPTO file is the Official record of the papers actually received or filed. In this instance, Applicant filed, and this Office received, a Provisional Application for Patent Cover Sheet; four (4) pages of specification; a one-page Fee Transmittal, and a one-page document entitled "Certification Under 37 CFR 1.8(a) or 1.10. Applicant has failed to demonstrate that the approximately 200 pages of documents filed with the present petition were present in this Office on October 7, 2002.

Applicant may attempt entry of the documents by was of preliminary amendment. The issue of new matter is appropriately addressed by the Examiner.

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

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

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

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

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

/Derek L. Woods/
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

Paper No. 3

Metz Lewis LLC
11 Stanwix Street
Eighteenth Floor
Pittsburgh, PA 15222

COPY MAILED
OCT 2 0 2003
OFFICE OF PETITIONS

In re Application of	:	
David Andre, et al.	:	
Application No. 60/417,163	:	DECISION GRANTING
Filed: October 9, 2002	:	PETITION
Attorney Docket No. 1148/064	:	

This is a decision on the petition filed October 2, 2003, requesting that the above-identified application be accorded a filing date of October 9, 2002, rather than the presently accorded date of October 7, 2002. The petition is properly treated as a petition under 37 CFR 1.10(d).

The petition is **GRANTED**.

Applicant requests the later filing date on the basis that the application was purportedly deposited with Express Mail Service on October 9, 2002 pursuant to 37 CFR 1.10. While the copy of the Express Mail label receipt no. EV068576330US bears an incorrect handwritten "date-in" of October 7, 2002, it also includes a U. S. Postal Service (USPS) receipt date stamp of October 9, 2002. Applicants are alleging that the date of mailing shown in the "date-in" is a USPS error and the correct date of mailing pursuant to 37 CFR 1.10 is October 9, 2002.

In support of the allegation that the Express Mail package in question was deposited with the Postal Service on October 9, 2002, the instant petition includes a copy of the Certificate of Mailing by "Express Mail" filed with the application papers and a copy of the page of the logbook kept by the attorney for the applicant showing the place, date (October 9, 2002) and time of deposit; the time of the last scheduled pick-up; the depositor's signature; and the date and time of entry into the log book.

Based on all of the evidence present in the file, it is concluded that the present application was deposited in Express Mail on October 9, 2002.

This application file is being returned to the Office of Initial Patent Examination Division for **correction of the filing date to October 9, 2002.** Thereafter, the application file will be forwarded to the Files Repository.

Telephone inquiries concerning this matter may be directed to Marianne Morgan at (703) 306-3475.

Sherry Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
For Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/420,495	10/23/2002		160	PRD2033			

CONFIRMATION NO. 7678

CORRECTED FILING RECEIPT

OC000000011133212

000027777
PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

Date Mailed: 10/29/2003

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Richard L. Apodaca, San Diego, CA;
Chandravadan R. Shah, San Diego, CA;
Devin M. Swanson, San Diego, CA;
Wei Xiao, San Diego, CA;

If Required, Foreign Filing License Granted: 12/05/2002

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

Non-Publication Request: No

Early Publication Request: No

Title

Piperazinyl and diazapanyl benzamides and benzthioamides

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

GRANTED

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

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/422,161	10/28/2002		80	MML-2A	5		

CONFIRMATION NO. 5708

CORRECTED FILING RECEIPT

OC000000011146939

Cecilia Walsh
1435 Braddale Ave.
Los Altos, CA 94024

Date Mailed: 11/24/2003

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Richard Kevin Curlee, Bradenton, FL;
Richard H. Paetsch, Sarasota, FL;

If Required, Foreign Filing License Granted: 11/21/2002

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Horizontal reaction chamber comprised of nested concentric tubes for use in water purification

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

GRANTED

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

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/426,340	11/14/2002		80	BICM-P003V	9		

CONFIRMATION NO. 8737

CORRECTED FILING RECEIPT

OC000000011028778

34453
ELIZABETH R. HALL
1722 MARYLAND STREET
HOUSTON, TX 77006

Date Mailed: 10/14/2003

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Wayne Kyle, Gauteng, SOUTH AFRICA;

If Required, Foreign Filing License Granted: 12/19/2002

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Thin client biometrics data gathering, transmission and verification system

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

GRANTED

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

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/427,734	11/20/2002		80	00846-01	5		

CONFIRMATION NO. 6058

CORRECTED FILING RECEIPT

OC000000013114537

34444
UNIVERSITY OF VIRGINIA PATENT FOUNDATION
1224 WEST MAIN STREET, SUITE 1-110
CHARLOTTESVILLE, VA 22903

Date Mailed: 06/30/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

James P. Landers, Charlottesville, VA;
Katie Horsman, Charlottesville, VA;
Jerome Ferrance, Charlottesville, VA;

If Required, Foreign Filing License Granted: 01/27/2003

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Isolation of sperm cells from other cells in cell mixtures using microfabricated devices and related method thereof

---

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

GRANTED

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

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

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

NOT GRANTED

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

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Paper No. 3

DENNIS R. SMALLEY
MEMGEN CORPORATION
1103 W. ISABEL STREET
BURBANK CA 91506

COPY MAILED

JUN 23 2003

OFFICE OF PETITIONS

In re Application of
Cohen, et al.
Application No. 60/430,809
Filed: December 2, 2002
Attorney Docket No. P-US021-B-MG
For: ELECTROCHEMICALLY FABRICATED HERMETICALLY SEALED MICROSTRUCTURES AND METHODS OF AND APPARATUS FOR PRODUCING SUCH STRUCTURES

DECISION DISMISSING PETITION

This is a decision on the petition filed June 16, 2003 (certificate of mailing date June 12, 2003), requesting that the above-identified application be accorded a filing date of December 3, 2002.The petition will be treated under 37 CFR 1.10(d).

Petitioners allege that the application was deposited in Express Mail service on December 3, 2002. The application's filing date is currently December 2, 2002.

Paragraph (a) of 37 CFR 1.10 states that:

> Any correspondence received by the Patent and Trademark Office (Office) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) will be considered filed in the Office on the date of deposit with the USPS. The date of deposit with the USPS is shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation. If the USPS deposit date cannot be determined, the correspondence will be accorded the Office receipt date as the filing date. See §1.6(a).

(Emphasis supplied). Paragraph (d) of 37 CFR 1.10 states that:

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Commissioner to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:
> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and
> (3) The petition includes a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was

deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

A grantable petition under 37 CFR 1.10(d) must include "a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day." In addition, the showing "must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the 'Express Mail Post Office to Addressee' service of the USPS."

The petition filed June 16, 2003 (certificate of mailing date June 12, 2003), does not include the corroborating evidence required by the rule. The statement submitted with the instant petition was made over 6 months after the alleged deposit.

Accordingly, the petition to accord a December 3, 2002 filing date is dismissed.

Petitioners are encouraged to submit a statement from the postal clerk that accepted the correspondence on December 3, 2002. If obtaining the clerk's statement is not possible, petitioners are encouraged to submit a business record that came into being after deposit and within one business day of the deposit of the correspondence in Express Mail that supports petitioners' contention that petitioners are entitled to a December 3, 2002 filing date.

If petitioners are unable to provide persuasive corroboration evidence required by 37 CFR 1.10(d), petitioners may wish to file a petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.10(d). The fee for filing a petition under 37 CFR 1.183 is $130.

This application is being returned to the Office of Initial Patent Examination to change the filing date to **December 4, 2002** because the date-in on the Express Mail label in question is 12/4/02. December 4, 2002 is the earliest filing date that can be accorded to the above-identified application at this time. The other option is December 5, 2002, which is the date the package was received in the Office. Although petitioners are attempting to refute the validity of the Express Mail label in question, the 12/4/02 date-in is the earliest filing date currently available to petitioners. The Office accorded a December 2, 2002 filing date in error. There is no evidence to support a December 2, 2002 filing date for the above-identified application.

The application is being returned to the Office of Initial Patent Examination to accord a filing date of **December 4, 2002.**

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 FAX: (703) 308-6916
Attn: Office of Petitions

By hand: Office of Petitions
2201 South Clark Place
Crystal Plaza 4, Suite 3C23
Arlington, Virginia 22202

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 5

DENNIS R. SMALLEY
MEMGEN CORPORATION
1103 W. ISABEL STREET
BURBANK CA 91506

COPY MAILED

SEP 0 9 2003

OFFICE OF PETITIONS

In re Application of
Cohen, et al.
Application No. 60/430,809
Filed: December 3, 2002
Attorney Docket No. P-US021-B-MG
For: ELECTROCHEMICALLY FABRICATED HERMETICALLY SEALED MICROSTRUCTURES AND METHODS OF AND APPARATUS FOR PRODUCING SUCH STRUCTURES

: DECISION GRANTING
: PETITION

This is a decision on the reconsideration petition under 37 CFR 1.10(d), filed August 26, 2003 (certificate of mailing date August 21, 2003), requesting that the above-identified application be accorded a filing date of December 3, 2002.

Petitioners request the earlier filing date on the basis that the application was deposited in Express Mail service on December 3, 2002, pursuant to the requirements of 37 CFR 1.10. The petition is accompanied by a copy of Express Mail label no. EU871024934US, showing a date-in of December 4, 2002 and a time in of 00:00; a Sales Receipt from the Los Angeles Airport Station United States Post Office dated December 4, 2002 at 12:02 am which lists a package associated with Express Mail label EU871024934US as the third in a list of four packages with date in/time in ranging from December 3, 2002 at 23:58 to December 4, 2002 at 00:01; and a letter provided by USPS Supervisor Robert Whitney, who works at the Airport Station, that attests to the fact that the USPS serviced a package associated with Express Mail label no. EU871024934US prior to midnight on December 3, 2002. It is noted that Express Mail label no. EU871024934US is listed on the Certificate of Mailing by "Express Mail" found among the original application papers.

(Emphasis supplied). Paragraph (d) of 37 CFR 1.10 states that:

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Commissioner to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:
> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and
> (3) The petition includes a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was

deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

A grantable petition under 37 CFR 1.10(d) must include "a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day." In addition, the showing "must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the 'Express Mail Post Office to Addressee' service of the USPS."

The petition filed August 26, 2003 (certificate of mailing date August 21, 2003), is accompanied by the corroborating evidence required by the rule.

Accordingly, the petition to accord a December 3, 2002 filing date is GRANTED.

The application is being returned to the Office of Initial Patent Examination to accord a filing date of **December 3, 2002.**

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

A grantable petition under 37 CFR 1.10(d) must include "a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day." In addition, the showing "must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the 'Express Mail Post Office to Addressee' service of the USPS."

The petition filed June 16, 2003 (certificate of mailing date June 12, 2003), does not include the corroborating evidence required by the rule. The statement submitted with the instant petition was made over 6 months after the alleged deposit.

Accordingly, the petition to accord a December 3, 2002 filing date is dismissed.

Petitioners are encouraged to submit a statement from the postal clerk that accepted the correspondence on December 3, 2002. If obtaining the clerk's statement is not possible, petitioners are encouraged to submit a business record that came into being after deposit and within one business day of the deposit of the correspondence in Express Mail that supports petitioners' contention that petitioners are entitled to a December 3, 2002 filing date.

If petitioners are unable to provide persuasive corroboration evidence required by 37 CFR 1.10(d), petitioners may wish to file a petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.10(d). The fee for filing a petition under 37 CFR 1.183 is $130.

This application is being returned to the Office of Initial Patent Examination to change the filing date to **December 4, 2002** because the date-in on the Express Mail label in question is 12/4/02. December 4, 2002 is the earliest filing date that can be accorded to the above-identified application at this time. The other option is December 5, 2002, which is the date the package was received in the Office. Although petitioners are attempting to refute the validity of the Express Mail label in question, the 12/4/02 date-in is the earliest filing date currently available to petitioners. The Office accorded a December 2, 2002 filing date in error. There is no evidence to support a December 2, 2002 filing date for the above-identified application.

The application is being returned to the Office of Initial Patent Examination to accord a filing date of **December 4, 2002.**

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 FAX: (703) 308-6916
Attn: Office of Petitions

By hand: Office of Petitions
2201 South Clark Place
Crystal Plaza 4, Suite 3C23
Arlington, Virginia 22202

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/432,296	12/10/2002		80	LRI-009PAT	8		

CONFIRMATION NO. 3161

CORRECTED FILING RECEIPT

OC000000011638374

Mark F. Smith
Suite 102
7577 Central Park Boulevard
Mason, OH 45040

Date Mailed: 01/09/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Paul S. Prevey III, Cincinnati, OH;
Thomas S. Migala, Cincinnati, OH;
Perry Mason, Cincinnati, OH;
Douglas Hornbach, Cincinnati, OH;

If Required, Foreign Filing License Granted: 02/25/2003

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Part having a surface treatment thereon and a method for improving the properties of the part

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

GRANTED

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

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

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

NOT GRANTED

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

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Alexandria, VA 22313-1450
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HOFFMAN WARNICK LLC
75 STATE STREET
14TH FLOOR
ALBANY NY 12207

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JAN 22 2009

In re Application of	:	
McAllister, et al.	:	
Application No. 60/432,432	:	DECISION ON PETITIONS
Filed: December 11, 2002	:	
Attorney Docket No. SUNY-0006	:	

This is a decision on the petition under 37 CFR 1.59(b), filed August 21, 2007.

The petition to expunge is **GRANTED**.

As set forth in MPEP 724.05, a petition to expunge information unintentionally submitted in an application (other than information forming part of the original disclosure) may be filed under 37 CFR 1.59(b), provided that:

(A) the Office can effect such return prior to the issuance of any patent on the application in issue;

(B) it is stated that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted;

(C) the information has not otherwise been made public;

(D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted;

(E) it is established to the satisfaction of the Director that the information to be returned is not material information under 37 CFR 1.56; and

(F) the petition fee as set forth in 37 CFR 1.17(g) is included.

As the instant application is an Image File Wrapper (IFW), the petition to expunge will be effectuated by closing the record concerned to the public.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Paper No. 3

CHRISTIE, PARKER & HALE, LLP
P.O. Box 7068
Pasadena, CA 91109-7068

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AUG 0 8 2003

OFFICE OF PETITIONS

In re Application of	:	
Chi-Te Chin	:	
Application No. 60/432,886	:	DECISION ON
Filed: March 11, 2003	:	PETITION
Attorney Docket No. 49492/WPC/A599	:	

This is a decision on the petition filed March 11, 2003, to accord the above-identified application a filing date of December 11, 2002.

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 NOT permitted. This is **not** final agency action within the meaning of 5 U.S.C. § 704.

On December 11, 2002, the application was deposited.

On February 28, 2003, the Office of Initial Patent Examination mailed a Notice stating that drawings were not present and that a filing date had not been accorded.

Petitioner had two options:
(1) prove that drawings are not necessary and request a filing date of December 11, 2002, or
(2) provide the missing drawings and obtain a filing date of the date the drawings are filed.

Petitioner appears to have chosen option (1). The petition states, "Applicants hereby submit that all elements identified in the drawings were previously explained and disclosed in the original disclosure."

A review of the specification appears to indicate that the "invention" is a mechanism and that drawings are necessary. However, the Office is unable to clearly determine the "subject matter sought to be patented" since a non-provisional application with a full set of claims has not been filed. In order for the provisional application to be accorded a December 11, 2002 filing date, petitioner should establish that at least one claim could be drafted based on the specification which would not require drawings. In other words, if a request for reconsideration is filed, the request should include language for a possible future claim, for a subsequent non-provisional application, which would be fully supported by the instant disclosure without the drawings. Petitioner should note that if a request for reconsideration is granted, the drawings will not be entered since a provisional application may not be amended.

The petition fee of $130 has been charged to petitioner's deposit account.

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

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

By facsimile: (703) 308-6916
Attn: Office of Petitions

By hand: Office of Petitions
2201 South Clark Place
Crystal Plaza 4, Suite 3C23
Arlington, VA 22202

If a request of reconsideration is not timely filed, the file will be forwarded to the Office of Initial Patent Examination for further processing with a filing date of March 11, 2003, the date the missing parts were supplied, using the application papers filed on December 11, 2002, and the drawings filed on March 11, 2003.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/433,214	12/13/2002		160	3564			

CONFIRMATION NO. 8855

CORRECTED FILING RECEIPT

OC000000014428262

22886
AFFYMETRIX, INC
ATTN: CHIEF IP COUNSEL, LEGAL DEPT.
3380 CENTRAL EXPRESSWAY
SANTA CLARA, CA 95051

Date Mailed: 11/22/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Shane Brubaker, Santa Clara, CA;
Martin J. Goldberg, Saratoga, CA;
Melvin Yamamoto, Fremont, CA;

Power of Attorney:

Wei Zhou--44419

If Required, Foreign Filing License Granted: 02/28/2003

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/433,214

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

Non-Publication Request: No

Early Publication Request: No

Title

Nanotube based microarrays

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

GRANTED

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

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

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

NOT GRANTED

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

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Paper No. 4

MARK A LITMAN & ASSOCIATES PA
YORK BUSINESS CENTER
3209 W 76TH ST
SUITE 205
EDINA MN 55435

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AUG 24 2004

OFFICE OF PETITIONS

In re Application of
Goodin, et al.
Application No. 60/436,182
Filed: December 23, 2002
Attorney Docket No. 1001.010US1

: DECISION ON PETITION

This is a decision on the petition filed January 12, 2004, to accord the above-identified application a filing date of December 23, 2002.

The petition is **GRANTED**.

The application was deposited on December 23, 2002. However, on March 17, 2003, the Initial Patent Examination Division mailed a "Notice of Incomplete Provisional Application", notifying applicants that the application papers had been deposited without drawings, and stating that the filing date of the application would be the date of receipt of the omitted drawings.

On April 14, 2003, applicants filed drawings in response to the Notice. Accordingly, the application was accorded a filing date of April 14, 2003.

On January 12, 2004, applicants have filed the instant petition. Applicants now state that the drawings are not necessary for an understanding of the claimed subject matter, and therefore, the application should be accorded the December 23, 2002 filing date without the drawings.

As stated in MPEP 601.01(f), it is the practice of the PTO to treat a provisional application that contains at least some disclosure of a process or method as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

MPEP 601.01(f) also states that:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP 601.01(g), so long as the application contains something that can be construed as a written description and the name of all the inventors.

The instant provisional application contains method claims, namely claims 17 - 23 and 28 - 29. Therefore, the application should have been treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP 601.01(g).

In view of the above, the "Notice of Incomplete Provisional Application" mailed March 17, 2003 was mailed in error and is hereby **withdrawn**.[1]

As the instant petition was due to USPTO error, the petition fee of $130 will be refunded to petitioner under separate cover.

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 on the petition; however, the Office will mail all future correspondence solely to the address of record.

The application is being forwarded to the Office of Initial Patent Examination for further processing as a provisional application with a filing date of December 23, 2003, and for indication on the file wrapper label to show that "0" sheets of drawings were present on filing.

Telephone inquiries specific to this decision may be directed to the undersigned at (703) 305-0272.

for Cliff Congo
Petitions Attorney
Office of Petitions

cc: Madson & Metcalf
Gateway Tower West
15 West South Temple Suite 900
Salt Lake City, Utah 84101

---

[1] Accordingly, the Office has entertained applicants' petition, even though it was not filed within the two month time period as set by the Notice.

UNITED STATES 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. 6

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APR 08 2005

OFFICE OF PETITIONS

MARK A LITMAN & ASSOCIATES
3209 W 76TH ST
YORK BUSINESS CENTER
SUITE 205
EDINA MN 55435

In re Application of Goodin, et al. Application No. 60/436,182 Filed: April 14, 2003 Attorney Docket No. 1001.010US1	DECISION ON PETITION

This is a decision on the "REQUEST TO DISMISS PETITION", filed March 15, 2004[1], requesting to accord the above-identified application a filing date of April 14, 2003.

The request is **GRANTED**.

The application was deposited on December 23, 2002. However, on March 17, 2003, the Initial Patent Examination Division mailed a "Notice of Incomplete Provisional Application", notifying applicants that the application papers had been deposited without drawings, and stating that the filing date of the application would be the date of receipt of the omitted drawings.

On April 14, 2003, applicants filed drawings in response to the Notice. Accordingly, the application was accorded a filing date of April 14, 2003.

On January 12, 2004, applicants filed a petition to accord the application a filing date of December 23, 2002. Applicants

[1] Supplemented by an "Authorization to Charge Deposit Account" filed on March 21, 2005. The petition fee of $130 has been charged to Deposit Account No. 13-0673.

stated that the drawings were not necessary for an understanding of the claimed subject matter, and therefore, the application should be accorded the December 23, 2002 filing date without the drawings.

The January 12, 2004 petition was granted in a decision mailed on August 24, 2004. The decision stated that pursuant to MPEP 601.01(f), it is the practice of the PTO to treat a provisional application that contains at least some disclosure of a process or method as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence). The decision further explained that because the instant provisional application contains method claims (claims 17 - 23 and 28 - 29), the application should have been accorded a filing date, and the application should have been treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP 601.01(g). In other words, rather than mail a "Notice of Incomplete Provisional Application", the Office should have mailed a "Notice of Omitted Item(s)", which would have permitted applicants to: (1) establish prior receipt in the Office of the drawings at issue; or (2) submit the omitted drawings and accept the date of such submission as the application filing date.

On March 15, 2004, after the submission of the filing date petition, but prior to a decision on the petition, applicants mailed the instant "REQUEST TO DISMISS PETITION", seeking a filing date of April 14, 2003, the date applicants filed the omitted drawings.

The request is **GRANTED**.

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.

The application is being forwarded to the Office of Initial Patent Examination for further processing as a provisional application with a filing date of April 14, 2003, using the "4" sheets of drawings filed on that date.

Telephone inquiries specific to this decision may be directed to Petitions Attorney Cliff Congo at (571)272-3207.

Charles Pearson
Director
Office of Petitions

cc: Madson & Metcalf
Gateway Tower West
15 West South Temple, Suite 900
Salt Lake City, Utah 84101

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ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. 3

ALTHEIMER & GRAY
TEN SOUTH WACKER DRIVE, SUITE 4000
CHICAGO IL 60606-7482

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JUL 2 1 2003

OFFICE OF PETITIONS

In re Application of
Masters, et al.
Application No. 60/437,888
Filed: January 3, 2003
Attorney Docket No. 81230.86US1
FOR: REMOTE CONTROL WITH LOCAL, SCREEN-GUIDED SETUP

: DECISION GRANTING
: PETITION

This is a decision on the petition under 37 CFR 1.10(c), filed June 25, 2003, requesting that the above-identified application be accorded a filing date of January 3, 2003, instead of the presently accorded date of January 1, 2003.

Petitioners allege that the application was deposited in "Express Mail" service with the U. S. Postal Service (USPS), on January 3, 2003. In support, petitioners provided a copy of the Provisional Application for Patent Cover Sheet submitted with the original filing that lists Express Mail label no. EV093309021US thereon. While petitioners have not provided a copy of the Express Mail label in question, petitioners have provided a printout of the USPS Shipping Center Track and Confirm information for the package associated with EV093309021US. The USPS printout states that the package was en route and accepted on January 3, 2003. Petitioners request that the application be accorded a filing date of January 3, 2003.

In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on January 3, 2003.

The petition is granted.

As this is a feeless petition, no petition fee has been or will be charged.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of **January 3, 2003.**

Telephone inquiries concerning this matter should be directed to the undersigned at (703)308-6712.

E. Shirene Willis

E. Shirene Willis
Petitions Attorney
Office of Petitions

cc: GARY R. JAROSIK
GREENBERG TRAURIG, P.C.
77 W. WACKER DRIVE/ SUITE 2500
CHICAGO IL 60601

UNITED STATES PATENT AND TRADEMARK OFFICE

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ALEXANDRIA, VA 22313-1450
www.uspto.gov

WILLIAM J BUNDREN
THE LAW OFFICE OF WILLIAM J BUNDREN
734 LaRue Road
Millersville MD 21108

COPY MAILED
JUN 20 2008

In re Application of :
Fritzler, et al. : ON PETITION
Application No. 60/440,326 :
Filed: January 16, 2003 :
Attorney Docket No.: 666.0009P: '

This decision is in response to the petition, filed May 8, 2008, to accord above-identified application a filing date of January 16, 2003 with drawings as part of the original disclosure of application.

The petition is hereby **GRANTED**.

The application was deposited on January 16, 2003. On March 14, 2003, a Notice of Incomplete Provisional Application (Notice) was mailed indicating that the application had not been accorded a filing date because the application appeared to have been deposited without drawings in accordance with 35 USC 113.

The Notice indicated that the filing date of the application would be the date of receipt of the omitted item and further indicated that any assertion that the omitted item was submitted or was not necessary for a filing date must be by way of petition. The Notice also advised that a petition for a later filing date could be requested, such date being the date of submission of the omitted item.

In response to the Notice, on May 14, 2003, applicants submitted drawings that were re-numbered, with an indication that the drawings in question were present on filing as part of the original application.

As this response did not include a petition, the application was accorded a later filing date of May 14, 2003, the date the drawings were submitted.

Petitioners herein request that the application be accorded a filing date of January 16, 2003 and have argued that the

application as deposited January 16, 2003 included drawings that were embedded in the specification.

The provisional application papers as submitted consisted of 49 pages of text. The text contained drawings embedded therein.

Pursuant to 35 USC 111(b)(4), the filing date of a provisional application shall be the date on which the specification and any required drawing are received in the Patent and Trademark Office. Careful consideration of the arguments presented along with careful review the application papers as received May 8, 2008 reveals that all conditions for obtaining a filing date in this provisional application were met on January 16, 2003.

Under the facts of this case, this provisional application is entitled to a filing date as of the date of receipt of the 49 pages of specification that contained drawing figures embedded therein. There is no explicit requirement that precludes the obtaining of a filing date for a provisional application when the specification and drawings are, as here, not separated. The Notice of March 14, 2003, was mailed in error and is withdrawn.

The submission of May 14, 2003 will not be entered into the official record as to do so would require an amendment to the specification. In accordance with 37 CFR 1.121(k), "[a]mendments in provisional applications are not usually made. If an amendment is made to a provisional application, however, it must comply with the provisions of this section. Any amendments to a provisional application shall be placed in the provisional application file but may not be entered" 37 CFR 1.121(k).

No fee is due in connection with this matter.

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 documents 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.

This provisional application is being forwarded to the Office of Patent Application Processing with a filing date of January 16, 2003 for processing with drawings having been embedded in the specification as filed.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

CC: Steven L. Highlander
FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
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Paper No. 3

PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE, WA 98111-1247

COPY MAILED

OCT 14 2003

OFFICE OF PETITIONS

In re Application of
Mercadal et al.
Application No. 60/440,977
Filed: January 17, 2003
Attorney Docket No. 367618015US

DECISION ON PETITION

This is a decision on the "Petition in Response to Notice of Omitted Item(s) in a Provisional Application Filed under 37 C.F.R. § 1.53(c)," filed July 3, 2003, requesting that the above-identified provisional application be accorded a filing date of January 17, 2003, with Figure(s) 2B, 2C, 3B, 3C, 4C, 4D, 5B, and 5C considered part of the original application disclosure.

Application papers in the above-identified provisional application were deposited on January 17, 2003. However, on May 5, 2003, the Office mailed a NOTICE OF OMITTED ITEMS IN A PROVISIONAL APPLICATION, notifying applicants that the application papers had been accorded a filing date; however, Figures 2B, 2C, 3B, 3C, 4C, 4D, 5B, and 5C described in the specification appeared to have been omitted from the application.

Petitioners timely responded with the instant petition (and petition fee). Petitioners contend that Figures 2B, 2C, 3B, 3C, 4C, 4D, 5B, and 5C were included in the provisional application as filed on January 17, 2003. In support thereof, petitioners included a copy of a return receipt postcard stamped by OIPE on January 17, 2003, which petitioners maintain indicates that 7 sheets of drawings (Figures 1-6) were being filed. On petition, petitioners supplied replacement copies of the drawings.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503. A review of the postcard receipt confirms that: 1) it was date stamped as received in the USPTO on January 17, 2003, and shows assignment of application No. 60/440,977 to the papers submitted therewith 2) it specifically identifies the items being filed, including "7 Sheets Drawings (Figs. 1-6)," and 3) it lacks any annotation of nonreceipt of any item denoted on the postcard. Thus, petitioners have shown that the items denoted, including the 7 sheets of drawings, were filed on January 17, 2003.

Yet, a review of the application file reveals that the Office already considers 7 sheets of drawings to be among the papers received in the Office on January 17, 2003, but without Figures 2B, 2C, 3B, 3C, 4C, 4D, 5B, and 5C. Petitioner is correct that the figures currently considered filed on January 17, 2003, correspond to the figures set forth in appendix A and thus, were likely to have been thought by the Office to be the figures denoted on the postcard. Thus, the Office did not note on the postcard that drawings were missing on filing. Furthermore, the postcard only identifies the 7 sheets of drawings applicant intended to file as a part of the specification. Whereas, the application as filed contained two appendices[1] that also included sheets of drawings[2]. Nonetheless, the postcard also identified the number of pages of each appendix that was being filed. And, the postcard contains no notation indicating that any portion of either appendix was missing on filing. A review of the papers currently considered received in the Office on January 17, 2003, along with the 7 pages of replacement drawings submitted on petition, reveals that the combined papers constitute the application papers noted on the postcard as having been filed in the Office on January 17, 2003. Thus, the postcard is persuasive that the 7 sheets of drawings resubmitted on petition were a part of the original application disclosure.

Accordingly, the petition is **GRANTED**.

Given the basis for granting the petition, the petition fee is being refunded to Deposit Account No. 50-0665, as authorized.

This provisional application is being forwarded to the Office of Initial Patent Examination (OIPE) for:

- further processing with a filing date of January 17, 2003, using the application papers received in the Office and presently accorded that date; and the seven (7) sheets of drawings, containing figures 1-6, resupplied on petition filed July 3, 2003; and

- correction of Office records to indicate that the application contains seven (7) sheets of drawings, which were present in the application on filing.

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[1] Lending to confusion, each appendix contains the same sections as the body of the provisional application (i.e. Technical Field, Background, Brief Description of Drawings). It is just noted at the bottom of page 1 of each that it is an appendix.

[2] It is recommended that in filing an application in such a format that the postcard further note that "the appendices each contain, for example, seven (7) sheets of drawings containing figures 1-7." Otherwise, it may be concluded that petitioner has not properly identified the items being filed and thus, the postcard does not serve as *prima facie* evidence that the sheets of drawings applicant later maintains were filed, were among the items present in the application on filing, but misplaced by the Office. See MPEP 503.

Applicant will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OIPE.

Telephone inquiries related to this decision should be directed to the undersigned at 703-305-0309.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No. 4

Burns Doane Swecker & Mathis LLP
Post Office Box 1404
Alexandria, VA 22313-1404

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SEP 30 2003

OFFICE OF PETITIONS

In re Application of	:	
Josserand et al.	:	DECISION ON
Application No. 60/441,763	:	PETITION
Filed: June 3, 2003	:	
Attorney Docket No. 016800-576	:	

This is a decision on the petition filed on June 3, 2003, which is treated as a petition under 37 CFR 1.53(e) requesting that the above-identified provisional application be accorded a filing date of June 3, 2003.

Petitioner deposited the above-identified provisional application papers on January 23, 2003. However, on April 11, 2003, the Office of Initial Patent Examination mailed a Notice of Incomplete Provisional Application, stating that the application was deposited without drawings and that the filing date would be the date of receipt of the omitted drawings.

In reply, on June 3, 2003, petitioner submitted one page of drawings and paid the petition fee. Pursuant to 35 USC 111(b)(1)(A);(B), in order to obtain a filing date, a provisional application must provide the specification required by 35 USC 112 ¶ 1, and a drawing as prescribed by 35 USC 113. 37 CFR 1.53(c)(1) also requires the inclusion of a cover sheet pursuant to 37 CFR 1.51(c)(1), a condition clearly met herein on June 23, 2003, as was the submission of the filing fee required by 35 USC 41. All conditions for obtaining a filing date in this provisional application were met on June 3, 2003.

Under the facts of this case, this provisional application is entitled to the filing date as of the date of receipt of the one page of drawings; i.e. June 3, 2003.

Accordingly, the petition is **granted**.

Petitioner did not present an argument that petitioner submitted the omitted drawing sheet on filing. Therefore, no petition fee is necessary because petitioner is accepting the filing date of June 3, 2003, the date of receipt of the drawing sheet. The petition fee will be refunded to Deposit Account No. 02-4800.

This provisional application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of June 3, 2003.

Telephone inquiries specific to this decision should be directed to the undersigned at (703) 306-5589.

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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Paper No. 4

JHK LAW
P.O. BOX 1078
LA CANADA, CA 91012-1078

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JUN 1 3 2003

OFFICE OF PETITIONS

In re Application of :
Jeoung, et al. :
Application No. 60/442,461 : ON PETITION
Filed: January 24, 2003 :
Attorney Docket No. 59258-00004 :

This is a decision on the petition under 37 CFR 1.53, filed on May 9, 2003, requesting that the above-identified provisional application be accorded a filing date of January 24, 2003, including fourteen (14) pages of drawings.

The provisional application was filed on January 24, 2003. However, on April 4, 2003, the Office of Initial Patent Examination (OIPE) mailed a "Notice Of Incomplete Provisional Application" that stated the provisional application had not been accorded a filing date, and that the provisional application was deposited without the necessary drawings.

In response, on May 9, 2003, the instant petition and a copy of fourteen (14) pages of drawings were submitted. The papers were accompanied by a copy of applicant's postcard receipt that acknowledges receipt of fourteen (14) pages of drawings on January 24, 2003. A review of the application file indicates the presence of zero (0) pages of drawings. It is assumed that the fourteen (14) pages of drawings were misplaced by the Office.

In view of the above, the petition is granted and the "Notice Of Incomplete Provisional Application" is hereby vacated.

The $130.00 petition fee has not been charged.

This application will be returned to OIPE for further processing with a filing date of January 24, 2003, using the copy of the fourteen (14) pages of drawings, supplied on May 9, 2003.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 306-9200.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/444,103	01/31/2003		80	SZLAM1USP	4		

CONFIRMATION NO. 9831

CORRECTED FILING RECEIPT

OC000000011133180

006980
TROUTMAN SANDERS LLP
BANK OF AMERICA PLAZA, SUITE 5200
600 PEACHTREE STREET , NE
ATLANTA, GA 30308-2216

Date Mailed: 10/29/2003

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Aleksander Szlam, Alpharetta, GA;

If Required, Foreign Filing License Granted: 04/09/2003

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Portable face recognition device

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

GRANTED

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

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

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

NOT GRANTED

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

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Paper No. 3

G. PETER NICHOLS
BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

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JUN 1 2 2003

OFFICE OF PETITIONS

In re Application of :
Minalga, et al. :
Application No. 60/444,263 : ON PETITION
Filed: January 31, 2003 :
Attorney Docket No. :
10710/158 (PTG-1020-PUS)

This is a decision on the papers styled "Petition," filed on May 9, 2003, which has been treated as a petition under 37 CFR 1.53, requesting that the above-identified provisional application be accorded a filing date of January 31, 2003, including Figure 8 as described in the specification.

The provisional application was filed on January 31, 2003. However, on March 6, 2003, the Office of Initial Patent Examination (OIPE) mailed a "Notice Of Omitted Item(s)" that stated the provisional application had been accorded a filing date, but Figure 8 as described in the specification appear to have been omitted.

In response, on May 9, 2003, the instant petition and a copy of Figure 8 as described in the specification were submitted. The papers were accompanied by a copy of applicant's postcard receipt that acknowledges receipt of fourteen (14) pages of drawings on January 31, 2003. Petitioner, however, states that the postcard contained a typographical error and that only thirteen (13) pages, containing Figures 1-14 (the sixth sheet of the drawings containing Figures 6 and 7), were actually submitted. This is confirmed by a review of the application file which indicates the presence of twelve (12) pages of drawings with only Figure 8 (on the seventh sheet of the drawings) missing. It is assumed that Figure 8 as described in the specification, located on the seventh sheet of the drawings, was misplaced by the Office.

In view of the above, the petition is granted.

The $130.00 petition fee paid for the papers filed on May 6, 2003, will be refunded to deposit account no. 23-1925.

This application will be returned to OIPE for further processing with a filing date of January 31, 2003, using the copy of Figure 8, supplied on May 9, 2003.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 306-9200.

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

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Paper 3

Choate, Hall & Stewart
Exchange Place
53 State Street
Boston MA 02109

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SEP 0 2 2003

OFFICE OF PETITIONS

In re Application of
Jianzhu Chen et al.
Application No. 60/446,377
Filed: February 10, 2003
Attorney Docket No. 0492611-0470 (MIT 9926)

DECISION GRANTING PETITION

This is a decision on the petition filed June 30, 2003 (certificate of mail date, June 27, 2003) under 37 CFR 1.53, in response to the "Notice of Omitted Items" mailed April 29, 2003.

The instant application was filed February 10, 2003 and a filing date was accorded. However, according to the Notice of Omitted Items, the application papers submitted did not include Figures 11 and 19H.

Petitioner has provided a copy of the application cover sheet which itemizes the contents of the original application packet. The cover sheet was date stamped by the USPTO on February 10, 2003 and acknowledges, inter alia, the number of drawing sheets to be 41.

Additionally, petitioner has provided a certified copy of the complete application as originally filed including the purportedly omitted figures.

A review of the file indicates that three sheets of drawings comprising figures 11 a-e were in fact included with the application as originally filed The Office apologizes for any inconvenience occasioned by this error.

With respect to figure 19H however, the petition states that the drawings are not necessary for an understanding of the subject matter sought to be patented.

It has been PTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).[1]

Since the application was filed with at least one claim directed to a process or method and petitioner acknowledges that Figure 19H was omitted upon application and not essential to the understanding of the invention, the application has been properly treated as an application for which a drawing, omitted upon application, is not necessary.

In view of the above, the petition, filed June 30, 2003 (certificate of mail date June 27, 2003) under 37 CFR 1.53 is **granted** to the extent that the application will be

[1] MPEP 601.01(f).

accorded the filing date of February 10, 2003 without the figures 19H as a part of the original disclosure of this application.

The petition is granted. Deposit Account No. 03-1721 will be charged in the amount of $130.00 for the petition fee.

The application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of February 10, 2003 with Figures 11 a-e but without Figure 19H as a part of the original disclosure of the application.

Telephone inquiries specific to this matter should be directed to the undersigned Petitions Attorney at (703) 305-4497.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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JAN 22 2007

OFFICE OF PETITIONS

In re Application of Chow et al. Application No. 60/446,607 Filed: February 12, 2003 Attorney Docket Number: 2003B014 Title of Invention: Polymerization Catalyst Composition	: : : : : :	DECISION GRANTING PETITION

This is a decision on the petition under 37 CFR 1.10 (c) filed on April 20, 2006, requesting that the above-identified application be accorded a filing date of February 11, 2003 rather than the presently accorded date of February 12, 2003.

Petitioner contends the application was deposited in Express Mail service on February 11, 2003. In support, petitioner supplied a copy of Express Mail receipt No. EL558128525US (the same Express Mail number found on the itemized transmittal sheet accompanying the original application papers located in the official file). The Express Mail Label shows a date-in of February 11, 2003. A review of the United States Postal Service's Express Mail Information Database shows the Express Mail package was accepted by the United States Postal Service on February 11, 2003.

In view of the above, the petition is **Granted**. No petition fee is required and none has been charged.

The application is being forwarded to Office of Initial Patent Examination for correction of the filing date to **February 11, 2003** and issuance of a corrected Filing Receipt.

This matter will be referred to the Office of Initial Patent Examination for further processing.

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

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Paper No. 6

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OCT 3 1 2003

OFFICE OF PETITIONS

Luxtera Inc.
Suite 104
129 N. Hill Ave
Pasadena CA 91106

In re Application of Gunn, et al. Application No. 60/446,843 Filed: February 11, 2003 Attorney Docket No. N/A FOR: MULTI-WAVELENGTH OPTICAL PROCESSOR	: DECISION GRANTING PETITION

This is a decision on the reconsideration petition filed October 20, 2003 to accord a filing date of February 11, 2003 to the above-identified application.

The application was deposited on February 11, 2003 . However, on April 17, 2003, the Office of Initial Patent Examination mailed a "Notice of Incomplete Provisional Application"(Notice) requiring drawings of applicants' invention and stating that the filing date would be the date of receipt of the omitted drawings. It is noted that the specification filed on February 11, 2003 describes drawing figures.

As stated in MPEP 601.01(f), it is the practice of the United States Patent and Trademark Office (PTO) to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 USC 113 (first sentence.)

MPEP 601.01(f) also states that:

> ... [A] provisional application having at least some disclosure ...for which a drawing is usually not considered essential for a filing date, describing drawing figures in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification... so long as the application contains something that can be construed as a written description.

This provisional application contains method claims and a detailed written description. Therefore, the application should have been accorded a filing date.

In view of the above, the "Notice" mailed April 17, 2003, insofar as it pertains to the accordation of a filing date, was mailed in error and is hereby partially withdrawn. The application is entitled to a filing date of February 11, 2003. The petition is **granted**.

The $130.00 petition fee will be refunded by way of a treasury check that will be scheduled shortly.

Petitioners are reminded that it is not possible to amend a provisional application. Drawings were not present upon initial filing. Thus, the drawings filed on October 20, 2003 are not considered part of the application. They will, however, be retained in the application file.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of **February 11, 2003** and the mailing of a filing receipt reflecting the February 11, 2003 filing date.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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COMMISSIONER FOR PATENTS
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Paper No. 4

Luxtera Inc.
Suite 104
129 N. Hill Ave
Pasadena CA 91106

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AUG 2 1 2003

OFFICE OF PETITIONS

In re Application of
Gunn, et al.
Application No. 60/446,843
Filed: February 11, 2003
Attorney Docket No. N/A
FOR: MULTI-WAVELENGTH OPTICAL PROCESSOR

: DECISION DISMISSING PETITION

This is a decision on the petition filed June 15, 2003 to accord a filing date of February 11, 2003 to the above-identified application. The petition will be treated under 37 CFR 1.53(e).

The petition is **dismissed** and the merits of the petition will not be addressed because the petition is not signed by a proper party.

37 CFR 1.33(b) states that any amendments and other papers filed in an application must be signed by (1) an appointed registered attorney or agent; (2) a registered attorney or agent not appointed, but acting in a representative capacity, (3) an assignee under 3.71(b); or (4) all of the named inventors.

The petition is signed by Brett Brown. Brett Brown has not provided an attorney registration number and a review of Office records does not reveal that a person named Brett Brown has been assigned a registration number. Brett Brown has not shown that he is an authorized representative of an assignee who has right to take action. Brett Brown is not an inventor.

In short, Brett Brown has not established that he is permitted to file amendments and other papers in this application.

In any reconsideration petition, petitioner is encouraged to either (a) submit Brett Brown's registration number; (b) submit an appropriate 3.73(b) statement on behalf of the assignee establishing ownership of the invention signed by a person authorized to act on behalf of the assignee (the person authorized to act on behalf of the assignee should be Brett Brown and in this manner, the signature on instant petition will be ratified); or (c) submit another copy of the petition signed by all three inventors.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.53(e)". **Failure to respond will result in abandonment of the application.** There is no need to submit another petition fee.

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

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450
Attn: E. Shirene Willis

By hand: Crystal Plaza Four, Suite 3C23
2201 South Clark Place
Arlington, VA 22202
Attn: E. Shirene Willis

By Fax: (703) 308-6916
ATTN: Office of Petitions -- **E. Shirene Willis**

Telephone inquiries may be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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Paper No. 6

Luxtera Inc.
Suite 104
129 N. Hill Ave
Pasadena CA 91106

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OCT 3 1 2003

OFFICE OF PETITIONS

In re Application of
Gunn, et al.
Application No. 60/446,847
Filed: February 11, 2003
Attorney Docket No. N/A
FOR: SYSTEMS AND METHODS FOR A SHARED LASER SOURCE USABLE IN A DISTRIBUTED ARRAY

: DECISION GRANTING PETITION

This is a decision on the reconsideration petition filed October 20, 2003 to accord a filing date of February 11, 2003 to the above-identified application.

The application was deposited on February 11, 2003 . However, on May 9, 2003, the Office of Initial Patent Examination mailed a "Notice of Incomplete Provisional Application"(Notice) requiring drawings of applicants' invention and stating that the filing date would be the date of receipt of the omitted drawings. It is noted that the specification filed on February 11, 2003 describes drawing figures.

As stated in MPEP 601.01(f), it is the practice of the United States Patent and Trademark Office (PTO) to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 USC 113 (first sentence.)

MPEP 601.01(f) also states that:

> ... [A] provisional application having at least some disclosure ...for which a drawing is usually not considered essential for a filing date, describing drawing figures in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification... so long as the application contains something that can be construed as a written description.

This provisional application contains method claims and a detailed written description. Therefore, the application should have been accorded a filing date.

In view of the above, the "Notice" mailed May 9, 2003, insofar as it pertains to the accordation of a filing date, was mailed in error and is hereby partially withdrawn. The application is entitled to a filing date of February 11, 2003. The petition is **granted**.

The $130.00 petition fee will be refunded by way of a treasury check that will be scheduled shortly.

Petitioners are reminded that it is not possible to amend a provisional application. Drawings were not present upon initial filing. Thus, the drawings filed on October 20, 2003 are not considered part of

the application. They will, however, be retained in the application file.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of **February 11, 2003** and the mailing of a filing receipt reflecting the February 11, 2003 filing date.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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Paper No. 4

Luxtera Inc.
Suite 104
129 N. Hill Ave
Pasadena CA 91106

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AUG 21 2003

OFFICE OF PETITIONS

In re Application of
Gunn, et al.
Application No. 60/446,847
Filed: February 11, 2003
Attorney Docket No. N/A
FOR: SYSTEMS AND METHODS FOR A SHARED LASER SOURCE USABLE IN A DISTRIBUTED ARRAY

DECISION DISMISSING PETITION

This is a decision on the petition filed June 18, 2003 to accord a filing date of February 11, 2003 to the above-identified application. The petition will be treated under 37 CFR 1.53(e).

The petition is **dismissed** and the merits of the petition will not be addressed because the petition is not signed by a proper party.

37 CFR 1.33(b) states that any amendments and other papers filed in an application must be signed by (1) an appointed registered attorney or agent; (2) a registered attorney or agent not appointed, but acting in a representative capacity, (3) an assignee under 3.71(b); or (4) all of the named inventors.

The petition is signed by Brett Brown. Brett Brown has not provided an attorney registration number and a review of Office records does not reveal that a person named Brett Brown has been assigned a registration number. Brett Brown has not shown that he is an authorized representative of an assignee who has right to take action. Brett Brown is not an inventor.

In short, Brett Brown has not established that he is permitted to file amendments and other papers in this application.

In any reconsideration petition, petitioner is encouraged to either (a) submit Brett Brown's registration number; (b) submit an appropriate 3.73(b) statement on behalf of the assignee establishing ownership of the invention signed by a person authorized to act on behalf of the assignee (the person authorized to act on behalf of the assignee should be Brett Brown and in this manner, the signature on instant petition will be ratified); or (c) submit another copy of the petition signed by all three inventors.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.53(e)". **Failure to respond will result in abandonment of the application.** There is no need to submit another petition fee.

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

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450
Attn: E. Shirene Willis

By hand: Crystal Plaza Four, Suite 3C23
2201 South Clark Place
Arlington, VA 22202
Attn: E. Shirene Willis

By Fax: (703) 308-6916
ATTN: Office of Petitions -- **E. Shirene Willis**

Telephone inquiries may be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 4

E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1128
4417 LANCASTER PIKE
WILMINGTON, DE 19805

COPY MAILED

OCT 17 2003

OFFICE OF PETITIONS

In re Provisional Application of :
Kinney et al. :
Provisional Application No. 60/446,941 : ON PETITION
Filed: February 12, 2003 :
Attorney Docket No. BB1538 US PRV :

This decision concerns the "Response to Notice of Omitted Items in a Provisional Application" filed on June 16, 2003, which is being properly treated as a petition under 37 CFR 1.53 that several drawings submitted with the petition be accorded the February 12, 2003 filing date of the above-referenced provisional application.

The petition is **DISMISSED.**

The provisional application was filed on February 12, 2003. On May 7, 2003, the Office of Initial Patent Examination (OIPE) mailed a Notice of Omitted Items in a Provisional Application ("5/7/03 Notice"), advising Applicants that the provisional application had been accorded a filing date of February 12, 2003, but that Figures 3-5 described in the specification appeared to have been omitted from the provisional application as filed on February 12, 2003. An extendable 2-month reply period was set forth in the 5/7/03 Notice.

The petition, accompanied by drawings of Figures 3-5 and the $130 petition fee, in essence states that the drawings do not constitute new matter, in that, they are described in the specification. However, Petitioners are not disputing the 5/7/03 Notice. The petition is thus dismissed.

The provisional application is being returned to Files Repository.

Telephone inquiries should be directed to Petitions Attorney RC Tang at (703) 308-0763.

Beverly M. Flanagan
Supervisory 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. 3

COZEN O'CONNOR PC
1900 MARKET STREET
PHILADELPHIA PA 19103-3508

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AUG 04 2003

OFFICE OF PETITIONS

In re Application of David J. Ecker Application No. 60/447,529 Filed: February 14, 2003 Attorney Docket No. IBIS0020-001	DECISION ON PETITION

This is a decision on the paper titled "Response to Notice of Omitted Items(s) in a Provisional Application", filed June 12, 2003 (Certificate of Mailing dated June 10, 2003), which has been forwarded to this Office to be treated as a petition.

The application was deposited on February 14, 2003. However, on May 2, 2003, the Initial Patent Examination Division mailed a "Notice of Omitted Item(s) in a Provisional Application" requiring a drawing of Figure 1B described in the specification.

Petitioner states that the references to Figure 1B in the specification is a typographical error and that no drawing was omitted.

Based on the statements made in the petition, which is signed by a registered practitioner, it appears that the reference in the specification to Figure 1B is a typographical error and that no drawing containing Figure 1B was intended to be filed on February 14, 2003.

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

Given the basis for granting this petition, no petition fee was required.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of February 14, 2003.

Any inquires related to this decision should be directed to Petitions Attorney Cliff Congo at (703) 305-0272.

Christina L. Donnell for

Beverly Flanagan
Supervisory Petitions Examiner
Office of Petitions

UNITED STATES 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. 3

FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW CA 94041

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AUG 2 7 2003

OFFICE OF PETITIONS

In re Application of
Stanford, et al.
Application No. 60/447,697
Filed: February 14, 2003
Attorney Docket No. 23671-07608

DECISION ON PETITION

This is a decision on the petition filed July 14, 2003 (Certificate of Mailing dated July 8, 2003), to accord the above-identified application a filing date of February 14, 2003, with page 14 of the specification as part of the disclosure.

Application papers in the above-identified application were filed on February 14, 2003. However, on May 8, 2003, the Initial Patent Examination Division mailed applicant a "Notice of Omitted Items in a Provisional Application", notifying applicant that the application papers had been accorded a filing date; however, page 14 of the specification appeared to have been omitted. In response, applicant filed the instant petition.

In response, applicant filed the instant petition. Accompanying the petition was a complete copy of the application. Applicant maintains that the application as originally filed included page 14 of the specification. In support thereof, applicant submitted a postcard receipt identifying this application, itemizing "72 pages of Specification and Abstract" as enclosed, bearing a United States Patent and Trademark Office date-stamp of February 14, 2003, and lacking any notation of non receipt of any item listed.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503.

In view thereof, the petition is **GRANTED**.

Given the basis for granting the petition, the petition fee of $130 has been refunded to Deposit Account No. 19-2555.

This application is being forwarded to the Office of Initial Patent Examination for further processing, including mailing of a filing receipt, with a filing date of February 14, 2003, using the application papers present on that date, and page 14 of the specification as supplied on petition. Applicant will receive appropriate notifications regarding any missing items or fees owed, and other information in due course from OIPE.

Telephone inquiries specific to this decision may be directed to Petitions Attorney Cliff Congo at (703) 305-0272.

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON DC 20006-1109

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JUN 1 0 2009

OFFICE OF PETITIONS

In re Application of	:	
Santalo et al.	:	
Application No. 60/447,739	:	RESPONSE TO PETITION
Filed: February 19, 2003	:	
Attorney Docket No. 63158.000002	:	

This is a response to the petition, filed May 5, 2009, which is treated as a petition under 37 CFR 1.183 to expunge the original drawings from the above identified provisional application.

The petition is **granted**.

Pursuant to a petition decision of August 31, 2004, the original drawings in non-provisional application 10/376,330, which is a child of the above identified provisional application, were expunged and replaced by substitute drawings submitted September 30, 2004. The substitute drawings redacted confidential personal information appearing in the original drawings of the non-provisional application, but otherwise did not change the original drawings. The personal information also appeared on the original drawings of the above identified provisional application. However, the original drawings of the above identified provisional application were not previously expunged with the original drawings of the non-provisional application, and petitioner now requests that they be expunged.

Similar to the original drawings of 10/376,330, the original drawings of the above identified provisional application will be "closed" so as to no longer appear as part of the Image File Wrapper for the above identified provisional application. Also, the original drawings of the above identified provisional application have been physically removed from the file wrapper, returned to applicant at the above address, and replaced by the redacted version provided with the petition.

Telephone inquiries concerning this communication should be directed to the undersigned at (571)272-6692.

Christopher Bottorff
Petitions Examiner
Office of Petitions

encl: original drawings

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/449,484	01/29/2003		80	2995-1	6		

CONFIRMATION NO. 2386

CORRECTED FILING RECEIPT

OC000000011892851

23863
LESPERANCE & MARTINEAU
1440 WEST
STE-CATHERINE ROOM 700
MONTREAL, QC H3G1R8
CANADA

Date Mailed: 02/12/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Clement Poirier, Montreal, CANADA;

If Required, Foreign Filing License Granted: 04/02/2003

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Modular trays for storing compact disc cases

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

GRANTED

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

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No. 4

Richard R. Michaud
McCormick, Paulding & Huber LLP
185 Asylum Street, CityPlace II
Hartford CT 06103

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SEP 3 0 2003

OFFICE OF PETITIONS

In re Application of	:	
Thomas A. Follo, Paul R.	:	
Dansreau, Max Lembke, and John Pacilio	:	
Application No. 60/449,931	:	DECISION ON PETITION
Filed: February 25, 2003	:	
Attorney Docket No. 6579-63 (PC23273)	:	
Title: SHAVING IMPLEMENT	:	

This is a decision on the "Response to Notice of Omitted Items in a Provisional Applicaiton"[1], filed May 21, 2003, requesting that the above-identified application be accorded a filing date of February 25, 2003, with Figures thirty-six and thirty-seven (36 and 37) as part of the original disclosure of the application.

The application was filed on February 25, 2003. However, on April 15, 2003, Initial Patent Examination Division (OIPE) mailed a notice stating that the application had been accorded a filing date, and advising applicants that the application was deposited without Figures thirty-six and thirty-seven (36 and 37), which were described in the specification.

Petitioners have not alleged that Figures thirty-six and thirty-seven (36 and 37) were included with the application filed on February 25, 2003.

If petitioner desires for the examiner to consider the missing figure which were not submitted as part of the original

1 This is properly treated as a petition under 37 CFR 1.53(b).

disclosure, then petitioner may submit that Figure via a Preliminary Amendment, which should be filed concurrently with any non-provisional application, if one is filed in the future. Any such amendment will, of course, be reviewed by the examiner for new matter[2].

For these reasons, the petition under 37 CFR 1.53(b) must be **dismissed**.

Figures thirty-six and thirty-seven (36 and 37), submitted with the instant petition, will not be entered. Should petitioner wish for Figures thirty-six and thirty-seven (36 and 37) to be entered, the preliminary amendment mentioned above must be filed.

The original application papers will include only those application papers present on the date of deposit.

The petition fee of $130.00 will not be refunded, as this petition was not necessitated by any error on the part of the Office.

The Application is being returned to the Office of Initial Patent Examination for further processing with a filing date of February 25, 2003, using only the application papers filed on that date.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Paul Shanoski at (703) 305-0011.

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
United States Patent and Trademark Office

2 See MPEP §608.02(a).

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Alexandria, VA 22313-1450
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HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON DC 20006-1109

MAILED

JUN 10 2009

OFFICE OF PETITIONS

In re Application of	:	
Santalo et al.	:	
Application No. 60/450,319	:	RESPONSE TO PETITION
Filed: February 28, 2003	:	
Attorney Docket No. 63158.000002	:	

This is a response to the petition, filed May 5, 2009, which is treated as a petition under 37 CFR 1.183 to expunge the original drawings from the above identified provisional application.

The petition is **granted**.

Pursuant to a petition decision of August 31, 2004, the original drawings in non-provisional application 10/376,330, which is a child of the above identified provisional application, were expunged and replaced by substitute drawings submitted September 30, 2004. The substitute drawings redacted confidential personal information appearing in the original drawings of the non-provisional application, but otherwise did not change the original drawings. The personal information also appeared on the original drawings of the above identified provisional application. However, the original drawings of the above identified provisional application were not previously expunged with the original drawings of the non-provisional application, and petitioner now requests that they be expunged.

Similar to the original drawings of 10/376,330, the original drawings of the above identified provisional application will be "closed" so as to no longer appear as part of the Image File Wrapper for the above identified provisional application. Also, the original drawings of the above identified provisional application have been physically removed from the file wrapper, returned to applicant at the above address, and replaced by the redacted version provided with the petition.

Telephone inquiries concerning this communication should be directed to the undersigned at (571) 272-6692.

Christopher Bottorff
Petitions Examiner
Office of Petitions

encl: original drawings

UNITED STATES PATENT AND TRADEMARK OFFICE

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ALEXANDRIA, VA 22313-1450
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Paper No. 3

LEPTOS BIOMEDICAL
2385 RIDGEGATE ROW
LA JOLLA CA 92037

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JUL 1 0 2003

OFFICE OF PETITIONS

In re Application of	:
John Daniel Dobak	:
Application No. 60/450,534	: DECISION GRANTING PETITION
Filed: 25 February, 2003	:
For: WIRELESS MODULATION OF THE	:
SYMPATHETIC NERVOUS SYSTEM	:

This is a decision on the petition filed on 20 May, 2003, requesting that the above-identified provisional application be accorded a filing date of 25 February, 2003.

The petition is **GRANTED**.

The application was filed on 25 February, 2003, without drawings. Accordingly, on 15 April, 2003, Initial Patent Examination Division mailed a "Notice of Incomplete Provisional Application" stating that the application had been deposited without drawings.

On 20 May, 2003, the present petition was filed. Petitioner argues that drawings are not necessary for an understanding of the subject matter sought to be patented, and requests that the application be accorded a filing date of 25 February, 2003.

As stated in MPEP § 601.01(f), it is the practice of the PTO to treat a provisional application that contains at least some disclosure of a process or method as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

MPEP § 601.01(f) also states that:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but

> filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description and the names of all the inventors.

A review of the official file reveals that the specification describes a method. Therefore, the application contains disclosure relating to a process or method.

In view of the above, the "Notice" mailed 15 April, 2003, was mailed in error and is hereby withdrawn.

The application is accorded a filing date of 25 February, 2003, without drawings as a part of the original disclosure. The petition fee of $130.00 paid with the present petition will be refunded to counsel's deposit account, No. 11-1410, as directed in the present petition.

The application is being returned to the Office of Initial Patent Examination for correction of the filing date to 25 February, 2003.

Telephone inquiries specific to this matter should be directed to the undersigned at 703 308-6918.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Paper No. 5

Brown Raysman Millstein Felder & Steiner LLP
900 Third Avenue
New York NY 10022

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AUG 15 2003

OFFICE OF PETITIONS

In re Application of
Shor, et al.
Application No. 60/450,737
Filed: February 28, 2003
Attorney Docket No. 5579/1A P
For: COMMUNICATION METHOD, SYSTEM AND APPARATUS UTILIZING BURST SYMBOL CYCLES

DECISION GRANTING PETITION

This is a decision on the petition under 37 CFR 1.53(e), filed June 10, 2003 (certificate of mailing date June 5, 2003), requesting, in effect, withdrawal of the May 5, 2003 Notice to File Omitted Item(s) in a Provisional Application (Notice), insofar as it alleges that Figure 26 was omitted upon filing.

The application was deposited on February 28, 2003. On May 5, 2003, the Office of Initial Patent Examination mailed a Notice informing petitioner that drawing figure 26 described in the specification appeared to have been omitted.

In response to the Notice, petitioner timely filed the present petition. Petitioner requests that drawing figure 26 be accorded a filing date of February 28, 2003 on the basis that 26 sheets of drawing figures, including drawing figure 26, were received in the Patent and Trademark Office (PTO) on February 28, 2003. In support, the petition is accompanied by a copy of applicant's itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing February 28, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included 26 sheets of drawings. A review of the application file reveals that only 25 sheets of drawing figures -- Figures 1 - 25 -- are present.

The return postcard constitutes *prima facie* evidence that 26 sheets of drawing figures, including drawing figure 26, were filed on February 28, 2003. MPEP 503. Accordingly, the request is granted.

No fee has been or will be charged in connection with this matter.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **February 28, 2003**, using the copy of Figure 26 submitted with the instant petition. Office records will be corrected to show that 26 sheets of drawing figures were present on filing.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

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

Image DAE

Attorney Docket No. 5579/1A PROV

OIPE JC42
FEB 2 6 2004
TRADEMARK OFFICE

IN THE UNTED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Gadi Shor et al.
Serial No.	:	60/450,737
Filed	:	February 28, 2003
Title	:	COMMUNICATION METHOD, SYSTEM AND APPARATUS UTILIZING BURST SYMBOL CYCLES

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

REQUEST REGARDING DECISION GRANTING PETITION

Sir:

We received a Decision Granting Petition, dated August 15, 2003, relating to the above-captioned provisional patent application. It has recently come to our attention that our Petition dated June 5, 2003 was, completely inadvertently, factually in error. It was believed at the time, and asserted, that Figure 26 was included in the above-captioned application, and materials were submitted to evidence this fact as part of the Petition. We recently noticed, however, that the materials that were submitted relate to a different, related provisional patent application (specifically, Application No. 60/404,070, filed August 16, 2002), even though we had, at the time of submission, believed that the materials related to the above-captioned application. Upon further investigation of this matter, we learned that Figure 26 had evidently in fact not been submitted in the above-captioned application, even though it was referenced in the specification as filed.

For the above reasons, the applicants respectfully request that the Petition filed on June 5, 2003 be withdrawn, and, consequently, that the effect of the Decision Granting Petition dated August 15, 2003 be negated, so that Figure 26 is not deemed to be part of the disclosure of the above-captioned application.

The undersigned attorney has made several calls and left a voice mail message with the Office about this matter at the number indicated on the Decision Granting Petition, specifically, 703-308-6712, but to date no return call has been received.

The applicants thank the Office for their attention to this matter. The undersigned attorney can be reached at 212-895-2007.

The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to the undersigned attorney's Deposit Account No. 02-4270.

Respectfully submitted,

Dated: 2/23/04

James J. Woods, Reg. No. 47,184
BROWN RAYSMAN MILLSTEIN
FELDER & STEINER LLP
900 Third Avenue
New York, NY 10022
(212) 895-2000

I hereby certify that this paper is being deposited this date with the
U.S. Postal Service as First Class Mail addressed to:
Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450

James J. Woods — 2/23/04 Date

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

BRIAN K. JOHNSON, ESQ., LLC
P.O. Box 209
MIDDLETOWN NJ 07748-0209

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JUL 0 8 2005

OFFICE OF PETITIONS

In re Application of :
Robert E. Coifman, et al. :
Application No. 60/451,024 :
Filed: March 1, 2003 :
Attorney Docket No. RCOIF 3.0-001US :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed by April 28, 2005, to revive the above-identified application.

The application became abandoned for failure to timely respond to a Notice to File Missing Parts mailed May 19, 2003. A Notice of Abandonment was mailed on September 29, 2004. In response, on April 28, 2005, the present petition was filed.

Petitioner is reminded that a provisional application, abandoned for failure to timely respond to an Office requirement, may be revived pursuant to 37 CFR 1.137(g). However, subject to the provisions of 35 U.S.C. 119(e)(3) and § 1.7(b), a provisional application will not be regarded as pending after twelve months from its filing date under any circumstances. Accordingly, the petition is **GRANTED** to the extent indicated.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov
DW 08-03

Paper No. 3

AUBURN UNIVERSITY
OFFICE OF TECHNOLOGY TRANSFER
309 SAMFORD HALL
AUBURN UNIVERSITY AL 36849

COPY MAILED

AUG 1 8 2003

OFFICE OF PETITIONS

In re Application of :
Petrenko et al. :
Application No. 60/451,918 :
Filed: 4 March, 2003 :
For: Methods of Forming Monolayer :
of Phage-derived Products and Uses :
Thereof :

ON PETITION

This is a decision on the petition filed on 17 July, 2003, which is treated as a petition under 37 CFR 1.53 requesting that the above-identified application be accorded a filing date of 4 March, 2003, with drawing Figure 7 described in the specification as a part of the original disclosure.

The petition is **dismissed**.

On 4 March, 2003, the application was filed.

On 22 May, 2003, the Office of Initial Patent Examination (OIPE) mailed a "Notice" stating that the application had been accorded a filing date of 4 March, 2003, but that Figure 7 described in the specification appeared to have been omitted from the application. A two (2) month period for reply was set.

In response, on 17 July, 2003, the present petition was filed, accompanied by a copy of one (1) sheet of drawings containing Figure 7. Petitioners concede that Figure 7 was omitted by error but requests that the application, including Figure 7, be accorded a filing date of 4 March, 2003.

Petitioners' argument has been considered, but is not persuasive. The U.S. Patent and Trademark Office (Office) file is the official record of the papers originally filed in this application. A review of the papers originally filed reveals that Pages 1-12 of specification, including claims, and two (2) sheets of drawings containing Figures 2-6 were received on 4 March, 2003. No sheet containing Figure 7 was filed on 4 March,

2003, since no such sheet of drawings is present among the application papers received on that date. An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence. As petitioners concede that the omitted sheet of drawings was not filed on 4 March, 2003, due to petitioners' inadvertence, the application cannot be accorded a filing date of 4 March, 2003, with Figure 7 as a part of the original disclosure.

Petitioners are further advised that for provisional applications, the option to take the later filing date, *i.e.*, the date of submission of the omitted page(s) or drawing(s), is not available.[1] As such, if petitioners desire to have Figure 7 considered as part of the application, petitioners should simply file a new completed provisional application including Figure 7.

As this petition was not due to an error on the part of the USPTO, the petition fee will not be refunded.

The application will be processed using only the application papers present on filing on 4 March, 2003. The copy of Figure 7 supplied on 17 July, 2003, will not be used for processing, but will be retained in the application file.

The application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of 4 March, 2003, using only the application papers filed on that date.

Telephone inquiries concerning this matter may be directed to the undersigned at (703)308-6918.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

---

[1]MPEP 601.01(d). In view of the relatively low filing fee for provisional applications, and the USPTO's desire to minimize the processing of provisional applications, the USPTO will not grant petitions under 37 CFR 1.182 to accept omitted page(s) or drawing(s) and accord an application filing date as of the date of submission in provisional applications. The applicant should simply file a new completed provisional application. Id.

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Paper No. 5

PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS, MN 55402

COPY MAILED

JUL 3 1 2003

OFFICE OF PETITIONS

In re Application of :
Lael D. King :
Application No. 60/452,224 : ON PETITION
Filed: March 5, 2003 :
Attorney Docket No. 3013.02US01 :

This is a decision on the petition under 37 CFR 1.182, filed July 1, 2003, requesting the withdrawal and cancellation of the "Response to Notice of Omitted Item(s) in a Provisional Application," submitted May 1, 2003 and that the above-identified application be accorded a filing date of March 5, 2003.

The petition is **granted**.

The above-identified provisional application was filed on March 5, 2003. However, on April 25, 2003, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Omitted Item(s)" stating that the provisional application had been accorded a filing date of March 5, 2003, and advising applicants that Figure 13 as described in the specification appeared to have been omitted.

In response, on May 6, 2003, Figure 13 as described in the specification was filed. On May 19, 2003, OIPE mailed an updated filing receipt that indicated the provisional application was assigned a new filing date, May 6, 2003, the day Figure 13 was submitted.

Petitioner asserts: "Pursuant to 37 CFR 1.182, Applicant respectfully requests the filing date for the above-referenced application revert to the original filing date of March 5, 2003. As referenced in the last paragraph of the notice of Omitted Item(s) in a Provisional Application, failure to respond will be treated as constructive acceptance by the applicant of the

provisional application as deposited in the USPTO. Therefore, Applicant requests withdrawal and cancellation of its Response to Notice of Omitted Item(s) in a Provisional Application submitted May 1, 2003. The Applicant acknowledges that the original application papers (i.e., the original disclosure of the invention) are complete and those application papers constitute the entire disclosure."

As Applicant states the original application papers are complete and that those application papers constitute the entire disclosure, the petition is granted.

This application is being forwarded to the Office of Initial Patent Examination for issuance of a corrected filing receipt and processing with a filing date of March 5, 2003, using the papers filed on that day.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 306-9200.

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

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
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Paper No. 3

HUMAN GENOME SCIENCES, INC.
9410 KEY WEST AVENUE
ROCKVILLE, MD 20850

COPY MAILED

SEP 1 0 2003

OFFICE OF PETITIONS

In re Application of	:	
Rosen, et al.	:	
Application No. 60/453,201	:	ON PETITION
Filed: March 11, 2003	:	
Attorney Docket No. PF605PP2	:	

This is a decision on the petition under 37 CFR 1.53, filed July 23, 2003, requesting that the above-identified provisional application be accorded a filing date of March 11, 2003.

The application was deposited on March 11, 2003. However, on April 23, 2003, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Provisional Application" which stated a filing date was not accorded and that the application was deposited without drawings.

In response, on July 23, 2003, the present petition was filed. Petitioner states that drawings are not necessary for an understanding of the claimed subject matter and, therefore, the application should be accorded the March 11, 2003 filing date without the drawings.

As stated in MPEP 601.01(f), it is the practice of the PTO to treat a provisional application that contains at least some disclosure of a process or method as an application for which a drawing is <u>not</u> necessary for an understanding of the invention under 35 USC 113 (first sentence).

MPEP 601.01(f) also states that:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawings figure(s) in the specification, but filed without drawings will be treated as an application

filed without all of the drawing figures referred to in the specification as discussed in MPEP 601.01(g), so long as the application contains something that can be construed as a written description and the names of all the inventors.

As a review of the official file reveals that the application includes method claims. Therefore, this application contains disclosure relating to a process or method.

The petition is granted.

In view of the above, the "Notice" mailed April 23, 2003, was mailed in error and is hereby withdrawn.

The $130.00 petition fee will be refunded to deposit account no. 08-3425.

The provisional application will be returned to the Office of Initial Patent Examination for processing with a filing date of March 11, 2003.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 306-9200.

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

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

JUN 11 2003

MM
Paper No. 10

In re Application of:
MCMASTER, BRIAN
Serial No.: 10/171,398
Filed: June 12, 2002
For: ANTI-INFLAMMATORY
COMPOSITIONS AND METHODS OF USE

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.53, filed December 16, 2002, to convert the application to a provisional application.

Since the petition includes all that is required by 37 CFR 1.53, the petition is GRANTED.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for conversion into a provisional application.

PETITION GRANTED

Carole Tsay for
John Doll, Director
Technology Center 1600

William B Kezer Ph D
c/o Townsend & Townsend & Crew
Walnut Creek Office
2175 North California Bouulevard Ste 625
Walnut Creek, CA 94596

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/163,811	06/05/2002	Anne M. Whalen	AGY-002

CONFIRMATION NO.

OC000000010444489

000959
LAHIVE & COCKFIELD
28 STATE STREET
BOSTON, MA 02109

Date Mailed: 07/08/2003

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **06/02/2003,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/453,712.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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AUG 19 2003

MM
Paper No. 9

In re Application of:
SCHINAZI ET AL.
Serial No.: 10/210,243
Filed: August 01, 2002
For: 2',3'-DIDEOXY-NUCLEOSIDE ANALOGUES FOR THE TREATMENT OR PREVENTION OF FLAVIVIRIDAE INFECTIONS

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.53, filed October 17, 2002, to convert the application to a provisional application.

Since the petition includes all that is required by 37 CFR 1.53, the petition is GRANTED.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for conversion into a provisional application.

PETITION GRANTED

John Doll, Director
Technology Center 1600

KING & SPALDING
191 PEACHTREE STREET, N.E.
ATLANTA, GA 30303-1763

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/210,243	08/01/2002	Raymond F. Schinazi	1060

CONFIRMATION NO.

OC000000010804412

20786
KING & SPALDING
191 PEACHTREE STREET, N.E.
ATLANTA, GA 30303-1763

Date Mailed: 09/03/2003

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **10/17/2002,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/453,715.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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AUG 19 2003

MM
Paper No. 8

In re Application of:
WANG ET AL.
Serial No.: 10/210,244
Filed: August 01, 2002
For: COMPOUNDS WITH THE BICYLO-[4.2.1.]NONANE SYSTEM FOR THE TREATMENT OF FLAVIVIRIDAE INFECTIONS

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.53, filed October 17, 2002, to convert the application to a provisional application.

Since the petition includes all that is required by 37 CFR 1.53, the petition is GRANTED.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for conversion into a provisional application.

PETITION GRANTED

John Doll, Director
Technology Center 1600

KING & SPALDING
191 PEACHTREE STREET, N.E.
ATLANTA, GA 30303-1763

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/210,244	08/01/2002	Peiyuan Wang	1070

CONFIRMATION NO.

OC000000010805094

20786
KING & SPALDING
191 PEACHTREE STREET, N.E.
ATLANTA, GA 30303-1763

Date Mailed: 09/03/2003

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **10/17/2002,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/453,716.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/419,701	04/18/2003	David M. Thompson	3011.1013-007 (D-21245)

CONFIRMATION NO.

OC000000010848329

021005
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

Date Mailed: 09/09/2003

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **06/02/2003,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/453,717.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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Paper No. 9

In re Application of
Jared P. Andrews, Sr.
Application No. 10/205,586
Filed: July 24, 2003
Attorney Docket No. JMCOFFE.013A

: DECISION ON PETITION

This is a decision on the petition filed on July 24, 2003 by which petitioner requests that this 37 CFR 1.53(b) nonprovisional application be converted to a provisional application.

The petition to convert the application to a provisional application is granted.

A review of the petition to convert shows that the petition satisfies the requirements of 37 CFR § 1.53(c)(2)(iii).

Accordingly, the application is being returned to Initial Patent Examination Division (IPED) for further processing as a **PROVISIONAL** application under 35 U.S.C. 111(b) and 37 CFR 1.53(b)(2), including the assignment of a new provisional application number.

The new provisional application number will be communicated to applicant by the Office of Initial Patent Examination (OIPE) in due course.

E. Rollins-Cross, Director, Patent
Examining Groups 3710 and 3720

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

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/205,586	07/24/2002	Jared P. Andrews SR.	JMCOFFE.013A

CONFIRMATION NO.

OC000000010847782

20995
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Date Mailed: 09/09/2003

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **07/22/2003,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/453,731.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/454,980	06/05/2003	Kim Christiansen	5799.145US01

CONFIRMATION NO.

OC000000010848084

23552
MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

Date Mailed: 09/09/2003

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **07/25/2003,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/453,732.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S. DILL
Office of Initial Patent Examination
(703) 308-0910

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AUG 19 2003

MM
Paper No.10

In re Application of:
GUDMUNDSSON, GUDMUNDUR
Serial No.: 10/060,902
Filed: January 30, 2002
For: GENE FOR PERIPHERAL
ARTERIAL OCCLUSIVE DISEASE

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.53, filed January 16, 2003, to convert the application to a provisional application.

Since the petition includes all that is required by 37 CFR 1.53, the petition is GRANTED.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for conversion into a provisional application.

PETITION GRANTED

John Doll, Director
Technology Center 1600

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/060,902	01/30/2002	Gudmundur Gudmundsson	2345.2012-000

CONFIRMATION NO.

OC000000010869881

021005
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

Date Mailed: 09/12/2003

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **01/16/2003,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/453,733.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/389,791	03/17/2003	Sean Cunningham	P-26,781

CONFIRMATION NO.

OC000000010961609

23307
SYNNESTVEDT & LECHNER, LLP
2600 ARAMARK TOWER
1101 MARKET STREET
PHILADELPHIA, PA 191072950

Date Mailed: 10/01/2003

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **05/29/2003,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/453,734.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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AUG 19 2003

MM
Paper No. 11

In re Application of:
WENZ ET AL.
Serial No.: 10/011,993
Filed: December 05, 2001
For: METHODS FOR QUANTITATING NUCLEIC ACIDS USING COUPLED LIGATION AND AMPLIFICATION

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.53, filed December 4, 2002, to convert the application to a provisional application.

Since the petition includes all that is required by 37 CFR 1.53, the petition is GRANTED.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for conversion into a provisional application.

PETITION GRANTED

John Doll, Director
Technology Center 1600

Finnegan, Henderson, Farabow,
Garret & Dunner, L.L.P.
1300 I Street, N.W.
Washington, DC 20005-3315

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/011,993	12/05/2001	H. Michael Wenz	7414.0030-00000

CONFIRMATION NO.

OC000000010962065

Finnegan, Henderson, Farabow,
Garret & Dunner, L.L.P.
1300 I Street, N.W.
Washington, DC 20005-3315

Date Mailed: 10/02/2003

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **12/04/2002,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/453,735.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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AUG 19 2003

MM
Paper No. 12

In re Application of:
DALTON ET AL.
Serial No.: 10/084,680
Filed: February 28, 2002
For: SELECTIVE ANDROGEN RECEPTOR MODULATORS AND METHODS OF USE THEREOF

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.53, filed January 28, 2003, to convert the application to a provisional application.

Since the petition includes all that is required by 37 CFR 1.53, the petition is GRANTED.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for conversion into a provisional application.

PETITION GRANTED

John Doll, Director
Technology Center 1600

Eitan, Pearl, Latzer & Cohen-Zedek LLP
10Rockefeller Plaza
Suite 1001
New York, NY 10020

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/084,680	02/28/2002	James T. Dalton	P-5372-USP

CONFIRMATION NO.

OC000000010973164

Eitan, Pearl, Latzer & Cohen-Zedek LLP
10 Rockefeller Plaza
Suite 1001
New York, NY 10020

Date Mailed: 10/02/2003

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **01/29/2003,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/453,736.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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Paper No. 3

PILLSBURY WINTHROP LLP
INTELLECTUAL PROPERTY GROUP
11682 EL CAMINO REAL
SUITE 200
SAN DEIGO CA 92130-2092

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AUG 1 2 2003

OFFICE OF PETITIONS

In re Application of	:
Marsh et al.	: DECISION GRANTING
Application No. 60/454,877	: PETITION
Filed: 12 March, 2003	:
Attorney Docket No. ENTERPR.008PR	:

This is a decision on the petition, filed on 31 July, 2003, under 37 CFR 1.10(c), requesting that the above-identified application be accorded a filing date of 12 March, 2003, rather than the presently accorded filing date of 13 March, 2003.

Petitioners allege that the application was deposited in Express Mail service on 12 March, 2003. In support, petitioners have provided a copy of Express Mail Label No. EV149803751US (the same Express Mail number found on the itemized transmittal sheet accompanying the original application papers located in the official file). Although the Express Mail label bears a "date-in" of "3-13-03" the label also contains an Official USPS postmark dated 12 March, 2003. In view of the above, the correct date of deposit in Express Mail is 12 March, 2003.

In view of the above, the petition is granted. No petition fee is required and none has been charged.

The revocation and power of attorney filed on 31 July, 2003, is accepted. The correspondence address has been changed.

The application is being forwarded to the Office of Initial Patent Examination for correction of the filing date to **12 March, 2003.**

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 308-6918.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
60/454,877	03/13/2003	Gene W. Marsh	ENTERPR.008PR

CONFIRMATION NO. 9857

OC000000010682898

PILLSBURY WINTHROP LLP
INTELLECTUAL PROPERTY GROUP
11682 EL CAMINO REAL
SUITE 200
SAN DEIGO, CA 92130-2092

Date Mailed: 08/12/2003

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/31/2003.

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.

DOUGLAS I WOOD
OP (703) 308-6918

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
60/454,877	03/13/2003	Gene W. Marsh	ENTERPR.008PR

CONFIRMATION NO. 9857

OC000000010682828

Richard E. Campbell
Knobbe, Martens, Olson & Bear, LLP
14th Floor
2040 Main Street
Irvine, CA 92614

Date Mailed: 08/12/2003

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/31/2003.

- The Power of Attorney to you in this application has been revoked by the applicant. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

DOUGLAS I WOOD
OP (703) 308-6918

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Paper No. 4

FISH & RICHARDSON PC
225 FRANKLIN ST
BOSTON MA 02110

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AUG 0 8 2003

OFFICE OF PETITIONS

In re Application of Mano Manoharan Application No. 60/455,050 Filed: March 13, 2003 Attorney Docket No. 14174-065P01	DECISION ON PETITION

This is a decision on the petition filed June 26, 2003 (Certificate of Mailing dated June 24, 2003), to accord the above-identified application a filing date of March 13, 2003.

Application papers in the above-identified application were filed on March 13, 2003. However, on May 22, 2003, the Initial Patent Examination Division mailed applicant a "Notice of Incomplete Provisional Application", notifying applicant that the application papers had not been accorded a filing date because the application was deposited without drawings. In response, applicant filed the instant petition.

Petitioner argues that drawings are not necessary for the understanding of the subject matter sought to be patented in the above application.

As stated in MPEP § 601.01(f), it is the practice of the PTO to treat an application that contains at least one process or method claim as an application for which a drawing is <u>not</u> necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

MPEP § 601.01(f) also states that:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description.

The instant provisional application contains method claims, namely claims 20-22. Therefore, the application should have been treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g).

In view of the above, the "Notice of Incomplete Provisional Application" mailed May 22, 2003, was mailed in error and is hereby **withdrawn**.

Accordingly, the petition is **granted** to the extent that the application will be accorded the March 13, 2003 filing date with no drawings as a part of the original disclosure of the application.

As the present petition was due to USPTO error, no petition fee was necessary, and none has been charged.

This application is being forwarded to the Office of Initial Patent Examination for further processing, including mailing of a filing receipt, with a filing date of March 13, 2003, using the application papers present on that date, and for indication on the file wrapper label that "0" sheets of drawings were present on filing. Applicant will receive appropriate notifications regarding any missing items or fees owed, and other information in due course from OIPE.

Telephone inquiries specific to this decision may be directed to Petitions Attorney Cliff Congo at (703) 305-0272.

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions

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Paper No. 2

MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

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JUN 1 6 2003

OFFICE OF PETITIONS

In re Provisional Application of
Miller et al.
Application No. 60/455,086
Filed: March 14, 2003
Attorney Docket No. 9233.113PR

ON PETITION

This decision concerns the June 5, 2003 "Petition to Accord the Proper Filing Date" which is being properly treated as a petition under 37 CFR 1.10(c).

The petition is **GRANTED**.

The petition requests a filing date of March 14, 2003 rather than the presently accorded filing date of March 17, 2003, on the basis that the application was deposited on March 14, 2003 in the U.S. Postal Service (USPS) "Express Mail Post Office to Addressee" service pursuant to the requirements of 37 CFR 1.10.

The Cover Sheet filed with the instant provisional application contains a "Certificate of Express Mail" that bears the mailing label number "EV193628178US." Although the petition has not enclosed a copy of this mailing label, the Office agrees with Petitioners that, according to the official USPS website, www.usps.gov (Track & Confirm), the package mailed under this label had been accepted by the USPS on March 14, 2003 at 5:42 pm. The petition is thus granted.

No petition fee is owed.

The application file is being forwarded to the Office of Initial Patent Examination for correcting the filing date to March 14, 2003, and for mailing a corrected filing receipt reflecting that filing date. Thereafter, the file will be returned to Files Repository.

Telephone inquiries should be directed to the undersigned at (703) 308-0763.

RC Tang
Petitions Attorney
Office of Petitions

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QUALCOMM INCORPORATED
ATTN: INTELLECTUAL PROPERTY ADMINISTRATION
5775 MOREHOUSE DRIVE
SAN DIEGO, CA 92121

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OFFICE OF PETITIONS

In re Application of	:	
Taneja, et al.	:	DECISION GRANTING
Application No. 60/455,906	:	PETITION
Filed: March 17, 2003	:	
Attorney Docket No. 030056P1	:	

This is a decision on the petition filed July 23, 2003, requesting that the above-identified provisional application be accorded a filing date of March 17, 2003.

The application was deposited on March 17, 2003. However, on May 22, 2003, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Provisional Application" which stated a filing date was not accorded and that the application was deposited without drawings.

In response, on July 23, 2003, the present petition was filed. Petitioner states that the provisional application contains at process claim that includes the term "method" in it's introductory phrase and therefore drawings are not required.

MPEP 608.02 states:

> "An OIPE formality examiner should not treat an application without drawings as incomplete if drawings are not required. A drawing is not required for a filing date under 35 U.S.C. 111 and 113 if the application contains:
>
> > (A) at least one process claim including the term "process" or "method" in its introductory phrase;

Since the claims contain at least one process claim including the term "process" or "method" in its introductory phrase, drawings are not required in order to accord a filing date.

The petition is <u>granted</u>.

The provisional application will be returned to the Office of Initial Patent Examination for processing with a filing date of March 17, 2003.

As the OIPE formality examiner should not have required drawings, the petition fee will be refunded to deposit account no. 17-0026.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 306-9200.

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

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C mmissioner for Patents
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Paper No. 5

OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-8403

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JUL 3 0 2003

OFFICE OF PETITIONS

In re Application of	:
Paul Giampavolo	:
Application No. 60/456,665	: DECISION GRANTING FILING
Filed: March 20, 2003	: DATE UNDER 37 CFR 1.10(d)
Attorney Docket No. P/1759-113	:

This is a decision on the petition, filed June 24, 2003, requesting that the above-identified application be accorded a filing date of March 20, 2003, rather than the presently accorded date of March 21, 2003. The petition is properly treated as a petition under 37 CFR 1.10(d).

Applicant requests the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on March 20, 2003, pursuant to 37 CFR 1.10. In support, applicant has submitted a copy of Express Mail label No. EV 162750832US, the same Express Mail number which appears on the transmittal letter for the instant application, bearing a "date-in" of March 21, 2003. Additionally, the petition is accompanied by a copy of applicant's log of Express Mail entitiled "Pickup Service Statement for Express Mail, Priority Mail, or Parcel Post," which discloses that an Express Mail package bearing label number EV 162750832 was signed for by a USPS employee on March 20, 2003. The petition is further accompanied by a statement from the USPS which states that the package bearing Express Mail label No. EV 162750832US was delivered on March 21, 2003 at 11:20 AM in Arlington, VA 22202 and signed for by B. Anderson. In view thereof, applicant requests that this application be accorded a filing date of March 20, 2003.

Paragraph (a) of 37 CFR 1.10 states that:

> Any correspondence received by the Patent and Trademark Office (Office) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service

> (USPS) will be considered filed in the Office on the date of deposit with the USPS. The date of deposit with the USPS is shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation. If the USPS deposit date cannot be determined, the correspondence will be accorded the Office receipt date as the filing date. See §1.6(a) (emphasis supplied).

Paragraph (d) of 37 CFR 1.10 states that:

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Commissioner to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:
>
> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
>
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and
>
> (3) The petition includes a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS (emphasis supplied).

The evidence submitted satisfies the showing required by 37 CFR 1.10(d) in establishing that this application was deposited by Express Mail on March 20, 2003. Further, an independent search was made of the USPS Express Mail Track and Confirm records which resulted

in a finding that the package in question was in fact accepted on March 20, 2003 at the New York, NY USPS. Therefore, in view of all the evidence, it is concluded that the application was deposited in Express Mail service on March 20, 2003. Accordingly, the instant application is entitled to a filing date of March 20, 2003, and has been so accorded.

Any inquiries specific to this decision should be directed to Frances Hicks at (703) 305-8680.

This application file is being returned to the Office of Initial Patent Examination for processing with a filing date of March 20, 2003 and for mailing of a corrected Filing Receipt.

Brian Hearn

Brian Hearn
Senior Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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Paper No. 3

Howson and Howson
One Spring House Corporation Center
Box 457
321 Norristown Road
Spring House, PA 19477

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OCT 1 5 2003

OFFICE OF PETITIONS

In re Application of	:	
John H. Eldridge, et al.	:	
Application No. 60/457,876	:	DECISION GRANTING
Filed: March 26, 2003	:	PETITION
Attorney Docket No. AM101319L1	:	

This is a decision on the petition filed July 17, 2003, requesting that the above-identified application be accorded a filing date of March 26, 2003.

The petition is **GRANTED**.

The application was filed on March 26, 2003. However, the Office of Initial Patent Examination mailed a "Notice of Omitted Items in a Provisional Application" on May 23, 2003 stating that page 48 of the specification appears to have been omitted.

Petitioner has provided a copy of a postcard receipt acknowledging receipt of 42 pages of specification, 6 pages of claims, 1 page of the Abstract, 1 page of a Fee Transmittal, and 2 pages of the Provisional Cover Sheet on March 26, 2003. Additionally, petitioner has provided a copy of page 48 of the specification.

In view of the above, the petition fee of $130 is unnecessary. Accordingly, the fee will be credited to petitioner's deposit account in due course.

This application file is being forwarded to the Office of Initial Patent Examination Division for further **processing with a filing date of March 26, 2003**, using the copy of page 48 of the specification supplied with the instant petition. Thereafter, the application file will be forwarded to the Files Repository.

Telephone inquiries concerning this matter may be directed to Marianne Morgan at (703) 306-3475.

Brian Hearn
Senior Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
For Patent Examination Policy

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Paper No. 5

IRA J. SCHULTZ
DENNISON, SCHULTZ & DOUGHERTY
SUITE 612
1745 JEFFERSON DAVIS HIGHWAY
ARLINGTON VA 22202

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AUG 19 2003

OFFICE OF PETITIONS

In re Application of
Emmanuel Delorme et al.
Application No. 60/458,045
Filed: March 28, 2003
Attorney's Docket No. 03051PROV

ON PETITION

This is a decision on the petition filed June 10, 2003 and treated under 37 CFR 1.53(e)(2), requesting that the above-identified application be accorded a filing date of March 28, 2003, with drawing Figure 9 as a part of the original disclosure.

The petition is granted.

The application was filed on March 28, 2003. On May 28, 2003, the Office of Initial Patent Examination mailed a Notice of Omitted Items in a Provisional Application. The Notice indicated that Figure 9 described in the specification appeared to have been omitted. In response, petitioners filed the instant petition with an assertion that Figure 9 was not omitted and instead it had been mislabeled.

A review of the 4 sheets of drawings filed March 28, 2003, confirms that page 4 of the drawings contained figures 10-13 but that the figures should have been labeled 9-12 as the last figure on page 3 was figure 8. Since it is obvious that no drawing was actually missing on March 28, 2003, the application will be processed using the four sheets of drawings with the proper numbering/labeling submitted on June 10, 2003.

The "Notice" mailed May 28, 2003, was correct in advising applicant that a drawing of Figure 9 appeared to have been omitted. Therefore, the "Notice" was properly mailed and will not be withdrawn. The petition fee will not be refunded, since the petition was not necessary to correct any PTO error.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of March 28, 2003, using the four sheets of drawings filed on June 10, 2003.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (703) 305-4497.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Examiner
Office of Petitions

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Paper No.

MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004

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AUG 26 2008

In re Application of Nicholas R. White Application No. 60/458,672 Filed: March 28, 2003 Attorney Docket No.: 061248-01-0011 Title: ION BEAM CONTROL ARRANGEMENT	:	DECISION ON PETITION PURSUANT TO 37 C.F.R. § 1.183

This is a decision on the petition pursuant to 37 C.F.R. § 1.181, filed June 11, 2008. This petition is being treated as a petition pursuant to 37 C.F.R. § 1.183.

The concurrently submitted Power of Attorney has been entered and made of record.

The petition fee of $400 will be charged to Petitioner's Deposit Account in due course.

On March 28, 2003, the above-identified application was deposited. On June 2, 2003, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Omitted Items in a Provisional Application - Filing Date Granted (notice)", advising applicant that Figure 3 appeared to have been omitted. The Notice set a two-month period for response.

The notice set forth that two options were available to Applicant: he could either submit a petition pursuant to 37 C.F.R. § 1.182 and assert that the Figure 3 had been present on

filing, or he could accept the application as deposited. Instead, Applicant pursued a third course of action, and submitted a copy of Figure 3 on July 24, 2003.[1] Consequently, the Office mailed an updated filing receipt on August 11, 2003, indicating that the filing date had been changed to July 24, 2003.

With this petition, Petitioner has requested that that the Office accord the original filing date of March 28, 2003 to this application.

It is noted that for provisional applications, the option to take the later filing date, *i.e.*, the date of submission of the omitted page(s) or drawing(s, is not available. See MPEP § 601.01(d).[2] As such, if Applicant desired to have Figure 3 considered as part of the application, Petitioner should have either submitted a timely petition pursuant to 37 C.F.R. § 1.182 along with proof that Figure 3 had been included on filing, or simply filed a new and complete provisional application, including Figure 3.

Petitioner's request is being treated as a request to expunge Figure 3, along with the concurrently submitted copy of the notice and the one-page letter, from the electronic file.

37 C.F.R. §1.59 sets forth:

§ 1.59 Expungement of information or copy of papers in application file.
(a)
(1) Information in an application will not be expunged, except as provided in paragraph (b) of this section.
(2) Information forming part of the original disclosure (i.e., written specification including the claims, drawings, and any preliminary amendment specifically incorporated into an executed oath or declaration under §§ 1.63 and 1.175) will not be expunged from the application file.
(b) An applicant may request that the Office expunge information, other than what is excluded by paragraph (a)(2) of this section, by filing a petition

---

1 On the second page of this petition, Petitioner has alleged that this course of action was pursued "[b]ecause Applicant believed that Figure 3 was filed on March 28, 2003, but misplaced by the Office." It is noted that this is precisely the type of situation that falls under the first option referred to above, however a petition was not timely filed. It is further noted that Petitioner does not have firsthand knowledge of Applicant's motivations, and a statement from Applicant has not been provided with this petition.
2 " … in view of the relatively low filing fee for provisional applications, and the USPTO's desire to minimize the processing of provisional applications, the USPTO will not grant petitions under 37 CFR 1.182 to accept omitted page(s) or drawing(s) and accord an application filing date as of the date of such submission in provisional applications. The applicant should simply file a new completed provisional application."

under this paragraph. Any petition to expunge information from an application must include the fee set forth in § 1.17(h) and establish to the satisfaction of the Director that the expungement of the information is appropriate in which case a notice granting the petition for expungement will be provided. (c) Upon request by an applicant and payment of the fee specified in § 1.19(b), the Office will furnish copies of an application, unless the application has been disposed of (see §§ 1.53(e), (f) and (g)). The Office cannot provide or certify copies of an application that has been disposed of.

[48 FR 2710, Jan. 20, 1983, effective Feb. 27, 1983; 49 FR 554, Jan. 4, 1984, effective Apr. 1, 1984; 49 FR 48416, Dec. 12, 1984, effective Feb. 11, 1985; 50 FR 23123, May 31, 1985, effective Feb. 11, 1985; revised, 60 FR 20195, Apr. 25, 1995, effective June 8, 1995; revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (b) revised, 65 FR 54604, Sept. 8, 2000, effective Nov. 7, 2000; para. (b) revised, 68 FR 14332, Mar. 25, 2003, effective May 1, 2003; revised, 68 FR 38611, June 30, 2003, effective July 30, 2003]

The figure that Petitioner wishes to have expunged forms part of the original disclosure, due to the fact that the figure was described in the specification that was presented on filing. However, pursuant to the disposition of the petition under 37 C.F.R. §1.183, the prohibition against the waiver of the expungement of information forming part of the original disclosure has been waived. Petitioner has established to the satisfaction of the Director that the expungement of this information is appropriate.

This petition is **GRANTED** to the extent that this provisional application will be accorded a filing date of March 28, 2003 and that Figure 3, along with the concurrently submitted copy of the notice and the one-page letter, will be expunged from the electronic file.

As such, the electronic documents which contain these page have been closed in the Office's Image File Wrapper software viewing program. The paper documents will not be removed from the physical file however, as the Office does not remove papers from paper files which have been scanned.

Non-provisional application number 10/807,770 will continue to claim priority to this provisional application, save for the material found in Figure 3 of this provisional application.

The Office of Patent Application Processing (OPAP) will be advised to process this application with a **filing date of March 28, 2003**, using the original application papers deposited on that date. **OPAP will then mail a corrected filing receipt**.

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.[3]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

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

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
60/458,672	07/24/2003	Nicholas R. White	White-1

CONFIRMATION NO. 1182

POA ACCEPTANCE LETTER

9629
MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

OC000000031531500

Date Mailed: 08/12/2008

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/11/2008.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/pashanoski/

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
60/458,672	07/24/2003	Nicholas R. White	White-1

CONFIRMATION NO. 1182

POWER OF ATTORNEY NOTICE

Donald N. Halgren
35 Central St.
Manchester, MA 01944

OC000000031531469

Date Mailed: 08/12/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/11/2008.

- The Power of Attorney to you in this application has been revoked by the applicant. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/pashanoski/

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

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Paper No. 3

KLARQUIST SPARKMAN, LLP
Suite 1600
One World Trade Center
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Portland, OR 97204

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AUG 14 2003

OFFICE OF PETITIONS

In re Application of Lal et al. Application No. 60/458,880 Filed: March 28, 2003 Attorney Docket No. 6395-64791	DECISION ON PETITION

This is a decision on "RESPONSE TO NOTICE OF OMITTED ITEMS IN A PROVISIONAL APPLICATION (NOTICE) AND PETITION FOR ACCEPTANCE OF THIS SUBMISSION OF ITEMS INDICATED AS OMITTED ON SAID NOTICE AS RECEIVED ON APPLICATION FILING DATE," filed June 16, 2003, which is properly treated as a petition under 37 CFR § 1.182, requesting, in effect, that the "Notice of Omitted Items in a Provisional Application" mailed May 29, 2003 be withdrawn.

Application papers in the above-identified provisional application were filed on March 28, 2003. However, on May 29, 2003, the Initial Patent Examination Division mailed applicants a "Notice of Omitted Item(s) in a Provisional Application." Applicants were notified that the application papers had been accorded a filing date; however, Figure 1 described in the specification appeared to have been omitted.

In reply, applicants timely filed the instant petition, requesting acceptance of Figure 1 as received on the application filing date. Petitioner explains that as described in the Specification at pages 8-9, Figure 1 is "a series of schematic drawings of embodiments of specific multi-clade, multivalent (MCMV) gene constructs." The individual schematic drawings are contained in parts A, B, C and D of Figure 1 (described as FIG 1A, FIG 1B, FIG 1C and FIG 1D, respectively).

It is obvious from the petition (and a review of the application file) that no drawing was actually missing on March 28, 2003. Figures 1A-D as filed on March 28, 2003, are present in the application file. Rather, the specification referred to a Figure 1, rather than Figures 1A-D.

In this regard, MPEP 601.01(g), provides that:

> Applications are often filed with drawings with several views of the invention where the views are labeled using a number-letter combination, e.g., Fig. 1A, Fig. 1B, and Fig. 1C. OIPE will not mail a "Notice of Omitted Item(s)" if a figure which is referred to in the specification by a particular number cannot be located among the drawings, if

> the drawings include at least one figure labeled with that particular number in combination with a letter. For example, if the drawings show Figures 1A, 1B, and 1C and the brief description of the drawings refers only to Figure 1, this is an error in the specification which must be corrected, rather than an application filed without all figures of drawings.

In view thereof, the "Notice of Omitted Item(s)" mailed May 29, 2003, was mailed in error and is hereby withdrawn.

Accordingly, the petition is **GRANTED**. The petition fee will be refunded to Deposit Account No. 02-4550, as authorized.

This provisional application is being forwarded to the Office of Initial Patent Examination for processing with a filing date of March 28, 2003, using the application papers received in the Office on March 28, 2003.

Telephone inquiries related to this decision should be directed to the undersigned at 703-305-0309.

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

Paper No. 4

MERCHANT & GOULD P.C.
PO BOX 2903
MINNEAPOLIS, MN 55402-0903

COPY MAILED

SEP 0 4 2003

OFFICE OF PETITIONS

In re Provisional Application of
Carlson
Application No. 60/459,062
Filed: March 28, 2003
Attorney Docket No. 14095.4USP1

ON PETITION

This decision concerns the July 28, 2003 "Petition Requesting Filing Date" which is being properly treated as a petition under 37 CFR 1.53(e) that the above-referenced provisional application be accorded a filing date.

The petition is **GRANTED.**

On March 28, 2003, the provisional application was filed. On May 28, 2003, the Office of Initial Patent Examination (OIPE) mailed a Notice of Incomplete Provisional Application ("5/28/03 Notice"), requiring drawings of Applicant's invention and stating that the filing date would be the date of receipt of the omitted drawings. It is noted that the specification filed on March 28, 2003 describes drawings of Figures 1-28 in the section entitled "Brief Description of the Figures" but these drawings were not filed on that day.

As stated in MPEP 601.01(f) (Rev. 1, Feb. 2003), it is the practice of the USPTO to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

MPEP 601.01(f) also states that:

> A provisional application having at least some disclosure directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed **without** drawings will be treated as an application filed **without all** of the drawing figures referred to in the specification as discussed in MPEP 601.01(g), so long as the application contains something that can be construed as a written description. (emphasis added)

The instant provisional application contains a written description of the invention with numerous method claims. Therefore, the provisional application should have been treated as one filed without all of the drawing figures referred to in the specification as discussed in MPEP 601.01(g).

Under MPEP 601.01(g) (Rev. 1, Feb. 2003), if an application is filed without all of the drawing figure(s) referred to in the specification, a "Notice of Omitted Item(s)" is mailed indicating that the application has been accorded a filing date, but is lacking some of the figures of drawings described in the specification.

The 5/28/03 Notice was thus mailed in error and is hereby vacated.

The instant provisional application is hereby accorded the requested March 28, 2003 filing date. The petition is thus granted.

The $130 petition fee has been credited to Deposit Account No. 13-2725 as authorized in the petition.

The provisional application is being forwarded to OIPE for further processing with a filing date of March 28, 2003, and for indication in the USPTO records that "0" sheets of drawings were present on filing.

Telephone inquiries should be directed to Petitions Attorney RC Tang at (703) 308-0763.

Beverly M. Flanagan
Supervisory Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/459,466	03/28/2003		105	AZAY:006USP1			

CONFIRMATION NO. 6587

CORRECTED FILING RECEIPT

OC000000015680906

Daniel S. Hodgins
Suite 2100
112 East Pecan Street
San Antonio, TX 78205

Date Mailed: 04/07/2005

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Chandra U. Singh, San Antonio, TX;

Power of Attorney:

Daniel Hodgins--31026

If Required, Foreign Filing License Granted: 06/02/2003

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/459,466

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Water soluble formulations of digitalis glycosides for treating cell-proliferative and other diseases

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

GRANTED

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

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

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

NOT GRANTED

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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/460,104	04/02/2003		160	SUN-P9705PSP	1		

CONFIRMATION NO. 8913

CORRECTED FILING RECEIPT

OC000000012302490

22835
PARK, VAUGHAN & FLEMING LLP
508 SECOND STREET
SUITE 201
DAVIS, CA 95616

Date Mailed: 04/07/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Robert J. Drost, Mountain View, CA;
William S. Coates, Los Gatos, CA;

If Required, Foreign Filing License Granted: 06/03/2003

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

Non-Publication Request: No

Early Publication Request: No

Title

Optical communication for face to face chips

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

GRANTED

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

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

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

NOT GRANTED

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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/460,105	04/02/2003		160	SUN-P9702PSP	1		

CONFIRMATION NO. 8916

CORRECTED FILING RECEIPT

OC000000012302513

022835
PARK, VAUGHAN & FLEMING LLP
508 SECOND STREET
SUITE 201
DAVIS, CA 95616

Date Mailed: 04/07/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Ivan E. Sutherland, Santa Monica, CA;
Robert J. Bosnyak, Tacoma, WA;
Robert J. Drost, Mountain View, CA;

If Required, Foreign Filing License Granted: 06/03/2003

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

Non-Publication Request: No

Early Publication Request: No

Title

Sense amplifying latch with low swing feedback

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

GRANTED

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

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

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

NOT GRANTED

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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/460,109	04/02/2003		160	SUN-P9704PSP	1		

CONFIRMATION NO. 8914

CORRECTED FILING RECEIPT

OC000000012491142

22835
PARK, VAUGHAN & FLEMING LLP
508 SECOND STREET
SUITE 201
DAVIS, CA 95616

Date Mailed: 04/29/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Ivan E. Sutherland, Santa Monica, CA;
Robert J. Drost, Mountain View, CA;

If Required, Foreign Filing License Granted: 06/03/2003

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

Non-Publication Request: No

Early Publication Request: No

Title

Actively driven verniers content-length

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

GRANTED

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

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

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

NOT GRANTED

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

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Paper No. 3

BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
Suite 300
WASHINGTON, DC 20001-5303

COPY MAILED

SEP 04 2003

OFFICE OF PETITIONS

In re Application of
Shechter et al.
Application No. 60/460,816
Filed: April 8, 2003
Attorney Docket Number:
SHECHTER2

Decision on Petition

This is a decision on the Petition, filed July 16, 2003, requesting the application be accorded a filing date of April 8, 2003, including drawing Figures 1 - 7 described in the specification.

The petition is **granted**.

The application was filed on April 8, 2003. However, on June 6, 2003, the Office of Initial Patent Examination mailed a Notice of Incomplete Provisional Application, noting that a filing date had not been accorded the application because the application had been deposited without drawings.

In response, Petitioner files the instant petition wherein Petitioner avers that seven (7) sheets of drawings were originally filed with the application on April 8, 2003, and were received by this Office as evidenced by the return-receipt postcard. In support, Petitioner provides a copy of a return receipt postcard acknowledging receipt of, *inter alia*, 7 sheets of drawings on April 8, 2003.

A review of the return receipt postcard reveals that Petitioner is correct. The postcard acknowledges receipt of 7 sheets of drawings on April 8, 2003. Petitioner has also re-submitted 7 sheets of the drawings, comprising Figures 1 - 7, with the instant petition.

Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self-addressed postcard 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 postcard in the outgoing mail. "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.

The copy of 7 sheets of drawings, comprising Figures 1 - 7, supplied on April 8, 2003, will be used for examination purposes.

No petition fee is required and none has been charged.

The application will be returned to the Office of Initial Patent Examination for further processing as a nonprovisional application with a filing date of April 8, 2003, and an indication that 7 sheets of drawings were present on filing, using the 7 sheets of drawings filed on June 16, 2003.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 305-0014.

Derek L. Woods
Petitions Attorney
Office of Petitions

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ALEXANDRIA, VA 22313-1450
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Paper No. 2

MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

In re Application of
Christopher Woltermann
Application No. 60/460,994
Filed: April 7, 2003
Attorney Docket Number: 208-6174PR
Title of Invention: USING ALKYLMETAL REAGENTS FOR DIRECTED METALATION OF AZAAROMATICS

DECISION GRANTING PETITION

COPY MAILED

JUL 1 4 2003

OFFICE OF PETITIONS

This is a decision on the petition under 37 CFR 1.10 (c) filed on June 26, 2003, requesting that the above-identified provisional application be accorded a filing date of April 7, 2003, rather than the presently accorded filing date of April 8, 2003.

Petitioner contends the application was deposited in Express Mail service on April 7, 2003. In support, petitioner supplied a copy of Express Mail receipt No. EV193628093US. A review of the United States Postal Service's Express Mail Information Database shows the Express Mail package was accepted by the United States Postal Service on April 7, 2003. Petitioner has also provided a copy of the Express Mail Label which shows a "date- in" of April 7, 2003.

In view of the above, the petition is **Granted**. No petition fee is required and none has been charged.

The application is being forwarded to Office of Initial Patent Examination for correction of the filing date to **April 7, 2003** and issuance of a corrected Filing Receipt.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 306-0251.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

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

Paper No. 4

MITCHELL M. MUSIAL II, PLLC
6960 ABBOTT TERRACE
WEST BLOOMFIELD, MI 48323

COPY MAILED

AUG 2 2 2003

OFFICE OF PETITIONS

In re Application of
James Beyer
Application No. 60/462,234
Received: April 11, 2003
Attorney Docket No. BEY00001US

DECISION ON PETITION

This is a decision on the paper, filed June 16, 2003, requesting that the above-identified application be accorded a filing date of April 11, 2003. This paper is properly treated as a petition under § 1.53(e)(2)[1].

Application papers in the above-identified application were deposited on April 11, 2003. However, on June 9, 2003, the Office mailed a "Notice of Incomplete Provisional Application," advising applicant that the application papers had not been accorded a filing date because the application was deposited without drawings.

In response, applicant filed the instant petition (and petition fee). Applicant asserts that the application was filed with drawings as indicated by their stamped return postcard. In support thereof, applicant submitted a copy of the postcard (front and back). Applicant also submitted nine (9) substitute sheets of drawings.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503. A review of petitioner's postcard receipt reveals that: 1) it was date stamped as received in the USPTO on April 11, 2003, and the items filed therewith were assigned Application No. 60/462,234; 2) it specifically lists all documents being sent to Patent Office, including "Nine (9) Sheets of Drawings" and 3) it lacks any annotation of nonreceipt of any item denoted on the postcard. Thus, it is concluded that petitioner has shown that the items denoted on the postcard, including the drawings, were filed on April 11, 2003.

Accordingly, the application is entitled to a filing date of

---

[1] It is recommended that to expedite processing of a paper filed as a petition that the paper include a heading such as "Petition under § 1.53" or "Petition to Accord Application a Filing Date."

April 11, 2003. However, petitioner acknowledges that the drawings submitted on petition are not true copies of the drawings as originally filed. Furthermore, 37 CFR 1.53(c) provides that no amendment, other than to make the provisional application comply with the patent statute and all applicable regulations, may be made to the provisional application after the filing date of the provisional application. Accordingly, the substitute drawings filed with the petition cannot be accepted.

The petition is **DISMISSED** without prejudice to reconsideration upon the timely submission of a true copy of the drawings as referenced on the postcard.

Any request for reconsideration must be filed within **TWO MONTHS** of the mailing date of this decision. This period is nonextendable. See § 1.181(f).

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

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

By FAX: (703) 308-6916
Attn: Office of Petitions

By hand: Office of Petitions
2201 South Clark Place
Crystal Plaza 4, Suite 3C23
Arlington, VA

Telephone inquiries related to this decision should be directed to the undersigned at (703) 305-0309.

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. 7

MITCHELL M. MUSIAL II, PLLC
6960 ABBOTT TERRACE
WEST BLOOMFIELD, MI 48323

COPY MAILED

SEP 0 8 2003

OFFICE OF PETITIONS

In re Application of :
James Beyer :
Application No. 60/462,234 : DECISION ON PETITION
Received: April 11, 2003 :
Attorney Docket No. BEY00001US :

This is a decision on the "renewed petition under 1.53(e)," filed September 2, 2003, requesting that the above-identified application be accorded a filing date of April 11, 2003.

The petition is **GRANTED**.

Application papers in the above-identified application were deposited on April 11, 2003. However, on June 9, 2003, the Office mailed a "Notice of Incomplete Provisional Application," advising applicant that the application papers had not been accorded a filing date because the application was deposited without drawings.

On initial petition under § 1.53(e)(2), filed June 16, 2003, applicant submitted *prima facie* evidence that nine (9) sheets of drawings were among the papers filed on April 11, 2003. However, the petition was dismissed because the papers submitted therewith were not true copies of the drawings as originally filed (Decision mailed August 22, 2003).

On instant renewed petition, applicant submitted nine (9) substitute sheets of drawings, which were stated to be true copies of the drawings as originally filed. The petition is now grantable.

This provisional application is being forwarded to the Office of Initial Patent Examination for **according of a filing date of April 11, 2003** and **for indication in Office records that nine (9) sheets of drawings were present in the application on filing**.

Telephone inquiries related to this decision should be directed to the undersigned at (703) 305-0309.

Nancy Johnson

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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MITCHELL M. MUSIAL II, PLLC
6960 ABBOTT TERRACE
WEST BLOOMFIELD, MI 48323

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NOV 19 2003

OFFICE OF PETITIONS

In re Application of :
James Beyer :
Application No. 60/462,234 : LETTER
Received: April 11, 2003 :
Attorney Docket No. BEY00001US :

This is in response to the request for refund of petition fee filed October 1, 2003.

The request is **GRANTED**.

By decision mailed September 8, 2003, a decision on petition relating to filing date was granted. As provided for in the rules, the petition fee was subject to refund as petitioner established that no drawings were actually missing on filing. Further, the filing of the petition was not necessitated by applicant error. See MPEP 506.02.

The petition fee of $130.00 has been refunded to a credit card, as authorized.

Telephone inquiries related to this decision should be directed to the undersigned at (703) 305-0309.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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Paper No. 4

MIRUS CORPORATION
505 S ROSA RD
MADISON WI 53719

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SEP 1 1 2003

OFFICE OF PETITIONS

In re Application of Jon A. Wolff Application No. 60/462,339 Filed: April 11, 2003 Attorney Docket No. Mirus.013.07	DECISION ON PETITION

This is a decision on the petition filed July 18, 2003, to accord the above-identified application a filing date of April 11, 2003.

The petition is **GRANTED**.

The application was deposited on April 11, 2003. However, on June 4, 2003, the Initial Patent Examination Division mailed applicant a "Notice of Incomplete Provisional Application", notifying applicant that the application papers had been deposited without drawings., and stating that the filing date of the application would be the date of receipt of the omitted drawings.

In response, applicant filed the instant petition. Applicant states that the drawings are not necessary for an understanding of the claimed subject matter, and therefore, the application should be accorded the April 11, 2003 filing date without the drawings.

As stated in MPEP 601.01(f), it is the practice of the PTO to treat a provisional application that contains at least some disclosure of a process or method as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

MPEP 601.01(f) also states that:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP 601.01(g), so long as the application contains something that can be construed as a written description and the name of all the inventors.

A review of the official file reveals that the specification describes a method. Therefore, the application contains disclosure relating to a process or method.

In view of the above, the "Notice" mailed June 4, 2003 was mailed in error and is hereby withdrawn.

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.

The application is being forwarded to the Office of Initial Patent Examination for further processing as a provisional application with a filing date of April 11, 2003, and for indication on the file wrapper label to show that "0" sheets of drawings were present on filing.

Telephone inquiries specific to this decision may be directed to Petitions Attorney Cliff Congo at (703) 305-0272.

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions

cc: Mark K. Johnson
P.O. Box 510644
New Berlin, WI 53151-0644

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Paper No. 3

Ya-Chiao Chang
c/o Baker & McKenzie
29/F.
805 Third Avenue
New York, NY 10022

COPY MAILED

SEP 15 2003

OFFICE OF PETITIONS

In re Application of
Hsiao, et al.
Application No. 60/462,528
Filed: April 11, 2003
Attorney Docket No. Eco-2001

DECISION GRANTING PETITION

This is a decision on the petition filed June 23, 2003, to accord the above-identified application a filing date of April 11, 2003

On April 11, 2003, the application was deposited.

On June 5, 2003, the Office of Initial Patent Examination mailed a Notice stating that drawings were not present and that a filing date had not been accorded and the filing date would be the date of receipt of the drawings.

In response, the present petition alleges that the drawings were not "necessary for the understanding of the subject matter sought to be patented" within the meaning of 35 USC 113.

The Office has determined that drawings are not necessary to understand at least one claim within the meaning of the first sentence of 35 USC 113. It has been PTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).[1] A review of the record reveals that Claims 2, 6, and 7,8, and 9 are process claims. Therefore, the present application is deemed to be an application which does not require a drawing for an understanding of the invention. Accordingly, the application, as filed, is entitled to a filing date.

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

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of April 11, 2003, using the application papers filed on April 11, 2003.

Any inquiries related to this decision should be directed to the undersigned at (703)305-0010

Kenya A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

[1] MPEP 601.01(f).

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Paper No. 3

MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

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JUN 24 2003

OFFICE OF PETITIONS

ON PETITION

In re Application of	:	
Hermann	:	
Application No. 60/462,817	:	
Filed: April 14, 2003	:	
Attorney Docket No. 9342-82PR	:	

This is a decision on the petition filed June 19, 2003, to accord the above-identified application a filing date of April 14, 2003, instead of April 15, 2003.

The petition is **granted**.

37 CFR 1.10(c) states,

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Commissioner to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation, provided that:
>
> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail;" and
> (3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

All of the above requirements have been met. Therefore, the application will be accorded a filing date of April 14, 2003.

The file is now being forwarded to the Office of Initial Patent Examination to accord the application a filing date of April 14, 2003.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

Charles Steven Brantley
Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/463,402	04/16/2003		160	2487-000011/US	4		

CONFIRMATION NO. 5027

CORRECTED FILING RECEIPT

OC000000012302333

28997
HARNESS, DICKEY, & PIERCE, P.L.C
7700 BONHOMME, STE 400
ST. LOUIS, MO 63105

Date Mailed: 04/07/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Robert D. Hunt, Pass Christian, MS;

If Required, Foreign Filing License Granted: 06/05/2003

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

Non-Publication Request: No

Early Publication Request: No

Title

Method of cryogen production and thermoelectric solid-state electric power generation whereby the thermal energy of the atmosphere is directly converted to electrical power and whereby the thermal energy of the atmosphere is used to produce high-energy cryogenic vapor capable of performing substantial work and pure water is produced from water vapor within the atmosphere

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

GRANTED

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

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

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

NOT GRANTED

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

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Paper No. 5

FOLEY & LARDNER
PO BOX 80278
SAN DIEGO, CA 92138-0278

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OCT 21 2003

OFFICE OF PETITIONS

In re Provisional Application of
Tamiz et al.
Application No. 60/463,456
Filed: April 15, 2003
Attorney Docket No. 087031-0501

ON PETITION

This decision concerns the September 24, 2003 "Renewed Petition to Accord a Filing Date under 37 CFR 1.10(d)" for the above-referenced provisional application.

The petition is **GRANTED.**

The previous petition under 37 CFR 1.10(d), filed on May 16, 2003, relied on an "April 15, 2003" date stamp by the U.S. Postal Service (USPS) on a receipt presented to the USPS by counsel's courier. However, according to the USPS official website (www.usps.gov, Track & Confirm), the package containing the instant application was accepted by the USPS on April 16, 2003, the following day, and the Office had no basis to contradict that entry. The previous petition was thus dismissed.

The instant renewed petition is accompanied by a letter from the USPS Midway (San Diego) Processing Center, stating in essence that counsel's courier receipt indicates acceptance of the package by the USPS on April 15, 2003. This letter also points out the feasibility that an "Express Mail" package presented to, and accepted by, the USPS is not scanned by the USPS as accepted on the same day.

In view of the above, the petition is granted.

No petition fee is owed.

The provisional application is being forwarded to the Office of Initial Patent Examination for correcting the filing date to April 15, 2003, and for mailing a corrected filing receipt reflecting the corrected filing date.

Telephone inquiries should be directed to the undersigned at (703) 308-0763.

RC Tang
Petitions Attorney
Office of Petitions

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6900 JERICHO TURNPIKE
SYOSSET, NY 11791

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AUG 1 0 2004

OFFICE OF PETITIONS

In re Application of :
Wiersema, et al. :
Application No. 60/463,755 :
Filed: April 17, 2003 :
Attorney Docket No. 294-157P :

DECISION GRANTING PETITION

This is a decision on the petition filed July 1, 2004, requesting that the filing date of April 17, 2003, be accorded the above-cited application, rather than the present filing date of June 19, 2003.

On April 17, 2003, the above-identified application was filed. On June 4, 2003, the Office of Initial Patent Examination mailed a "Notice of Omitted Items in Provisional Application" (the "Notice"), stating that the application had been accorded a filing date of April 17, 2003, however page 39 of the specification appeared to have been omitted. The Notice allowed a non-extendable two-month period for reply to the Notice.

In response, on July 19, 2003, applicants filed page 39 of the specification and the application filing date was changed to July 19, 2003. On July 1, 2004, the instant petition was filed requesting that the application be accorded a filing date of April 17, 2003, and requesting that page 39 filed July 19, 2003, not be included as part of the original disclosure.

Section 1.53(c) of Title 37 of the Code of Federal Regulations explains that the filing date of a provisional application is the date on which a specification as prescribed by 35 U.S.C. 112 and any drawings required by section 1.81(a) are filed in the Office. In this regard, the instant application was entitled to a filing date of April 17, 2003, because a specification and some drawings were filed on April 17, 2003. Because applicant has admitted that page 39 of the specification did not accompany the original application papers on April 17, 2003, page 39 cannot be included as part of the original disclosure of the invention and the application retain a filing date of April 17, 2003. Applicant's request to have the filing date of April 17, 2003, will be granted, however, but page 39 of the specification will not be included as part of the original disclosure of invention.

Accordingly, the petition is granted. A petition fess of $130.00 will be charged to deposit account 08-2461.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of April 17, 2003, with application papers filed on that date with the exclusion of page 39 of the specification. A corrected filing receipt will be issued from there.

Any inquiries related to this decision should be directed to the undersigned at (703) 305-0010.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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Paper No. 4

HANH T. PHAM
GENERAL ELECTRIC COMPANY
ONE PLASTICS AVENUE
PITTSFIELD, MA 01201

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JUL 1 1 2003

OFFICE OF PETITIONS

In re Application of
Timothy Francis Dumm et al.
Application No. 60/464,516
Filed: April 22, 2003
Attorney Docket No. 134116

DECISION GRANTING
PETITION

This is a decision on the petition, filed on July 1, 2003, requesting that the above-identified application, without drawings, be accorded a filing date of April 22, 2003.

The application was filed on April 22, 2003, without drawings.[1] Accordingly, on June 16, 2003, Initial Patent Examination Division mailed a "Notice of Incomplete Provisional Application" stating that no filing date had been assigned because the application was deposited without drawings, and requiring drawings be filed if necessary.

In response, on July 1, 2003, the present petition was filed. The petition states that the drawings are not necessary for an understanding of the subject matter sought to be patented. Petitioners request that the application, without drawings, be accorded a filing date of April 22, 2003.

It has been PTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).[2] Since the application was filed with at least one claim directed to a process or method, the application should have been treated as an application for which a drawing is not necessary and Initial Patent Examination Division should have mailed a "Notice Of Omitted Item(s)." See MPEP § 601.01(f).

In view of the above, the Notice mailed June 16, 2003, is hereby withdrawn. The application is accorded a filing date of April 22, 2003, without drawings.

The petition is granted. The petition fee will be credited back to deposit account number 07-0860 as no fee is due.

The application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of April 22, 2003, and for an indication on the bib-data sheet that no sheets of drawings were present on filing.

Telephone inquiries specific to this matter should be directed to the undersigned Petitions Attorney at (703) 305-4497.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

[1] 35 U.S.C. § 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented."

[2] MPEP 601 01(f)

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Paper No. 3

Young, Basile, Hanlon, MacFarlane,
Wood & Helmholdt, P.C.
Suite 624
3001 West Big Beaver Road
Troy MI 48084-3107

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JUL 1 1 2003

OFFICE OF PETITIONS

In re Application of
Albert Werth
Application No. 60/464,791
Filed: April 23, 2003
Attorney Docket No. TBA-110-A

DECISION GRANTING PETITION

This is a decision on the petition filed June 30, 2003, requesting that the above-identified application be accorded a filing date of April 23, 2003

On April 23, 2003, the above-identified application was filed. On June 16, 2003, the Office of Initial Patent Examination mailed a "Notice of Incomplete Provisional Application" (the "Notice"), stating that the application had not been accorded a filing date as the application was deposited without drawings and that the filing date would be the date the of receipt of the omitted drawings.

In response, on June 30, 2003, applicants filed the present petition, two (2) sheets of drawings, and a copy of the applicants' postcard receipt acknowledging receipt of two (2) sheets of drawings, among other items, on April 23, 2003. Applicants request that the application, including the two (2) sheets of drawings, be accorded a filing date of April 23, 2003, and the petition fee be refunded.

Upon review of the record, the two (2) sheets of drawings, deposited April 23, 2003, have not been located among the application papers. However, the evidence is convincing that the application papers deposited April 23, 2003, included two (2) sheets of drawings, which were subsequently misplaced by the Office. Therefore, the application, including two (2) sheets of drawings, was complete on filing and entitled to a filing date of April 23, 2003.

Accordingly, the petition is granted.

Applicant is advised that the Notice was sent in error and is vacated. Therefore, no petition fee is necessary and the fee of $130.00 will be refunded, in due course.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of April 23, 2003, using the two (2) sheets of drawings submitted on April 23, 2003, and indicating in the Office records that two sheets of drawings were included on the filing date.

Any inquiries related to this decision should be directed to the undersigned at (703)305-0010

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/465,024	04/23/2003		160	2-501US	1		

CONFIRMATION NO. 6844

CORRECTED FILING RECEIPT

OC000000011471475

24374
VOLPE AND KOENIG, P.C.
DEPT. ICC
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

Date Mailed: 12/11/2003

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Joe Kwak, Bolingbrook, IL;
Stephen G. Dick, Nesconset, NY;

If Required, Foreign Filing License Granted: 06/12/2003

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

N n-Publication Request: No

Early Publication Request: No

Title

Method for network management using received channel power indicator (RCPI) and perceived signal to noise (PSNI) indication measurements

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

GRANTED

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

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

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

NOT GRANTED

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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/465,215	04/24/2003		80	U022 1060.P2	100		

CONFIRMATION NO. 7601

WOMBLE CARLYLE SANDRIDGE & RICE
P.O. BOX 7037
ATLANTA, GA 30357-0037

CORRECTED FILING RECEIPT

OC000000011638471

Date Mailed: 01/09/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Bob Ivarie, Athens, GA;
Mark Leavitt, Athens, GA;
Jeff Rapp, Athens, GA;
Arthur Karnuah, Athens, GA;

If Required, Foreign Filing License Granted: 06/10/2003

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

N n-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Site-directed avian transgenesis using a chicken ovalbumin gene region

---

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

GRANTED

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

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

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

NOT GRANTED

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

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Paper No. 2

Attention: Linda Giles
Cingular Wireless
Ste 920 [C03-0055]
5565 Glenridge Connector NE
Atlanta, GA 30342-4756

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SEP 0 8 2003

OFFICE OF PETITIONS

In re Application of
Ayman Mostafa, et al.
Application No. 60/465,997
Filed: April 25, 2003
Attorney Docket No. C03-0055-000PRV

DECISION GRANTING PETITION

This is a decision on the petition filed August 28, 2003, requesting that the above-identified application be accorded a filing date of April 25, 2003, rather than the presently accorded date of April 29,2003. The petition is properly treated as a petition under 37 CFR 1.10(c).

The petition is **GRANTED**.

Petitioner alleges that the application was deposited in Express Mail Service on April 25, 2003. In support, the petition is accompanied by a copy of Express Mail receipt No. EO900758152US, showing a "date-in" of April 25, 2003. The same Express Mail receipt number was referred to in the original application papers found in the file.

The Office considers the date the paper or fee shown as deposited as "Express Mail" to be the "date-in" on the Express Mail label. See MPEP 513. That is the date that verifies that the package was actually mailed. The evidence is convincing that the application was deposited as "Express Mail" with the U. S. Postal Service on April 25, 2003.

This application file is being forwarded to the Office of Initial Patent Examination Division for further **processing with a filing date of April 25, 2003.** Thereafter, the application file will be forwarded to the Files Repository.

Telephone inquiries concerning this matter may be directed to Marianne Morgan at (703) 306-3475.

Sherry Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
For Patent Examination Policy

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Paper No. 3

CONNOLLY BOVE LODGE & HUTZ LLP
SUITE 800
1990 M STREET NW
WASHINGTON, DC 20036-3425

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SEP 16 2003

OFFICE OF PETITIONS

In re Application of
Mellado et al.
Application No. 60/466,428
Filed: 30 April, 2003
Atty Docket No. 21910-00011-US

: DECISION GRANTING PETITION

This is a decision on the petition filed on 18 August, 2003, requesting that the above-identified provisional application be accorded a filing date of 30 April, 2003.

The petition is **GRANTED**.

The application was filed on 30 April, 2003, without drawings. Accordingly, on 16 June, 2003, Initial Patent Examination Division mailed a "Notice of Incomplete Provisional Application" stating that the application had been deposited without drawings.

On 18 August, 2003, the present petition was filed, accompanied by six (6) sheets of drawings. Petitioners argue that drawings are not necessary for an understanding of the subject matter sought to be patented, and request that the application be accorded a filing date of 30 April, 2003.

As stated in MPEP § 601.01(f), it is the practice of the PTO to treat a provisional application that contains at least some disclosure of a process or method as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

MPEP § 601.01(f) also states that:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but

> filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description and the names of all the inventors.

As a review of the official file reveals that the application includes 16 method claims. Therefore, this application contains disclosure relating to a process or method.

In view of the above, the "Notice" mailed 16 June, 2003, was mailed in error and is hereby withdrawn.

Since the drawings filed on 18 August, 2003, were not present in the Office on 30 April, 2003, however, the application cannot be accorded a filing date of 30 April, 2003, with said drawings as a part of the original disclosure.

The application will be processed with only the papers present on filing on 30 April, 2003. The drawings filed on 18 August, 2003, will not be processed for filing date purposes, but will be retained in the application file.

The application is accorded a filing date of 30 April, 2003, without drawings as a part of the original disclosure. No petition fee has been charged and none is due.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of 30 April, 2003, using only the application papers filed on that date.

Telephone inquiries specific to this matter should be directed to the undersigned at 703 308-6918.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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Paper No. 3

Myers, Bigel, Sibley & Sajovec
P. O. Box 37428
Raleigh, NC 27627

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OFFICE OF PETITIONS

In re Application of	:	
Gerald H. Negley	:	
Application No. 60/466,617	:	DECISION GRANTING
Filed: April 30, 2003	:	PETITION
Attorney Docket No. 5308-232PR	:	

This is a decision on the petition filed July 9, 2003, requesting that the above-identified application be accorded a filing date of April 30, 2003, rather than the presently accorded date of May 1, 2003. The petition is properly treated as a petition under 37 CFR 1.10(c).

The petition is **GRANTED**.

Applicant requests the earlier filing date on the basis that the application was purportedly deposited with the U. S. Postal Service (USPS) as Express Mail on April 30, 2003 pursuant to 37 CFR 1.10. In support, applicant has submitted a copy of Express Mail label No. EV353591824US showing an illegible handwritten "date-in" as well as a "USPS" receipt stamp dated April 30, 2003. The same Express Mail receipt number appears on the original "COVER SHEET FOR FILING PROVISIONAL PATENT APPLICATION," which includes the Express Mail label number. Additionally, the Express Mail label number appears on the Certificate of Mailing by "Express Mail" and includes a statement of express mailing dated April 30, 2003 on the cover page for the provisional application papers. Furthermore, a review of the Internet USPS Express Mail Tracking and Delivery Confirmation discloses that the package was, in fact, deposited on April 30, 2003.

In view of the USPS receipt stamp of April 30, 2003, appearing on the same Express Mail label, it is concluded that the application was deposited as "Express Mail" with the USPS on April 30, 2003.

This application file is being forwarded to the Office of Initial Patent Examination Division for further **processing with a filing date of April 30, 2003.**

Telephone inquiries concerning this matter may be directed to Marianne Morgan at (703) 306-3475.

E Shawne Willis for

Brian Hearn
Senior Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
For Patent Examination Policy

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OFFICE OF PETITIONS

In re Application of	:	
Gerald H. Negley	:	
Application No. 60/466,618	:	DECISION GRANTING
Filed: April 30, 2003	:	PETITION
Attorney Docket No. 5308-233PR	:	

This is a decision on the petition filed July 9, 2003, requesting that the above-identified application be accorded a filing date of April 30, 2003, rather than the presently accorded date of May 1, 2003. The petition is properly treated as a petition under 37 CFR 1.10(c).

The petition is **GRANTED**.

Applicant requests the earlier filing date on the basis that the application was purportedly deposited with the U. S. Postal Service (USPS) as Express Mail on April 30, 2003 pursuant to 37 CFR 1.10. In support, applicant has submitted a copy of Express Mail label No. EV353591775US showing an illegible handwritten "date-in" as well as a "USPS" receipt stamp dated April 30, 2003. The same Express Mail receipt number appears on the original "COVER SHEET FOR FILING PROVISIONAL PATENT APPLICATION," which includes the Express Mail label number. Additionally, the Express Mail label number appears on the Certificate of Mailing by "Express Mail" and includes a statement of express mailing dated April 30, 2003 on the cover page for the provisional application papers. Furthermore, a review of the Internet USPS Express Mail Tracking and Delivery Confirmation discloses that the package was, in fact, deposited on April 30, 2003.

In view of the USPS receipt stamp of April 30, 2003, appearing on the same Express Mail label, it is concluded that the application was deposited as "Express Mail" with the USPS on April 30, 2003.

This application file is being forwarded to the Office of Initial Patent Examination Division for further **processing with a filing date of April 30, 2003.**

Telephone inquiries concerning this matter may be directed to Marianne Morgan at (703) 306-3475.

E. Shirene Willis for

Brian Hearn
Senior Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
For Patent Examination Policy

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OFFICE OF PETITIONS

In re Application of	:	
Gerald H. Negley	:	
Application No. 60/466,635	:	DECISION GRANTING PETITION
Filed: April 30, 2003	:	UNDER 37 CFR 1.10(c)
Attorney Docket No. 5308-234PR	:	

This is a decision on the petition filed July 7, 2003, requesting that the above-identified application be accorded a filing date of April 30, 2003, rather than the presently accorded date of May 1, 2003. The petition is properly treated as a petition under 37 CFR 1.10(c).

Applicant requests the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on April 30, 2003, pursuant to 37 CFR 1.10. In support, applicant has submitted a copy of Express Mail label No. EV 353591784 US showing a USPS receipt stamp dated April 30, 2003. The same Express Mail mailing receipt number appears on the Utility Patent Application Transmittal for the subject patent application which includes a statement of express mailing pursuant to the provisions of 37 CFR 1.10.

In view of the USPS receipt stamp of April 30, 2003, appearing on the Express Mail label, it is concluded that the application was deposited as "Express Mail" with the USPS on April 30, 2003.

The petition for a filing date of April 30, 2003, is granted.

Telephone inquiries concerning this matter may be directed to Frances Hicks at (703) 305-8680.

This provisional application is being returned to the Office of Initial Patent Examination for processing with a filing date of April 30, 2003, and for mailing of a corrected Filing Receipt.

Brian Hearn

Brian Hearn
Senior Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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180 North Stetson Avenue
Chicago, IL 60601-6780

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In re Application of	:	
De Yang, et al.	:	
Application No. 60/466,797	:	DECISION GRANTING
Filed: April 29, 2003	:	PETITION
Attorney Docket No. 224885	:	

This is a decision on the petition filed September 22, 2004, requesting that the above-identified application be accorded a filing date of April 29, 2003.

The petition is **GRANTED**.

The application was deposited on April 29, 2003. However, the Office of Initial Patent Examination mailed a "Notice of Incomplete Provisional Application" (Notice) on July 22, 2004 stating that the application was deposited without drawings.

In reply to the Notice, applicant filed the instant petition stating the drawings referenced in the application are not necessary for the understanding of the subject matter sought to be patented.

Since drawings are not necessary for an understanding of the invention and the application is filed as a provisional which is not subject to examination, the application will be accorded a filing date of April 29, 2003.

Since the provisional application as filed referred to drawings, the Office must rely on petitioner's informing the Office that drawings aren't necessary to understand the invention. In view thereof, the petition fee is required and petitioner's request for refund of the petition fee will not be granted.

This application file is being forwarded to the Office of Initial Patent Examination Division for further **processing with a filing date of April 29, 2003.** Thereafter, the application file will be forwarded to the Files Repository.

Telephone inquiries concerning this matter may be directed to Marianne Jenkins at (571) 272-3223.

Brian Hearn

Brian Hearn
Senior Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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Paper No. 3

OSTROLENK, FABER, GERB
& SOFFEN, LLP
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-8403

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SEP 2 6 2003

OFFICE OF PETITIONS

In re Provisional Application of	:	
Ribarich	:	
Provisional Application No. 60/466,919	:	ON PETITION
Filed: April 30, 2003	:	
Attorney Docket No. IR-2495 PROV (2-3495)	:	

This decision concerns the "Petition under 37 CFR 1.181" filed on August 20, 2003, requesting that the above-referenced provisional application be accorded a filing date of April 30, 2003. The petition is being properly treated as a petition under 37 CFR 1.53(e).

The petition is **GRANTED.**

On April 30, 2003, this provisional application was filed. Of note is that the papers filed on that day for this provisional application consist of: 1 sheet of drawing, a 1-page data sheet with information on the inventor and the application, and a "Provisional Application for Patent Cover Sheet." Both the data sheet and the cover sheet clearly indicate that 1 sheet of drawing, and no specification, was being filed.

On June 17, 2003, the Office of Initial Patent Examination (OIPE) mailed a Notice of Incomplete Provisional Application ("6/17/03 Notice"), stating that the provisional application had not been accorded a filing date because it did not include a specification as prescribed by 35 U.S.C. 112. The instant petition then followed.

The petition asserts that the provisional application as filed on April 30, 2003 is entitled to that filing date because a specification was in fact submitted on April 30, 2003. To arrive at this conclusion, the petition argues that the cover sheet "contained a typographical error": the box indicated as "drawing" was inadvertently checked instead of another box indicated as "specification." This argument is without merit. If a required filing date component for a provisional application is present, it is present regardless of how it is characterized.

Upon review, however, the Office notes that the drawing filed on April 30, 2003 contains a combination of text and images which can be construed as a written description, rendering the provisional application entitled to the requested filing date. The petition is thus granted.

The 6/17/03 Notice was mailed in error and is hereby vacated.

This decision should not be construed as an indication that any particular invention disclosed in this provisional application has been disclosed in the manner required by 35 U.S.C. 112, first paragraph. Applicant is reminded that in order for a nonprovisional application to benefit from the filing date of a prior provisional application, the claimed invention in the nonprovisional application must have been disclosed in the provisional application in the manner provided by the first paragraph of 35 U.S.C. 112, including a recitation of the "best mode."[1]

No petition fee is owed. The $130 charge to Deposit Account No. 15-0700 has been reversed.

The provisional application is being returned to OIPE for further processing with a filing date of April 30, 2003, and for mailing of a filing receipt reflecting that filing date.

Telephone inquiries should be directed to Petitions Attorney RC Tang at (703) 308-0763.

Beverly M. Flanagan
Supervisory Petitions Attorney
Office of Petitions

---

[1] 35 U.S.C. 119(e).

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OFFICE OF PETITIONS

In re Application of	:	
Peter R. Karabinis	:	
Application No. 60/467,100	:	ON PETITION
Filed: May 1, 2003	:	
Attorney Docket No. 9301-71PPR	:	

This is a decision on the "Petition to Accord the Proper Filing Date", filed June 30, 2003 (Certificate of Mailing dated June 28, 2003), which is being treated as a petition under 37 CFR 1.10 to accord the above-identified application a filing date of May 1, 2003.

The petition is **GRANTED.**

Petitioner argues that the above-identified application was filed on May 1, 2003, not May 2, 2003. In support thereof, petitioner has included a copy of a cover sheet itemizing the provisional application, including a Certificate of Express Mail bearing the Express Mail number EV 193585490 US, and dated May 1, 2003. Petitioner has also included a copy of a printout from the United States Postal Service (USPS) website, indicating that Express Mail number EV 193585490 US was accepted by the USPS on May 1, 2003.

37 CFR 1.10(c) states that any person filing correspondence under 37 CFR 1.10, who can show that there is a discrepancy between the filing date accorded by the Office and the date of deposit as shown by the "date-in" on the Express Mail mailing label, may petition the Office to accord the correspondence a filing date as of the "date-in" on the Express Mail mailing label, provided:

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

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

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

Here, Petitioner has not included a true copy of the Express Mail label. However, this requirement is being waived by the Office *sua sponte* in light of the corroborating USPS website evidence.

In view of the above, the application is entitled to a filing date of May 1, 2003.

Given the basis for granting this petition, no petition fee was required, and none has been charged.

The application file is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of **May 1, 2003, not May 2, 2003**.

Telephone inquiries should be directed to the undersigned at (703) 305-0272.

Cliff Congo
Petitions Attorney
Office of Petitions

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JUL 3 0 2003

OFFICE OF PETITIONS

In re Application of :
Fagrenius, et al. :
Application No. 60/467,365 : ON PETITION
Filed: May 2, 2003 :
Attorney Docket No.: 9342-88PR :

This decision is in response to the petition under 37 CFR 1.10(c), filed July 9, 2003, requesting that the above-identified application be accorded a filing date of May 2, 2003 instead of the presently accorded filing date of May 5, 2003.

Petitioner alleges that the application was deposited in Express Mail service May 2, 2003. In support, petitioner provided a copy of an Express Mail label bearing tracking number EV193630715US (the same Express Mail number found on the application transmittal letter accompanying the original application papers located in the official file) and a "date-in" of May 2, 2003.

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

No fee has been charged to petitioner's deposit account in connection with this matter.

This application is being forwarded to the Official of Initial Patent Examination for correction of the filing date to May 2, 2003.

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0310.

Alesia M. Brown
Senior Petitions Attorney
Office of Petitions

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/467,655	05/02/2003		160	ALLEYN2.003PR	2		

CONFIRMATION NO. 9798

CORRECTED FILING RECEIPT

OC000000011133192

Thomas R. Arno
Knobbe, Martens, Olson & Bear, LLP
14th Floor
2040 Main Street
Irvine, CA 92614

Date Mailed: 10/29/2003

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Neville Alleyne, La Jolla, CA;

If Required, Foreign Filing License Granted: 06/19/2003

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

Non-Publication Request: No

Early Publication Request: No

Title

Spinal implants and surgical methods

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

GRANTED

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

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

NOT GRANTED

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

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MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH NC 27627

In re Application of :
Fagrenius, et al. :
Application No. 60/467,754 :
Filed: May 2, 2003 :
Attorney Docket No. 9342-87PR :

DECISION GRANTING PETITION

This is a decision on the petition filed July 9, 2003, under 37 CFR 1.10(c) requesting that the above-cited application be accorded a filing date of May 2, 2003, rather than the presently accorded filing date of May 5, 2003.

Petitioner alleges that the application was deposited with the Express Mail Service on May 2, 2003 In support of the allegation, the petition is accompanied by a copy of Express Mail label No. EV1936330772 (the same Express Mail label number was placed on the original application papers located in the official file) showing a "date-in" of May 2, 2003.

In view of the above, the petition is granted. A corrected filing receipt is enclosed showing the filing date for the application as May 2, 2003.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of May 2, 2003, and for issuance of a corrected filing receipt.

Any inquiries related to this decision should be directed to Kenya A. McLaughlin, Petitions Attorney, at (703)305-0010

Kenya A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:	
Gregory A. Hawkins, et al.	:	
Application No. 60/467,756	:	DECISION GRANTING
Filed: May 2, 2003	:	PETITION
Attorney Docket No. 9151-32PR	:	

This is a decision on the petition filed July 9, 2003, requesting that the above-identified application be accorded a filing date of May 2, 2003, rather than the presently accorded date of May 5, 2003. The petition is properly treated as a petition under 37 CFR 1.10(c).

The petition is **GRANTED**.

Applicant requests the earlier filing date on the basis that the application was purportedly deposited with the U. S. Postal Service (USPS) as Express Mail on May 2, 2003 pursuant to 37 CFR 1.10. In support, applicant has submitted a copy of Express Mail label No. EV353591926US showing an illegible handwritten "date-in" as well as a "USPS" receipt stamp dated May 2, 2003. The same Express Mail receipt number appears on the original "COVER SHEET FOR FILING PROVISIONAL PATENT APPLICATION," which includes the Express Mail label number. Additionally, the Express Mail label number appears on the Certificate of Mailing by "Express Mail" and includes a statement of express mailing dated May 2, 2003 on the cover page for the provisional application papers. Furthermore, a review of the Internet USPS Express Mail Tracking and Delivery Confirmation discloses that the package was, in fact, deposited on May 2, 2003.

In view of the USPS receipt stamp of May 2, 2003, appearing on the same Express Mail label, it is concluded that the application was deposited as "Express Mail" with the USPS on May 2, 2003.

This application file is being forwarded to the Office of Initial Patent Examination Division for further **processing with a filing date of May 2, 2003.**

Telephone inquiries concerning this matter may be directed to Marianne Morgan at (703) 306-3475.

E. Shirene Willis for.

Brian Hearn
Senior Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
For Patent Examination Policy

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DW 08-03

Paper No. 3

JAMES S. TAK
LAWRENCE LIVERMORE NATIONAL LABORATORY
L-703
P.O. BOX 808
LIVERMORE CA 94551

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AUG 1 8 2003

OFFICE OF PETITIONS

In re Application of	:	
Young et al.	:	
Application No. 60/468,313	:	ON PETITION
Filed: 5 May, 2003	:	
Atty Docket No. IL-11192	:	

This is a decision on the petition filed on 26 June, 2003, which is treated as a petition under 37 CFR 1.53 requesting that the above-identified application be accorded a filing date of 5 May, 2003, with Pages 30, 71, 73, 84, and 88 of the specification (description and claims) as a part of the original disclosure.

The petition is **dismissed**.

On 5 May, 2003, the application was filed.

On 19 June, 2003, the Office of Initial Patent Examination (OIPE) mailed a Notice of Omitted Item(s) in a Provisional Application stating that the application had been accorded a filing date of 5 May, 2003, but that Pages 30, 71, 73, 84, and 88 of the specification appeared to have been omitted from the application. A two (2) month period for reply was set.

In response, on 26 June, 2003, the present petition was filed accompanied by Pages 30, 71, 73, 84, and 88 of the specification. Petitioners concede that Pages 30, 71, 73, 84, and 88 were inadvertently omitted, but apparently request that the application, including Pages 30, 71, 73, 84, and 88 be accorded a filing date of 5 May, 2003,

Petitioners' argument has been considered, but is not persuasive. The U.S. Patent and Trademark Office (Office) file is the official record of the papers originally filed in this application. A review of the papers originally filed reveals that, *inter alia*, Pages 1-29, 31-70, 72, 74-83, 85-87, and 89-94 were received on 5 May, 2003. No Pages 30, 71, 73, 84, and 88

were filed on 5 May, 2003, since no such pages of specification are present among the application papers received on that date. An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence. As petitioners concede that the omitted pages of specification were not in fact filed on 5 May, 2003, the application cannot be accorded a filing date of 5 May, 2003, with Pages 30, 71, 73, 84, and 88 as a part of the original disclosure.

Petitioners are further advised that for provisional applications, the option to take the later filing date, *i.e.*, the date of submission of the omitted page(s) or drawing(s), is not available.[1] As such, if petitioners desire to have Pages 30, 71, 73, 84, and 88 considered as part of the application, petitioners should simply file a new completed provisional application, including Pages 30, 71, 73, 84, and 88.

As this petition was not due to an error on the part of the USPTO, the petition fee will not be refunded.

The application will be processed using only the application papers present on filing on 5 May, 2003. The copy of Pages 30, 71, 73, 84, and 88 supplied on 26 June, 2003, will not be used for processing, but will be retained in the application file.

The application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of 5 May, 2003, using only the application papers filed on that date.

Telephone inquiries concerning this matter may be directed to the undersigned at (703)308-6918.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

---

[1] MPEP 601.01(d). In view of the relatively low filing fee for provisional applications, and the USPTO's desire to minimize the processing of provisional applications, the USPTO will not grant petitions under 37 CFR 1.182 to accept omitted page(s) or drawing(s) and accord an application filing date as of the date of submission in provisional applications. The applicant should simply file a new completed provisional application. Id.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Paper No. 3

Marvell Semiconductor, Inc.
Intellectual Property Department
700 First Avenue, MS #509
Sunnyvale CA 94089

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JUL 2 9 2003

OFFICE OF PETITIONS

In re Application of	:	
Sehat Sutardja	:	DECISION GRANTING
Application No. 60/468,380	:	PETITION
Filed: May 6, 2003	:	
Attorney Docket No. MP0352PR	:	
	:	

This is a decision on the petition filed July 11, 2003, requesting that the above-identified application be accorded a filing date of May 6, 2003.

The application was deposited on May 6, 2003. However, on June 26, 2003, the Office of Initial Patent Examination mailed a "Notice of Incomplete Provisional Application," stating that the application was deposited without drawings and that applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).

In response, on July 11, 2003, applicant submitted the present petition, a substitute specification and paid the petition fee. Applicant asserts that drawings are not necessary to the understanding of the subject matter of the application. The petition is signed by a registered practitioner.

In view of the statement by a registered practitioner that the drawings are unnecessary, the petition is granted.

The application is being returned to the Office of Initial Patent Examination for further processing as provisional application with a filing date of May 6, 2003, and for indication on the record that "0" sheets of drawings were present on filing.

Any inquiries related to this decision should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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Paper No. 3

MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH NC 27627

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OFFICE OF PETITIONS

In re Application of	:	
Begic et al.	:	DECISION GRANTING
Application No. 60/468,431	:	PETITION
Filed: 7 May, 2003	:	
Attorney Docket No. 9342-95PR	:	

This is a decision on the petition filed on 7 July, 2003, which is treated as a petition under 37 CFR 1.10(c) requesting that the above-identified application be accorded a filing date of 7 May, 2003, rather than the presently accorded filing date of 8 May, 2003.

The petition is **GRANTED**.

Petitioner alleges that the application was deposited in Express Mail service on 7 May, 2003. In support, on 7 July, 2003, petitioner supplied a copy of Express Mail Label No. EV193585177US (the same Express Mail number found on the itemized transmittal sheet accompanying the original application papers located in the official file). The "date-in" on the Express Mail Label has not been completed. The Express Mail label contains an official USPS postmark, however, dated 7 May, 2003.

In view of the above, the petition is granted. No petition fee is due and none has been charged.

The application is being forwarded to the Office of Initial Patent Examination for correction of the filing date to **7 May, 2003**.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 308-6918.

D. Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of
Christian L'Estrade et al.
Application No. 60/468,432
Filed: May 7, 2003
Attorney Docket No. 9342-94PR

ON PETITION

This is a decision on the petition under 37 CFR 1.10 (c) filed July 23, 2003 to correct the filing date to May 7, 2003, rather than the presently accorded filing date of May 8, 2003.

Petitioner alleges that the application was deposited in Express Mail service on May 7, 2003. In support, on July 23, 2003, petitioner supplied a copy of Express Mail Label No. EV193585185US (the same Express Mail number found on the transmittal sheet accompanying the original application papers located in the official file). The "date-in" on the Express Mail Label is blank but the USPS post mark is May 7, 2003.

In view of the above, the petition is granted and since no fee is due, none will be charged to petitioner's deposit account.

The application is being forwarded to the Office of Initial Patent Examination for correction of the **filing date to May 7, 2003** and for issuance of a corrected filing receipt.

Telephone inquiries related to this matter should be directed to the undersigned Petitions Attorney at 703-305-4497.

Patricia Faison Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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Paper No. 3

MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

In re Application of
Jendbro et al.
Application No. 60/468,433
Filed: May 7, 2003
Attorney Docket Number: 9342-93PR
Title of Invention: MOBILE APPARATUS WITH REMOTE LOCK AND CONTROL FUNCTION

DECISION GRANTING PETITION

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OFFICE OF PETITIONS

This is a decision on the petition under 37 CFR 1.10 (c) filed on July 28, 2003, requesting that the above-identified provisional application be accorded a filing date of May 7, 2003, rather than the presently accorded filing date of May 8, 2003.

Petitioner contends the application was deposited in Express Mail service on May 7, 2003. In support, petitioner supplied a copy of Express Mail receipt No. EV193630769US. A review of the United States Postal Service's Express Mail Information Database shows the Express Mail package was accepted by the United States Postal Service on May 7, 2003. Petitioner has also provided a copy of the Express Mail Label (the same Express Mail number found on the itemized cover sheet accompanying the original application papers located in the official file) which shows a USPS date stamp of May 7, 2003.

In view of the above, the petition is **Granted**. No petition fee is required and none has been charged.

The application is being forwarded to Office of Initial Patent Examination for correction of the filing date to **May 7, 2003** and issuance of a corrected Filing Receipt.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 306-0251.

Charlema R. Grant
Petitions Attorney
Office of Petitions

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RALEIGH, NC 27627

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AUG 06 2003

OFFICE OF PETITIONS

In re Application of :
Angelhag :
Application No. 60/468,434 :
Filed: May 7, 2003 :
Attorney Docket No. 9342-92PR :

ON PETITION

This is a decision on the petition filed July 28, 2003, to accord the above-identified application a filing date of May 7, 2003, instead of May 8, 2003.

The petition is **granted**.

37 CFR 1.10(c) states,

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Commissioner to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation, provided that:
>
> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail;" and
> (3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

All of the above requirements have been met. Therefore, the application will be accorded a filing date of May 7, 2003.

The file is now being forwarded to the Office of Initial Patent Examination to accord the application a filing date of May 7, 2003.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

Charles Steven Brantley
Petitions Attorney
Office of Petitions

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Paper No. 4

COZEN O'CONNOR, P.C.
1900 MARKET STREET
PHILADELPHIA PA 19103-3508

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SEP 15 2003

OFFICE OF PETITIONS

In re Application of :
David Ecker :
Application No. 60/468,743 : DECISION ON PETITION
Filed: May 7, 2003 :
Attorney Docket No. TIGR0026US.L :

This is in response to the "PETITION AND RESPONSE TO NOTICE OF INCOMPLETE PROVISIONAL APPLICATION," filed August 11, 2003, which in essence, requests that the above-identified provisional application be accorded a filing date without drawings present in the application.

Application papers in the above-identified provisional application were filed on May 7, 2003. However, on July 23, 2003, the Initial Patent Examination Division mailed a "Notice of Incomplete Provisional Application," stating that the application had not been accorded a filing date because the application was deposited without drawings. This Notice set a two-month period for reply.

In response, applicant timely filed the instant petition, asserting that:

> The provisional application as filed on May 7, 2003 was a complete application and contained all the drawings necessary for the understanding of the subject matter sought to be patented. Indeed, any figure referred to in the specification for which a corresponding drawing was not filed is considered by Applicant not to be necessary for the understanding of the subject matter sought to be patented. Thus, no drawings are missing from the provisional applicaiton as filed.

The petition included the required petition fee of $130 pursuant to § 1.17(h).

35 U.S.C. 111(b)(4) provides that:

> The filing date of a provisional application shall be the date on which the specification and any required drawing are received in the Patent and Trademark Office.

However, it is the practice of the Office to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence). MPEP §601.01(f)[1].

A review of the original application papers filed May 7, 2003, reveals that they included a specification and at least one method claim. Thus, this application should have been treated as one which does not require drawings. Furthermore, petitioner confirms that drawings are not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence). It is concluded that the instant provisional application is entitled to a filing date of May 7, 2003.

Accordingly, the petition is **granted** to the extent that the provisional application will be accorded the May 7, 2003 filing date with no drawings as a part of the original disclosure of the application.

However, in regards to withdrawing the Notice, MPEP §601.01(f) also states that:

> ...a provisional application having at least some disclosure, directed to subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application without all of the drawing figures referred to in the specification as discussed in MPEP §601.01(g), so long as the application contains something that can be construed as a written description.

And, MPEP §601.01(g) further provides that:

> If the application is filed without all of the drawing figure(s) referred to in the specification, ..., OIPE will mail a "Notice of Omitted Item(s)" indicating that the application papers so deposited have been accorded a filing date, but are lacking some of the figures of the drawings described in the specification.

As the specification contained references to drawing figures, mailing of a Notice requiring submission of those drawings was appropriate. The Office should have mailed a "Notice of Omitted Items" rather than a "Notice of Incomplete Provisional Application." Nonetheless, the filing of a petition was necessary due to the condition of the application on filing. Accordingly, the petition fee is required and will not be refunded.

This application is being forwarded to the Office of Initial Patent Examination for further processing **with a filing date of**

---

[1] Petitioner is advised that in a situation in which the appropriate examining group later determines that drawings are necessary under 35 U.S.C. 113 (first sentence) the filing date issue will be reconsidered by the PTO.

May 7, 2003 and for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing.

Telephone inquiries specific to this decision may be directed to the undersigned at (703) 305-0309.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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HEWLETT-PACKARD COMPANY
INTELLECTUAL PROPERTY ADMINISTRATION
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FORT COLLINS CO 80527-2400

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OFFICE OF PETITIONS

In re Application of
Richard W. Adkisson
Application No. 60/469,120
Filed: May 9, 2003
Attorney Docket No. 200207722-1

: ON PETITION

The application was filed on May 9, 2003. However, on June 26, 2003, the Office of Initial Patent Examination mailed a "Notice Of Omitted Item(s)" stating that the application had been accorded a filing date of May 9, 2003, and advising applicant that Figure 1 (1/7) described in the specification appeared to have been omitted.

In response, the present petition was filed. The petition contends that 34 sheets of drawings were in fact, filed in the PTO on May 9, 2003, and that there was no such "Figure 1" which would have been identified as 1 of 7.

A review of the file confirms that 34 sheets of drawings were filed upon application. The review of the file also reveals that included in the 34 sheets of drawings were three separate sets of drawings with varying labels and that, none of the 34 sheets of drawings appeared to be omitted. However in the third set of drawings, the labeling begins with 2/7 through 7/7 but there in fact is no Figure 1 (1/7).

Since it is obvious from the petition that no drawing was actually missing on May 9, 2003, and that applicant does not intend to file any additional sheets of drawings, the application will be processed using the 34 sheets of drawings filed on May 9, 2003.

However, the Notice mailed June 26, 2003, was correct in advising applicant that a drawing of Figure 1 (1/7) appeared to have been omitted. Therefore, the Notice was properly mailed and will not be withdrawn.

The petition is dismissed.

A fee in the amount of $130.00 is required for a review of this petition since the petition was not necessary to correct any PTO error. $130.00 will be charged to Petitioner's deposit account no. 08-2025.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of May 9, 2003, using the 34 sheets of drawings filed on that date.

The Office of Initial Patent Examination will mail a Notice to File Corrected Application Papers requiring new drawings for more than one figure is present and each figure is not labeled "Fig." with a consecutive Arabic numeral (1, 2, etc.) or an Arabic numeral and capital letter in the English alphabet (A, B, etc.)(see 37 CFR 1.84(u)(1)).

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (703) 305-4497.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Paper No. 3

Baker Botts L.L.P.
2001 Ross Avenue
Suite 600
Dallas TX 75201-2980

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AUG 1 2 2003

OFFICE OF PETITIONS

In re Application of
Vasudev Rangadass
Application No. 60/469,279
Filed: May 9, 2003
Attorney Docket No. 020431.1308

DECISION ON PETITION

This is a decision on the petition filed July 16, 2003, requesting that the above-identified application be accorded a filing date of May 9, 2003, with Figures 8, 9, and 10 as part of the original disclosure.

On May 9, 2003, applicant filed the above-identified application. On June 26, 2003, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s) in a Provisional Application," stating that the application had been accorded a filing date of May 9, 2003, and advising applicant that Figures 8, 9 and 10 appeared to have been omitted.

In response, on July 16, 2003, applicant filed the present petition and an authorization to charge the Deposit Account for the $130.00 petition fee. The petition states that copies of pages 6 of 7 and 7 of 7, containing Figures 8, 9, and 10 accompanied the present petition. Unfortunately, pages 6 of 7 and 7 of 7 were not located with the present petition. Applicant requests that the application, including Figures 8, 9, and 10, be accorded a filing date of May 9, 2003. Applicant states that applicant filed pages 6 of 7 and 7 of 7, which included Figures 8, 9, and 10, with the provisional application papers.

Upon review of the record, Figures 8, 9, and 10 have not been located in the official file. An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence. The Office file is the official record of what was filed on May 9, 2003. It is for this reason that the Office has established a practice of providing a receipt for papers filed in the Office to any applicant desiring a receipt. The practice, which was long ago established and is well publicized, requires that any paper for which a receipt is desired be filed in the Office with a self-addressed postcard identifying the paper. A postcard receipt, which

itemizes and properly identifies the papers being filed, serves as prima facie evidence of receipt in the Office of all the items listed thereon on the date stamped by the Office. See MPEP 503. Unfortunately, no postcard receipt has been submitted with the present petition.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of May 9, 2003, using only the Figures submitted on filing. Figures 8, 9 and 10 will **NOT** be entered in the application at this time.

Any request for reconsideration of this decision should be filed within **TWO (2) MONTHS** of the mailing date of this decision and be **sent to the attention of Senior Petitions Attorney Christina Tartera Donnell:**

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

By FAX: (703) 308-6916
Attn: Office of Petitions

By hand: Crystal Plaza Four, Suite 3C23
2201 South Clark Place
Arlington, VA

Any inquiries related to this decision should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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Paper No. 5

Baker Botts L.L.P.
2001 Ross Avenue
Suite 600
Dallas TX 75201-2980

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OFFICE OF PETITIONS

In re Application of :
Vasudev Rangadass :
Application No. 60/469,279 : DECISION ON PETITION
Filed: May 9, 2003 :
Attorney Docket No. 020431.1308 :

This is a decision on the renewed petition filed September 4, 2003, requesting that the above-identified application be accorded a filing date of May 9, 2003, with Figures 8, 9 and 10 as part of the original disclosure.

On May 9, 2003, applicant filed the above-identified application. On June 26, 2003, the Office of Initial Patent Examination mailed a Notice of Omitted Item(s) in a Provisional Application, stating that the application had been accorded a filing date of May 9, 2003, and advising applicant that Figures 8, 9 and 10 appeared to have been omitted. On July 16, 2003, applicant filed a petition requesting that the application be accorded a filing date of May 9, 2003, with Figures 8, 9 and 10 as part of the original disclosure. The petition was dismissed by the decision of August 12, 2003. In response, applicant submitted the present renewed petition.

The argument that Figures 8, 9 and 10 were filed on May 9, 2003, is not persuasive. The Office file is the official record of the papers originally filed in this application. A review of the official file reveals that Figures 8, 9 and 10 were not received in the USPTO on May 9, 2003, because no such drawing figures are present in the file. An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence. The declarations relied on containing the declarant's recall of routine is not more persuasive than the record of what was filed as shown by the official file.

Further, applicant's postcard receipt contains a notation made by a USPTO employee that the Office did not receive pages 6 and 7 of drawings identified on the return postcard. This fact indicates that the drawings were not misplaced in the Office, because the USPTO employee who opened the Express Mail envelope recognized applicant intended to file pages 6 and 7 (Figures 8, 9 and 10) but found the drawings to be missing.

The petition is **dismissed**.

The application file is being forwarded to Files Repository.

Any inquiries related to this decision should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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Paper No. 3

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CORPORATION
PATENT DEPARTMENT
540 WHITE PLAINS ROAD
PO BOX 2005
TARRYTOWN, NY 10591-9005

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OCT 1 7 2003

OFFICE OF PETITIONS

In re Provisional Application of	:	
Song et al.	:	
Provisional Application No. 60/470,073	:	ON PETITION
Filed: May 13, 2003	:	
Attorney Docket No. PP/3-22345/P1/CGC	:	
2153/PROV	:	

This decision concerns the July 16, 2003 correspondence which is being properly treated as a petition under 37 CFR 1.182 that the above-referenced provisional application be accorded a later filing date of July 16, 2003, rather than the currently accorded filing date of May 13, 2003.

The petition is **DISMISSED.**

The provisional application was originally filed on May 13, 2003. On June 25, 2003, the Office of Initial Patent Examination (OIPE) mailed a Notice of Omitted Items in a Provisional Application ("6/25/03 Notice"), advising Applicants that the provisional application had been accorded a filing date of May 13, 2003, but that the following drawings appeared to have been omitted from the provisional application as filed on May 13, 2003:

Figures 2-7 described in the specification.

In response, the instant petition was filed. The petition submits Figures 2-7 along with a $130 petition fee, but does not dispute the 6/25/03 Notice.

The Office notes that, when a provisional application is missing part of the description and/or drawings, the provisional application will not be accorded a new filing date, i.e., the date on which the missing item(s) are filed in the USPTO.[1] Therefore, the instant petition for a later filing date is dismissed.

---

[1] MPEP 601.01(d) (Rev. 1, Feb. 2003) ([I]n view of the relatively low filing fee . . . and the USPTO desire to minimize the processing of provisional applications, the USPTO will not grant petitions under 37 CFR 1.182 to accept omitted page(s) or drawing(s) and accord an application filing date as of the date of such submission in provisional applications. The applicant should simply file a new completed provisional application.)

The provisional application (**the papers filed on May 13, 2003, <u>NOT INCLUDING</u> the drawings filed with the petition on July 16, 2003**) retains its currently- accorded filing date of May 13, 2003.

The provisional application is being returned to Files Repository.

Telephone inquiries should be directed to Petitions Attorney RC Tang at (703) 308-0763.

Beverly M. Flanagan
Supervisory Petitions Attorney
Office of Petitions

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Paper No. 4

SENNIGER POWERS LEAVITT AND ROEDEL
ONE METROPOLITAN SQUARE
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ST LOUIS, MO 63102

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SEP 1 2 2003

OFFICE OF PETITIONS

In re Application of
Needleman, et al.
Application No. 60/470,240
Filed: May 13, 2003
Attorney Docket No. PHA 4273 (01536/1)

DECISION GRANTING PETITION

This is a decision on the petition filed August 15, 2003, requesting that the above-identified application retain the presently accorded a filing date of May 13, 2003

On May 13, 2003, the above-identified application was filed. On June 23, 2003, the Office of Initial Patent Examination mailed a "Notice of Omitted Items of a Provisional Application" (the "Notice"), stating that the application had been accorded a filing date of May 13, 2003, however, page 140 of 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 August 15, 2003, applicants filed the present petition, a copy of page 140 of specification, and a copy of the Office date-stamped postcard receipt acknowledging receipt of 146 pages of specification/claims/abstract on May 13, 2003.

Upon review of the record, page 140 of the specification has not been located among the application papers. However, the evidence is convincing that the application papers deposited May 13, 2003, included page 140 of the specification, which was subsequently misplaced by the Office. Therefore, the application, including page 140 of the specification, was complete on filing and entitled to the presently accorded filing date of May 13, 2003

Accordingly, the petition is granted.

Applicant is advised that the Notice was sent in error and is vacated. Therefore, no petition fee is necessary and the fee of $130.00 will be refunded in due course.

The application file is being returned to the Office of Initial Patent Examination for further processing with the presently accorded filing date of May 13, 2003, using the 146 pages of the specification, claims, and abstract filed on May 13, 2003, and indicating in the Office records that 146 pages of the specification, claims, and abstract were included on the filing date.

Any inquiries related to this decision should be directed to the undersigned at (703)305-0010.

Kenya A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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Paper No. 3

MEREK, BLACKMON & VOORHEES, LLC
673 S. WASHINGTON ST.
ALEXANDRIA VA 22314

In re Application of
Roger Fearing
Application No. 60/470,429
Filed: May 15, 2003
Attorney Docket No. B5FEA004.B13
Title of Invention: DOMAIN NAME
AREA CODE INFORMATION SYSTEM

DECISION GRANTING
PETITION

This is a decision on the petition filed August 25, 2003, requesting that the above-identified provisional application be accorded a filing date of May 15, 2003.

The application was deposited on May 15, 2003. However, on June 24, 2003, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Provisional Application" advising applicants that the application papers had not been accorded a filing date because the application was deposited without drawings.

In response, on August 25, 2003, the present petition was filed. Petitioner states that drawings are not necessary for an understanding of the claimed subject matter and, therefore, the application should be accorded the May 15, 2003 filing date without any drawings.

Since the petition contains a statement that drawings are not necessary for an understanding of the invention and the petition is signed by a registered practitioner, on petition, the application will be accorded the requested filing date without any drawings.

The petition is granted.

The petition fee will not be refunded because the Office was correct in sending the Notice of Incomplete Provisional Application because it appeared applicant intended to file at least one drawing, pursuant to the specification which references a section titled "Brief Description of the Drawings".

The application will be processed with only the papers present on filing and is hereby accorded a filing date of **May 15, 2003**, without drawings as part of the original disclosure.

Telephone inquiries related to this decision may be directed to Petitions Attorney Charlema R. Grant at (703) 306-0251.

Christina T. Donnell

Christina T. Donnell
Senior Attorney
Office of Petitions

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Paper No. 3

MEREK, BLACKMON & VOORHEES, LLC
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ALEXANDRIA, VA 22314

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OFFICE OF PETITIONS

In re Application of :
Roger Fearing :
Application No. 60/470,430 :
Filed: May 15, 2003 :
Attorney Docket No. B5FEA003.B13 :

DECISION ON PETITION

This is a decision on the "PETITION RE NO FORMAL DRAWINGS NEEDED," filed August 25, 2002, requesting that the above-identified provisional application be granted a filing date without Formal Drawings and to withdraw the Notice of Missing Parts.

Application papers in the above-identified application were deposited on May 15, 2003. However, on June 24, 2003, the Initial Patent Examination Division mailed applicant a "Notice of Incomplete Provisional Application," stating that the application papers had not been accorded a filing date because the application was deposited without drawings.

In response, applicant timely filed the instant petition, asserting that formal drawings are not required. On petition, applicant sets forth why drawings are not required to adequately explain the invention to one of ordinary skill in the art, in light of the use of textual examples. However, applicant does not dispute that as filed the application described a drawing figure in the specification.

A provisional application will be given a filing date in accordance with 37 CFR 1.53(c) as of the date the written description and any necessary drawings are filed in the Office. Accepting applicant's contention that drawings are not necessary, the application, containing a specification, was complete within the meaning of 37 CFR § 1.53(c), and entitled to a filing date of May 15, 2003.

Accordingly, the petition is **GRANTED** to the extent that the provisional application will be accorded a filing date of May 15, 2003.

However, in regards to withdrawing the Notice, MPEP § 601.01(f) also states that:

> A provisional application having at least some disclosure, directed to the subject matter discussed above for which a

> drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description[1].

And, MPEP § 601.01(g) further provides that:

> If the application is filed without all of the drawing figure(s) referred to in the specification, ..., OIPE will mail a "Notice of Omitted Item(s)" indicating that the application papers so deposited have been accorded a filing date, but are lacking some of the figures of the drawings described in the specification.

As the specification in the instant provisional application contained references to drawing figures, mailing of a Notice requiring submission of those drawings was appropriate. The Notice will not be withdrawn. The filing of a petition was necessary due to the condition of the application on filing. Accordingly, the petition fee is required and will not be refunded.

This provisional application is being forwarded to the Office of Initial Patent Examination for further processing **with a filing date of May 15, 2003** and for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing.

Applicant will receive appropriate notifications regarding any missing items or fees owed, and other information in due course from OIPE.

Telephone inquiries specific to this decision may be directed to the undersigned at (703) 305-0309.

Nancy Johnson

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

---

[1] In a situation in which the appropriate Technology Center (TC) determines that drawings are necessary under 35 U.S.C. 113 (first sentence) the filing date issue will be reconsidered by the USPTO. The application will be returned to the Office of Initial Patent Examination (OIPE) for mailing of a "Notice of Incomplete Application."

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Paper No. 3

Klauber and Jackson
411 Hackensack Avenue
Hackensack, NJ 07601

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OFFICE OF PETITIONS

In re Application of	:	
Vincent A. Fischetti, et al.	:	
Application No. 60/470,655	:	DECISION GRANTING
Filed: May 15, 2003	:	PETITION
Attorney Docket No. 600-1-297P	:	

This is a decision on the petition filed July 9, 2003, requesting that the above-identified application be accorded a filing date of May 15, 2003, rather than the presently accorded date of May 16, 2003. The petition is properly treated as a petition under 37 CFR 1.10(c).

The petition is **GRANTED**.

Petitioner alleges that the application was deposited in Express Mail Service on May 15, 2003. In support, the petition is accompanied by a copy of Express Mail receipt No. EL920250948US (the same Express Mail number found on the original application papers located in the official file) showing a "date in" of May 16, 2003. However, petitioner has provided other evidence, the USPS postmark date of May 15, 2003. Additionally, a review of the Internet USPS Express Mail Tracking and Delivery Confirmation discloses that the package was, in fact, deposited on May 15, 2003.

In view of the USPS receipt stamp of May 15, 2003, appearing on the same Express Mail label, and the Internet USPS Express Mail Tracking and Delivery Confirmation, it is concluded that the application was deposited as "Express Mail" with the USPS on May15, 2003.

This application file is being forwarded to the Office of Initial Patent Examination Division for further **processing with a filing date of May 15, 2003.**

Telephone inquiries concerning this matter may be directed to Marianne Morgan at (703) 306-3475.

E. Shirene Willis for

Brian Hearn
Senior Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
For Patent Examination Policy

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Paper No. 4

MACMILLAN, SOBANSKI & TODD, LLC
FOURTH FLOOR
ONE MARITIME PLAZA
720 WATER STREET
TOLEDO, OH 43604

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OFFICE OF PETITIONS

In re Application of :
Dale A. Frantz :
Application No. 60/470,955 : ON PETITION
Filed: May 15, 2003 :
Attorney Docket No. 16443 :

This is a decision on the papers styled, "Petition Under 37 CFR 1.53(e)(2) and 1.181(f)," filed on September 5, 2003, which has been treated as a Petition under 37 CFR 1.53, requesting that the above-identified provisional application be accorded a filing date of May 15, 2003, including Figures 3 and 4.

The provisional application was filed on May 15, 2003. However, on July 3, 2003, the Office of Initial Patent Examination (OIPE) mailed a "Notice Of Omitted Item(s)" (Notice) that stated the provisional application had been accorded a filing date, but Figures 3 and 4 appear to have been omitted.

In response, on September 5, 2003, the instant petition and a copy of Figures 3 and 4 were submitted. The papers were accompanied by a copy of applicant's postcard receipt that acknowledges receipt of three (3) sheets of drawings on May 15, 2003. The three (3) sheets of drawings contain Figures 1-4. A review of the application file indicates the presence of only two (2) sheets of drawings with the sheet containing Figures 3 and 4 missing. It is assumed that missing sheet of drawings containing Figures 3 and 4 were misplaced by the Office.

In view of the above, the petition is granted.

The $130.00 petition fee submitted on September 5, 2003 will be refunded to deposit account no. 13-0005.

This provisional application will be returned to OIPE for further processing with a filing date of May 15, 2003, using the copy of Figures 3 and 4, supplied on September 5, 2003.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 306-9200.

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

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Paper No. 2

MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Pell et al. :
Application No. 60/471,626 :
Filed: May 19, 2003 :
Attorney Docket No. 9372-6PR :

This is a decision on the petition filed August 11, 2003, to accord the above-identified application a filing date of May 19, 2003, instead of May 20, 2003.

The petition is **granted**.

37 CFR 1.10(c) states,

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Commissioner to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation, provided that:
>
> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail;" and
> (3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

All of the above requirements have been met. Therefore, the application will be accorded a filing date of May 19, 2003.

The file is now being forwarded to the Office of Initial Patent Examination to accord the application a filing date of May 19, 2003.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

Charles Steven Brantley
Petitions Attorney
Office of Petitions

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Paper No. 3

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OFFICE OF PETITIONS

In re Application of
McGarry, et al.
Application No. 60/471,664
Filed: May 19, 2003
Attorney Docket No.: 9070-12PR

ON PETITION

This decision is in response to the petition under 37 CFR 1.10(c), filed July 28, 2003, requesting that the above-identified application be accorded a filing date of May 19, 2003 instead of the presently accorded filing date of May 20, 2003.

Petitioner alleges that the application was deposited in Express Mail service May 19, 2003. In support, petitioner provided a copy of an Express Mail label bearing tracking number EV353595463US (the same Express Mail number found on the application transmittal letter accompanying the original application papers located in the official file) and a "date-in" of May 19, 2003. In addition, a search of the USPS Track/Confirm Database indicates that a package bearing Express Mail Label No. EV353595463US was accepted by the USPS on May 19, 2003 and delivered to the United States Patent and Trademark Office on May 20, 2003.

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

No fee has been charged to petitioner's deposit account in connection with this matter.

This application is being forwarded to the Official of Initial Patent Examination for correction of the filing date to May 19, 2003.

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0310.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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GAINESVILLE, FL 32614-2950

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OFFICE OF PETITIONS

In re Application of	:	
Matz, et al.	:	DECISION GRANTING
Application No. 60/472,196	:	PETITION
Filed: May 20, 2003	:	
Attorney Docket No. UF-364P	:	

This is a decision on the petition under 37 CFR 1.10(c), filed November 3, 2004, requesting that the above-identified provisional application be accorded a filing date of May 20, 2003, rather than the presently accorded filing date of May 22, 2003.

Petitioners allege that the provisional application was deposited in the U.S. Postal Service (USPS) Express Mail service on May 20, 2003. In support, the petition is accompanied by a copy of Express Mail Receipt No. EU082849723US (the same Express Mail number found on the original application papers located in the official file), however, the "date in" is blank. Petitioners have also submitted a copy of, allegedly, the back of the same express mail label, which contains a USPS stamp of May 20, 2003.

Additionally, review of the "USPS Track & Confirm Shipment Details" for Express Mail Receipt No. EU082849723US, obtained by this office, indicates the item was, in fact, placed into USPS Express Mail service on May 20, 2003.

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

Accordingly, the application is entitled to a filing date of May 20, 2003.

The 130.00 petition fee will be refunded to deposit account no. 19-0065.

The application is being returned to the Office of Initial Patent Examination for processing with a filing date of May 20, 2003 and issuance of a corrected filing receipt.

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

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

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JJGJr: 11-03

Paper No: 6

Scott W. Kelley, Esq.
Kelly Bauersfeld
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Suite 1650
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Woodland Hills CA 91367

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OFFICE OF PETITIONS

In re Application of Howarth, et al. Application No. 60/473,249 Filed: 20 May, 2003 Attorney Docket No. HOWAR-38359	: : : : :	DECISION ON PETITION

This is a decision on the petition filed on 15 July, 2003, and supplemented on 20 October, 2003, under 37 C.F.R. §1.53, regarding a filing date of the application and/or Fig. 4 (sheet 8 of 9) of the drawings.

The petition is **DISMISSED**.

A review of the application file reveals that:

- the instant application was deposited on via US Postal Service (USPS) Express Mail, Label No. EV339365699US on 20 May, 2003, as a provisional patent application;

- on 2 July, 2003, the Office mailed a Notice of Omitted Items in a Provisional Application, indicating that a filing date had been granted, however, it appeared that "Figure(s) 4 described in the specification" appeared to have been omitted from the application;

- further, the Notice of Omitted Items indicated that Petitioner either could accept the filing date of 20 May, 2003, without Figure 4 described in the specification, or submit within two (2) months Figure 4 a petition for its inclusion and accept the date of filing of that submission and petition;

- the instant petition, properly considered for a filing date under 37 C.F.R. §1.53, was filed on 15 July, 2003, with a copy of the missing Figure 4, and alleged that the figure was present on filing, however:

  --Petitioner submitted no documentary evidence such as a date-stamped receipt card, in support of his contention; and

  --Petitioner failed to state Petitioner's election either to accept a filing date for the application as of the date the previously omitted Fig. 4 was submitted (i.e., 15 July, 2003) under 37 C.F.R. §1.181; to seek a filing date of 20 May, 2003, for Fig. 4 under 37 C.F.R. §1.53; or to accept the filing date of 20 May, 2003, without Fig. 4;

- a phone call and then a written inquiry to Petitioner mailed 30 September, 2003, yielded Petitioner's election on 20 October, 2003, to "accept[ ] the filing date as of the date Fig. 4 was submitted * * *" if the Figure 4 could not be accorded a filing date of 20 May, 2003;

While the Office does not doubt that the specification and drawings--including Figure 4--<u>were prepared</u> for submittal on or about 20 May, 2003, the mere fact that they were prepared and ready for mailing at Counsel's office does not necessarily mean that they <u>were included</u> with the application papers filed with the Office on 20 May, 2003.[1]

Accordingly, the Office cannot grant a 20 May, 2003, filing date for Figure 4 of the specification of the instant application and the petition under 37 C.F.R. §1.53 is **<u>dismissed</u>**.

Because the instant petition was not occasioned by an error by the Office, the petition fee will be retained.

The application is being retained in the Office of Petitions to address the election under 37 C.F.R. §1.181.

---

[1] MPEP § 513 provides in pertinent part as follows:

* * *

Where there is a dispute as to the contents of correspondence submitted to the Office (e.g., an applicant asserts that three sheets of drawings were submitted under 37 C.F.R. §1.10 with an application, but the Office records indicate receipt of only two sheets of drawings with the application), an applicant may not rely upon the provisions of 37 C.F.R. §1.10(e) to establish what document(s) and/or fee(s) were filed in the Office with such correspondence. Rather, where the records of the Office (e.g., the file of the application) contain any document(s) or fee(s) corresponding to the contents of the correspondence at issue, the Office will rely upon its official record of the contents of such correspondence in absence of convincing evidence (e.g., a postcard receipt under MPEP §503 containing specific itemization of the document(s) or fee(s) purported to have been filed with the correspondence at issue) that the Office received and misplaced any document(s) or fee(s) that is not among the official records of the Office.

Telephone inquiries concerning this decision may be directed to the undersigned at (703)305-9199.

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

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Paper No. 4

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INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON DC 20006-1109

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OFFICE OF PETITIONS

In re Application of	:	
Spielman et al.	:	
Application No. 60/473,750	:	ON PETITION
Filed: 27 May, 2003	:	
Attorney's Docket No. 53848.000002	:	

This is a decision on the petition filed on 21 August, 2003, requesting that the above-identified application be accorded a filing date of 27 May, 2003, with Page 11 of the specification as a part of the original disclosure.

The petition is granted.

The application was filed on 27 May, 2003.

Accordingly, on 23 July, 2003, Initial Patent Examination Division mailed a Notice of Omitted Item(s) in a Provisional Application, stating that the application had been accorded a filing date of 27 May, 2003, but that Page 11 of the specification (description and claims) appeared to have been omitted.

In response, on 21 August, 2003, the present petition and a copy of the specification and drawings were filed. Petitioner argues that Page 11 was filed with the other application papers on 27 May, 2003, but was subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioners' postcard receipt was supplied with the present petition. The postcard receipt shows an Office date stamp of 27 May, 2003, the above-identified application number, and identifies the application by first named inventor's name, docket number, and invention title, and acknowledges receipt of, *inter alia*, "20 pages of Specification, 2 pages of claims". Petitioners request

that the application, including Page 11 of the specification, be accorded a filing date of 27 May, 2003.

A review of the record reveals that no Page 11 of the specification has been located among the application papers received on 27 May, 2003. However, the evidence is convincing that the application papers deposited on 27 May, 2003, included Page 11 of the specification (description and claims), which was subsequently misplaced in the Office. Therefore, the application, including Page 11 of the specification, is entitled to a filing date of 27 May, 2003.

The "Notice" mailed on 23 July, 2003, is withdrawn.

In view of the above, the petition is granted. The petition fee of $130.00 is unnecessary and will be refunded to counsel's deposit account, No. 50-0206.

The application will be processed with the copy of Page 11 of the specification supplied on 21 August, 2003, as a part of the original disclosure. The copies of the other application papers supplied on 21 August, 2003, will not be used for processing or examination, but will be retained in the application file.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 27 May, 2003, using the application papers filed on that date, and the copy of Page 11 of the specification supplied with the present petition.

Telephone inquires should be directed to the undersigned at 703-308-6918.

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
Washington, D.C. 20231
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Paper No. 3

Myers, Bigel, Sibley & Jovec
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Raleigh, NC 27627

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OFFICE OF PETITIONS

In re Application of	:	
Winston H. Wright	:	
Application No. 60/473,754	:	DECISION GRANTING
Filed: May 28, 2003	:	PETITION
Attorney Docket No. 9386-4PR	:	

This is a decision on the petition filed July 21, 2003, requesting that the above-identified application be accorded a filing date of May 28, 2003, rather than the presently accorded date of May 29, 2002. The petition is properly treated as a petition under 37 CFR 1.10(c).

Petitioner alleges that the application was deposited in Express Mail Service on May 28, 2003. In support, the petition is accompanied by a copy of the "USPS Track and Confirm" from the USPS Website showing a date of acceptance of May 28, 2003. The same Express Mail receipt number was referred to in the original application papers found in the file.

The Office considers the date the paper or fee shown as deposited as "Express Mail" to be the date the packaged was deposited with the USPS. See MPEP 513. That is the date that verifies that the package was actually mailed. The evidence is convincing that the application was deposited as "Express Mail" with the U. S. Postal Service on May 28, 2003.

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

This application file is being forwarded to the Office of Initial Patent Examination Division for further **processing with a filing date of May 28, 2003.** Thereafter, the application file will be forwarded to the Files Repository.

Telephone inquiries concerning this matter may be directed to Marianne Morgan at (703) 306-3475.

Sherry Brinkley
Senior Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
For Patent Examination Policy

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Paper No. 3

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Raleigh, NC 27627

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OFFICE OF PETITIONS

In re Application of	:	
Winston H. Wright	:	
Application No. 60/473,857	:	DECISION GRANTING
Filed: May 28, 2003	:	PETITION
Attorney Docket No. 9386-3PR	:	

This is a decision on the petition filed July 21, 2003, requesting that the above-identified application be accorded a filing date of May 28, 2003, rather than the presently accorded date of May 29, 2003. The petition is properly treated as a petition under 37 CFR 1.10(c).

Petitioner alleges that the application was deposited in Express Mail Service on May 28, 2003. In support, the petition is accompanied by a copy of the "USPS Track and Confirm" from the USPS Website showing a date of acceptance of May 28, 2003. The same Express Mail receipt number was referred to in the original application papers found in the file.

The Office considers the date the paper or fee shown as deposited as "Express Mail" to be the date the packaged was deposited with the USPS. See MPEP 513. That is the date that verifies that the package was actually mailed. The evidence is convincing that the application was deposited as "Express Mail" with the U. S. Postal Service on May 28, 2003.

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

This application file is being forwarded to the Office of Initial Patent Examination Division for further **processing with a filing date of May 28, 2003.** Thereafter, the application file will be forwarded to the Files Repository.

Telephone inquiries concerning this matter may be directed to Marianne Morgan at (703) 306-3475.

Sherry Brinkley
Senior Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
For Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/473,959	05/28/2003		160	9301-85PR	9		

CONFIRMATION NO. 3568

CORRECTED FILING RECEIPT

OC000000013572880

20792
MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

Date Mailed: 08/18/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Peter D. Karabinis, Cary, NC;

If Required, Foreign Filing License Granted: 07/07/2003

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

Non-Publication Request: No

Early Publication Request: No

Title

Systems and methods that enable co-channel communications with a base station of a plurality of radioterminals

---

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

GRANTED

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

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

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

NOT GRANTED

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

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ALEXANDRIA, VA 22313-1450
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Paper No. 3

JAMES D. HALL
BOTKIN & HALL, LLP
105 E. JEFFERSON BLVD.
SUITE 400
SOUTH BEND IN 46601

COPY MAILED

SEP 24 2003

OFFICE OF PETITIONS

In re Application of	:
Walter J. Horin, Sr.	:
Application No. 60/474,050	:DECISION GRANTING PETITION
Filed: 29 May, 2003	:
Atty Dcket No. 222-02 Horin	:

This is a decision on the petition under 37 CFR 1.10(c) filed on 26 August, 2003, requesting that the above-identified application be accorded a filing date of 29 May, 2003, instead of the presently accorded filing date of 30 May, 2003.

The petition is **GRANTED**.

Petitioner asserts that the application was deposited in Express Mail service on 29 May, 2003. Although petitioner has not provided a copy of the Express Mail Customer Label, in support of petitioner's contention that the application was deposited in Express Mail Post Office to Addressee Service on 29 May, 2003, a review of the USPS Internet Track & Confirm and database on 23 September, 2003, shows that a mailing bearing Express Mail Label No. EV259302655US (the same Express Mail number found on the Provisional Application for Patent Cover Sheet filed with the original application papers located in the official file) was "Enroute" on 29 May, 2003.

In view of the evidence present in the file, it is concluded that the correct date of deposit in Express Mail service is 29 May, 2003.

In view of the above, the application is entitled to a filing date of 29 May, 2003.

The petition is granted. No petition fee has been submitted and none is due.

The application is being returned to Office of Initial Patent Examination for reprocessing with a filing date of 29 May, 2003, not 30 May, 2003, and for issuance of a corrected Filing Receipt.

Telephone inquiries may be directed to the undersigned at 703-308-6918.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
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Paper No. 3

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, DC 20037

COPY MAILED

OCT 2 0 2003

OFFICE OF PETITIONS

In re Application of :
Fermann et al. :
Application No. 60/474,999 :
Filed: June 3, 2003 :
Attorney Docket No. A8596 :

DECISION ON PETITION

This is a decision on the petition filed September 11, 2003, requesting entry of Figures 9c, 10a, 10b, and 10c.

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 NOT permitted. This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The application was filed on June 3, 2003. On July 11, 2003, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s)" stating that the application had been accorded a filing date of June 3, 2003, and advising applicants that Figures 9c, 10a, 10b, and 10c appeared to have been omitted.

Petitioner had two options upon receiving the Notice:
(1) Submit the missing drawings, $130, a petition, and evidence establishing that the missing Figures were in fact filed on June 3, 2003, or
(2) take no action and accept the application as filed.

Petitioner has submitted a copy of the missing drawings along with $130. Therefore, the Office will assume that petitioner has chosen option (1).

Petitioner does not explicitly allege that the missing Figures were present on June 3, 2003. The petition does not establish the presence of the missing Figures at the time the application was filed. Therefore, the petition is dismissed.

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

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

By facsimile: (703) 308-6916
Attn: Office of Petitions

By hand: Office of Petitions
2201 South Clark Place
Crystal Plaza 4, Suite 3C23
Arlington, VA 22202

If a request of reconsideration is not filed within two months, the file will be returned to the Office of Initial Patent Examination for further processing with a filing date of June 3, 2003, using only the papers filed on that date.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

Charles Steven Brantley
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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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, DC 20037

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MAR 0 9 2004

OFFICE OF PETITIONS

In re Application of :
Fermann et al. :
Application No. 60/474,999 :
Filed: June 3, 2003 :
Attorney Docket No. A8596 :

DECISION ON PETITION

This is a decision on the renewed petition filed October 27, 2003, requesting entry of Figure 9c.

The petition is **dismissed**.

The application was filed on June 3, 2003. On July 11, 2003, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s)" stating that the application had been accorded a filing date of June 3, 2003, and advising applicants that Figures 9c, 10a, 10b, and 10c appeared to have been omitted.

Petitioner has submitted a postcard receipt to establish that 10 pages of drawings were filed on June 3, 2003. The Office notes that the file includes 10 pages of drawings and these 10 pages do not include the missing figures. A copy of page 10 is attached. Page 10 does not include Figure 9c.

The evidence fails to establish that Figure 9c or Figures 10a, 10b, or 10c were submitted on June 3, 2003.

The Office notes that the Office of Initial Patent Examination sent a "Withdrawal of Previously Sent Notice" on February 19, 2004. An employee in OIPE obviously misunderstood the contents of the decision mailed October 20, 2003. The Notice mailed February 19, 2004, is **vacated**.

The file is being returned to the Office of Initial Patent Examination for further processing and for retention purposes.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

Attached: Copy of page 10 of the drawings

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Paper No. 4

HELLER EHRMAN WHITE & MCAULIFFE LLP
275 MIDDLEFIELD ROAD
MENLO PARK CA 94025-3506

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SEP 2 6 2003

OFFICE OF PETITIONS

In re Application of
Boecker, et al.
Application No. 60/475,057
Filed: May 30, 2003
Attorney Docket No. 38187-2676

DECISION ON PETITION

This is a decision on the "Response to the Notice of Omitted Item(s) in a Provisional Application", filed August 11, 2003, which is being treated as a petition under 37 CFR 1.53 to accord the above-identified application a filing date of May 30, 2003, with Figures 124 and 125 of the drawings as a part of the original disclosure.

The petition is **GRANTED**.

Application papers in the above-identified application were filed on May 30, 2003. However, on July 18, 2003, the Initial Patent Examination Division mailed applicant a "Notice of Omitted Item(s) in a Provisional Application." Applicant was notified that the application papers had been accorded a filing date; however, Figures 124 and 125 of the drawings appeared to have been omitted.

In response, applicant filed the instant petition. Accompanying the petition was a copy of Figures 124 and 125 of the drawings. Applicant maintains that the application as originally filed included these pages. In support thereof, applicant submitted a postcard receipt identifying this application, itemizing "Drawings (74 sheets)" as enclosed, bearing a United States Patent and Trademark Office date-stamp of May 30, 2003, and lacking any notation of non receipt of any item listed.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503.

A review of the application file reveals the presence of 64 sheets of drawings filed on May 30, 2003. Accordingly, applicant's postcard is *prima facie* evidence that the sheet of drawings containing Figures 124 and 125 was also filed on that date. Moreover, the postcard suggests that additional drawing Figures were filed and were misplaced by the Office, as the application file does not contain Figures 121 - 123.

Given the basis for granting the petition, no petition fee was required, and none has been charged.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of May 30, 2003, using the application papers received in the Office on that date and Figures 124 and 125 of the drawings as resupplied on petition filed August 11, 2003.

Telephone inquiries related to this decision should be directed to Petitions Attorney Cliff Congo at 703-305-0272.

Beverly M. Flanagan
Supervisory 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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/475,205	05/30/2003		160	BOEI-1-1196	3		

CONFIRMATION NO. 8194

CORRECTED FILING RECEIPT

OC000000012059921

Lawrence D. Graham, Esq.
BLACK LOWE & GRAHAM PLLC
816 Second Avenue
Seattle, WA 98104

Date Mailed: 03/09/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

David A. Whelan, Newport Coast, CA;
Gregory M. Gutt, Leesburg, VA;
Barton G. Ferrell, Troy, IL;
Clark Cohen, Washington, DC;

If Required, Foreign Filing License Granted: 07/11/2003

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

Non-Publication Request: No

Early Publication Request: No

Title

GPS access system and method

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.

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NOT GRANTED

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

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OFFICE OF PETITIONS

In re Application of Angela Gloukhoff Wentling Application No. 60/475,735 Filed: June 4, 2003 Attorney Docket No. MED-0028	: : : : :	ON PETITION

This is a decision on the "Petition for Name Change Under 37 CFR 1.182", filed July 14, 2003.

Applicant has filed the petition to change the name of inventor Angela Gloukhoff to Angela Gloukhoff Wentling. Applicant has paid the petition fee and included an affidavit from Angela Gloukhoff Wentling. In addition, applicant has included a certified copy of a court order for the name change.

Accordingly, the 37 CFR 1.182 petition is **GRANTED**.

Per MPEP 605.04(c), the application file is being forwarded to the Office of Initial Patent Examination for changing of the name on the file wrapper and in the PALM database from Angela Gloukhoff to Angela Gloukhoff Wentling.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0272.

Cliff Congo
Petitions Attorney
Office of Petitions

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

Paper No. 3

DAVID J. LEVY
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PO BOX 13398
RESEARCH TRIANGLE PARK, NC 27709-3398

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OCT 07 2003

OFFICE OF PETITIONS

In re Application of	:	
Gary W. Goodson	:	DECISION ON
Application No. 60/476,484	:	PETITION
Filed: June 6, 2003	:	
Attorney Docket No. PR60287	:	

This is a decision on the petition filed August 20, 2003, requesting that the above-identified application be accorded a filing date June 6, 2003.

On June 6, 2003, applicant deposited the above-identified application. However, on July 7, 2003, the Office of Initial Patent Examination mailed a "Notice Of Incomplete Application," requiring drawings of applicant's invention and stating that the filing date would be the date of receipt of the omitted drawings.

On August 20, 2003, applicant filed the present petition. Applicant requested that the above-identified application be accorded the filing date of June 6, 2003, without drawings. Applicant asserts that "the present application contains 27 pages of written description, 35 claims drawn to composition and method, and an Abstract such that the missing drawings (Figures 1-3) are not necessary for an understanding of the invention under 35 USC 113 (first sentence)." *Petition dated 08/20/03, pp. 3-4.*

As stated in MPEP § 601.01(f), it is the practice of the Office to treat an application that contains at least one process or method claim as an application for which a drawing is <u>not</u> necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

MPEP § 601.01(f) also states that:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description and the names of all the inventors.

This application contains method claims. Therefore, the application should have been treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g).

MPEP § 601.01(g) states that if an application is filed without all of the drawing figure(s) referred to in the specification, a "Notice of Omitted Item(s)" is mailed indicating that the application has been accorded a filing date, but is lacking some of the figures of drawings described in the specification.

In view of the above, the requirement for drawings set forth in the "Notice of Incomplete Application" mailed July 7, 2003, was an error and the requirement is hereby withdrawn. The application is accorded a filing date of June 6, 2003.

The petition is granted to the extent that the application will be accorded the filing date of June 6, 2003, without Figures 1-3 as a part of the original disclosure of this application.

The application file is being returned to the Office of Initial Patent Examination for further processing with the filing date of June 6, 2003, and an indication in the Office records that "0" sheets of drawings were present on filing.

Any inquiries related to this decision should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Paper No. 4

Wendy KB Buskop
Buskop Law Group, P.C.
Suite 500
1717 St. James Place
Houston TX 77056

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SEP 2 6 2003

OFFICE OF PETITIONS

In re Application of	:	
Colleen Legzdins et al.	:	
Application No. 60/476,758	:	DECISION GRANTING
Filed: June 6, 2003	:	PETITION
Attorney Docket No. 1134.08	:	
Title: HIGH CONCENTRATION	:	
DISPERSION OF NANO-PARTICLES	:	

This is a decision on the "Petition: and response to notice of omitted item(s) in a provisional application," filed July 21, 2003, which is properly treated as a petition under 37 CFR §1.1.53(b), requesting the application, including page ten (10) of the specification be accorded a filing date of June 6, 2003 as part of the original disclosure.

The application was deposited on June 6, 2003. However, on July 11, 2003, Initial Patent Examination Division mailed a Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted (notice) stating that page ten (10) of the specification appeared to have been omitted on filing.

In response, on July 21, 2003, applicants filed the present petition. The petition is further accompanied by a copy of page ten (10) of the specification, along with a copy of applicants' postcard receipt acknowledging receipt of ten (10) pages of specification in the United States Patent and Trademark Office

(Office) on June 6, 2003. Applicants request that the application, including page ten (10) of the specification be accorded a filing date of June 6, 2003.

Upon review of the record, the above-mentioned page has not been located among the application papers. However, the evidence is convincing that the application papers deposited on June 6, 2003 included page ten (10) of the specification, and this sheet was subsequently misplaced in the Office.

Therefore, the application, including page ten (10) of the specification was complete on filing and entitled to a filing date of June 6, 2003 as part of the original disclosure.

Accordingly, the petition is **GRANTED**.

The notice mailed July 11, 2003 was sent in error. Therefore, the notice is hereby **VACATED** and no petition fee is necessary. The petition fee of $130 will be refunded to petitioner's Deposit Account.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of June 6, 2003, using the original application papers filed on that date, as well as page ten (10) of the specification submitted on July 21, 2003.

Any inquiries related to this decision should be directed to Petitions Attorney Paul Shanoski at (703) 305-0011.

Beverly Flanagan
Supervisory Petitions Examiner
Office of Petitions
United States Patent and Trademark Office

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Paper No. 3

Agilent Technologies, Inc.
Legal Department, DL429
Intellectual Property Administration
PO Box 7599
Loveland, CO 80537-0599

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OFFICE OF PETITIONS

In re Application of Dunsmore et al. Application No. 60/477,224 Filed: June 9, 2003 Attorney Docket No. 10030959-1	DECISION GRANTING PETITION

This is a decision on the petition filed July 31, 2003, requesting that the above-identified application be accorded a filing date of June 9, 2003, with Figures 2A, 2B, 3A-3D, 4-7 as part of the original disclosure.

On June 9, 2003, applicants filed the above-identified application. On July 11, 2003, the Office of Initial Patent Examination mailed a Notice of Omitted Item(s) in a Provisional Application, stating that the application had been accorded a filing date of June 9, 2003, and advising applicants that Figures 2A, 2B, 3A-3D, 4-7 appeared to have been omitted.

In response, on July 31, 2003, applicants filed the present petition and a copy of applicants' postcard receipt acknowledging receipt of 36 sheets of drawings. Additionally, applicants submitted, inter alia, a copy of Figures 2A, 2B, 3A-3D, 4-7 with the present petition.

Upon review of the record, Figures 2A, 2B, 3A-3D, 4-7, deposited on June 9, 2003, have not been located among the application papers. However, the evidence is convincing that the application papers deposited on June 9, 2003, included Figures 2A, 2B, 3A-3D, 4-7, which were subsequently misplaced in the United States Patent and Trademark Office. Therefore, the application, including Figures 2A, 2B, 3A-3D, 4-7, was complete on filing and will be granted a filing date of June 9, 2003.

Accordingly, the petition is granted. The requirement for submission of the omitted items was sent in error and is hereby vacated. The petition fee of $130.00 is unnecessary and will be refunded to Deposit Account No. 50-1078.

The application file is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of June 9, 2003, using Figures 2A, 2B, 3A-3D, 4-7 submitted on petition.

Any inquiries related to this decision should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/478,166	06/12/2003		80		1		

CONFIRMATION NO. 5221

CORRECTED FILING RECEIPT

OC000000011133205

Shmuel Peleg
34/8 Meron St.
Mevaseret Zion, 90805
ISRAEL

Date Mailed: 10/29/2003

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Anat Levin, Jerusalem, ISRAEL;
Assaf Zomet, Jerusalem, ISRAEL;
Yair Weiss, Jerusalem, ISRAEL;
Shmuel Peleg, Mevaseret Zion, ISRAEL;

If Required, Foreign Filing License Granted: 07/10/2003

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

System and method for image stitching in the gradient domain

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

GRANTED

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

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

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

NOT GRANTED

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

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Paper No. 4

FLEIT, KAIN, GIBBONS,
GUTMAN & BONGINI P.L.
One Boca Commerce Center
Suite 111
551 Northwest 77th Street
Boca Raton, FL 33487

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In re Application of :
Ricky L. Begley :
Application No. 60/478,858 :
Filed: June 16, 2003 :
Attorney Docket No. 562-V0001 :

This is a decision on the petition filed July 17, 2003, requesting that the above-identified application be accorded a filing date of June 16, 2003, including drawing Figures labeled Fig. 1 to Fig. 15. Alternatively Petitioner requests that references to Fig. 1 through Fig. 15 in the specification be disregarded.

The application was deposited on June 16, 2003. However, on July 10, 2003, the Office of Initial Patent Examination mailed a notice requiring drawings.

In response, Petitioner files the instant petition and drawing Figures 1 - 15.

A review of the official file reveals that it contains Attachment A, which consists of 28 sheets, and Attachment B, which consists of 20 sheets of drawings filed on June 16, 2003. Further to this, a review of Applicant's post card receipt indicates receipt of Attachment A, 28 sheets, and Attachment B, 20 sheets, it is therefore concluded that 48 sheets of drawings were filed on June 16, 2003, but were not labeled by Applicant.

In view of the papers filed on June 16, 2003, it appears that drawings were present on June 16, 2003, but mislabeled by Applicant. Since it is now clear that drawings were present on June 16, 2003, albeit unnumbered, the application may be accorded that date as the filing date.

The petition is granted.

However, the petition fee paid on July 17, 2003, will not be refunded, since a petition was necessary to correct applicant's filing error.

The application is being returned to Office of Initial Patent Examination for correction of the filing date to June 16, 2003, and for reprocessing using the sheets of drawings supplied on June 16, 2003.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 305-0014.

Derek L. Woods
Petitions Attorney
Office of Petitions

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PEACOCK MYERS AND ADAMS P C
P O BOX 26927
ALBUQUERQUE NM 87125-6927

In re Application of
Arthur Nieto
Application No. 60/479,002
Filed: June 16, 2003
Attorney Docket No. 31356-1001

DECISION GRANTING PETITION

This is a decision on the petition under 37 CFR 1.10 (c) filed August 4, 2003 and supplemented on August 12, 2003, to correct the filing date to June 16, 2003, rather than the presently accorded filing date of June 17, 2003.

Petitioner alleges that the application was deposited in Express Mail service on June 16, 2003. In support, on August 12, 2003, petitioner supplied a copy of Express Mail Label No. EV227819783US (the same Express Mail number found on the transmittal sheet accompanying the original application papers located in the official file). The "date-in" on the Express Mail Label is June 16, 2003.

In view of the above, the petition is granted and since no fee is due, deposit account no. 13-4213 will be credited in the amount of $130.00.

The application is being forwarded to the Office of Initial Patent Examination for correction of the **filing date to June 16, 2003** and for issuance of a corrected filing receipt.

Telephone inquiries related to this matter should be directed to the undersigned Petitions Attorney at 703-305-4497.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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Paper No. 3

CINGULAR WIRELESS
5565 GLENRIDGE CONNECTOR, 9TH FLOOR MC 920
C/O LINDA GILES, SYSTEM ANALYST
ATLANTA GA 30342

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OFFICE OF PETITIONS

In re Application of
Austin Mark et al.
Application No. 60/479,034
Filed: June 16, 2003
Attorney Docket No. C03-0082-000PRV

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.10 (c) filed August 28, 2003 to correct the filing date to June 16, 2003, rather than the presently accorded filing date of June 18, 2003.

Petitioner alleges that the application was deposited in Express Mail service on June 16, 2003. In support, on August 28, 2003, petitioner supplied a copy of Express Mail Label No. EO900985260US (the same Express Mail number found on the transmittal sheet accompanying the original application papers located in the official file). The "date-in" on the Express Mail Label is June 16, 2003.

37 CFR 1.10 (c) sets forth procedures for filing a petition to the Commissioner for a filing date as of the date of deposit with the USPS, where there is a discrepancy between the filing date initially accorded by the Office and the "date-in" entered by the USPS or other official USPS notation.

The requirements for such a petition are:
(A) be filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;
(B) include a showing that the number of the "Express Mail" mailing label was placed on each piece of correspondence prior to the original mailing; and
(C) include a true copy of the "Express Mail" mailing label showing the "date-in" or other official notation by the USPS.

Petitioners have chosen to use the USPS product "click and ship" which is a new service of the USPS in which a label printed by the customer and not the USPS indicates the "intended ship date" of June 16, 2003. The actual ship date has not been verified by the USPS. The USPS does not enter the date-in on the label instead it is a date chosen by the customer and in the instructions provided by the USPS the customer is advised that they are responsible for providing accurate information when selecting the mailing date. There are no safeguards for the customer by using this method in that a label may be printed on one day and the actual package may be mailed another day.

Petitioner has also provided copies of the payment confirmation which is an electronic record that is generated when the customer prints the label. In this case that receipt indicates that the label was printed June 16, 2003 at 3:56PM PDT.

Additionally, petitioners have provided a copy of the USPS track and confirm receipt. That receipt indicates that the "enroute" date is June 17, 2003 not June 16, 2003 as indicated by the petitioner as the date of deposit.

Placing the "Date-In" on the Express Mail label by the postal clerk establishes that the package was actually received by the U.S. Postal Service (USPS). That is the date that verifies that the package was actually mailed. Accordingly, since the USPS has not entered a "date-in" this application was correctly accorded a filing date of June 18, 2003. However, since the track and confirm receipt corroborates that the package was "enroute" on June 17, 2003 it is proof that the package was mailed prior to June 18, 2003 and thus will entitle the applicant to the earlier of the two dates.

In view of the above, petitioner has not proven that June 16, 2003 was the "date-in" thus, the petition is dismissed. Petitioner's deposit account no. 11-0855 will be charged in the amount of $130.00 for the petition fee.

The application is being forwarded to the Office of Initial Patent Examination for correction of the **filing date to June 17, 2003** and for issuance of a corrected filing receipt.

Telephone inquiries related to this matter should be directed to the undersigned Petitions Attorney at 703-305-4497.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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5565 GLENRIDGE CONNECTOR, 9TH FLOOR MC 920
C/O LINDA GILES, SYSTEM ANALYST
ATLANTA GA 30342

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OFFICE OF PETITIONS

In re Application of
Austin Mark et al.
Application No. 60/479,034
Filed: June 16, 2003
Attorney Docket No. C03-0082-000PRV

DECISION ON PETITION

CORRECTED DECISION[1]

This is a decision on the petition under 37 CFR 1.10 (c) filed August 28, 2003 to correct the filing date to June 16, 2003, rather than the presently accorded filing date of June 18, 2003.

Petitioner alleges that the application was deposited in Express Mail service on June 16, 2003. In support, on August 28, 2003, petitioner supplied a copy of Express Mail Label No. EO900985260US (the same Express Mail number found on the transmittal sheet accompanying the original application papers located in the official file). The "date-in" on the Express Mail Label is June 16, 2003.

37 CFR 1.10 (c) sets forth procedures for filing a petition to the Commissioner for a filing date as of the date of deposit with the USPS, where there is a discrepancy between the filing date initially accorded by the Office and the "date-in" entered by the USPS or other official USPS notation.

The requirements for such a petition are:
(A) be filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;
(B) include a showing that the number of the "Express Mail" mailing label was placed on each piece of correspondence prior to the original mailing; and
(C) include a true copy of the "Express Mail" mailing label showing the "date-in" or other official notation by the USPS.

Petitioners have chosen to use the USPS product "click and ship" which is a new service of the USPS in which a label printed by the customer and not the USPS indicates the "intended ship date" of June 16, 2003. The actual ship date has not been verified by the USPS. The USPS does not enter the date-in on the label instead it is a date chosen by the customer and in the instructions provided by the USPS the

[1]Petitioner supplied an incorrect deposit account in the petition filed August 28, 2003. This decision replaces the decision mailed September 5, 2003. The correct deposit account was supplied on September 9, 2003 in a telephone conversation between the undersigned Petitions Attorney and Cynthia Parks.

customer is advised that they are responsible for providing accurate information when selecting the mailing date. There are no safeguards for the customer by using this method in that a label may be printed on one day and the actual package may be mailed another day.

Petitioner has also provided copies of the payment confirmation which is an electronic record that is generated when the customer prints the label. In this case that receipt indicates that the label was printed June 16, 2003 at 3:56PM PDT. Additionally, petitioners have provided a copy of the USPS track and confirm receipt. That receipt indicates that the "enroute" date is June 17, 2003 not June 16, 2003 as indicated by the petitioner as the date of deposit.

Placing the "Date-In" on the Express Mail label by the postal clerk establishes that the package was actually received by the U.S. Postal Service (USPS). That is the date that verifies that the package was actually mailed. Accordingly, since the USPS has not entered a "date-in" this application was correctly accorded a filing date of June 18, 2003. However, since the track and confirm receipt corroborates that the package was "enroute" on June 17, 2003 it is proof that the package was mailed prior to June 18, 2003 and thus will entitle the applicant to the earlier of the two dates.

In view of the above, petitioner has not proven that June 16, 2003 was the "date-in" thus, the petition is dismissed. Petitioner's deposit account no. 50-2540 will be charged in the amount of $130.00 for the petition fee.

The application is being forwarded to the Office of Initial Patent Examination for correction of the **filing date to June 17, 2003** and for issuance of a corrected filing receipt.

Telephone inquiries related to this matter should be directed to the undersigned Petitions Attorney at 703-305-4497.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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Paper No. 4

MCKEE VOORHEES & SEASE PLC
801 GRAND AVENUE
SUITE 3200
DES MOINES IA 50309-2721

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OFFICE OF PETITIONS

In re Application of
Galvin, et al.
Application No. 60/479,544
Filed: June 18, 2003
Attorney Docket No. P06322US00

DECISION ON PETITION

This is a decision on the paper titled "Completion of Filing Requirements", filed August 7, 2003, which is being treated as a petition under 37 CFR 1.53, requesting that the above-identified application maintain its presently accorded a filing date of June 18, 2003, with the application papers deposited on that date.

The application was filed on June 18, 2003. However, on July 24, 2003, the Initial Patent Examination Division mailed a "Notice of Omitted Item(s) in a Provisional Application". According to the Notice, the application was accorded a filing date; however, Figure 27 described in the specification appeared to have been omitted.

On August 7, 2003, the present petition was filed. Petitioner requests that the application be accorded a filing date of June 18, 2003, the date the application was deposited in the Patent and Trademark Office (Office) without a drawing labeled Figure 27. Petitioner explains that the reference to Figure 27 is a typographical error and that Figures 28-42 are misnumbered.

In view of the petition, it now appears that the drawings of Figures 28-42 were mislabelled by applicant. Therefore, the "Notice of Omitted Item(s) in a Provisional Application" was properly mailed and will not be withdrawn. Since it is now clear that no drawing was missing, the application may be accorded June 18, 2003, as the filing date.

The petition is **GRANTED**.

However, the $130 petition fee is required, since a petition was necessary to correct applicant's filing error. Accordingly, the $130 petition fee has been charged to Deposit Account No. 26-0084.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of June 18, 2003.

Telephone inquiries concerning this decision may be directed to Petitions Attorney Cliff Congo at 703-305-0272.

Beverly Flanagan
Petitions Attorney
Office of Petitions

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Richard D. Getz
McCormick, Paulding & Huber LLP
CityPlace II
185 Asylum Street
Hartford, CT 06103

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OFFICE OF PETITIONS

In re Application of	:	
Pennella, et al.	:	
Application No.60/480,159	:	DECISION GRANTING PETITION
Filed: June 20, 2003	:	
Attorney Docket No. 6579-146	:	

This is a decision on the petition filed September 17, 2003, requesting that the above-identified application retain the presently accorded a filing date of June 20, 2003, with Figures 4 and 5 as described in the specification as part of the original disclosure.

On June 20, 2003, the above-identified application was filed. On September 9, 2003, a "Notice of Omitted Item(s) in a Provisional Application was mailed stating that the application had been accorded a filing date of June 20, 2003, however, Figures 4 and 5 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 September 17, 2003, applicants filed the present petition and a copy of an Office date-stamped postcard showing that, among other items, two pages of drawings were received on June 20, 2003.

Upon review of the record, Figures 4 and 5 as described in the specification have not been located among the application papers. However, the evidence is convincing that the application papers deposited June 20, 2003, included a second page of drawings that contained Figures 4 and 5, which was subsequently misplaced by the Office. Accordingly, the application, Figures 4 and 5 as described in the specification, was complete on filing and entitled to the presently accorded filing date of June 20, 2003.

Accordingly, the petition is granted; the Notice is vacated, accordingly. The petition fee of $130.00 will be refunded in due course.

The application file is being returned to the Office of Initial Patent Examination for further processing with the presently accorded filing date of June 20, 2003, using the two sheets of drawings filed June 20, 2003.

Any inquiries related to this decision should be directed to the undersigned at (703)305-0010.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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BROWN, MARTIN, HALLER & MCCLAIN LLP
1660 UNION STREET
SAN DIEGO CA 92101-2926

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OFFICE OF PETITIONS

In re Application of
Craig McCarthy et al.
Application No. 60/480,726
Filed: June 23, 2003
Attorney Docket No. 7502-PA05PR

ON PETITION

This is a decision on the petition filed December 15, 2003 requesting that the above-identified application be accorded a filing date of June 23, 2003, with Figure 11H described in the specification as a part of the original disclosure.

The petition is **DISMISSED**.

On June 23, 2003, the application was filed.

On November 17, 2003, the Office of Initial Patent Examination (OIPE) mailed a Notice to File Missing Parts which indicated, *inter alia*, the application had been accorded a filing date of 16 January, 2002, but that 1) the application as filed did not comply with 37 CFR 1.52(e) and 2) Figure 11H described in the specification appeared to have been omitted from the application. A two (2) month period for reply was set.

In response, on December 15, 2003, the present petition was filed. Petitioners first disclaim all reliance on the compact disc (CD) submitted upon application noting that "all relevant files and images on the CD are duplications of content and images also submitted in hard copy.....". Second, petitioners argue that Figure 11H was present among the application papers filed on June 23, 2003, that Figure 11H was located on the last sheet, sheet 42 but that it was not labeled. In support, petitioners rely on the Provisional Application for Patent Cover Sheet as evidence that 42 sheets of drawings had been filed on June 23, 2003.

The arguments have been considered, but are not persuasive. The U.S. Patent and Trademark Office (Office) file is the official record of the papers originally filed in this application. A review of the papers originally filed reveals that forty-two (42) sheets of drawings containing Figures 1A-1C, 2A-2B, 3A-3D, 4A-4B, 5A-5D, 6A-6E, 7A-7K, 8A-8F, 9, 10, 11A-11G were received on June 23, 2003. No sheet of drawings containing Figure 11H was filed on June 23, 2003, since no such drawing figure is present among the application papers received on that date. An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence. Counsel's assertion in the petition that Figure 11H was filed with the application papers deposited on June 23, 2003, is not more persuasive than the contents of the official USPTO file.

It is noted that the USPTO has a long-established and well publicized practice for *prima facie* establishing the date of receipt of correspondence that has either been mailed or otherwise delivered to the PTO, and is asserted to have been subsequently misplaced: the itemized postcard receipt practice of section 503 of the Manual of Patent Examining

Procedure (MPEP).[1] This practice requires that any paper(s) for which a receipt is desired be filed in the USPTO with a self-addressed postcard identifying the paper(s). A postcard receipt which itemizes and properly identifies the paper(s) which is 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.

Where the records of the Office (e.g. the file of the application) contain any document(s) or fee(s) corresponding to the contents of the correspondence at issue, the Office will rely upon its official record of the contents of such correspondence in the absence of convincing evidence (e.g. a postcard receipt under MPEP 503 containing specific itemization of the document(s) or fee(s) purported to have been filed with the correspondence at issue) that the Office received and misplaced any document(s) or fee(s) that is not among the official records of the Office. If a new application is being filed, all parts of the application being submitted should be separately listed on the postcard (e.g. the number of pages of specification (including written description, claims and abstract) number of claims, number of sheets of drawings, number of pages of oath/declaration. The postcard receipt will not serve as *prima facie* evidence of receipt of any item which is not adequately itemized on the postcard.[2]

In summary, since the sheet of drawings containing Figure 11H was not a part of the papers filed on June 23, 2003, the application cannot be accorded the June 23, 2003, filing date with drawing Figure 11H as a part of the original disclosure of this application. Furthermore, the application transmittal sheet evidences, at best, petitioner's intent to file forty-two (42) sheets of drawings, not the number of figures contained therein. There is no dispute as to the number of sheets filed. The dispute is over the number of drawings figures contained therein. Had petitioner filed one additional sheet of drawings that would have been Figure 11H, the number of sheets of drawings would have to have been forty-three (43) not forty-two (42) as claimed. Petitioners simply have no persuasive evidence that one (1) sheet of drawings containing Figure 11H was among the application papers received in the USPTO on June 23, 2003. Accordingly, the "Notice to File Missing Parts" mailed November 17, 2003, was correct in stating that Figure 11H described in the specification had been omitted.

Petitioners are further advised that for provisional applications, the option to take the later filing date, *i.e.*, the date of submission of the omitted page(s) or drawing(s), is not available.[3] As such, if petitioners desire to have Figure 11H considered as part of the application, petitioners should simply file a new completed provisional application, including Figure 11H.

As this petition was not due to an error on the part of the USPTO, the petition fee will not be refunded.

The application will be processed without the CD and with the application papers present on filing on June 23, 2003. The copy of one (1) sheet of drawings containing Figure 11H filed with the present petition, will not be used for processing, but will be

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[1]The public was afforded a "reminder" of the then extent post card receipt practice at 857 *Off. Gaz. Pat. Off.* 667 (*O.G.*) (Nov. 21, 1968). This specific notice is usually repeated annually, in a January "Consolidated Listing" section of the *O.G.* that contains important *O.G.* notices of continuing relevance.

[2]MPEP 503.

[3]MPEP 601.01(d). In view of the relatively low filing fee for provisional applications, and the USPTO's desire to minimize the processing of provisional applications, the USPTO will not grant petitions under 37 CFR 1.182 to accept omitted page(s) or drawing(s) and accord an application filing date as of the date of submission in provisional applications. The applicant should simply file a new completed provisional application. Id.

retained in the application file.

The application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of June 23, 2003, using only the application papers filed on that date.

Telephone inquiries concerning this matter should be directed to the undesigned Petitions Attorney at (703) 305-4497.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/480,818	06/23/2003		80	DAVI153.001PRF2	1		

CONFIRMATION NO. 9396

CORRECTED FILING RECEIPT

OC000000011448160

Karoline A. Delaney
Knobbe, Martens, Olson & Bear, LLP
2040 Main Street, 14th Floor
Irvine, CA 92614

Date Mailed: 12/09/2003

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Robert W. Carroll, Bradbury, CA;
Noel Carroll, London, UNITED KINGDOM;
William F. Carroll, Bradbury, CA;
Michael Carroll, Bradbury, CA;

If Required, Foreign Filing License Granted: 08/21/2003

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Method and device for reaction enhancement

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

GRANTED

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

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

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

NOT GRANTED

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

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Myers Bigel Sibley & Sajovec, P. A.
Post Office Box 37428
Raleigh, NC 27627

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OFFICE OF PETITIONS

In re Application of	:	
Richard B. Klein, et al.	:	
Application No. 60/480,995	:	DECISION GRANTING
Filed: June 23, 2003	:	PETITION
Attorney Docket No. 9399-3pr	:	

This is a decision on the petition filed February 17, 2004, requesting that the above-identified application be accorded a filing date of June 23, 2003, rather than the presently accorded date of June 24, 2003. The petition is properly treated as a petition under 37 CFR 1.10(c).

The petition is **GRANTED**.

Applicant requests the earlier filing date on the basis that the application was purportedly deposited with Express Mail Service on June 23, 2003 pursuant to 37 CFR 1.10. While the copy of the Express Mail label receipt no. EV353608887US (the same Express Mail label number which appears on the original, certificate of mailing for the application papers) does not bear a handwritten "date-in," it includes a USPS receipt date stamp of June 23, 2003. Applicants are alleging that the correct date of mailing pursuant to 37 CFR 1.10 is June 23, 2003.

The Office considers that the date of deposit with the USPS is shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation. In view thereof, the USPS receipt date stamp is sufficient to show that the package was, in fact, deposited with the USPS on June 23, 2003.

This application file is being referred to the Office of Initial Patent Examination Division for **processing with a filing date of June 23, 2003 and mailing of a corrected Filing Receipt.**

Telephone inquiries concerning this matter may be directed to Marianne Morgan at (703) 306-3475.

Brian Hearn
Senior Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
For Patent Examination Policy

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United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/480,995	06/23/2003		80	9399-3pr			

CONFIRMATION NO. 1821

CORRECTED FILING RECEIPT

OC000000013633836

20792
MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

Date Mailed: 08/25/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Richard B. Klein, Cary, NC;
Jeffrey L. Selph, Cary, NC;
John J. Partridge, Chapel Hill, NC;
John Reinhard, Durham, NC;

If Required, Foreign Filing License Granted: 12/22/2003

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Industrial uses for pyridinum salts

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.

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

NOT GRANTED

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

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2475 HANOVER STREET
PALO ALTO CA 94304-1114

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DEC 23 2004

OFFICE OF PETITIONS

In re Application: :
Tan Nguyen :
Application No. 60/481,331 : ON PETITION
Filed: September 4, 2003 :
Attorney Docket No. 056350/0312000 :

This is a decision on the petition filed September 20, 2004, requesting the application be accorded a filing date of September 23, 2003, instead of the current filing date of September 4, 2003.

In the present petition, applicant states that the incorrect filing date of September 4, 2003, was accorded to the application due to a miscommunication or error on the part of the Office of Initial Patent Examination (OIPE).

Applicant explains that on September 3, 2003, he attempted to file the application electronically using EFS but he encountered server problems. Applicant further explains that on September 4, 2004, he contacted OIPE, and with their assistance applicant, used a "manual workaround" in an attempt to complete the submission of the application. Applicant states that on February 9, 2004, he contacted the Office and was informed that the application's completion date was September 23, 2003. Applicant asserts that a USPTO staff member also informed him that the above-identified provisional application was assigned Application No. 60/481,331, and the completion date was September 23, 2003. Lastly, on February 9, 2004, applicant filed an addendum to the application.

In the present petition, applicant states that pursuant to MPEP 506.02, a filing date is granted for a provisional application only when the application is completed. Therefore, applicant requests that OIPE correct the filing date to September 23, 2003, the date upon which the application was completed, as well as the date communicated to applicant upon which he relied.

The Office agrees with applicant's statement that the filing date of a provisional application is the date the application is complete, i.e., the date on which a specification as prescribed by the first paragraph of 35 U.S.C. 112, and any drawing required by § 1.81(a) are filed in the Patent and Trademark Office.

A review of the record indicates that the Office received 2 pages of transmittal, 1 page of ADS, 1 page of declaration, 5 pages of specification, 4 pages of claims, 1 page of abstract, and 1 page of drawings on September 4, 2003. Accordingly, the application was complete on September 4, 2003, and entitled to a filing date of September 4, 2003.

The "completion date" of September 23, 2003, which applicant is referencing, is not the application's filing date. Rather, September 23, 2003, is the date the Office reviewed the application papers and determined that the application was complete and entitled to a filing date of September 4, 2003. The "completion date" is not filing date of the above-identified provisional application.

Furthermore, the record indicates that on February 9, 2004, applicant requested that the Office append some of the claims in the provisional application. The Office reminds applicant that "[a]mendments, other than those required to make the provisional application comply with applicable regulations, are not permitted after the filing date of the provisional application." MPEP 601.01(b).

In view of the above, the petition is **dismissed**. The Office of Initial Patent Examination is directed to process the application with a filing date of September 4, 2003, using only the application papers submitted on that date.

Any inquiries should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Conferee: Michael Lewis, Senior Legal Advisor
Office of Patent Legal Administration

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GEOFFREY E. DOBBIN, PATENT ATTORNEY
4278 SOUTH 6220 WEST
WEST VALLEY CITY, UT 84128-6501

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OFFICE OF PETITIONS

In re Application of
Anderson
Filed: November 28, 2003
Application No. 60/481,719
Dkt. No.: GDGRA01B

: ON PETITION

The above-identified application has been forwarded to the Office of Petitions for consideration of the communication received February 5, 2004. This communication is being treated as a petition to accord this application a filing date of November 28, 2003.

The application was filed November 28, 2003. The Notice of Incomplete Provisional Application mailed December 5, 2003 by the Office of Initial Patent Examination indicated that the application had not been accorded a filing date because the application was deposited without drawings in accordance with 35 U.S.C. 113 (first sentence).

In response, the present petition was filed wherein petitioner argues that the application as deposited included two sheets of drawings, but that the drawings were inadvertently submitted under the label of declaration in the Electronic Filing System.

Upon review of the record, two sheets of drawings have been located in the official application file. Therefore, the application was complete on filing.

The Notice mailed December 5, 2003 was sent in error and is hereby VACATED. The petition to accord the application a filing date of November 28, 2003 is hereby GRANTED.

No petition fee is due in connection with this matter.

This application will be returned to the Office of Initial Patent Examination for further processing with a filing date of November 28, 2003 and an indication in Office records that two sheets of drawings were present upon filing 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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Baltimore MD 21202

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OFFICE OF PETITIONS

In re Provisional Application of
Goggins et al.
Application No. 60/482,146
Filed: June 24, 2003
Attorney Docket No. 01107.00390

: DECISION GRANTING PETITION

This is a decision on the petition filed October 14, 2003, requesting hat the above-identified provisional application be accepted as compete and accorded a filing date of June 24, 2003, with an indication that no (zero) sheets of drawings were present on filing.

The petition is **granted**.

The instant application papers were deposited on June 24, 2003, as a provisional application. However, on August 26, 2003, the Office of Initial Patent Examination (OIPE) sent a Notice stating that a filing date had been granted, as all the drawings figures described in the specification had been omitted. In reply, on October 14, 2003 applicant filed the instant petition asserting that drawings are not necessary to an understanding of the invention. Inspection of the specification reveals disclosure directed to a composition of matter, and methods of its manufacture and detection. As noted in MPEP 601.01(f), a provisional application having at least some disclosure directed to, *inter alia*, the aforementioned subject matter for which a drawing is not usually considered essential for a filing date, will be treated as an application filed without all drawing figures, as it contains something that can be construed as a written specification. As such this application is entitled to June 24, 2003 as a filing date,

The Notice of September 9, 2003, is vacated as mailed in error, and the USPTO regrets the delay and inconvenience to petitioner.

No petition fee is due and none has been charged.

The Office of Initial Patent Examination, Customer Corrections, is being instructed to further process this application as a complete provisional application having a filing date of June 24, 2003, with an indication on the filing receipt that zero sheets of drawings were present on filing

Telephone inquiries concerning this decision may be directed to the undersigned at (703) 305-1820. Telephone inquiries related to OIPE processing should be directed to the OIPE hotline at (703) 308-1202.

Brian Hearn

Brian Hearn
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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EXCHANGE PLACE
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BOSTON, MA 02109

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OFFICE OF PETITIONS

In re Application of	:	
Elsa Genove et al	:	
Application No. 60/482,261	:	DECISION ON PETITION
Filed: June 25, 2003	:	UNDER 37 CFR 1.10(c)
Attorney Docket No. 2004837-0000	:	

This is a decision on the petition, filed June 25, 2004, requesting that the above-identified application be accorded the later filing date of June 25, 2003, rather than the presently accorded date of June 24, 2003. The petition is properly treated as a petition under 37 CFR 1.10(c).[1]

Applicant requests the later filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on June 25, 2003 pursuant to 37 CFR 1.10. In support, applicant has submitted a copy of Express Mail label No. EL 322608183 US showing a "date-in" of June 24, 2003, as well as a Fort Point Sta, Boston, MA USPS receipt stamp of June 25, 2003. The same Express Mail receipt number appears on the original "Transmittal for Patent Application," which includes the Express Mail label number. Additionally, the Express Mail label number appears on the original "Provisional Application Transmittal."

In view of the USPS receipt stamp of June 25, 2003 appearing on the same Express Mail label, it is concluded that the application was deposited as "Express Mail" with the USPS on June 25, 2003.

The petition is **granted**.

A corrected filing receipt showing the filing date of June 25, 2003 for the instant application accompanies this decision.

This matter is being referred to the Office of Initial Patent Examination Division for further **processing with a filing date of June 25, 2003.**

Telephone inquiries concerning this matter may be directed to Frances Hicks at (703) 305-8680.

Brian Hearn

Brian Hearn
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Pollicy

ATTACHMENT: Corrected Filing Receipt

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[1] It is noted from Office computer database records that the filing date of this application has been changed to June 25, 2003; however, there is no indication that a corrected Filing Receipt was ever mailed to applicant. Therefore, it is appropriate here to address the filing date issue raised in the instant petition.

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OFFICE OF PETITIONS

In re Provisional Application of
Piemonte
Application No.: 60/482,415
Filing Date: June 25, 2003
Attorney Docket No. 006-431-000

ON PETITION

This decision concerns the "Petition to Establish Prior Receipt in the PTO of Item(s) Considered as Omitted by the PTO in a Provisional Application" filed on November 10, 2003, which is being properly treated as a petition under 37 CFR 1.53 that the above-referenced provisional application be accorded a filing date of June 25, 2003.

The petition is **GRANTED**.

On June 25, 2003, this provisional application was deposited in the USPTO.

On August 25, 2003, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Provisional Application" ("8/25/03 Notice"), stating that the application had not been accorded a filing date because it was deposited without drawings as required by 35 U.S.C. 113 (first sentence).

The instant petition then followed, disputing the 8/25/03 Notice by arguing that drawings of the invention (Figures 1-5) were embedded in the written description of the provisional application filed on June 25, 2003. The Office agrees that the document filed in this provisional application on June 25, 2003, captioned "Provisional Patent Data," contains a combination of text and images which can be construed as a written description, rendering the application entitled to the requested filing date.

The above-referenced provisional application is hereby accorded the requested filing date of June 25, 2003. The petition is thus granted.

No petition fee is owed. As authorized, the $130 petition fee submitted with the petition has been credited to Deposit Account No. 02-2838.

The 8/25/03 Notice is hereby withdrawn.

However, this decision should not be construed as an indication that any particular invention disclosed in the provisional application has been disclosed in the manner required by 35 U.S.C. 112, first paragraph. In order for a nonprovisional application to be entitled to the benefit of the filing date of a prior provisional application, the invention being claimed in the nonprovisional application must have been disclosed in the provisional application in the manner required by the first paragraph of 35 U.S.C. 112, including a recitation of the "best mode."[1]

Finally, 17 sheets of drawings, each identified by page number rather than figure number, were filed on this provisional application on October 23, 2003. Since Applicant does not assert that these drawings have previously been filed with the provisional application on June 25, 2003, entry of these drawings would amend the provisional application, a procedure not permitted under the current USPTO practice.[2] Therefore, the drawings filed on October 23, 2003 are, in effect, not part of this provisional application.

The provisional application is being returned to OIPE for further processing with a filing date of June 25, 2003, using the papers filed on that day.

Telephone inquiries should be directed to the undersigned at (703) 308-0763.

RC Tang
Petitions Attorney
Office of Petitions

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1 See 35 U.S.C. 119(e).

2 See MPEP 601.01(d) (Rev. 1, Feb. 2003) ([I]n view of the relatively low filing fee . . . and the USPTO desire to minimize the processing of provisional applications, the USPTO will not grant petitions under 37 CFR 1.182 to accept omitted page(s) or drawing(s) and accord an application filing date as of the date of such submission in provisional applications. The applicant should simply file a new completed provisional application.)

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STEVEN HOROWITZ
SUITE 700
295 MADISON AVE
NEW YORK NY 10017

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OFFICE OF PETITIONS

In re Application of
Yevgeny Antonovsky
Application No. 60/482,701
Filed: June 26, 2003
Attorney Docket No.: ANTONOVSKY

: DECISION GRANTING PETITION

This is a decision on the petition filed on October 28, 2003, under 27 CFR 1.53, requesting that the above-identified application, including Figures 9-15a be accorded a filing date of June 26, 2003.

On June 26, 2003, the application was filed. On August 28, 2003, the Office of Initial Patent Examination mailed a Notice of Omitted Items in a Provisional Application stating that the application had been accorded a filing date of June 26, 2003, but that Figures 9-15a described in the specification appeared to have been omitted.

In response, on October 28, 2003, nine (9) sheets of drawings containing Figures 9-15a and the present petition were submitted. Petitioners assert that pages 12 through 20 containing Figures 9-15a were filed with the other application papers on June 26, 2003 but was subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioners' postcard receipt was supplied on October 28, 2003. The postcard receipt shows an Office date stamp of June 26, 2003, and identifies the application by the name of the inventor and the title of the invention, and acknowledges receipt, *inter alia*, of 20 sheets of drawings. Petitioners request that the application, including the drawings containing Figures 9-15a, be accorded a filing date of June 26, 2003.

A review of the record reveals that 11 sheets of drawings, containing Figures 1-8 are located among the application papers deposited on June 26, 2003. However, the evidence is convincing that the application papers deposited on June 26, 2003, included 20 sheets of drawings and that the sheets of drawings containing Figures 9-15a were subsequently misplaced in the Office. Therefore, the application, including the nine (9) sheets of drawings containing Figures 9-15a as described in the specification, is entitled to a filing date of June 26, 2003.

The "Notice" mailed on August 28, 2003, is **VACATED**.

In view of the above, the petition is **GRANTED**. The $50.00 petition fee paid on August 28, 2003, will be refunded to petitioner.[1]

[1] A check in the amount of $130.00 was submitted for the petition fee. A refund in the amount of $80 was previously processed on November 3, 2003.

The application will be processed, using the application papers filed on June 26, 2003, and the copy of Figures 9-15a of the drawings supplied on October 28, 2003.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of June 26, 2003, using the application papers filed on June 26, 2003, and the nine (9) sheets of drawing containing Figures 9-15a, supplied on October 28, 2003, and for an indication on the bib-data sheet that 20 sheets of drawings were present on filing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (703)305-4497.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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STEVEN HOROWITZ
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295 MADISON AVE
NEW YORK NY 10017

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OFFICE OF PETITIONS

In re Application of
Antonovsky
Application No. 60/482,701
Filed: June 26, 2003
Attorney Docket No. Antonovsky
For: AIR CYLINDER WITH HIGH FREQUENCY SHOCK ABSORBER AND ACCELERATOR

DECISION GRANTING PETITION

This is a decision on the petition filed October 28, 2003 requesting, in effect, withdrawal of the August 28, 2003 Notice of Omitted Item(s) in a Provisional Application (Notice).

The application was deposited on June 26, 2003. On August 28, 2003, the Office of Initial Patent Examination mailed a Notice informing petitioner that drawing figures 9-15a described in the specification appeared to have been omitted.

In response to the Notice, petitioner timely filed the present petition. Petitioner requests that drawing figures 9-15a be accorded a filing date of June 26, 2003 on the basis that 20 pages of informal drawing figures, including drawing figures 9-15a, were received in the Patent and Trademark Office (PTO) on June 26, 2003. In support, the petition is accompanied by a copy of applicant's itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing June 26, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included 20 pages of informal drawings. A review of the application file reveals that only 9 pages of drawing figures are present.

The return postcard constitutes *prima facie* evidence that 20 pages of drawing figures, including drawing figures 9-15a were filed on June 26, 2003. MPEP 503. Accordingly, the request is **GRANTED**. No fee has been or will be charged in connection with this matter.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **June 26, 2003**, using the copy of drawing figures 9-15a submitted with the instant petition. Office records will be corrected to show that 20 pages of drawing figures were present on filing.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

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

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OFFICE OF PETITIONS

In re Application of	:	
Anderson et al.	:	DECISION ON PETITION
Application No. 60/482,767	:	
Filed: June 27, 2003	:	
Atty Docket No. 58268.00300	:	

This is a decision on the "PETITION TO WITHDRAW HOLDING OF ABLY ABANDONMENT NO ABANDONMENT IN FACT AND REQUEST FOR REFUND TO DEPOSIT ACCOUNT," filed December 22, 2005.

The petition under § 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 C.F.R. 1.181." No extensions of time are permitted under 37 C.F.R. § 1.136(a)."

Alternatively, applicants may file a petition to revive pursuant to 37 C.F.R. 1.137.

Preliminarily, it is noted that the instant petition references three applications. As indicated in 37 CFR 1.4, a paper must be furnished for each file to which the paper pertains. Or in other words, one paper should not be singularly filed and directed to multiple applications. Since the first of the applications to which this paper is directed is the above-identified provisional application, the paper is being treated in that application. (This application was filed on the date mentioned on the paper and is abandoned).

The above-identified provisional application became abandoned for failure to respond to the Notice to File Missing Parts of Provisional Application mailed October 6, 2004. The Notice set a two-month time limit for applicants to file a late filing fee or oath or declaration surcharge and the provisional application cover sheet under 37 CFR 1.51(c)(1). No response was considered filed and no extension of time obtained. Accordingly, the above-identified application became abandoned on December 7, 2004. A Notice of Abandonment was mailed on September 9, 2005.

On December 22, 2005, applicants filed the instant petition. Petitioner's arguments are not necessarily clear. First, of all, petitioner asserts that the filing of a claim, assignment and declaration are not required to secure a filing date and pendency of a provisional application. Accordingly, no reply was necessary to the Notice mailed June 27, 2003.

Moreover, petitioner argues implicitly that a petition (or request) to convert the provisional application to a non-provisional application, a Declaration and Power of Attorney, together with the filing fee in the amount of $810 were timely filed on June 24, 2004. In support thereof, petitioner files a copy of a return postcard receipt.

Petitioner's arguments have been considered, but not found persuasive. It is true that no declaration is required to secure an application filing date. See 35 U.S.C. 111(b)(4). Nonetheless, as stated thereon, an application will become abandoned for failure to timely respond to a Notice to File Missing Parts of Provisional Application. Filing of a petition to convert does not prevent abandonment. (It is noted that the record does not reveal that a petition to convert was filed in this application). It just does not matter if the petition to convert is filed prior to the abandonment and meets all other requirements.

Finally, petitioner's evidence is not persuasive that a petition to convert was timely filed on June 24, 2004, prior to the mailing of the Notice to File Missing Parts. The postcard does not include the application serial number. More importantly, the postcard does not itemize that such a paper was filed (i.e. petition to convert, cover sheet or late surcharge). Rather, the postcard references "New Application (30 Pages)." It is noted that the copy of the response (a declaration for patent) does not include a cover sheet or any other paper (such as a

copy of a petition to convert) with a certificate of mailing, such that the paper could be considered timely filed under 37 CFR 1.8(b).

Receipt of the payment of $130 is acknowledged. No fee is required for this petition under 37 CFR 1.181. Petitioner may on reconsideration request that this fee be refunded or that it be applied to any fees required under 37 CFR 1.137.

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

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

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

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

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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In re Application of :
Anderson et al. : DECISION ON PETITION
Application No. 60/482,767 :
Filed: June 27, 2003 :
Atty Docket No. 58268.00300 :

This is a decision on the PETITION TO REVIVE A PROVISIONAL APPLICATION UNDER 37 CFR § 1.137(b) filed October 31, 2006.

The petition is **DISMISSED**.

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

The above-identified provisional application became abandoned on December 7, 2004 for failure to respond to the Notice to File Missing Parts of Provisional Application mailed October 6, 2004. A Notice of Abandonment was mailed on September 9, 2005. By decision mailed October 2, 2006, the "PETITION TO WITHDRAW HOLDING OF ABANDONMENT NO ABANDONMENT IN FACT AND REQUEST FOR REFUND TO DEPOSIT ACCOUNT," filed December 22, 2005 was dismissed.

Applicants have now filed a petition to revive based on unintentional delay. Applicants previously filed a proposed reply in the form of a declaration. The $50 required surcharge has been charged to the Deposit Account, as authorized. In addition, the petition includes the requirement statement of

unintentional delay and payment of the balance of the petition fee ($130 was submitted previously).

However, the Notice also required applicants to submit a provisional cover sheet (under 37 CFR 1.51(c)(1)), which may be an application data sheet (37 CFR 1.76), identifying either city and state or city and foreign country of the residence of each inventor. The instant petition does not include that portion of the reply. The required reply on petition to revive is the reply necessary to avoid abandonment. Submission of the proper provisional cover sheet or application data sheet is required.

In view thereof, the petition must be dismissed.

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

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

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

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

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

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.

SQUIRE, SANDERS & DEMPSEY L.L.P.
14TH FLOOR
8000 TOWERS CRESCENT
TYSONS CORNER VA 22182

COPY MAILED

JAN 0 8 2007

OFFICE OF PETITIONS

In re Application of	:	
Anderson et al.	:	DECISION ON PETITION
Application No. 60/482,767	:	
Filed: June 27, 2003	:	
Atty Docket No. 58268.00300	:	

This is a decision on the SUPPLEMENTAL PETITION TO REVIVE A PROVISIONAL APPLICATION UNDER 37 CFR § 1.137(b) filed December 22, 2006.

The petition is **GRANTED**.

The above-identified provisional application became abandoned on December 7, 2004 for failure to respond to the Notice to File Missing Parts of Provisional Application mailed October 6, 2004. A Notice of Abandonment was mailed on September 9, 2005. By decision mailed October 2, 2006, the "PETITION TO WITHDRAW HOLDING OF ABANDONMENT NO ABANDONMENT IN FACT AND REQUEST FOR REFUND TO DEPOSIT ACCOUNT," filed December 22, 2005 was dismissed. By decision mailed November 29, 2006, the renewed PETITION TO REVIVE A PROVISIONAL APPLICATION UNDER 37 CFR § 1.137(b) filed October 31, 2006 was dismissed for failure to submit the required reply to the Notice to File Missing Parts of Application.

On instant renewed petition, applicants filed an application data sheet (37 CFR 1.76), identifying either city and state or city and foreign country of the residence of each inventor. Petitioner has now met all requirements for revival of this provisional application.

Petitioner is reminded that, as stated in § 1.137(g): A provisional application, abandoned for failure to timely respond to an Office requirement, may be revived pursuant to this section. Subject to the provisions of 35 U.S.C. 119(e)(3) and § 1.7(b), a provisional application will not be regarded as pending after twelve months from its filing date under any circumstances.

The Office of Initial Patent Examination (OIPE) has been advised of this decision. The provisional application is thereby forwarded to OIPE for completion of processing.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ABELMAN, FRAYNE & SCHWAB
ATTORNEYS AT LAW
150 EAST 42ND STREET
NEW YORK, NY 10017

COPY MAILED

DEC 03 2004

OFFICE OF PETITIONS

In re Application of	:	
Joseph Horta et al	:	
Application No. 60/482,773	:	NOTICE
Filed: June 25, 2003	:	
Attorney Docket No. 206,165	:	

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 the Office of Petitions Staff at (703) 305-9285.

This file is being forwarded to Files Repository.

Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/482,806	06/26/2003		160	9060-213PR	13		

CONFIRMATION NO. 5071

CORRECTED FILING RECEIPT

OC000000013314460

20792
MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

Date Mailed: 07/23/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

George W. Oughton JR., Raleigh, NC;
Winston Zeng, Raleigh, NC;
Larry Van Lynam, Youngsville, NC;

If Required, Foreign Filing License Granted: 09/08/2003

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

Non-Publication Request: No

Early Publication Request: No

Title

Hybrid air/magnetic core solenoidal coil inductor in a flux tolerant compartment

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

GRANTED

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

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

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

NOT GRANTED

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

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FEB 23 2004

OFFICE OF PETITIONS

JAMES E. MASLOW, ESQ
4 FRANKLIN ROAD
LEXINGTON, MA 02420

In re Application of
Miller et al.
Application No. 60/483,001
Filed: June 27, 2003
Attorney Docket No. M105
Title of Invention: ION MOBILITY ELECTRONIC CONTROL SYSTEM

DECISION DISMISSING PETITION

This is a decision on the petition filed October 29, 2003, requesting in effect, that a Notice of Omitted Parts in a Provisional Application ("Notice") mailed September 17, 2003, be withdrawn.

The petition is dismissed.

The application was filed on June 27, 2003. However, on September 17, 2003, the Office of Initial Patent Examination (OIPE) mailed the "Notice" stating that the application had been accorded a filing date of June 27, 2003 and advising applicant that figures 8(b), 9(a) and 9(b) as described in the specification appeared to have been omitted.

In response, on October 29, 2003, applicant filed the present petition and a copy of applicants' postcard receipt acknowledging receipt of 13 sheets of drawings on June 27, 2003. Additionally, applicant submitted a copy of thirteen (13) sheets of drawings.

A review of the record shows that twelve (12) sheets of drawings were filed on June 27, 2003 and are presently in the file. Thus the file shows no sheets of drawings containing figures 8(b), 9(a) and 9(b) was filed on June 27, 2003.

It is noted that the postcard refers to thirteen (13) sheets of drawings but the official record clearly shows that the 12 sheets of drawings did not contain figures 8(b), 9(a) and 9(b). Assuming arguendo that applicants' postcard receipt could be said to constitute *prima facie* evidence that figures 8(b), 9(a) and 9(b) were received in the Office on June 27, 2003, the evidence is rebuttable, not conclusive. In this case the evidence is rebutted by the fact that applicants' have submitted two sheets of drawings which were not present on June 27, 2003. Petitioner states figures 8(a) and 8(b) are located on page 12. A comparison of page 12 of the drawings submitted on June 27, 2003 shows that there is only one figure on page 12, which is figure 8(a). This page 12 differs from the page 12 provided with the petition. The page 12 submitted with the petition contains figures 8(a) and 8(b) on the same sheet. Petitioner has submitted what equates to a new page 12 with two figures and a page 13 which contains figures 9(a) and 9(b). Thus petitioner seeks to have two (2) pages of drawings added to the 12 pages of drawings already of record entered for a total of 14 pages. The facts and evidence at hand rebut the postcard receipt.

Since the petition does not request that the application be accorded the date of receipt of the drawings containing figures 8(b), 9(a) and 9(b) as the filing date, the application will be processed with a filing date of June 27, 2003, using the twelve (12) sheets of drawings filed on that date.

An amendment canceling references to figures 8(b), 9(a) and 9(b)in the specification should be filed prior to the first Office action in order to avoid further delays in the examination of the application.

The drawings containing figures 8(b), 9(a) and 9(b) submitted on October 29, 2003 will not be entered.

The application will then be returned to the Office of Initial Patent Examination for further processing with a **filing date of June 27, 2003**, using the 12 sheets of drawings supplied on June 27, 2003.

Any inquiries related to this decision should be directed to the undersigned at (703) 306-0251.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/483,153	06/27/2003		160	9306P			

CONFIRMATION NO. 2104

CORRECTED FILING RECEIPT

OC000000012729794

27752
THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
WINTON HILL TECHNICAL CENTER - BOX 161
6110 CENTER HILL AVENUE
CINCINNATI, OH 45224

Date Mailed: 05/20/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Kenneth Nathan Price, Wyoming, OH;
Shulin Larry Zhang, West Chester, OH;
Marc Eric Gustwiller, Cincinnati, OH;

If Required, Foreign Filing License Granted: 10/24/2003

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

Non-Publication Request: No

Early Publication Request: No

Title

Fabric article treating system

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

GRANTED

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

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

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

NOT GRANTED

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

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United States Patent and Trademark Office
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MICHAEL W. FARN
FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

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SEP 1 7 2003

OFFICE OF PETITIONS

In re Application of :
Armin Ebrahimi et al :
Application No. 60/483,191 : NOTICE
Filed: June 27, 2003 :
Attorney Docket No.

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 the Office of Petitions Staff at (703) 305-9285.

This file is being forwarded to the Initial Patent Examination Unit.

Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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ANN R. POKALSKY, ESQ.
DILWORTH & BARRESE, LLP
333 EARLE OVINGTON BLVD.
UNIONDALE NY 11553

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FEB 17 2004

OFFICE OF PETITIONS

In re Application of	:	
M. Mahmood Hussain	:	
Application No. 60/483,321	:	ON PETITION
Filed: 27 June, 2003	:	
Attorney's Docket No. 1181-18	:	

This is a decision on the petition filed on 28 November, 2003, requesting that the above-identified application be accorded a filing date of 27 June, 2003, with Page 18 of the specification as a part of the original disclosure.

The petition is granted.

The application was filed on 27 June, 2003.

Accordingly, on 24 September, 2003, Initial Patent Examination Division mailed a Notice of Omitted Item(s) in a Provisional Application, stating that the application had been accorded a filing date of 27 June, 2003, but that Page 18 of the specification (description and claims) appeared to have been omitted.

In response, on 28 November, 2003, the present petition and a copy of Page 18 of the specification were filed. Petitioner argues that Page 18 was filed with the other application papers on 27 June, 2003, but was subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioners' postcard receipt was supplied with the present petition. The postcard receipt shows an Office date stamp of 27 June, 2003, the above-identified application number, and identifies the application by inventor's name, docket number, and invention title, and acknowledges receipt of, *inter alia*, "43 pages of spec. including claims and drawings". Petitioners

request that the application, including Page 18 of the specification, be accorded a filing date of 27 June, 2003.

A review of the record reveals that no Page 18 of the specification has been located among the application papers received on 27 June, 2003. However, the evidence is convincing that the application papers deposited on 27 June, 2003, included Page 18 of the specification (description and claims), which was subsequently misplaced in the Office. Therefore, the application, including Page 18 of the specification, is entitled to a filing date of 27 June, 2003.

The "Notice" mailed on 24 September, 2003, is withdrawn.

In view of the above, the petition is granted. The petition fee of $130.00 is unnecessary and will be refunded to counsel's deposit account, No. 04-1121.

The application will be processed with the copy of Page 18 of the specification supplied on 28 November, 2003, as a part of the original disclosure.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 27 June, 2003, using the application papers filed on that date, and the copy of Page 18 of the specification supplied with the present petition.

Telephone inquires should be directed to the undersigned at 703-308-6918.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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

MILBANK, TWEED, HADLEY & MCCLOY LLP
1 CHASE MANHATTAN PLAZA
NEW YORK NY 10005-1413

COPY MAILED

OCT 2 4 2003

OFFICE OF PETITIONS

In re Application of :
Gray et al. :
Application No. 60/483,486 : DECISION GRANTING PETITION
Filed: June 27, 2003 :
Attorney Docket No. 36287.04400 :

This is a decision on the petition under 37 CFR 1.53, filed September 5, 2003, requesting that the above-identified application be accorded a filing date of June 27, 2003, with Figure 8 described in the specification as part of the original disclosure.

On June 27, 2003, applicants filed the above-identified application. On August 26, 2003, the Office mailed a Notice of Omitted Item(s) in a Provisional Application, stating that the application had been accorded a filing date of June 27, 2003, and advising applicants that Figure 8 appeared to have been omitted.

In response, on September 5, 2003, applicants filed the present petition and a copy of applicants' postcard receipt acknowledging receipt of "Drawings: Fig. 1, Fig. 2, Fig. 3, Fig. 4, Fig. 5, Fig. 6, Fig. 7, and Fig. 8 (8 sheets)" on June 27, 2003. Additionally, applicants submitted 8 sheets of drawings, containing Figures 1-8 with the present petition.

Upon review of the record, Figure 8, deposited on June 27, 2003, has not been located among the application papers. However, the evidence is convincing that the application papers deposited on June 27, 2003, included Figure 8, which was subsequently misplaced in the United States Patent and Trademark Office. Therefore, the application, including Figure 8, was complete on filing and will be granted a filing date of June 27, 2003.

Accordingly, the petition is granted and the application will be accorded a filing date of June 27, 2003, with Figure 8 as part of the original disclosure.

The requirement for the submission of omitted drawing Figure 8 was sent in error and is hereby vacated. Accordingly, the $130.00 petition fee is unnecessary and will refunded by treasury check.

Any inquiries related to this decision should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/484,199	07/01/2003		160	03-686	1		

CONFIRMATION NO. 2765

CORRECTED FILING RECEIPT

OC000000011584870

20306
MCDONNELL BOEHNEN HULBERT & BERGHOFF
300 SOUTH WACKER DRIVE
SUITE 3200
CHICAGO, IL 60606

Date Mailed: 12/30/2003

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Nicolaius H.G. Baken, Voorburg, NETHERLANDS;

If Required, Foreign Filing License Granted: 08/29/2003

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

Non-Publication Request: No

Early Publication Request: No

Title

Lampposts as a part of a communications network

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

GRANTED

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

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

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

NOT GRANTED

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

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ROBERTS ABOKHAIR & MARDULA
SUITE 1000
11800 SUNRISE VALLEY DRIVE
RESTON VA 20191

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OCT 2 1 2003

OFFICE OF PETITIONS

In re Application of	:	
Zalenski et al.	:	
Application No. 60/484,385	:	ON PETITION
Filed: 2 July, 2003	:	
Attorney's Docket No. 2870-003	:	

This is a decision on the petition filed on 10 September, 2003, requesting that the above-identified application be accorded a filing date of 2 July, 2003, with six (6) sheets of drawings as a part of the original disclosure.

The petition is granted.

The application was filed on 2 July, 2003.

Accordingly, on 2 September, 2003, Initial Patent Examination Division mailed a Notice of Omitted Item(s) in a Provisional Application, stating that the application had been accorded a filing date of 2 July, 2003, but that Figure 6 described in the specification appeared to have been omitted.

In response, on 10 September, 2003, the present petition and a copy of one (1) sheet of drawings containing Figure 6 were filed. Petitioners argue that one sheet of drawings containing Figure 6 was filed with the other application papers on 2 July, 2003, but was subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioners' postcard receipt was supplied with the present petition. The postcard receipt shows an Office date stamp of 07/02/03, the above-identified application number, and identifies the application by first named inventor's name and invention title, and acknowledges receipt of, *inter alia*, "Formal Drawing -6- sheets". Petitioners request that the application, including one sheet of drawings containing Figure 6, be accorded a filing date of 2 July, 2003.

A review of the record reveals that five (5) sheets of drawings containing Figures 1-5 have been located among the application papers received on 2 July, 2003. However, the evidence is convincing that the application papers deposited on 2 July, 2003,

included six (6) sheets of drawings, one of which was subsequently misplaced in the Office. Therefore, the application, including the one (1) sheet of drawings containing Figure 6 described in the specification, is entitled to a filing date of 2 July, 2003.

The "Notice" mailed on 2 September, 2003, is withdrawn.

In view of the above, the petition is granted. The petition fee of $130.00 is unnecessary and will be refunded to counsel's deposit account, No. 18-1579.

The application will be processed with the copy of one (1) sheet of drawings containing Figure 6 supplied on 10 September, 2003, as a part of the original disclosure.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 2 July, 2003, using the application papers filed on that date, and the copy of one (1) sheet of drawings containing Figure 6 supplied with the present petition, and for an indication in Office records that six (6) sheets of drawings were present on filing.

Telephone inquires should be directed to the undersigned at 703-308-6918.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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2200 W. SALZBURG ROAD
P.O. BOX 994
MIDLAND MI 48686-0994

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JUN 0 6 2005

OFFICE OF PETITIONS

In re Application of
Hu, et al.
Application No. 60/484,695
Deposited: July 3, 2003
Attorney Docket No. DC5138PRO1

DECISION GRANTING PETITION

This is a decision on the petition, filed April 22, 2004 to accord a filing date of July 3, 2003 to the above-identified application and issue a filing receipt for the application. The petition will be treated under 37 CFR 1.53(e).

The petition is **GRANTED**.

The application was deposited on July 3, 2003. The application papers included, *inter alia*, a Provisional Application Cover Sheet and a specification, including a number of composition and process claims. Applicants paid the provisional filing fee. It is noted that the specification filed on July 3, 2003 did not describe drawing figures.

As stated in MPEP 601.01(f), it is the practice of the United States Patent and Trademark Office (PTO) to treat an application that contains at least one process, method, or composition claim as an application for which a drawing is not necessary for an understanding of the invention under 35 USC 113 (first sentence.)

MPEP 601.01(f) also states that:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, <u>not</u> describing drawing figures in the specification, and filed without drawings will simply be processed for examination.

This application contains composition and process claims. Therefore, the application should have been accorded a filing date, despite the lack of drawing figures.

It is noted that petitioners expressly abandoned the above-identified application on July 15, 2003. The express abandonment on July 15, 2003 does not negate the fact that the application satisfied the requirements for accordation of filing date on July 3, 2003. Accordingly, the Office recognizes July 3, 2003 as the filing date of the above-identified application and will issue a filing receipt for the application. The petition is **granted**. Pursuant to petitioners' authorization, the $130.00 petition fee submitted with the instant petition will be credited to deposit account no.04-1520.

Of course, the application is still abandoned as of July 15, 2003.

After the mailing of this decision, the application will be returned to the Office of Initial Patent Examination for further processing with a filing date of **July 3, 2003**, for indication in PTO records that "0" sheets of drawings were present on filing, and for issuance of a filing receipt reflecting the July 3, 2003 filing date for the application.

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

E. Shirene Willis

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

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JOSEPH ZAHRER
SAINT LOUIS UNIVERSITY
OFFICE OF RESEARCH ADMINISTRATION
3556 CAROLINE STREET
ST. LOUIS, MO 63104

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AUG 2 6 2003

OFFICE OF PETITIONS

In re Application of	:
Barrie BODE et al	:DECISION GRANTING FILING
Application No. 60/484,728	:DATE OF July 2, 2003
Filed: July 2, 2003	:
Attorney Docket No. SLU03-010prov	:

This is a decision on the petition under 37 CFR 1.10(c), filed July 28, 2003, requesting that the above-identified application be accorded a filing date of July 2, 2003, rather than the presently accorded date of July 3, 2003.

Applicant requests the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on July 2, 2003 pursuant to 37 CFR 1.10. In support, applicant has submitted a copy of Express Mail label No. ER 172223455 US showing a "date-in" of July 2, 2003. The same Express Mail receipt number appears on the original first page of the specification, as shown by the copy supplied by petitioner.

Further, an independent search was made of the USPS Express Mail Track and Confirm records which resulted in a finding that the package in question was in fact accepted on July 2, 2003 at the Saint Louis, MO USPS. Therefore, in view of all the evidence, it is concluded that the application was deposited in Express Mail service on July 2, 2003. Accordingly, the instant application is entitled to a filing date of July 2, 2003, and has been so accorded.

The petition is **granted**.

Telephone inquiries concerning this matter may be directed to Frances Hicks at (703) 305-8680.

Brian Hearn
Senior Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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Paper No. None

Emory University
Office of Technology Transfer
Suite 130
1784 N. Decatur Rd.
Atlanta GA 30322

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OFFICE OF PETITIONS

In re Application of :
David A. Shafer :
Application No. 60/484,754 : DECISION ON PETITION
Filed: July 3, 2003 :
Attorney Docket No.: 03062Prov :
Title: MULTI-TARGET MULTI- :
REPORTER PROBE SETS FOR SARS :
VIRUS AND OTHER SPECIES

This is a decision on the petition under 37 C.F.R. §1.53(e), filed October 29, 2002, requesting that application number 60,484,754 be accorded a filing date of July 3, 2003.

The application was deposited on July 3, 2003 without drawings. On August 29, 2003, the Office of Initial Patent Examination, (OIPE) sent a Notice of Incomplete Provisional Application (Notice), setting forth that the application appeared to have been deposited without drawings. The Notice indicated that a filing date had not been accorded, and that a filing date would be accorded upon the depositing of drawings.

In response, on October 29, 2003, Petitioner filed the present petition. Petitioner has not submitted the missing drawings, and has asserted that they are not required.

MPEP 608.02 states, in part:

> An OIPE formality examiner should not treat an application without drawings as incomplete if drawings are not required. A drawing is not required for a filing date under 35 U.S.C. 111 and 113 if the application contains:
>
> (A) at least one process claim including the term "process" or "method" in its introductory phrase;

(B) at least one composition claim including the term composition," "compound," "mixture" or "pharmaceutical" in its introductory phrase;

(C) at least one claim directed to a coated article or product or to an article or product made from a particular material or composition (i.e., an article of known and conventional character (e.g., a table), coated with or made of a particular composition (e.g., a specified polymer such as polyvinyl-chloride));

(D) at least one claim directed to a laminated article or product (i.e., a laminated article of known and conventional character (e.g., a table)); or

(E) at least one claim directed to an article, apparatus, or system where the sole distinguishing feature is the presence of a particular material (e.g., a hydraulic system using a particular hydraulic fluid, or a conventional packaged suture using a particular material).

For a more complete explanation about when a drawing is required, see MPEP 601.01(f). For applications submitted without all of the drawings described in the specification, see MPEP § 601.01(g). If an examiner determines that a filing date should not have been granted in an application because it does not contain drawings, the matter should be brought to the attention of the supervisory patent examiner (SPE) for review. If the SPE decides that drawings are required to understand the subject matter of the invention, the SPE should return the application to OIPE with a typed, signed, and dated memorandum requesting cancellation of the filing date and identifying the subject matter required to be illustrated.

Pursuant to this section of the MPEP, it has been PTO practice to treat an application that contains at least one process, method, or composition claim as an application for which a drawing is not necessary for an understanding of the invention under the first sentence of 35 U.S.C. §113. A review of the record reveals that each of the claims is directed towards either a composition or a method. Therefore, the present application is deemed to be an application which does not require a drawing for an understanding of the invention. Accordingly, the application, as originally filed, is entitled to a filing date of July 3, 2003.

Accordingly, the petition is **GRANTED**.

The Notice, mailed on August 29, 2002, was sent in error, and is hereby **VACATED**. As such, no petition fee is necessary, and the petition fee has been refunded to Petitioner's Deposit Account, as authorized in the petition.

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a

change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If Petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For Petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at http://www.uspto.gov/web/forms/sb0122.pdf.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of July 3, 2003, using the application papers filed on that date.

Any inquiries related to this decision should be directed to the undersigned at (703) 305-0011.

Paul Shanoski

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

cc: Thomas, Kayden, Horstemeyer & Risley, L.L.P.
100 Galleria Parkway, Suite 1750
Atlanta, GA 30339-5948

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

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JAN 07 2004

OFFICE OF PETITIONS

In re Application of :
Franco et al. :
Application No. 60/485,241 : DECISION DISMISSING PETITION
Filed: July 7, 2003 :
Attorney Docket No. 10552.0029USP1 :

This is a decision on the petition filed September 22, 2003, requesting that the above-identified application be accorded a filing date of July 7, 2003, with pages 3, 5, 6, and 9 of the specification as part of the original disclosure.

On July 7, 2003, applicants filed the above-identified application. On September 10, 2003, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s) in a Provisional Application" (Notice), stating that the application had been accorded a filing date of July 7, 2003, and advising applicants that pages 3, 5, 6, 9 and 116 appeared to have been omitted.

In response, on July 7, 2003, applicants filed the present petition, a copy of the specification and sequence listing with the pages renumbered totaling 170 pages, and 27 sheets of drawings. In the present petition, applicants assert that the full specification was submitted on July 7, 2003. Applicants state that the application was inadvertently numbered incorrectly. Specifically, the page numbering skipped page 116. Applicants further state that their records indicate that the application as filed included pages 3, 5, 6, and 9.

As to page 116 of the specification, it is obvious from the petition that page 116, which included "Tables 9 and 10" was not actually missing on July 7, 2003. Rather, the page of Tables was simply misnumbered as a result of applicants' filing error. However, the Notice of Omitted Item(s) mailed September 10, 2003, was correct in stating that page 116 of the specification <u>appeared</u> to have been omitted. Therefore, the requirement to submit the omitted page 116 set forth in the Notice will not be withdrawn.

Moreover, upon review of the record, pages 3, 5, 6, and 9 of the specification have not been located in the official file. An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence. The Office file is the official record of what was filed on July 7, 2003.

It is for this reason that the Office has established a practice of providing a receipt for papers filed in the Office to any applicant desiring a receipt. The practice, which was long ago established and is well publicized, requires that any paper for which a receipt is desired be filed in the Office with a self-addressed postcard identifying the paper. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the Office of all the items listed thereon on the date stamped thereon by the Office. See MPEP 503. Unfortunately, no postcard receipt has been presented in this case.

Accordingly, the petition is dismissed.

Any request for reconsideration should be submitted within TWO (2) MONTHS from the date of this decision. See 37 CFR 1.181(f). No extensions of time are permissible. Further correspondence with respect to this matter should be addressed as follows:

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

By FAX: (703) 872-9306
Attn: Office of Petitions

By hand: 2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA

Any inquiries related to this decision should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of
Franco et al.
Application No. 60/485,241
Filed: July 7, 2003
Attorney Docket No. 10552.0029USP1

: DECISION GRANTING PETITION

This is a decision on the renewed petition filed January 26, 2004, requesting that the above-identified application be accorded a filing date of July 7, 2003, with pages 3, 5, 6, and 9 of the specification as part of the original disclosure. The renewed petition was recently forwarded to the Office of Petitions for a decision on the merits. The Office sincerely apologizes for any inconvenience to applicants.

On July 7, 2003, applicants filed the above-identified application. On September 10, 2003, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s) in a Provisional Application" (Notice), stating that the application had been accorded a filing date of July 7, 2003, and advising applicants that pages 3, 5, 6, 9 and 116 appeared to have been omitted.

In response, on July 7, 2003, applicants filed the original petition, a copy of the specification, including a sequence listing, totaling 170 pages, and 27 sheets of drawings. Applicants asserted that the full specification was submitted on July 7, 2003. Applicants stated that the application was inadvertently numbered incorrectly. Specifically, the page numbering skipped page 116. Applicants further stated that their records indicated that the application as filed included pages 3, 5, 6, and 9.

In the decision of January 7, 2004, the Office stated that it was obvious from the petition that page 116, which included "Tables 9 and 10," was not actually missing on July 7, 2003. Rather, the page of Tables was simply misnumbered as a result of applicants' filing error. However, the Office concluded that the Notice of Omitted Item(s) mailed September 10, 2003, was correct in stating that page 116 of the specification appeared to have been omitted. Moreover, the decision stated that applicants failed to show that pages 3, 5, 6, and 9 of the specification were filed in the USPTO on July 7, 2003, and were later misplaced. For these reasons, the original petition was dismissed.

On January 26, 2005, applicants filed the present renewed petition and a copy of their returned, date-stamp postcard receipt acknowledging receipt of 170 pages of specification in the USPTO on July 7,

2003. Upon further review, the evidence is convincing that the application papers deposited on July 7, 2003, included pages 3, 5, 6, and 9 of the specification, which were subsequently misplaced in the USPTO.

Accordingly, the petition is granted.

The Office of Initial Patent Examination is directed to accord the above-identified application a filing date of July 7, 2003, with pages 3, 5, 6, and 9 as part of the original disclosure.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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P. O. BOX 1967
MIDLAND MI 48641-1967

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APR 19 2004

OFFICE OF PETITIONS

In re Application of
Felipe Martinez
Application No. 60/485,292
Filed: July 7, 2003
Atty's Docket No. 63190

DECISION GRANTING PETITION

This is a decision on the petition filed February 26, 2004, under 37 CFR 1.182, requesting that the Notice of Omitted Items mailed December 24, 2003 be removed.

The petition is **DISMISSED**.

On July 7, 2003, the application was filed.

On December 24, 2003, the Office of Initial Patent Examination mailed a Notice of Omitted Items in a Provisional Application stating that the application had been accorded a filing date of July 7, 2003, but that Figure 1 described in the specification appeared to have been omitted.

In response, on February 26, 2004, the present petition was filed. Petitioner argues that Figure 1 was filed with the application papers deposited July 7, 2003 and that it could be found on page 13 of the specification.

Page 13 of the specification has been reviewed and there are what appears to be drawings but the drawings are not labeled. The provisional application cover sheet only itemizes one sheet of Figures and the specification refers to two figures (Figures 1 and 2). As Figure 1 was not located among the drawings filed with the application and there is no drawing labeled as Figure 1, and since this was all due to applicant's filing error, the Notice of Omitted Items correctly stated that Figure 1 appeared to have been omitted.

Counsel's deposit account has been charged in the amount of $130.00 for the petition fee and will not be refunded.

Petitioners are further advised that for provisional applications, the option to take the later filing date, *i.e.*, the date of submission of the omitted page(s) or drawing(s), is not available.[1] As such, if petitioners desire to have Figure 1 considered as part of the application, petitioners should simply file a new completed provisional application, including Figure 1.

The application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of July 7, 2003, using the application papers filed on that date.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (703) 305-4497.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

[1] MPEP 601.01(d). In view of the relatively low filing fee for provisional applications, and the USPTO's desire to minimize the processing of provisional applications, the USPTO will not grant petitions under 37 CFR 1.182 to accept omitted page(s) or drawing(s) and accord an application filing date as of the date of submission in provisional applications.

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United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/485,322	07/07/2003		160	PB60162P1			

CONFIRMATION NO. 7020

CORRECTED FILING RECEIPT

OC000000011505328

GLAXOSMITHKLINE
Corporate Intellectual Property - UW2220
709 Swedeland Road
King of Prussia, PA 19406-0939

Date Mailed: 12/16/2003

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Romano Di Fabio, Verona, ITALY;
Lucio Bassetti, Verona, ITALY;
Damiano Ghirlanda, Verona, ITALY;
Anna Mingardi, Verona, ITALY;
Fabio Sabbatini, Verona, ITALY;
Yves St-Denis, Verona, ITALY;

If Required, Foreign Filing License Granted: 08/29/2003

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

Non-Publication Request: No

Early Publication Request: No

Title

Chemical compounds

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

NOT GRANTED

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

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Paper No. None

PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS MN 55402-2100

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In re Application of :
Joel R. Cannon et al. :
Application No. 60/485,435 :
Filed: July 8, 2003 :
Attorney Docket No. 3034.06US01 :
Title: THERMOSTAT DEVICE WITH :
LINE UNDER FREQUENCY AND LINE :
UNDER VOLTAGE PROTECTION :

DECISION ON PETITION
UNDER 37 C.F.R. §1.53(e)

This is a decision on the petition filed November 24, 2003, requesting the application, including Figure six (6) be accorded a filing date of July 8, 2003 as part of the original disclosure.

The application was deposited on July 8, 2003. However, on October 22, 2003, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Omitted Item(s) in a Provisional Application" (Notice), stating that the application had been accorded a filing date of July 8, 2003, and advising applicants that Figure six (6) appeared to have been omitted.

In response, on November 24, 2003, applicants filed the present petition. The petition is further accompanied by a copy of Figure six (6), along with a copy of applicants' postcard receipt acknowledging receipt of "Drawings - 12 pages" in the United States Patent and Trademark Office (Office) on July 8, 2003. Applicants request that the application, including Figure six (6), be accorded a filing date of July 8, 2003.

Upon review of the record, the above-mentioned figure has not been located among the application papers. However, the evidence is convincing that the application papers deposited on July 8, 2003 included twelve (12) sheets of drawings, and the sheet

containing Figure six (6)was subsequently misplaced in the Office.

Therefore, the application, including Figure six (6), was complete on filing and entitled to a filing date of July 8, 2003 as part of the original disclosure.

Accordingly, the petition is **GRANTED**.

The notice mailed October 22, 2003 was sent in error, and is hereby **VACATED**. Therefore, no petition fee is necessary. The petition fee of $130 has not been charged to Petitioner's Deposit Account.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of July 8, 2003, using the original application papers filed on that date, as well as Figure six (6) submitted on November 24, 2003.

Any inquiries related to this decision should be directed to the undersigned at (703) 305-0011.

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

OIPE JC42
JAN 1 4 2004
PATENT & TRADEMARK OFFICE

I herby certify that this correspondence is being transmitted by facsimile addressed to: Office of Petitions, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on January 9, 2004.

Elaine K. Mistretta

Elaine K. Mistretta

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: GP-303762

Applicants: Barbara L. Ciaramitaro
Michael A. Gruskin
Edward C. Wolfe

Title: LITIGATION SUPPORT APPLICATION

Office of Petitions
Mail Stop DAC
U.S. Patent and Trademark Office
PO Box 1450
Alexandria VA 22313-1450

PETITION UNDER 37 CFR 1.10
REQUEST TO CORRECT APPLICATION NUMBER AND FILING DATE

This is in response to the Patent Office communication dated December 12, 2003, a copy of which is attached herewith.

Also attached are copies of the following documentation:

1. Copy of Request to Correct Filing Receipt transmitted by facsimile on November 13, 2003

2. Copy of Provisional Application return Postcard bearing the U.S. PTO Label No. 16018, Provisional Application No. 60/484731, filed 07/03/03

3. Copy of Express Mail Label No. ER 049479675 US accepted at Post Office Zip Code 48381 on 7-3-03 at 14:45 PM

01/16/2004 MBELETE1 00000021 070960 60485540
01 FC:1807 50.00 DA

4. Copy of Fax Transmission To: Postal Customer dated 11/13/2003 confirming the information in Item 2 above and that the delivery record shows that Rosaline Atiati of the U.S. Patent and Trademark Office Delivery Section had accepted the Provisional Application.

5. Copy of Filing Receipt, Confirmation No. 1231, mailed 11/03/2003 and bearing Application No. 60/485,540, filed 07/08/2003

6. Copy of Cover Sheet for Filing Provisional Application 37 CFR 1.53(c), page 4 of which is dated 7/3/03 and signed by Vincent A. Cichosz, Reg. No. 35844

7. Copy of Check No. 1503 in the amount of $160.00 dated 7/3/03

REMARKS

Applicants received the return Postcard accompanying the Provisional Application on August 12, 2003, bearing Provisional Application No. 60/484,731 and dated 07/03/03.

On November 5, 2003, Applicants received a Filing Receipt (Confirmation No. 1231) mailed 11/03/2003 bearing Provisional Application No. 60/485,540, filed 07/08/2003, which has a different application number and filing date.

On November 13, 2003, Applicants requested that the filing receipt be corrected.

On December 16, 2003, Applicants received a communication for the Patent Office dated 12/12/2003 advising Applications that the Office cannot comply with our Request for Corrected Filing Receipt. Applicants noted the Patent Office hand-written notation of an Express Mail Label "ER 049479689 US".

Applicants' attorney respectfully directs your attention to the copy of the Express Mail Label used in sending the subject Provisional Application which bears the number "ER 049479675 US" with the Date In box marked 7-3-03. The confirmation concerning the Express Mail item number "ER 049479675 US" receipt of the subject Provisional Application was delivered on 07/05/2003 at 11:07 AM in Arlington, VA 22202 and was signed for by Rosaline Atiati. It should be noted that the Filing Date on

the Filing Receipt is 07/08/2003, three days after it was received. Clearly, the Filing Receipt for the subject Provisional Application is in error in both the Filing Date and Application No.

In view of the above, Applicants respectfully petitions that the Filing Receipt be corrected to reflect the Provisional Application No. 60/484731 and filing date 07/03/03 as supported in the attached documentation.

Please charge the $130.00 Petition Fee to General Motors Corporation Deposit Account No. 07-0960.

Respectfully submitted,

Kathryn A. Marra, Attorney
Reg. No. 39106
313-665-4708

Attachments

OIPE JC42
JAN 1 4 2004
PATENT & TRADEMARK OFFICE

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/485,540	07/08/2003		160	GP-303762	1		

CONFIRMATION NO. 1231

FILING RECEIPT

OC000000011151974

KATHRYN A. MARRA
GENERAL MOTORS CORPORATION
Legal Staff, Mail Code: 482-C23-B21
P.O. Box 300
Detroit, MI 48265-3000

Date Mailed: 11/03/2003

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

RECEIVED
GENERAL MOTORS CORPORATION
NOV - 5 2003
LEGAL STAFF

Applicant(s)

Barbara L. Ciaramitaro, Grosse Pointe Woods, MI;
Michael A. Gruskin, West Bloomfield, MI;
Edward C. Wolfe, Bloomfield Hills, MI;

If Required, Foreign Filing License Granted: 10/30/2003

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

Non-Publication Request: No

Early Publication Request: No

Title

Litigation support application

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

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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.

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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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JAN 14 2004
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I herby certify that this correspondence is being transmitted by facsimile addressed to: Office of Initial Patent Examination's Filing Receipt Corrections, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, (Fax No. 703-746-9195 on November 13, 2003.

Elaine K. Mistretta

Elaine K. Mistretta

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: GP-303762

Applicants: Barbara L. Ciaramitaro
Michael A. Gruskin
Edward C. Wolfe

Title: LITIGATION SUPPORT APPLICATION

Office of Initial Patent Examination's Filing Receipt Corrections
U.S. Patent and Trademark Office
PO Box 1450
Alexandria VA 22313-1450

REQUEST TO CORRECT FILING RECEIPT

Attached are copies of the following documentation:

1. Copy of Provisional Application return Postcard bearing the U.S. PTO Label No. 16018, Provisional Application No. 60/484731, filed 07/03/03

2. Copy of Express Mail Label No. ER 049479675 US accepted at Post Office Zip Code 48381 on 7-3-03 at 14:45 PM

3. Copy of Filing Receipt, Confirmation No. 1231, mailed 11/03/2003 and bearing Application No. 60/485,540, filed 07/08/2003

4. Copy of Cover Sheet for Filing Provisional Application 37 CFR 1.53(c), page 4 of which is dated 7/3/03 and signed by Vincent A. Cichosz, Reg. No. 35844

5. Copy of Check No. 1503 in the amount of $160.00 dated 7/3/03

Applicants respectfully request that the Filing Receipt be corrected to reflect the Provisional Application No. 60/484731 and filing date 07/03/03 as supported in the attached documentation.

Respectfully submitted,

Kathryn A. Marra

Kathryn A. Marra, Attorney
Reg. No. 39106
313-665-4708

Attachments

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
60/485,540	07/08/2003	Barbara L. Ciaramitaro	GP-303762

CONFIRMATION NO. 1231

KATHRYN A. MARRA
GENERAL MOTORS CORPORATION
Legal Staff, Mail Code: 482-C23-B21
P.O. Box 300
Detroit, MI 48265-3000

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GENERAL MOTORS CORPORATION
OC000000011482878
DEC 16 2003
LEGAL STAFF

Date Mailed: 12/12/2003

RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

Application Filing Date

In response to your request for a corrected Filing Receipt, the Office cannot comply with your request because:

- [x] If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, a petition to accord a filing date should be submitted along with a copy of the Express Mail label showing the "date in" and be directed to the Office of Petitions. ER049479689US
- [ ] A copy of the Express Mail label was not enclosed with your request. Petitions under 37 CFR 1.10 require a copy of the Express Mail Label to be submitted.
- [ ] The "date in" on the Express Mail label is the date given on the Filing Receipt.
- [ ] The filing date accorded to the application is the date the application met the filing date requirements of 37 CFR 1.53(b) or (c).
- [ ] Applications submitted with a certificate of mailing under 37 CFR 1.8 are accorded a filing date as of the date the application is received in the U.S. Patent and Trademark Office. A request to review the filing date accorded to the application must be in the form of a petition.
- [ ] The filing date on your return postcard is the same as the date on your Filing Receipt. A request to review the filing date accorded to the application must be in the form of a petition.

A petition under 37 CFR 1.10, 37 CFR 1.53 or 37 CFR 1.182 is needed to request a change to the filing date. A $130 petition fee is required for a petition under 1.53 or 1.182. If you choose to file a petition, the petition and the $130 petition fee, if any, to:

Box DAC

Washington, DC 20231

Haimanot Tegbaru
Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

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PATENT

Express Mail ER049479675US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. GP-303762

BARBARA L. CIARAMITARO
MICHAEL A. GRUSKIN
EDWARD C. WOLFE

LITIGATION SUPPORT APPLICATION

COVER SHEET FOR FILING PROVISIONAL APPLICATION
37 CFR 1.53(c)

Mail Stop Provisional Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

This is a request for filing a PROVISIONAL APPLICATION FOR PATENT under 37 CFR 1.53(c).

1. The following comprises the information required by 37 CFR 1.51(c)

2. The name of the inventors are

   BARBARA L. CIARAMITARO

   MICHAEL A. GRUSKIN

   EDWARD C. WOLFE

3. Addresses of the inventors are:

BARBARA L. CIARAMITARO
1737 BROADSTONE
GROSSE POINTE WOODS, MI 48236

MICHAEL A. GRUSKIN
4070 WINTERSET LANE
WEST BLOOMFIELD, MI 48304

EDWARD C. WOLFE
711 BROCKMOOR LANE
BLOOMFIELD HILLS, MI 48304

4. The title of the invention is:

LITIGATION SUPPORT APPLICATION

5. The name, registration and telephone number of the attorney is:

KATHRYN A. MARRA

Reg. No. 39106

Telephone (313) 665-4708

6. The docket number used to identify this application is:

Docket No. GP-303762

7. The correspondence address for this application is:

KATHRYN A. MARRA

GENERAL MOTORS CORPORATION

Legal Staff

Mail Code: 482-C23-B21

P.O. Box 300

Detroit, Michigan 48265-3000

8. This invention was not made by an agency of the United States Government, or under contract with an agency of the United States Government.

9. Identification of documents accompanying this cover sheet:

A. Documents required by 37 CFR 1.51(c)(2) and 37 CFR 1.51(c)(3):

Specification:	No. of pages: 562
Claims:	No. of claims: None filed
Abstract:	None separately filed
Drawings:	No. of sheets: None separate from specification

10. Fee: the filing fee for this provisional application, as set in 37 CFR 1.16(k), is $160.00 for other than a small entity.

11. A check is enclosed to cover the filing fees.

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Invention No. GP-303762

Date: July 3, 2003

PLEASE STAMP SERIAL NO.
AND DATE RECEIVED
AND RETURN TO US

Express Mail ER049479675US

Applicant(s): Barbara Ciaramitaro, Michael Gruskin, Edward Wolfe
Title: Litigation Support Application
No.of Appln pp. 562 Claims: Sheets of Drawings:
Declaration: - Assignment: NO
Power of Attorney: - Info Disclosure Statement: -
Missing Parts: NO PROVISIONAL APPLICATION
Attorney: Kathryn A. Marra

16018 U.S. PTO
60/484731
07/03/03

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GENERAL MOTORS CORPORATION
AUG 1 2 2003
LEGAL STAFF

USA

General Motors Corporation
Legal Staff/Intellectual Property
PO Box 300 - Mail Code 482-C23-B21
Detroit MI 48265-3000

Attorney Docket No. GP-303762-- 4

Respectfully submitted,

By _____

VINCENT A. CICHOSZ
Attorney
Telephone (248) 787-1935
Reg. No. 35844

Dated: 7/3/03

JAN 1 4 2004
JC42
PATENT & TRADEMARK OFFICE

CICHOSZ & CICHOSZ PLLC
510 HIGHLAND AVE. 273
MILFORD, MI 48381

1503

74-545/724

7/3/03
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PO Zip Code: 48381	Day of Delivery: ☐ Next ☒ Second	Flat Rate Envelope: ☐
Date in: 9/23	☐ Hold ☒ Sign	Postage: $ 33.45
Time in: 1445	☐ Sat Day ☐ Sun Day	Return Receipt Fee
Weight: 6 lbs. 6 ozs.	Int'l Rate Country Code	COD Fee: $
No Delivery: ☐ Weekend ☐ Holiday	Acceptance Clerk Initials: SR	Total Postage & Fees: $ 33.45

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CICHOSZ AND CICHOSZ PLLC
510 HIGHLAND AVE #273
MILFORD MI 48381-1586

TO: (PLEASE PRINT) PHONE

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UNITED STATES POSTAL SERVICE

Date: 11/13/2003

Fax Transmission To: Postal Customer
Fax Number: 313-665-4976

Dear Postal Customer:

The following is in response to your 11/13/2003 request for delivery information on your Express Mail item number ER049479675US. The delivery record shows that this item was delivered on 07/05/2003 at 11:07 AM in ARLINGTON, VA 22202 to R ATIATI. The scanned image of the recipient information is provided below.

Signature of Recipient: Delivery Section

RAtiati

ROSALINE ATIATI

Address of Recipient: 2011 S. Clark St. 22202

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,

United States Postal Service

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PO BOX 37428
RALEIGH NC 27627

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SEP 17 2004

OFFICE OF PETITIONS

In re Application of
Stacy, et al.
Application No. 60/485,615
Filed: July 8, 2003
Attorney Docket No. 9237-8PR
For: METHODS AND COMPOSITIONS TO ENHANCE IMMUNE RESPONSES VIA RECALL ANTIGENS

: DECISION GRANTING
: PETITION

This is a decision on the petition under 37 CFR 1.10(c), filed March 25, 2004 (certificate of mailing date March 23, 2004), requesting that the above-identified application be accorded a filing date of July 8, 2003 rather than the presently accorded filing date of July 9, 2003.

Petitioners request the earlier filing date on the basis that the application was deposited in Express Mail service of the United States Postal Service (USPS) on July 8, 2003, pursuant to the requirements of 37 CFR 1.10. The petition is accompanied by a copy of Express Mail label no. EV353610775US showing a blank "date-in" **and** a USPS date stamp of JUL 8 2003. The same Express Mail label number is listed on the original Cover Sheet for Filing Provisional Patent Application found in the application file.

The evidence presented establishes that the Express Mail package associated with Express Mail label no. EV353610775US was deposited with the USPS on July 8, 2003.

Accordingly, the petition is granted.

No fee has been or will be charged in connection with this petition.

The application is being returned to the Office of Initial Patent Examination for correction of the filing date to **July 8, 2003**.

Any inquiries related to this decision should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450
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DAVID E. BRUHN
DORSEY & WHITNEY
INTELLECTUAL PROPERTY DEPARTMENT
50 SOUTH SIXTH STREET, SUITE 1500
MINNEAPOLIS MN 55402-1498

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SEP 1 2 2003

OFFICE OF PETITIONS

In re Application of	:
Ron Slowik	:DECISION GRANTING FILING
Application No. 60/485,806	:DATE OF July 9, 2003
Filed: July 9, 2003	:
Attorney Docket No. 33328/US	:

This is a decision on the petition filed August 25, 2003, requesting that the above-identified application be accorded a filing date of July 9, 2003, rather than the presently accorded date of July 10, 2003. The petition is properly treated as a petition under 37 CFR 1.10(c).

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on July 9, 2003 pursuant to 37 CFR 1.10. In support, petitioner has submitted a copy of Express Mail label No. EV 324256587 US showing a stamped date of July 9, 2003. The same Express Mail receipt number appears on the application transmittal letter.

Further, a copy of the USPS Express Mail Track and Confirm records resulted in a finding that the package in question was in fact accepted on July 9, 2003 at the Minneapolis, MN USPS. Therefore, in view of all the evidence, it is concluded that the application was deposited in Express Mail service on July 9, 2003. Accordingly, the instant application is entitled to a filing date of July 9, 2003, and has been so accorded.

The petition is **granted**.

Telephone inquiries specific to this decision on petition should be directed to Karen Creasy at (703) 305-8859.

Brian Hearn
Senior Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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COOLEY GODWARD, LLP
3000 EL CAMINO REAL
5 PALO ALTO SQUARE
PALO ALTO CA 94306

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FEB 0 5 2004

OFFICE OF PETITIONS

In re Application of
Catreaux, et al.
Application No. 60/485,915
Filed: July 9, 2003
Attorney Docket No. RONI-025/00US
FOR: SYSTEM AND METHOD FOR RF SIGNAL COMBINING AND ADAPTIVE BIT LOADING FOR DATA RATE MAXIMIZATION IN MULTI-ANTENNA COMMUNICATION SYSTEMS

ON PETITION

This is a decision on the petition, filed September 17, 2003, to accord a filing date of July 9, 2003 to the above-identified application with Figures 1a, 1b, 2a, 2b, 3 and 4 as part of the original disclosure. The petition will be treated under 37 CFR 1.53(e).

The petition under 37 CFR 1.53(e) is **GRANTED**.

The application was deposited on July 9, 2003. On August 29, 2003, the Office of Initial Patent Examination mailed a "Notice of Incomplete Provisional Application" requiring, *inter alia*, drawings of applicants invention and stating that the filing date would be the date of receipt of the omitted drawings. It is noted that the specification filed on July 9, 2003 references drawings.

As stated in MPEP 601.01(f), it is the practice of the United States Patent and Trademark Office (PTO) to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 USC 113 (first sentence.)

MPEP 601.01(f) also states that:

> ... [A] provisional application having at least some disclosure ...for which a drawing is usually not considered essential for a filing date, describing drawing figures in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification... so long as the application contains something that can be construed as a written description.

This provisional application contains method claims and a detailed written description. Therefore, the application should have been accorded a filing date.

In view of the above, the August 29, 2003 "Notice" was mailed in error, insofar as it pertains to the statement that the application is not entitled to a filing date, and is hereby withdrawn. The application is entitled to a filing date of July 9, 2003. Petitioners should have received a "Notice to

File Omitted Items in a Provisional Application."

Petitioners request that drawing figures 1a, 1b, 2a, 2b, 3 and 4 be accorded a July 9, 2003 filing date on the basis that 4 sheets of drawings were received in the Patent and Trademark Office (PTO) on July 9, 2003. In support, petitioners have submitted a copy of applicants' postcard receipt showing an Office of Initial Patent Examination generated barcode citing July 9, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included 4 sheets of drawings.

The return postcard constitutes *prima facie* evidence that 4 sheets of drawings were filed on July 9, 2003. MPEP 503. Accordingly, the request is granted.

No petition fee has been or will be charged in connection with this matter.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of **July 9, 2003** and for indication in PTO records that "4" sheets of drawings were present on filing. The four sheets of drawings submitted with the instant petition will be used for processing purposes.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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PATENT DEPARTMENT
NEUROGEN CORPORATION
35 NORTHEAST INDUSTRIAL ROAD
BRANFORD, CT 06405

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APR 17 2007

OFFICE OF PETITIONS

In re Application of	:	
Charles A. Blum and Xiaozhang Zheng	:	
Application No. 60/485,958	:	DECISION GRANTING
Filed: July 10, 2003	:	PETITION
Attorney Docket No. N01.2201P	:	

This is a decision on the petition, filed March 28, 2007, requesting that the above-identified application be accorded a filing date of July 10, 2003, rather than the presently accorded date of July 9, 2003. The petition is properly treated as a petition under 37 CFR 1.10(c). This is also a decision on the petition under 37 CFR 1.182 for expedited consideration of the petition to accord this application a filing date of July 10, 2003.

The petition under 37 CFR 1.10(c) is **GRANTED**.

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

Petitioner alleges that the application was deposited in Express Mail Service on July 10, 2003. In support of this allegation, the petition is accompanied by a copy of Express Mail receipt No. ER139646067US (the same Express Mail number found on the original application papers located in the official file) showing a "date in" of July 10, 2003.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "date-in" on the Express Mail label; MPEP 513. The evidence is convincing that the application was deposited as "Express Mail" with the U. S. Postal Service on July 10, 2003.

A Corrected Filing Receipt was mailed on April 16, 2007.

A courtesy copy of this decision is being mailed to the address on the petition.

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

Frances Hicks
Petitions Examiner
Office of Petitions

cc:

Mark D. Russett
Edwards Angell Palmer & Dodge LLP
P. O. Box 55874
Boston, MA 02205

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COMMISSIONER FOR PATENTS
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Paper No.

Beusse, Brownlee, Bowdoin & Wolter, P.A.
390 North Orange Avenue
Suite 2500
Orlando, FL 32801

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APR 01 2004

OFFICE OF PETITIONS

In re Application of	:	
Albert J. Light	:	
Application No. 60/486,144	:	DECISION GRANTING
Filed: July 10, 2003	:	PETITION
Attorney Docket No. 10006-007	:	

This is a decision on the petition filed December 1, 2003, requesting that the above-identified application be accorded a filing date of July 10, 2003.

The petition is **GRANTED**.

The application was deposited on July 10, 2003. However, the Office of Initial Patent Examination mailed a "Notice of Incomplete Provisional Application" on September 29, 2003 stating that the application was deposited without drawings.

In response to the Notice, applicant filed the instant petition asserting that the specification contained a statement that "The provisional application was filed as an improvement to U. S. Patent #5,908,214 and the description of the application follows and incorporates all of the elements out of the '214 patent." Furthermore, petitioner states that the addition to the drawing is not necessary to understand the subject matter of the invention.

Since the addition to the drawings is not necessary to understand the invention and the application is filed as a provisional which is not subject to examination, the drawings submitted with the instant petition will be placed in the application file. Because this application is a provisional, the Office will not address the incorporation by reference statement. Nevertheless, the application will be accorded a filing date of July 10, 2003 as requested.

This application file is being forwarded to the Office of Initial Patent Examination Division for further **processing with a filing date of July 10, 2003.** Thereafter, the application file will be forwarded to the Files Repository.

Telephone inquiries concerning this matter may be directed to Marianne Morgan at (703) 306-3475.

Brian Hearn

Brian Hearn
Senior Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
For Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/486,156	07/09/2003		80	UC03-255-1			

CONFIRMATION NO. 2353

CORRECTED FILING RECEIPT

OC000000012344158

8156
JOHN P. O'BANION
O'BANION & RITCHEY LLP
400 CAPITOL MALL SUITE 1550
SACRAMENTO, CA 95814

Date Mailed: 04/13/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Christopher M. DeGiorgio, Valencia, CA;
D. Alan Shewmon, Santa Clarita, CA;
Todd Whitehurst, Fraizer Park, CA;

If Required, Foreign Filing License Granted: 03/16/2004

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Trigeminal nerve stimulation

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

GRANTED

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

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

NOT GRANTED

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/486,164	07/10/2003		80	PROL-P60-030	33		

CONFIRMATION NO. 5595

CORRECTED FILING RECEIPT

OC000000011811551

28120
ROPES & GRAY LLP
ONE INTERNATIONAL PLACE
BOSTON, MA 02110-2624

Date Mailed: 02/02/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Yuval Reiss, Kiriat-Ono, ISRAEL;

If Required, Foreign Filing License Granted: 08/25/2003

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

E3-alpha related methods and compositions

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

GRANTED

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MAR 16 2004

OFFICE OF PETITIONS

VALENCE TECHNOLOGY, INC.
301 CONESTOGA WAY
HENDERSON NV 89015

In re Application of
Jeremy Barker et al.
Application No. 60/486,541
Filed: June 3, 2003
Attorney Docket: VT-2353

DECISION GRANTING PETITION

This is a decision on the petition filed December 15, 2003, which is treated under 37 CFR 1.53, requesting that the above-identified application, including Figure 1 be accorded a filing date of June 3, 2003.

On June 3, 2003, the application was filed. On October 20, 2003, the Office of Initial Patent Examination mailed a Notice of Omitted Items in a Provisional Application stating that the application had been accorded a filing date of June 3, 2003, but that Figure 1 described in the specification appeared to have been omitted.

In response, on December 15, 2003, one (1) drawing sheet containing Figure 1 and the present petition were submitted. Petitioners assert that nine sheets containing Figures 1-9 were filed with the other application papers on June 3, 2003 but was subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioners' postcard receipt was supplied on December 15, 2003. The postcard receipt shows an Office date stamp of June 3, 2003, and identifies the application by the name of the inventor and the title of the invention, and acknowledges receipt, *inter alia*, of 9 sheets of drawings. Petitioners request that the application, including the drawings containing Figure 1, be accorded a filing date of June 3, 2003.

A review of the record reveals that 8 sheets of drawings, containing Figures 2-9 are located among the application papers deposited on June 3, 2003. However, the evidence is convincing that the application papers deposited on June 3, 2003, included 9 sheets of drawings and that the drawing sheet containing Figure 1 was subsequently misplaced in the Office. Therefore, the application, including the one (1) sheet of drawings containing Figures 1 as described in the specification, is entitled to a filing date of June 3, 2003.

The "Notice" mailed on October 20, 2003, is **VACATED**.

In view of the above, the petition is **GRANTED**. The $130.00 petition fee paid on August 28, 2003, will be refunded to petitioner.

The application will be processed, using the application papers filed on June 3, 2003, and the copy of Figure 1 of the drawings supplied on December 15, 2003.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of June 3, 2003, using the application papers filed on June 3, 2003, and the one (1) drawing sheet containing Figure 1, supplied on December 15, 2003, and for an indication on the bib-data sheet that 9 sheets of drawings were present on filing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (703)305-4497.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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

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OCT 2 0 2003

OFFICE OF PETITIONS

In re Application of
David A. Weber
Application No. 60/486,690
Filed: July 11, 2003
Attorney Docket No. 440883001900

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 the Office of Petitions Staff at (703) 305-9285.

This file is being forwarded to the Initial Patent Examination Unit.

Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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Commissioner for Patents
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Paper No.

KENNETH H. OHRINER
PERKINS COIE LLP
P.O. BOX 1208
SEATTLE, WA 98111-1208

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AUG 2 5 2003

OFFICE OF PETITIONS

In re Application of
Ronald G. Breese et al
Application No. 60/486,771
Filed: July 10, 2003
Attorney Docket No.

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 the Office of Petitions Staff at (703) 305-9285.

This file is being forwarded to the Initial Patent Examination Unit.

Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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Paper No.

FISH & RICHARDSON P.C., P.A.
60 SOUTH SIXTH STREET
SUITE 3300
MINNEAPOLIS, MN 55402

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AUG 2 0 2003

OFFICE OF PETITIONS

In re Application of	:	
Andrea Wiethoff et al	:	
Application No. 60/486,833	:	NOTICE
Filed: July 10, 2003	:	
Attorney Docket No. 13498-035P01/	:	
MET-30	:	

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 the Office of Petitions Staff at (703) 305-9285.

This file is being forwarded to the Office of Initial Patent Examination.

Wan Layman
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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Paper No.

Sandra Poteat Thompson
Bingham McCutchen, LLP
18th Floor
600 Anton Blvd.
Costa Mesa, CA 92626

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APR 2 6 2004

OFFICE OF PETITIONS

In re Application of :
Nancy Iwamoto :
Application No. 60/486,878 :
Filed: July 10, 2003 : DECISION ON PETITION
Attorney Docket No.: :
7036611001-3222000 :

This is a decision on the Petition to Accord Correspondence Filing Date Shown on Express Mail Label "Date In" (37 CFR §1.10(c)), filed February 26, 2004. The petition is properly treated under 37 CFR 1.181 to withdraw the Updated Filing Receipt, mailed December 8, 2003.

Background

The application was filed on July 20, 2003. However, on October 24, 2003, the Office of Initial Patent Examination mailed a Notice to File Missing Parts of Nonprovisional Application (hereinafter ("Notice"), noting, that a filing date had been accorded the application; however, Figures 15 - 19 described in the specification appeared to have been omitted from the application.

The Notice presented Applicant with two options. The first option was based upon a contention that the drawing Figures were present on filing, and in that instance Applicant was allowed to promptly file proof that the drawings were present on filing. The second option was for Applicant to do nothing, which, Applicant was informed, would be treated as constructive acceptance by the Applicant of the application as-filed (without drawing Figures 15-19).

Applicant instead chose to file the drawing Figures on November 5, 2003. In response to the filing of the drawing Figures, this Office mailed Applicant an Updated Filing Receipt on December 8, 2003, changing the filing date of the application to November 5, 2003, the date that the drawing Figures 15 - 19 were received in the Office.

The instant petition

Applicant files the instant petition requesting the application be accorded as the filing date the date the application was originally filed.

Applicant is advised that there is no option of filing the missing drawing Figures 15 - 19 and retaining the original filing date, nor is there an option to amend the specification in a provisional application. *See* MPEP 601.01(g). The Updated Filing Receipt was mailed in error.

The petition is granted.

The application will be accorded the original application filing date of July 10, 2003, using the application papers filed on that date, and an indication that drawing Figures 15 - 19 were not present on filing and are not part of the application disclosure.

The Updated Filing Receipt is hereby withdrawn.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 305-0014.

Derek L. Woods
Petitions Attorney
Office of Petitions

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/486,949	07/14/2003		80	A126.153.101			

CONFIRMATION NO. 5708

CORRECTED FILING RECEIPT

OC000000011979739

025281
DICKE, BILLIG & CZAJA, P.L.L.C.
FIFTH STREET TOWERS
100 SOUTH FIFTH STREET, SUITE 2250
MINNEAPOLIS, MN 55402

Date Mailed: 02/26/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Pat Simpkins, Edina, MN;
Cory Watkins, Chanhassen, MN;

If Required, Foreign Filing License Granted: 09/29/2003

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Camera and illumination matching for inspection system

LICENSE FOR FOREIGN FILING UNDER
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Title 37, Code of Federal Regulations, 5.11 & 5.15

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NOT GRANTED

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60/486,950	07/14/2003		80	A126.152.101			

CONFIRMATION NO. 5707

CORRECTED FILING RECEIPT

OC000000011957044

025281
DICKE, BILLIG & CZAJA, P.L.L.C.
FIFTH STREET TOWERS
100 SOUTH FIFTH STREET, SUITE 2250
MINNEAPOLIS, MN 55402

Date Mailed: 02/24/2004

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Applicant(s)

Pat Simpkins, Edina, MN;

If Required, Foreign Filing License Granted: 09/29/2003

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Photo resist edge bead removal measurement

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

GRANTED

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60/486,955	07/14/2003		80	A126.156.101	2		

CONFIRMATION NO. 5701

CORRECTED FILING RECEIPT

OC000000011979785

025281
DICKE, BILLIG & CZAJA, P.L.L.C.
FIFTH STREET TOWERS
100 SOUTH FIFTH STREET, SUITE 2250
MINNEAPOLIS, MN 55402

Date Mailed: 02/26/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Cory Watkins, Chanhassen, MN;

If Required, Foreign Filing License Granted: 09/29/2003

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Inspection and metrology module cluster tool

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

GRANTED

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

NOT GRANTED

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

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United States Patent and Trademark Office
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P.O. Box 1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/486,964	07/14/2003		210	00786/443001	7		

CONFIRMATION NO. 6472

UPDATED FILING RECEIPT

OC000000013283044

21559
CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON, MA 02110

Date Mailed: 07/20/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Randall T. Peterson, Stoneham, MA;
Calum A. MacRae, Newton, MA;
Stanley Y. Shaw, Brookline, MA;
David J. Milan, Boston, MA;
Travis A. Peterson, Glendale, AZ;
Mark C. Fishman, Newton, MA;

If Required, Foreign Filing License Granted: 10/24/2003

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

Non-Publication Request: No

Early Publication Request: No

Title

Methods for treating vascular diseases

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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NOT GRANTED

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500 S. GRAND AVENUE
SUITE 1900
LOS ANGELES CA 90071-2611

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JAN 07 2004

OFFICE OF PETITIONS

In re Provisional Application of
Liang et al.
Application No. 60/486,966
Filed: July 14, 2003
Attorney Docket No. 89188.0047

: DECISION GRANTING PETITION
: UNDER 37 CFR 1.53

This is a decision on the petition filed September 22, 2003, which is properly treated as a petition under 37 CFR 1.53(e), requesting that the above-identified provisional application be accepted as complete and accorded a filing date of July 14, 2003.

The petition is **granted**.

The instant application papers were deposited on July 14, 2003. However, on September 2, 2003, the Office of Initial Patent Examination (OIPE) sent a Notice stating that no filing date had been granted as these papers as filed appeared to lack the drawings required by 35 U.S.C. § 113 that were referred to in the specification.

In reply, the instant petition was filed on September 22, 2003. Petitioners acknowledge that the application papers as filed lacked the aforementioned drawing figures, but assert that a drawing is not necessary to an understanding of the instant invention, a filing date of July 14, 2003, should be accorded. Petitioners' contention is reinforced by consideration of page 1 of the specification which indicates that the invention relates to fingerprinting assays, i.e., a method, coupled with the fact that, in general, the USPTO will accord a filing date to a method application, notwithstanding a missing drawing(s), as a drawing is normally not necessary for an understanding of a given process. See MPEP 601.01(f).

Accordingly, on petition, the requested filing date can be granted. The request for refund of the petition fee cannot be favorably considered, as applicants' filing error led to the Notice, as well as the necessary consideration of the merits of the petition, regardless of the outcome.

OIPE is instructed to further process this application as a complete provisional application with a filing date of July 14, 2003, and an indication that no drawing figures were present on filing.

Telephone inquiries concerning this decision may be directed to the undersigned at (703) 305-1820. Telephone inquiries related to OIPE processing should be directed to the OIPE hotline at (703) 308-1202.

Brian Hearn
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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ALEXANDRIA, VA 22313-1450
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Paper No. None

Joseph G. Nauman
696 Renolda Woods Ct.
P.O. Box 292470
Dayton OH 45429

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JUN 28 2004
OFFICE OF PETITIONS

In re Application of
Frank Child
Application No. 60/487,043
Filed: July 11, 2003
Attorney Docket No. STM 035 P2
Title: LIGHTED TOOL FOR VEHICLE DOOR UNLOCKING SYSTEM

DECISION ON PETITION

This is a decision on the response to the Notice of Omitted Item(s) in a Provisional Application (Notice), which is properly treated as a Petition under 37 C.F.R. §1.182, filed on October 26, 2003, requesting that Figure two (2) be accorded a filing date of July 11, 2003, as part of the original disclosure.

The application was filed on July 11, 2003. On September 3, 2003, Initial Patent Examination Division (OIPE) mailed a "Notice of Omitted Item(s) in a Provisional Application" (notice), stating that the application had been accorded a filing date, and that Figure Two (2), as described in the specification, appeared to have been omitted.

Petition fee requirement

Any petition seeking a decision under 37 C.F.R. §1.182 must be accompanied by the petition fee set forth in 37 C.F.R. §1.17(h) as being one hundred and thirty dollars ($130.00), with no reduction for small entity status[1]. Petitioner has not submitted this required fee. On January 12, 2004, the undersigned contacted the Petitioner, and was informed that the Petitioner does not have a Deposit Account which could be charged to supply this fee.

In view of the foregoing, this petition is **DISMISSED**.

1 See 37 C.F.R. §1.182.

It is noted that the missing Figure is actually present in the application, but it is not labeled. Petitioner is reminded that Provisional applications cannot be amended[2].

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at http://www.uspto.gov/web/forms/sb0122.pdf.

Any reply must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. 1.10(d)". This is not a final agency action within the meaning of 5 U.S.C 704.

The renewed petition should display "Please deliver to Paul Shanoski, c/o Office of Petitions" in a prominent manner.

To help assure prompt and proper attention to your response, please see Request for Alert Concerning Submitted Petitions, 1282 Official Gazette (May 18, 2004) for further information on how to assist the Office in delivering your submission to the correct location. The Petitioner may wish to consider telephoning the undersigned one month after the submission is made to confirm that the documents were properly delivered.

Any renewed petition may be submitted by mail[3], hand-delivery[4], or facsimile[5].

The application file will be retained in the Office of Petitions for two (2) months.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (703) 305-0011.

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

cc: Joseph G. Nauman
696 Renolda Woods Ct.
Dayton OH 45429

2 See 37 C.F.R. §1.53(c). See also MPEP 601.01(b).
3 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
4 Customer Window, Mail Stop Petition, Crystal Plaza Two, Lobby, Room 1B03, Arlington, Virginia 22202.
5 (703) 872-9306 - please note this is a central facsimile number, and as such, there will be a delay in the delivery of the facsimile to the undersigned.

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COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
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Paper No. None

Joseph G. Nauman
696 Renolda Woods Ct.
P.O. Box 292470
Dayton OH 45429

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JUL 28 2004
OFFICE OF PETITIONS

In re Application of	:	
Frank Child	:	
Application No. 60/487,043	:	DECISION
Filed: July 11, 2003	:	
Attorney Docket No. STM 035 P2	:	
Title: LIGHTED TOOL FOR VEHICLE	:	
DOOR UNLOCKING SYSTEM	:	

This decision is in response to a letter received July 14, 2004.

The application was filed on July 11, 2003. On September 3, 2003, Initial Patent Examination Division (OIPE) mailed a "Notice of Omitted Item(s) in a Provisional Application" (notice), stating that the application had been accorded a filing date, and that Figure 2, as described in the specification, appeared to have been omitted.

On November 26, 2003, Petitioner submitted a letter which stated that he did not believe that the application was submitted without Figure 2. The applicant will note that the notice set forth that the applicant had two options – if he believed that the notice had been mailed in error, a petition should be filed; conversely, if the applicant wishes for the provisional application to be accepted as deposited, no action should be undertaken by the applicant in response to the notice. Therefore, since the applicant submitted the letter in response to the notice, the Office properly treated the submission of November 26, 2003 as a petition. On June 28, 2004, this petition was dismissed for failure to submit the required petition fee.

With the letter of July 14, 2004, the applicant has set forth that "I DID NOT file a petition" (emphasis included).

As such, the letter will be construed as the second option as set forth in the notice. As no petition was timely filed in response to the notice, the Applicant has accepted the provisional application as filed on July 11, 2003.

It is noted that the second figure on the page of drawings which appears in the electronic file is of a poor quality, and it is noted there does appear to be text placed in the top portion of the drawings, although the text is not legible. As such, it appears that the missing figure is actually present in the application, but it is effectively not labeled. Petitioner is reminded that Provisional applications cannot be amended[1].

With the instant letter, Petitioner has included a copy of drawings which will not be entered. The drawings are lighter than the drawings which appear in the electronic file, and the text on the copy submitted with the instant letter is legible, and reads "Fig. 2." It appears that Applicant has placed the legend inside of the figure.

In view of the foregoing, this petition is **DISMISSED AS MOOT**.

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

Please note that on approximately September 28, 2004, the Office of Petitions will relocate to the new PTO location in Alexandria. Although the mailing address will remain the same, the general phone number for the Office of Petitions which should be used for status requests will change to 571-272-3282, and the telephone number for the undersigned will change to 571-272-3225.

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

1 See 37 C.F.R. §1.53(c). See also MPEP 601.01(b).

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KELLY BAUERSFELD LOWRY & KELLEY, LLP
6320 CANOGA AVENUE
SUITE 1650
WOODLAND HILLS CA 91367

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FEB 0 5 2004

OFFICE OF PETITIONS

In re Application of Abler Application No. 60/487,338 Filed: July 14, 2003 Attorney Docket No. N/A For: CONTAINERIZED, TRANSPORTABLE BUILDING STRUCTURE AND METHOD OF ASSEMBLY	DECISION DISMISSING PETITION

This is a decision on the petition, filed October 27, 2003 (certificate of mailing date October 22, 2003), requesting that figures 1E, 1F, and 3A-I be accorded a filing date of July 14, 2003. The petition will be treated under 37 CFR 1.53(e).

The petition under 37 CFR 1.53(e) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.53(e)." Petitioner is advised that this is not a final agency decision.

The application was filed on July 14, 2003. On October 1, 2003, the Office of Initial Patent Examination mailed a " Notice of Omitted Item(s) in a Provisional Application" (Notice) informing petitioner that figures 1E, 1F, and 3A-I appeared to have been omitted.

In response to the Notice, petitioner timely filed the present petition. Petitioner requests that Office accord a July 14, 2003 filing date for figures 1E, 1F, and 3A-I on the basis that the allegedly omitted figures were received in the Patent and Trademark Office (PTO) on July 14, 2003. In support, the petition is accompanied by a declaration of Secretary Kathy K. Raskind who both reviewed the application and attests to the fact that figures 1E, 1F, and 3A-I were present in the Express Mail package.

The declaration by Ms. Raskind submitted with the petition states without equivocation or doubt that she checked the assembled application papers to determine that the application included the allegedly omitted figures.

The Office file is the official record of what was mailed by Express Mail or filed on July 14, 2003. An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence. In this regard, declarations by individuals involved in the preparation and mailing of the original application reciting their personal recollection or belief of what was contained in the application that they reviewed and/or mailed are no more persuasive of what was actually mailed than the contents of the official record. Such declarations, as in this case, are usually made months after the actual events recited. In this case, the declaration supplied with the instant petition was created more than three (3) months after the application was actually mailed.

It is for this reason that the Office has established a practice of providing a receipt for papers filed in the Office to any applicant desiring a receipt. The practice, which was long ago established and is well publicized, requires that any paper for which a receipt is desired be filed in the Office with a self-addressed postcard identifying the paper. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the Office of all the items listed thereon on the date stamped thereon by the Office. See section 503, Manual Of Patent Examining Procedure (MPEP 503).

To reiterate, a properly itemized return postcard constitutes *prima facie* evidence that the listed items were filed on the date stamped thereon. However, a postcard receipt will not serve as *prima facie* evidence of receipt of any item which is not adequately itemized on the postcard. MPEP 503.

Petitioner is urged to submit his date stamped itemized postcard receipt.

Since figures 1E, 1F, and 3A-I were not among the papers filed on July 14, 2003, as evidenced by a review of the official application file, the application cannot be accorded a July 14, 2003 filing date with figures 1E, 1F, and 3A-I as part of the original disclosure of this application. The petition is **DISMISSED**.

If petitioner is unable to produce a date stamped itemized return receipt postcard, petitioner should file an amendment canceling the references to figures 1E, 1F, and 3A-I in the specification and renumbering the drawing figures prior to the first Office action in order to avoid further delays in the examination of the application.

Of course, applicant may submit figures 1E, 1F, and 3A-I in the form of an amendment (see 37 CFR 1.121) to the drawings in which case the examiner will determine whether or not the figures contain new matter compared to the original specification filed on July 14, 2003.(see MPEP 608.02(h)).

The application is being returned to the Office of Initial Patent Examination with a filing date of July 14, 2003. The sheets of drawings containing figures 1E, 1F, and 3A-I submitted with the instant petition will **not** be considered part of the original filing.

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
ATTN: E. Shirene Willis

By hand: Crystal Plaza 1 Lobby
2011 South Clark Place
Room 1B03
Arlington, VA 22202
ATTN: E. Shirene Willis

By FAX: (703) 872-9306
ATTN: Office of Petitions -- E. Shirene Willis

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/487,426	07/15/2003		160	02039 (3600-427)	1		

CONFIRMATION NO. 8253

CORRECTED FILING RECEIPT

OC000000013061549

Martha Ann Finnegan, Esq.
CABOT CORPORATION
Billerica Technical Center
157 Concord Road
Billerica, MA 01821-7001

Date Mailed: 06/24/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Shi Yuan, Phoenixville, PA;
Derrick Wang, Hillsborough, NJ;

If Required, Foreign Filing License Granted: 09/30/2003

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

Non-Publication Request: No

Early Publication Request: No

Title

Capacitor anode formed of metallic columns on a substrate

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

GRANTED

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NOT GRANTED

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C. M. McClure
ARENA PHARMACEUTIALS, INC.
6166 Nancy Ridge Drive
San Diego CA 92121

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MAR 24 2006

OFFICE OF PETITIONS

In re Application of
Jones et al.
Application No. 60/487,443
Filed: July 14, 2003
Attorney Docket No. 71.US1.PRO
Title of Invention: FUSED-ARYL AND HETEROARYL DERIVATIVES AS MODULATORS OF METABOLISM AND THE PROPHYLAXIS AND TREATMENT OF DISORDERS RELATED THERETO

: DECISION ON PETITION

This decision vacates the decision mailed on September 23, 2005 and treats the petition filed October 1, 2004, under 37 CFR 1.183 requesting waiver of the requirements for a statement of Lack of Deceptive Intent in support of a petition that is being filed under 37 CFR 1.48 (e).

The petition is **Granted**.

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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C. M. McClure
ARENA PHARMACEUTIALS, INC.
6166 Nancy Ridge Drive
San Diego CA 92121

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SEP 2 3 2005

OFFICE OF PETITIONS

In re Application of
Jones et al.
Application No. 60/487,443
Filed: July 14, 2003
Attorney Docket No. 71.US1.PRO
Title of Invention: FUSED-ARYL AND HETEROARYL DERIVATIVES AS MODULATORS OF METABOLISM AND THE PROPHYLAXIS AND TREATMENT OF DISORDERS RELATED THERETO

: DECISION ON PETITION

This is a decision on the petition filed October 1, 2004, under 37 CFR 1.183 requesting waiver of the requirements for a statement of Lack of Deceptive Intent in support of a petition that is being filed under 37 CFR 1.48 (e).

The petition is **Dismissed as Moot**.

A petition under 37 CFR 1.183 for waiver is appropriate where there is an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Director or the Director's designee, *sua sponte*, or on petition of the interested party, subject to such other requirements as may be imposed. In this instance, the remedy is for petitioner to file a petition under 37 CFR 1.48(e). Pursuant to MPEP 201.03 the statement of lack of deceptive intent may be included in the request and may be signed by a registered attorney or agent. A statement of lack of deceptive intent is not required from any of the original or to be added inventors.

Since the Office of Petitions is not the appropriate deciding official for petitions under 37 CFR 1.48 (d) and (e) the petition will be forwarded to the Office of Initial Patent Examination for the treatment of the petition.

Any inquiries related to this decision 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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COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
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Paper No. None

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ONE METROPOLITAN SQUARE
16TH FLOOR
ST LOUIS MO 63102

COPY MAILED

MAR 0 1 2004

OFFICE OF PETITIONS

In re Application of :
Guoqiang (David) Zhang et al. :
Application No. 60/487,662 :
Filed: July 16, 2003 :
Attorney Docket No. MEMC 02-0700 (3048) :
Title: PROCESS FOR ETCHING SILICON WAFERS :

DECISION ON PETITION

This is a decision on the petition filed December 17, 2003, requesting the application, including Figures three through nine (3-9) be accorded a filing date of July 16, 2003 as part of the original disclosure. Petitioner has also requested that corrected filing receipt be issued to correct a typographical error in an inventor's surname.

The application was deposited on July 16, 2003. However, on November 26, 2003, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Omitted Item(s) in a Provisional Application (Notice), stating that the application had been accorded a filing date of July 16, 2003, and that the application appeared to have been deposited without Figures three through nine (3-9).

<u>The petition to accord a filing date to Figures three through nine (3-9)</u>:

In response, on December 17, 2003, applicants filed the present petition. The petition is further accompanied by a copy of seven (7) sheets of drawings containing Figures three through nine (3-9), along with a copy of applicants' postcard receipt acknowledging receipt of " (18) sheets of drawings" in the United States Patent and Trademark Office (Office) on July 16, 2003.

Applicants request that the application, including Figures three through nine (3-9), be accorded a filing date of July 16, 2003.

Upon review of the record, the above-mentioned figures have not been located among the application papers. However, the evidence is convincing that the application papers deposited on July 16, 2003 included Figures three through nine (3-9), and the drawing sheets containing Figures three through nine (3-9) were subsequently misplaced in the Office.

Therefore, the application, including Figures three through nine (3-9), was complete on filing and entitled to a filing date of July 16, 2003 as part of the original disclosure.

Accordingly, the petition is **GRANTED**.

The notice mailed November 26, 2003 was sent in error, and is hereby **VACATED**. Therefore, no petition fee is necessary. The petition fee of $130 will be refunded to petitioner's Deposit Account.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of July 16, 2003, using the original application papers filed on that date, as well as Figures three through nine (3-9) resubmitted with the instant petition on December 17, 2003.

<u>The request for a corrected filing receipt</u>:

Petitioner's request is hereby **GRANTED**. A corrected filing receipt accompanies this decision.

Any inquiries related to this decision should be directed to the undersigned at (703) 305-0011.

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

encl. corrected filing receipt

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ATLANTA GA 30303-1763

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JAN 3 0 2004

OFFICE OF PETITIONS

In re Application of	:	
Vernon Morrison Bowles	:	
Application No. 60/487,717	:	DECISION GRANTING PETITION
Filed: 16 July, 2003	:	
Atty Docket No. 999991.000000	:	

This is a decision on the petition filed on 17 October, 2003, which is treated as a petition requesting that the above-identified application be accorded a filing date of 16 July, 2003, with four (4) sheets of drawings as a part of the original disclosure.

On 16 July, 2003, the application was filed.

On 1 October, 2003, Initial Patent Examination Division mailed a "Notice of Incomplete Provisional Application" stating that the application had not been accorded a filing date because the application was deposited without drawings and that the filing date of the application would be the date of receipt of the drawings.

In response, on 17 October, 2003, the present petition and four (4) sheets of drawings were filed. Petitioners argue that four (4) sheets of drawings were filed with the other application papers on 16 July, 2003, and that the drawings were misplaced in the U.S. Patent and Trademark Office (Office). In support of the petition, a copy of petitioners' postcard receipt was supplied with the petition. The postcard receipt, which shows an Office-date stamp of 07/16/03 containing the above-identified application number, acknowledges receipt of, *inter alia*, 4 sheets of drawings. Petitioners request that the application, including four (4) sheets of drawings, be accorded a filing date of 16 July, 2003.

Upon review of the record, no sheets of drawings deposited on 16 July, 2003, have been located among the application papers. However, the evidence is convincing that the application papers

deposited on 16 July, 2003, included four (4) sheets of drawings, which were subsequently misplaced in the USPTO. Therefore, the application, including four (4) sheets of drawings, was complete on filing and entitled to a filing date of 16 July, 2003.

In view of the above, the petition is granted. The application will be processed with the four (4) sheets of drawings submitted with the present petition. No petition fee has been submitted and none is due.

The "Notice" mailed on 1 October, 2003, was sent in error and is hereby withdrawn.

The application will be processed using the copy of the four (4) sheets of drawings supplied on 17 October, 2003.

The application is being returned to Initial Patent Examination Division for processing with a filing date of 16 July, 2003, using the application papers filed on that date, and the four (4) sheets of drawings supplied with the present petition, and for an indication in Office records that four (4) sheets of drawings were present on filing.

Telephone inquiries specific to this matter should be directed to the undersigned at 703 308-6918.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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ATLANTA GA 30303-1763

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FEB 07 2005

OFFICE OF PETITIONS

In re Application of	:	
Vernon Morrison Bowles	:	
Application No. 60/487,717	:	DECISION GRANTING PETITION
Filed: 16 July, 2003	:	
Atty Docket No. 999991.000000	:	

This is a decision on the petition styled under 37 CFR 1.182, filed on 3 November, 2004, which is treated as a petition under 37 CFR 1.53 requesting that the above-identified application be accorded a filing date of 16 July, 2003, with Page 33 of the specification as a part of the original disclosure.

On 16 July, 2003, the application was filed.

On 6 October, 2004, an Office communication was mailed in response to applicant's request for a certified copy of the application stating that the official file contained 32 pages of specification rather than 33 pages of specification.

In response, on 3 November, 2004, the present petition and a copy of Page 33 of the specification were filed. Petitioner argues that Page 33 of the specification was filed with the other application papers on 16 July, 2003, but was subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioner's postcard receipt was supplied with the present petition. In support of the petition, a copy of petitioners' postcard receipt was supplied with the petition. The postcard receipt, which shows an Office-date stamp of 07/16/03 containing the above-identified application number, acknowledges receipt of, *inter alia*, 33 pages of specification. Petitioner requests that the application, including Page 33 of the specification, be accorded a filing date of 16 July, 2003.

A review of the record reveals that no Page 33 of the specification has been located among the application papers received on 16 July, 2003. However, the evidence is convincing that the application papers deposited on 16 July, 2003, included

Page 33 of the specification, which was subsequently misplaced in the Office. Therefore, the application, including Page 33 of the specification, is entitled to a filing date of 16 July, 2003.

In view of the above, the petition is granted.

No petition fee is due and none has been charged.

The application will be reprocessed using the copy of Page 33 of the specification supplied on 3 November, 2004.

The application is being returned to Initial Patent Examination Division for processing with a filing date of 16 July, 2003, using the application papers filed on that date, and the copy of Page 33 of the specification supplied with the present petition.

Telephone inquiries specific to this matter should be directed to the undersigned at 571.272.3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

AKIMA-DTSV 03 MAR 2005

FILE COPY

KING & SPALDING LLP

191 Peachtree Street
Atlanta, Georgia 30303-1763
Telephone: 404/572-4600
Facsimile: 404/572-5100
www.kslaw.com

FAX TRANSMITTAL SHEET

February 17, 2005

TO:	Attn: Ms. Delora	**Company:**	U.S. Patent & Trademark Office – Office of Initial Patent Examination
Fax #:	703-746-6621	**City/State:**	Alexandria, VA
Tel. #:	703-308-1202		
FROM:	Jennifer Williams, Assistant to Madeline I. Johnston, Esq. 5833	**Our Ref. #:**	10947.105001

NUMBER OF PAGES (including transmittal sheet): 2

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Notes/Comments:

In accordance with your request, attached hereto is a copy of page 33 of provisional application No. 60/487,717.

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OFFICE OF PETITIONS

In re Application of	:	
Vernon Morrison Bowles	:	
Application No. 60/487,717	:	DECISION GRANTING PETITION
Filed: 16 July, 2003	:	
Atty Docket No. 999991.000000	:	

This is a decision on the petition styled under 37 CFR 1.182, filed on 3 November, 2004, which is treated as a petition under 37 CFR 1.53 requesting that the above-identified application be accorded a filing date of 16 July, 2003, with Page 33 of the specification as a part of the original disclosure.

On 16 July, 2003, the application was filed.

On 6 October, 2004, an Office communication was mailed in response to applicant's request for a certified copy of the application stating that the official file contained 32 pages of specification rather than 33 pages of specification.

In response, on 3 November, 2004, the present petition and a copy of Page 33 of the specification were filed. Petitioner argues that Page 33 of the specification was filed with the other application papers on 16 July, 2003, but was subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioner's postcard receipt was supplied with the present petition. In support of the petition, a copy of petitioners' postcard receipt was supplied with the petition. The postcard receipt, which shows an Office-date stamp of 07/16/03 containing the above-identified application number, acknowledges receipt of, *inter alia*, 33 pages of specification. Petitioner requests that the application, including Page 33 of the specification, be accorded a filing date of 16 July, 2003.

A review of the record reveals that no Page 33 of the specification has been located among the application papers received on 16 July, 2003. However, the evidence is convincing that the application papers deposited on 16 July, 2003, included

References:

Busvine, J.R.,. Entomology and evolution. Antenna. 1993, 17: 196-201.

Busvine, J.R., Biology of the parasites. Cutaneous Infestations and Insect Bites (M. Orkin and H.I. Maibach, eds).1985, pp. 163-174. New York: Marcel Dekker

Dymock.J.J., Laing W.A., Shaw B.D., Gatehouse A.M.R, Cristellar. J.T. New Zealand Journal of Zoology, 1992 19: 123-131.

Samuels R. Land Paterson J. C. Comparative Biochemistry and Physiology. 1995 110B: 661-669.

PAGE 2/2 * RCVD AT 2/17/2005 1:49:50 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-2/0 * DNIS:7466621 * CSID:404 572 5145 * DURATION (mm-ss):01-12

Page 33 of the specification, which was subsequently misplaced in the Office. Therefore, the application, including Page 33 of the specification, is entitled to a filing date of 16 July, 2003.

In view of the above, the petition is granted.

No petition fee is due and none has been charged.

The application will be reprocessed using the copy of Page 33 of the specification supplied on 3 November, 2004.

The application is being returned to Initial Patent Examination Division for processing with a filing date of 16 July, 2003, using the application papers filed on that date, and the copy of Page 33 of the specification supplied with the present petition.

Telephone inquiries specific to this matter should be directed to the undersigned at 571.272.3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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DANIEL D CHAPMAN
SUITE 2105
112 E PECAN ST
SAN ANTONIO TX 78205

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OFFICE OF PETITIONS

In re Provisional Application of
Sapyta .
Application No. 60/487,818
Filed: July 16, 2003
Attorney Docket No. P-3686.8(PRO)

: DECISION GRANTING PETITION

This is a decision on the petition filed October 6, 2003, requesting hat the above-identified provisional application be accepted as compete and accorded a filing date of July 17, 2003, with an indication that 2 sheets of drawings were present on filing.

The petition is **granted**.

The instant application papers were deposited on July 17, 2003, as a provisional application. However, on September 9, 2003, the Office of Initial Patent Examination (OIPE) sent a Notice stating that while a filing date had been granted, Figures 3, 4, 5 described in the specification had been omitted. In reply, on October 6, 2003 applicant filed the instant petition along with an itemized postcard receipt having a USPTO date stamp of July 16, 2003, indicating that 2 drawings were present on filing, and a copy of a sheet of drawing having Figures 3, 4, and 5 thereon. Petitioner point to the postcard receipt and assert that as the postcard shows that 2 sheets of drawings were received at the USPTO, this include Figures 1 through 5. Since an itemized postcard will be accepted as prima facie evidence of receipt at the USPTO, the petition is granted. The Notice of September 9, 2003 is vacated as mailed in error, and the USPTO regrets the delay and inconvenience to petitioner.

The petition fee of $130 is being credited to counsel's deposit account.

The Office of Initial Patent Examination, Customer Corrections, is being instructed to further process this application as a complete provisional application with an indication on the filing receipt that 2 sheets of drawings were present on filing, using the copy of the sheet containing Figures 3-5 filed on October 6, 2003

Telephone inquiries concerning this decision may be directed to the undersigned at (703) 305-1820. Telephone inquiries related to OIPE processing should be directed to the OIPE hotline at (703) 308-1202.

Brian Hearn
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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SUITE 2105
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SAN ANTONIO TX 78205

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OFFICE OF PETITIONS

In re Provisional Application of
Sapyta .
Application No. 60/487,818
Filed: July 17, 2003
Attorney Docket No. P-3686.8(PRO)

: CORRECTED
: DECISION GRANTING PETITION

This is a corrected decision[1] on the petition filed October 6, 2003, requesting hat the above-identified provisional application be accepted as compete and accorded a filing date of July 17, 2003, with an indication that 2 sheets of drawings were present on filing.

The petition is **granted**.

The instant application papers were deposited on July 17, 2003, as a provisional application. However, on September 9, 2003, the Office of Initial Patent Examination (OIPE) sent a Notice stating that while a filing date had been granted, Figures 3, 4, 5 described in the specification had been omitted. In reply, on October 6, 2003 applicant filed the instant petition along with an itemized postcard receipt having a USPTO date stamp of July 16, 2003, indicating that 2 drawings were present on filing, and a copy of a sheet of drawing having Figures 3, 4, and 5 thereon. Petitioner point to the postcard receipt and assert that as the postcard shows that 2 sheets of drawings were received at the USPTO, this include Figures 1 through 5. Since an itemized postcard will be accepted as prima facie evidence of receipt at the USPTO, the petition is granted. The Notice of September 9, 2003 is vacated as mailed in error, and the USPTO regrets the delay and inconvenience to petitioner.

The petition fee of $130 is being credited to counsel's deposit account.

The Office of Initial Patent Examination, Customer Corrections, is being instructed to further process this application as a complete provisional application with an indication on the filing receipt that 2 sheets of drawings were present on filing, using the copy of the sheet containing Figures 3-5 filed on October 6, 2003

Telephone inquiries concerning this decision may be directed to the undersigned at (703) 305-1820. Telephone inquiries related to OIPE processing should be directed to the OIPE hotline at (703) 308-1202.

Brian Hearn
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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[1] The previous decision contained an error in the bibliographic section wherein it indicated the filing date was July 16, which was clearly wrong when compared to the July 17 date in the body of the decision.

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Paper No.

JOHNSON & JOHNSON
PATENT LAW DEPARTMENT
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933

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OFFICE OF PETITIONS

In re Application of :
DiMagno et al. :
Application No. 60/487,914 :
Filed: July 17, 2003 :
Attorney Docket No. :
CDS-294 : ON PETITION

This is a decision in response to the Petition to Correct Filing Date Under 37 CFR 1.10, filed via facsimile on November 15, 2004, requesting the application be accorded a filing date of July 17, 2003, instead of the presently accorded filing date of July 16, 2003.

This Petition is hereby **granted**.

Petitioner alleges that the application was deposited in Express Mail service on July 17, 2003. In support of this assertion, the petition is accompanied by a copy of Express Mail label No. EV138492789US. A review of the Express Mail label, No. EV138492789US, reveals that the "Date In" indicated on the Express Mail label is July 16, 2003. However, the Express Mail label contains a United States Postal Service (USPS) stamp, also dated July 17, 2003. The same Express Mail label number was placed on the original application papers located in the official file. Applicant has also provided a letter from the USPS supporting Applicant's assertion that the above-identified application was deposited Express Mail on July 17, 2003.

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

Telephone inquiries concerning this matter should be directed to Petitions Attorney Derek L. Woods at (571) 272-3232.

Derek L. Woods
Attorney/Advisor
Office of Petitions

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David J. Oldenkamp, Esq.
Shapiro & Dupont LLP
Suite 700
233 Wilshire Boulevard
Santa Monica CA 90401

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OFFICE OF PETITIONS

In re Application of	:	
Levi, et al.	:	DECISION ON PETITION
Application No. 60/488,015	:	
Filed: July 16, 2003	:	
Attorney Docket No. 0180.0049	:	

This is a decision on the petition under 37 CFR 1.10(e), filed January 13, 2004, requesting that a provisional application entitled "A Thin Film Nickel-Titanium Biomedical Implantable Device" (Docket No. 0180.0049) be assigned an application number and accorded a filing date of July 16, 2003.

The original application papers filed on July 16, 2003, have been located in the USPTO. The application papers have been assigned application No. 60/488,015, and accorded a filing date of July 16, 2003.

Accordingly, the petition is dismissed, as involving a moot issue.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:
Diane T. Stephenson	: DECISION GRANTING
Application No. 60/488,211	: PETITION
Filed: 17 July, 2003	:
Atty Docket No. PHA 4286 (01624/1)	:

This is a decision on the petition styled under 37 CFR 1.10(d), filed on 19 November, 2004, which is treated as a petition under 37 CFR 1.10(c) requesting that the above-identified application be accorded a filing date of 17 July, 2003, rather than the presently accorded filing date of 16 July, 2003.

Petitioner alleges that the application was deposited in Express Mail service on 17 July, 2003. In support, on 19 November, 2004, petitioners supplied a copy of Express Mail Label No. EV214698004US (the same Express Mail number found on the itemized provisional application cover sheet accompanying the original application papers located in the official file). Although the Express Mail label bears a "date-in" of "7-16-03" the label also contains an Official USPS postmark dated 17 July, 2003. Additionally, a review of the USPS Track & Confirm database reveals that the application was accepted by the USPS on 17 July, 2003.

In view of the above, the correct date of deposit in Express Mail is 17 July, 2003.

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

The application is being referred to the Office of Initial Patent Examination for correction of the filing date to 17 July, 2003, and issuance of a corrected Filing Receipt.

Application No. 60/488,211

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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ST LOUIS, MO 63102

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OFFICE OF PETITIONS

In re Application of	:	
Timothy Walker	:	
Application No. 60/488,227	:	DECISION ON PETITION
Filed: July 17, 2003	:	
Attorney Docket No. GRHK 4347	:	

This is a decision on the petition under 37 CFR 1.10(d), filed September 2, 2003, requesting that the above-identified application be accorded a filing date of July 17, 2003, rather than the presently accorded filing date of July 16, 2003.

Applicant requests the later filing date on the basis that the application was purportedly deposited in Express Mail service on July 17, 2003, pursuant to the requirements of 37 CFR 1.10. While the copy of the Express Mail label receipt no. EV327055607US bears a handwritten "date-in" of July 16, 2003, the U.S. Postal Service (USPS) receipt is dated July 17, 2003. Applicant alleges that the date of mailing shown in the "date-in" is a USPS error and the correct date of mailing pursuant to 37 CFR 1.10 is July 17, 2003.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date-In" on the Express Mail label, MPEP 513. However, in view of the conflicting dates on the label, a search of the USPS Track and Confirm record (copy enclosed) confirms that the package in question was accepted on July 17, 2003. Accordingly, the instant application is entitled to a filing date of July 17, 2003, and has been so accorded.

The petition is granted.

No petition fee is requried and none has been charged.

Telephone inquires specific to this matter should be directed to Wan Laymon at (703) 306-5685.

Brian Hearn
Senior Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure: Express Mail Track/Confirm Sheet

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/488,267	10/07/2003	JENNINGS, JAMES	

Correspondence Address:
JAMES JENNINGS
P.O BOX 270081
LOUISVILLE CO 80027

Date Mailed: 03-03-2004

NOTICE OF CORRECTED APPLICATION NUMBER

Through an administrative error, the above identified application number was assigned to your application. The correct application number is **[60/508,918]**. Please refer to the new application number in all future correspondence to the Office.

All notices mailed in application **[60/488,267]** have been vacated. A new filing receipt will be mailed for **[60/508,918]** will be mailed in due course.

The Office regrets any inconvenience this has caused. Please direct any questions or inquiries to Customer Service at (703) 308-1202.

Office of Initial Patent Examination

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/488,344	07/18/2003		160	GUH-P60-007			

CONFIRMATION NO. 2323

CORRECTED FILING RECEIPT

OC000000011442966

28120
ROPES & GRAY LLP
ONE INTERNATIONAL PLACE
BOSTON, MA 02110-2624

Date Mailed: 12/09/2003

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Richard Schlegel, Rockville, MD;

If Required, Foreign Filing License Granted: 09/09/2003

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

Non-Publication Request: No

Early Publication Request: No

Title

Diagnosis and treatment of cervical cancer

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

GRANTED

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NOT GRANTED

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

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ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. None

ABELMAN, FRAYNE & SCHWAB
Attorneys at Law
150 East 42nd Street
New York NY 10017

COPY MAILED
FEB 23 2004
OFFICE OF PETITIONS

In re Application of	:	
Yehuda Turgeman et al.	:	
Application No. 60/488,354	:	DECISION ON PETITION
Filed: July 17, 2003	:	
Attorney Docket No.: 206,193	:	
Title: DETECTION AND PREVENTION OF SPAM AND BULK MESSAGES	:	

This is a decision on the petition filed November 10, 2003, requesting that a "Notice of Incomplete Provisional Application" mailed September 9, 2003 in the above-identified application be withdrawn and said application be accorded a filing date of July 17, 2003.

The application was deposited on July 17, 2003 without drawings. On September 9, 2003, the Office of Initial Patent Examination, (OIPE) sent a Notice of Incomplete Provisional Application (Notice), setting forth that the application appeared to have been deposited without drawings. The Notice indicated that a filing date had not been accorded, and that a filing date would be accorded upon the depositing of drawings.

In response, on November 10, 2003, Petitioner filed the present petition. Petitioner has not submitted the missing drawings, and has asserted that they are not required.

35 U.S.C. §113 sets forth that applicants "shall furnish a drawing where necessary for the understanding of the subject matter sought to be patented." Petitioner has stated, over his

registration number, that "drawings are not required in the present provisional application[1]."

Because of this affirmative representation, the present application is deemed to be an application which does not require a drawing for an understanding of the invention. Accordingly, the application, as originally filed, is entitled to a filing date of July 17, 2003.

Accordingly, the petition is **GRANTED**.

The Notice, mailed on September 9, 2003, was sent in error, and is hereby **VACATED**.

However, the petition fee will not be refunded, as the OIPE formality examiner properly mailed the notice. It is noted that pages six and seven (6-7) of the specification describe Figures one through nine (1-9).

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of July 17, 2003, using the application papers filed on that date.

Any inquiries related to this decision should be directed to the undersigned at (703) 305-0011.

Paul Shanoski

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

1 Petition, page 4.

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UNIVERSITY OF MARYLAND BIOTECHNOLOGY INSTITUTE
COLUMBUS CENTER
701 EAST PRATT STREET, SUITE 200
BALTIMORE MD 21202-3101

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JAN 0 6 2004

OFFICE OF PETITIONS

In re Provisional Application of
Gilson et al.
Application No. 60/488,526
Filed: July 18, 2003
Attorney Docket No. 4114-191PRV

: DECISION GRANTING PETITION
: UNDER 37 CFR 1.53

This is a decision on the petition filed November 10, 2003, under 37 CFR 1.181, which is properly treated as a petition under 37 CFR 1.53(e), requesting that the above-identified provisional application be accepted as complete and accorded a filing date of July 18, 2003.

The petition is **granted**.

The instant application papers were deposited on July 18, 2003. However, on September 12, 2003, the Office of Initial Patent Examination (OIPE) sent a Notice stating that no filing date had been granted as these papers as filed appeared to lack the drawings required by 35 U.S.C. § 113 that were referred to in the specification.

In reply, the instant petition was filed on November 12, 2003. Petitioners acknowledge that the application papers as filed lacked the aforementioned drawing figures, but assert that the disclosure is drawn to a method of producing hydrosomes, and that as a filing date can ordinarily be accorded to a specification drawn to a process invention, and also a composition of matter invention, which inventions do not require drawings *per se,* and further, as petitioners assert that a drawing is not necessary to an understanding of the instant invention(s), a filing date of July 18, 2003, should be accorded.

Accordingly, on petition, and for the reasons advanced by petitioners, the requested filing date can be granted.

The purported assignee of the entire interest has also filed on the same date a revocation and power of attorney with an accompanying address change. However, as a review of USPTO assignment records fails to reveal an assignment has been recorded against the instant provisional application, and the proffered papers fail to include the showing of a chain of title, as well as an averment that the signing official is empowered to represent the purported assignee, which items are both required by 37 CFR 3.73(b), the revocation, power, and change of address request cannot be accepted at this time. Nevertheless, a courtesy copy of this decision is being mailed to counsel who filed the petition.

OIPE is instructed to further process this application as <u>a complete provisional application with a filing date of July 18, 2003, and an indication that no drawings figures were present on filing.</u>

Telephone inquiries concerning this decision may be directed to the undersigned at (703) 305-1820. Telephone inquiries related to OIPE processing should be directed to the OIPE hotline at (703) 308-1202.

Brian Hearn
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc:
STEPHEN J HULTQUIST
INTELLECTUAL PROPERTY/TECHNOLOGY LAW
PO BOX 14329
RESEARCH TRIANGLE PARK NC 27709

UNITED STATES PATENT AND TRADEMARK OFFICE

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ALEXANDRIA, VA 22313-1450
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LAHIVE & COCKFIELD, LP.
28 STATE STREET
BOSTON MA 02109

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FEB 27 2004

OFFICE OF PETITIONS

In re Provisional Application of
Glimcher et al.
Application No. 60/488,568
Filed: July 18, 2003
Attorney Docket No. HUI-0652-2

: DECISION GRANTING PETITION

This is a decision on the petition filed October 10, 2003, under 37 CFR 1.182 which is being treated as a petition under 37 CFR 1.181(no fee) requesting that the above-identified provisional application be accepted as complete as filed.

The petition is **granted**.

The instant application papers were deposited on July 18, 2003. However, on September 12, 2003, the Office of Initial Patent Examination (OIPE) sent a Notice stating that page 128 of the specification (in the claims section) was missing.

In reply, the instant petition was filed on November 12, 2003. Petitioners request withdrawal of the Notice in that the accompanying copy of an itemized postcard receipt for this application bearing a USPTO date stamp of July 18, 2003, acknowledges that the USPTO received a 136 page application, including 115 pages of specification, 17 pages of claims, 3 pages of tables and 1 page of abstract. Petitioners include a copy of the missing page 128 and ask for refund of the petition fee.

Per MPEP 503, as an adequately itemized postcard receipt will serve as *prima facie* evidence of receipt of all items listed thereon, the petition is **granted.** The Notice of September 12 2003, was mailed in error where it stated that page 128 had not been received and is **vacated**. The error is regretted.

As no petition fee is owed due to the USPTO error, no fee has been charged.

The application is being brought to the attention of the Office of Initial Patent Examination, Customer Corrections, for further processing with a filing date of July 18, 2003, and USPTO records will be corrected to show that page 128 of the specification was present on filing, using the copy of page 128 filed October 10, 2003.

Telephone inquiries concerning this decision may be directed to the undersigned at (703) 305-1820. Telephone inquiries related to OIPE processing should be directed to the OIPE hotline at (703) 308-1202.

Brian Hearn

Brian Hearn
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

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JAN 3 0 2004

OFFICE OF PETITIONS

In re Application of
Choi
Application No. 60/488,621
Filed: July 21, 2003
Attorney Docket No. P76650
For: METHOD AND APPARATUS FOR ULTRA WIDEBAND WIRELESS COMMUNICATION USING CHANNEL INFORMATION

DECISION GRANTING PETITION

This is a decision on the petition, filed November 3, 2003, requesting, in effect, withdrawal of the Notice of Omitted Item(s) in a Provisional Application (Notice), mailed September 5, 2003. The petition will be treated under 37 CFR 1.53(e).

The application was filed on July 21, 2003. On September 5, 2003, the Office of Initial Patent Examination mailed a Notice informing petitioner that pages 2-4 of the specification appeared to have been omitted.

In response to the Notice, petitioner timely filed the present petition. Petitioner requests that pages 2-4 be accorded a filing date of July 21, 2003 on the basis that the entire specification, including allegedly missing pages 2-4, was received in the Patent and Trademark Office (PTO) on July 21, 2003. In support, the petition is accompanied by a copy of applicant's itemized postcard receipt showing an Office of Initial Patent Examination date stamp citing July 21, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included 20 pages of specification/abstract. A review of the application file reveals that there are 17 pages present. Pages 2-4 are missing.

The return postcard constitutes *prima facie* evidence that 20 pages of specification/abstract, including pages 2-4, were filed on July 21, 2003. MPEP 503. Accordingly, the request is **GRANTED**.

No petition fee has been or will be charged in connection with this matter.

The application is being returned to the Office of Initial Patent Examination for further processing, with a filing date of July 21, 2003, using the copy of pages 2-4 supplied with the instant petition.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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ALEXANDRIA, VA 22313-1450
www.uspto.gov

Michael G. Crilly, Esq.
104 South York Road
Hatboro PA 19040

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FEB 1 8 2004

OFFICE OF PETITIONS

In re Application of
Knowles, et al.
Application No. 60/488,940
Filed: July 19, 2003
Attorney Docket No. QT200302P
For: PRESSURE SENSITIVE SENSOR
WITH SONAR APPLICATIONS

DECISION GRANTING
PETITION

This is a decision on the petition, filed November 18, 2003, requesting, in effect, withdrawal of the October 30, 2003 Notice of Omitted Item(s) in a Provisional Application (Notice), insofar as it alleges that Figure 7 was omitted upon filing. The petition will be treated under 37 CFR 1.53(e).

The application was deposited on July 19, 2003. On October 30, 2003, the Office of Initial Patent Examination mailed a Notice informing petitioners that Figure 7 described in the specification appeared to have been omitted.

In response to the Notice, petitioners timely filed the present petition. Petitioners request that Figure 7 be accorded a filing date of July 19, 2003 on the basis that 4 pages of drawing figures, including Figure 7, were received in the Patent and Trademark Office (PTO) on July 19, 2003. In support, the petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing July 19, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included 4 pages of drawings. A review of the application file reveals that only 3 pages of drawing figures -- Figures 1-6 -- are present.

The return postcard constitutes *prima facie* evidence that 4 pages of drawing figures, including Figure 7, were filed on July 19, 2003. MPEP 503. Accordingly, the request is **GRANTED**.

Pursuant to petitioners' request, the $50.00 fee submitted with the instant petition will be refunded via a treasury check that will be scheduled shortly.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **July 19, 2003**, using the copy of Figure 7 submitted with the instant petition. Office records will be corrected to show that 4 pages of drawing figures were present on filing.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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GRAY, CARY, WARE & FREIDENRICH LLP
1221 SOUTH MOPAC EXPRESSWAY
SUITE 400
AUSTIN TX 78746-6875

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FEB 11 2004

OFFICE OF PETITIONS

In re Application of
Senner, et al.
Application No. 60/489,455
Filed: July 23, 2003
Attorney Docket No. BUIL1100
FOR: SYSTEM AND METHOD OF DISTRIBUTED PROCESSING

: DECISION GRANTING PETITION

This is a decision on the petition filed September 18, 2003 to accord a filing date of July 23, 2003 to the above-identified application.

The application was deposited on July 23, 2003. However, on September 12, 2003, the Office of Initial Patent Examination mailed a "Notice of Incomplete Provisional Application" requiring drawings of applicants' invention and stating that the filing date would be the date of receipt of the omitted drawings. It is noted that the specification filed on July 23, 2003 describes drawing figures.

As stated in MPEP 601.01(f), it is the practice of the United States Patent and Trademark Office (PTO) to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 USC 113 (first sentence.)

MPEP 601.01(f) also states that:

> ... [A] provisional application having at least some disclosure ...for which a drawing is usually not considered essential for a filing date, describing drawing figures in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification... so long as the application contains something that can be construed as a written description.

This provisional application contains some disclosure for which a drawing is usually not considered essential for a filing date and a detailed written description. Therefore, the application should have been accorded a filing date.

In view of the above, the "Notice" of September 12, 2003 was mailed in error and is hereby withdrawn. The application is entitled to a filing date of July 23, 2003. The petition is **granted**. No petition fee has been or will be charged in connection with this matter.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of **July 23, 2003** and the mailing of a filing receipt reflecting the July 23, 2003 filing date. The 5 sheets of drawing figures filed on November 12, 2003 will not be considered part of the disclosure of the application, but will be retained in the application file.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 308-6712.

E Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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David A. Hall
Jackson Walker, L.L.P.
Suite 1100
100 Congress Ave.
Austin, TX 78701-4099

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FEB 10 2004

OFFICE OF PETITIONS

In re Application of :
Edeki et al. :
Application No. 60/489,462 : DECISION GRANTING PETITION
Deposited: July 23, 2003 :
Attorney Docket No.P-123372.2 :
Title of Invention: METHOD OF USING:
ARTIFICIAL INTELLIGENCE TO SECURE A:
COMPUTER AGAINST UNAUTHORIZED :
ACCESS :
:

This is a decision on the petition filed September 18, 2003, requesting that the above-identified application be accorded a filing date of July 23, 2003.

On July 23, 2003, applicant deposited the above-identified application. On September 12, 2003, the Office of Initial Patent Examination mailed a "Notice of Incomplete Provisional Application," stating that the application had not been accorded a filing date as the application was deposited without drawings and that the filing date would be the date of receipt of the items.

In response, on September 18, 2003, applicant filed the present petition and a copy of applicants' postcard receipt acknowledging receipt of one sheet of drawings on July 23, 2003. Additionally, applicant submitted a copy of one sheet of drawings and nine (9) pages of specification.

Upon review of the record, the one sheet of drawings, deposited on July 23, 2003, has not been located among the application papers. However, the evidence is convincing that the application, papers deposited on July 23, 2003, included one sheet of drawings, which was subsequently misplaced in the United States Patent and Trademark Office. Therefore, the application, including one sheet of drawings, was complete on filing and will be granted a filing date of July 23, 2003. It should also be noted a review of the application papers reveals page 9 of the specification cannot be located but was not included on the "Notice of Incomplete Provisional Application". However, the Office stamped postcard serves as prima facie evidence that page 9 of the specification was part of the initial disclosure.

Accordingly, the petition is granted.

The $130.00 petition fee is being refunded in the form of a

treasury check.

The "Notice of Incomplete Provisional Application," mailed September 12, 2003, was sent in error and is hereby vacated. Accordingly, a petition fee is unnecessary.

The application will then be returned to the Office of Initial Patent Examination for further processing with a **filing date of July 23, 2003**, using the 1 sheet of drawings supplied on September 18, 2003. In addition, Page 9 of the specification supplied on September 18, 2003 should be considered as part of the initial disclosure.

Any inquiries related to this decision should be directed to the undersigned at (703) 306-0251.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

OIPE
SEP 1 8 2003
PATENT & TRADEMARK OFFICE

09-22-03

9200 $

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: OMON A. EDEKI APPLICATION NO. 60/489,462 FILED: 07/23/2003 TITLE: **A METHOD OF USING ARTIFICIAL INTELLIGENCE TO SECURE A COMPUTER AGAINST UNAUTHORIZED ACCESS**	ATTY DKT NO. P-123372.2(Prov) CONFIRMATION NO. 8679
TO: Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	

PETITION OF 09/12/2003 NOTICE OF INCOMPLETE PROVISIONAL APPLICATION

Dear Sir:

Applicant files this petition as a full and timely response to a September 12, 2003 Notice of Incomplete Provisional Application having a response due date of November 12, 2003.

The above-identified notice states that the above-identified application was deposited without drawings. However, because a flow-chart assists understanding of the invention, a drawing (Figure 1, page 10), in compliance with 35 USC § 113, was submitted with the application. A copy of the return postcard that accompanied the submission is enclosed. It shows as item [3] "9 pages of specifications and 1 page of drawing." Another copy of the entire application, complete with the drawing, is also enclosed.

Because this Petition is filed within two months from the date of mailing of the Notice of Incomplete Provisional Application, and because the missing part was originally submitted, we request that application proceedings be taken from suspension, the filing date of 07/23/2003 be granted, and the petition fee of $130 be refunded, voided, or returned.

09/24/2003 EAREGAY1 00000102 60489462
01 FC:1460 130.00 OP
Adjustment date: 02/11/2004 AKELLEY
09/24/2003 EAREGAY1 00000102 60489462
01 FC:1460 -130.00 OP

Refund Refs
02/11/2004 AKELLEY 0000133961

Check Refund Total: $130.00

Please find enclosed the following:

1. A copy of the Notice of Incomplete Provisional Application dated 09/12/2003;

2. A Petition fee of $130 as required by the Notice;

3. A copy of the return postcard from the Patent and Trademark Office verifying receipt of a drawing on 07/23/2003;

4. A copy of the application originally filed 07/23/2003; and

5. A return postcard for the current submission.

Applicant's attorney further declares that all statements made herein of my own knowledge are true; that all statements made herein 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 are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application and any patent resulting therefrom.

Should any additional information be required, please do not hesitate to contact the undersigned attorney.

Respectfully submitted,

JACKSON WALKER, L.L.P.
100 Congress, Suite 1100
Austin, TX 78701
(512) 236-2349
(512) 236-2002 FAX

David Allen Hall

David Allen Hall
Registration 51,766

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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PATENT DEPT
EXELIXIS, INC.
170 HARBOR WAY
P.O. BOX 511
SOUTH SAN FRANCISCO, CA 94083-0511

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AUG 2 2 2005

OFFICE OF PETITIONS

In re Application of	:	
Rice, et al.	:	
Application No. 60/489,658	:	DECISION GRANTING PETITION
Filed: July 23, 2003	:	
Attorney Docket No. EX03-035P	:	

This is a decision on the petition filed November 10, 2003, to accord the above-identified application a filing date.

On July 23, 2003, the application was deposited.

On October 6, 2003 the Office of Initial Patent Examination mailed a Notice stating that drawings were not present and that a filing date had not been accorded the application. The Notice further indicated that the filing date would be the date of receipt of the drawings.

The Office has determined that drawings are not necessary to understand at least one claim within the meaning of the first sentence of 35 USC 113. It has been PTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence). A review of the record reveals that Claims 27,28,and 29 are method claims. Therefore, the present application is deemed to be an application that does not require a drawing for an understanding of the invention. Accordingly, the application, as filed, is entitled to a filing date.

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

The application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of July 23, 2003. **A filing receipt should be issued reflecting the application filing date of July 23, 2003.**

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

Kenya A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/489,667	07/23/2003		160	PF-1709 P			

CONFIRMATION NO. 9822

CORRECTED FILING RECEIPT

OC000000012526615

27904
INCYTE CORPORATION
3160 PORTER DRIVE
PALO ALTO, CA 94304

Date Mailed: 05/04/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Narinder K. Chawla, Union City, CA;

If Required, Foreign Filing License Granted: 10/27/2003

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

Non-Publication Request: No

Early Publication Request: No

Title

Intracellular signaling molecules

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

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING

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

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

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

NOT GRANTED

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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/489,960	07/23/2003		80	UMY-077-2	7		

CONFIRMATION NO. 2039

CORRECTED FILING RECEIPT

OC000000013533317

00959
LAHIVE & COCKFIELD, LLP.
28 STATE STREET
BOSTON, MA 02109

Date Mailed: 08/13/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Tariq M. Rana, Shrewsbury, MA;

If Required, Foreign Filing License Granted: 05/05/2004

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Compounds for modulating RNA interference

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

GRANTED

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

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

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

NOT GRANTED

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

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Robert D. Katz, Esq.
Cooper & Dunham LLP
1185 Avenue of the Americas
New York NY 10036

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FEB 09 2004

OFFICE OF PETITIONS

In re Application of
Huang, et al.
Application No. 60/490,025
Filed: July 24, 2003
Attorney Docket No. 2587/69780
FOR: METHOD FOR CONSTRUCTING AND MODIFYING LARGE DNA MOLECULES

: DECISION GRANTING PETITION

This is a decision on the petition filed October 27, 2003 to accord a filing date of July 24, 2003 to the above-identified application. The petition will be treated under 37 CFR 1.182.

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

The application was deposited on July 24, 2003. On October 27, 2003, the Office of Initial Patent Examination mailed a "Notice of Incomplete Provisional Application" requiring drawings of applicants' invention and stating that the filing date would be the date of receipt of the omitted drawings. It is noted that the specification filed on July 24, 2003 describes drawing figures.

In response to the Notice, petitioners timely filed the present petition. Petitioners request that the application be accorded a filing date of July 24, 2003 on the basis that 5 sheets of drawing figures were received in the Patent and Trademark Office (PTO) on July 24, 2003. In support, the petition is accompanied by a copy of applicants' postcard receipt showing an Office of Initial Patent Examination generated barcode showing July 24, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included "figures."

A properly itemized return postcard constitutes *prima facie* evidence that the items were filed on the date stamped thereon. However, a postcard receipt will not serve as *prima facie* evidence of receipt of any item which is not adequately itemized on the postcard. MPEP 503. In this particular instance, applicants' postcard was not properly itemized(i.e. it did not list the number of pages of each component of the application.). However, it did list "figures." The Office stamped the postcard. Thus, the Office recognized that it received some drawings. Because all the sheets of drawing figures were misplaced in the Office, but some sheets of drawing figures were clearly received in the Office, the Office will accept and process the five sheets of drawing figures filed on July 24, 2003. In the future, petitioners are encouraged to list the number of pages of each component of the application.

In view of the above, the application is entitled to a filing date of July 24, 2003 with 5 sheets of drawing figures as part of the disclosure. The petition is **granted**. It is unnecessary to address petitioners' method claim argument filed in the alternative to the postcard argument.

Pursuant to petitioners' authorization, deposit account no. 03-3125 will be credited the $130.00 fee submitted with the instant petition.

The application is being returned to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of **July 24, 2003**, using the October 16, 2003 sheets of drawing figures for processing purposes. Office records will be altered to show that 5 sheets of drawing figures were filed on July 24, 2003. OIPE will address the November 24, 2003 paper entitled, "Communication Requesting Correction of Filing Receipt."

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. BOX 1450
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ERIC P MIRABEZ
BIOARRY SOLUTIONS LLC
35 TECHNOLOGY DRIVE
WARREN NJ 07059

COPY MAILED

FEB 25 2004

OFFICE OF PETITIONS

In re Application of Goncharko, et al. Application No. 60/490,104 Filed: July 25, 2003 Attorney Docket No. OVEN-P2	: : : : :	DECISION ON PETITION

This is in response to the paper titled "Response to Notice to File Missing Parts", filed October 16, 2003, which is being treated as a petition under 37 CFR 1.181 (no fee).

The petition is **DISMISSED.**

Application papers in the above-identified application were filed on July 25, 2003. However, on October 8, 2003, the Initial Patent Examination Division mailed applicant a "Notice to File Missing Parts of Provisional Application - Filing Date Granted." Applicants were notified that the application papers had been accorded a filing date; however, the statutory basic filing fee was missing. In addition, the Notice informed applicant that Figures 5, 6, 7, 8b and 8c of the drawings appeared to have been omitted from the application.

In response, on October 16, 2003, applicants filed the present petition. Applicants asserted that the statutory basic filing fee was included on filing, because applicants included an authorization to charge the fee on their provisional application cover sheet. In addition, with respect to the omitted drawings, applicants have stated that they "choose note [sic] to file any additional drawings, as the allegedly missing figures are present in the text of the specification."

Concerning the missing filing fee, Office finance records reveal that petitioner did not have a sufficient balance in his deposit account to cover the $80 statutory basic filing fee.

In view thereof, the $80 statutory basic filing fee and the $25 surcharge for its late filing have now been charged to Deposit Account No. 50-2088, as authorized.

Regarding the omitted drawings, applicants' statement suggests that they do not appear to be challenging the Patent and Trademark's assertion that Figures 5, 6, 7, 8b and 8c were not present on filing. If applicants do contend that these drawing figures were in fact deposited with the Office, such contention (together with any proof, such as an itemized, USPTO date stamped postcard receipt) should be made by way of petition, together with the $130 petition fee. Such petition should be filed within **TWO (2) MONTHS** of the date of this decision in order to be considered timely. 37 CFR 1.181(f). This time period may <u>not</u> be extended pursuant to 37 CFR 1.136.

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

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

By FAX: (703) 872-9306
Attn: Office of Petitions

The application file is being forwarded to the Office of Initial Patent Examination for further processing, using the application papers received on that date, and for indication in Office records that seven figures of drawings were present on filing.

Telephone inquiries related to this decision should be directed to the undersigned at 703-305-0272.

Cliff Congo

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LESLIE GLADSTONE RESTAINO
BROWN RAYSMAN MILLSTEIN & STEINER, LLP
55 MADISON AVENUE, 4TH FLOOR
MORRISTOWN, NJ 07960

COPY MAILED
JUL 19 2004
OFFICE OF PETITIONS

In re Application of :
Krauthammer, et al. :
Application No. 60/490,120 : ON PETITION
Filed: July 25, 2003 :
Attorney Docket No. 5199-110 :

This is a decision on the petition under 37 CFR 1.137(b), filed June 30, 2004, to revive the above-identified provisional application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Provisional Application (Notice) mailed October 6, 2003. 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 above-identified provisionial application became abandoned on December 7, 2003.

Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the $1,005.00 extension of time submitted with the petition on June 30, 2004 was subsequent to the maximum period obtainable for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

The file is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 306-9200.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/490,377	07/25/2003		210	085488-9118	8		

CONFIRMATION NO. 2308

CORRECTED FILING RECEIPT

OC000000011731164

23585
MICHAEL BEST & FRIEDRICH LLP
3773 CORPORATE PARKWAY
SUITE 360
CENTER VALLEY, PA 18034-8217

Date Mailed: 01/21/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Orestes J. Varonis, Canton, OH;
Mark E. LaCroix, New Hartford, CT;
A. John Santos, Farmington, CT;
Wayne V. Denny, Canton, OH;
Brian Odegard, Canton, OH;
Mark Joki, Canton, OH;
James J. Burns, Canton, OH;

If Required, Foreign Filing License Granted: 09/12/2003

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

Non-Publication Request: No

Early Publication Request: No

Title

Transmission input shaft speed measuring assembly

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

NOT GRANTED

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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/490,425	07/25/2003		160	TSM03-0667P	14		

CONFIRMATION NO. 7969

CORRECTED FILING RECEIPT

OC000000011776116

25962
SLATER & MATSIL, L.L.P.
17950 PRESTON RD, SUITE 1000
DALLAS, TX 75252-5793

Date Mailed: 01/28/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Chun-Chieh Lin, Hsin-Chu, TAIWAN;
Wen-Chin Lee, Hsin-Chu, TAIWAN;
Chih-Hsin Ko, Kaohsiung, TAIWAN;
Yee-Chia Yeo, Hsin-Chu, TAIWAN;
Yi-Chun Huang, Hsin-Chu, TAIWAN;
Yen-Ping Wang, Hsin-Chu, TAIWAN;

If Required, Foreign Filing License Granted: 01/08/2004

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

N n-Publication Request: No

Early Publication Request: No

Title

Strained-channel transistor with lattice-mismatched region

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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NOT GRANTED

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

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KINNEY & LANGE, P.A.
THE KINNEY & LANGE BUILDING
312 SOUTH THIRD STREET
MINNEAPOLIS MN 55415-1002

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OFFICE OF PETITIONS

In re Application of :
Lon w. Fiedler et al :
Application No. 60/490,646 :
Filed: July 28, 2003 :
Attorney Docket No. T391.12-0001 :

ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed August 2, 2004, to change the name of one of the inventors.

The petition is **Granted**.

A corrected Filing Receipt with the desired name change accompanies this decision on petition.

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

This application is being referred to the Files Repository.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

ATTACHMENT: CORRECTED FILING RECEIPT

UNITED STATES PATENT AND TRADEMARK OFFICE

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APR 19 2004

OFFICE OF PETITIONS

CONLEY ROSE, P.C.
P. O. BOX 3267
HOUSTON TX 77253-3267

In re Application of
Wallace R. Gardner et al.
Application No. 60/490,662
Filed: July 28, 2003
Attorney Docket No. 1391-44700

: DECISION GRANTING PETITION

This is a decision on the petition under 37 CFR 1.10(d) filed February 27, 2004, requesting that the above-identified application be accorded a filing date of July 28, 2003, rather than the presently accorded filing date of July 29, 2003.

Petitioner alleges that the application was deposited in Express Mail service on July 28, 2003. Petitioner states that the "date-in" on the Express Mail Customer Label is incorrect,[1] and has provided a copy of a USPS Express Mail Corporate Account Mailing Statement showing that the Express Mail shipment with Label No. EV324574395US (the same Express Mail number found on the itemized transmittal sheet accompanying the original application papers located in the official file) was deposited on July 28, 2003.

In view of the evidence present in the file, it is concluded that the correct date of deposit in Express Mail service is July 28, 2003.

In view of the above, the application is entitled to a filing date of July 28, 2003.

The petition is granted. Since no petition fee is necessary, the fee paid with the petition will be credited back to deposit account no. 03-2769.

The application is being returned to Office of Initial Patent Examination for reprocessing with a filing date of July 28, 2003, not July 29, 2003.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (703)305-4497.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

[1] A copy of the express mail label in question while mentioned, was not found to be included with the petition.

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/490,662	07/28/2003		160	1391-44700			

CONFIRMATION NO. 4603

CORRECTED FILING RECEIPT

OC000000012392869

23505
CONLEY ROSE, P.C.
P. O. BOX 3267
HOUSTON, TX 77253-3267

Date Mailed: 04/19/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Wallace R. Gardner, Houston, TX;
Paul F. Rodney, Houston, TX;
Eugene Linyaev, Houston, TX;
Vimal Shah, Houston, TX;
Don Kyle, Houston, TX;
Jeff Moore, Houston, TX;

If Required, Foreign Filing License Granted: 10/08/2003

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

Non-Publication Request: No

Early Publication Request: No

Title

Drilling telemetry

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

NOT GRANTED

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

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MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH NC 27627

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OFFICE OF PETITIONS

In re Application of	:	
Gao, et al.	:	
Application No. 60/490,685	:	DECISION GRANTING
Filed: November 26, 2004	:	PETITION
Attorney Docket No. 208-6176PR	:	
For: LITHIUM METAL DISPERSION IN ELECTRODES	:	

This is a decision on the petition filed December 20, 2004 (certificate of mailing date December 14, 2004), requesting that the above-identified application be accorded a filing date of July 29, 2003. The petition will be treated under 37 CFR 1.53(e).

The application was deposited on July 29, 2003. On November 17, 2004, the Office of Initial Patent Examination mailed a Notice of Incomplete Provisional Application (Notice) informing petitioners that no filing date had been accorded to the application papers deposited on July 29, 2003 because no drawings were present, as is required by 35 USC 113.

In response to the Notice on November 26, 2004 (certificate of mailing date November 23, 2004), petitioners filed a paper entitled, "RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS" and a copy of the allegedly omitted drawings, a copy of the original provisional application cover sheet, the return receipt postcard for the July 29, 2003 filing, and a copy of the November 17, 2004 Notice.

The Notice of Incomplete Provisional Application stated that petitioners could either request a filing date as of the filing of the omitted items or **submit a petition** with evidence that the allegedly omitted items were in fact filed on July 29, 2003.

Petitioners selected the second option, **but did not file a petition**. Therefore, the Office processed the application with a later filing date.

Petitioners now petition that the above-identified application be accorded a filing date of July 29, 2003 on the basis that 2 sheets of drawing figures were received in the Patent and Trademark

Office (PTO) on July 29, 2003. In support, the November 26, 2004 (certificate of mailing date November 23, 2004) submission is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated bar code citing July 29, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing includes 2 sheets of formal drawings.

The return postcard constitutes *prima facie* evidence that 2 sheets of formal drawings were filed on July 29, 2003. MPEP 503. Accordingly, the request is granted. No fee has been or will be charged in connection with this matter.

In future, please respond to a Notice of Incomplete Provisional (or Nonprovisional) Application with a petition if applicant is alleging the omitted item was in fact filed on the date in question. The Office will refund the petition fee if the petition is granted.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **July 29, 2003**, using the copy of the 2 sheets of drawings submitted with the November 28, 2004 (certificate of mailing date November 23, 2004) submission. Office records will be corrected to show that 2 sheets of drawings were present on filing.

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

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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ALEXANDRIA, VA 22313-1450
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Qualcomm Incorporated
Patents Department
5775 Morehouse Drive
San Diego CA 92121-1714

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MAY 14 2004

OFFICE OF PETITIONS

In re Application:
Suzanne Arcens
Application No. 60/490,765
Filed: December 12, 2003
Attorney Docket No. 020287P2

ON PETITION

This is a decision on the petition filed December 12, 2003, requesting that the above-identified application be accorded a filing date of December 12, 2003, the date of receipt of omitted drawings. It does not appear from the petition that applicant is requesting an earlier filing date.

The above-identified application was deposited on July 28, 2003. However, on October 9, 2003, the Office of Initial Patent Examination mailed a Notice of Incomplete Provisional Application, stating that the application was deposited without drawings and that the filing date would be the date of receipt of the drawings.

In response, on December 12, 2003, applicant filed the present petition, five (5) sheets of drawings containing Figures 1, 2a, 2b, 2c, 2d and an authorization to charge the Deposit Account for the petition fee. Applicant has not submitted any arguments that the drawing sheets were filed with the application on July 28, 2003.

The Office file is the official record of the papers originally filed in this application. A review of the official file reveals no drawings are present in the file. An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence.

The Office has a well established and well publicized practice of providing a receipt for papers filed in the Office to any applicant desiring a receipt. The practice requires that any paper for which a receipt is desired be filed in the Office with a self-addressed

postcard identifying the paper. A postcard receipt which itemizes and properly identifies the papers that are being filed serves as prima facie evidence of receipt in the Office of all the items listed thereon on the date-stamped thereon by the Office. See MPEP 503. No date-stamped postcard receipt has been submitted in this case. If applicant has a postcard receipt showing that five (5) sheets of drawings were filed on December 12, 2003, the postcard receipt or a copy thereof should be supplied.

At the present time, the petition is **granted** to the extent that the application will be accorded a filing date of December 12, 2003, with the five (5) sheets of drawings submitted on that date. No petition fee is necessary. The $130.00 petition fee will be refunded to Deposit Account No. 17-0026.

Any request for reconsideration should be filed within **TWO (2) MONTHS** of the date of this decision in order to be considered timely. 37 CFR 1.181(f). This time period may not be extended pursuant to 37 CFR 1.136.

The Office of Initial Patent Examination is directed to process the present application with a filing date of December 12, 2003, using the five (5) sheets of drawings filed on that date, and for indication in Office records that five (5) sheets of drawings were present on filing.

Further correspondence with respect to this matter should be addressed as follows and to the attention of Senior Petitions Attorney Christina Tartera Donnell:

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

By FAX: (703) 872-9306; Attn: Office of Petitions

By hand: 2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA

Any inquiries should be directed to the undersigned at (703) 306-5589.

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/491,078	07/29/2003		80	30636-1002	4		

CONFIRMATION NO. 6780

CORRECTED FILING RECEIPT

OC000000011439941

005179
PEACOCK MYERS AND ADAMS P C
P O BOX 26927
ALBUQUERQUE, NM 871256927

Date Mailed: 12/08/2003

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

John R. Bode, Albuquerque, NM;
A. Keith Miller, Albuquerque, NM;
Mark R. Vaughn, Albuquerque, NM;

If Required, Foreign Filing License Granted: 10/30/2003

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Continuously variable speed flat belt drive variator

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

GRANTED

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

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

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

NOT GRANTED

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

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LAW OFFICES OF ALBERT WAI-KIT CHAN, LLC
WORLD PLAZA, SUITE 604
141-07 20TH AVENUE
WHITESTONE NY 11357

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MAR 2 2 2004

OFFICE OF PETITIONS

In re Application of
Michael Steven Thomas
Application No. 60/491,816
Filed: July 31, 2003
Attorney Docket: 721-PRO

: DECISION GRANTING
: PETITION

This is a decision on the petition filed November 17, 2003, which is treated under 37 CFR 1.53, requesting that the above-identified application, including Figure 133 be accorded a filing date of July 31, 2003. A duplicate copy of the November 17, 2003 petition was filed February 18, 2004.

On July 31, 2003, the application was filed. On November 5, 2003, the Office of Initial Patent Examination mailed a Notice of Omitted Items in a Provisional Application stating that the application had been accorded a filing date of July 31, 2003, but that Figure 133 described in the specification appeared to have been omitted.

In response, on November 17, 2003, one (1) drawing sheet containing Figure 133 and the present petition were submitted. Petitioners assert that 148 sheets containing Figures 1-141 were filed with the other application papers on July 31, 2003. In support, a copy of petitioners' postcard receipt was supplied on November 17, 2003. The postcard receipt shows an Office date stamp of July 31, 2003, and identifies the application by the name of the inventor and the title of the invention, and acknowledges receipt, *inter alia*, of 148 sheets of drawings. Petitioners request that the application, including the drawings containing Figure 133, be accorded a filing date of July 31, 2003.

A review of the record reveals that 147 sheets of drawings, containing Figures 1-132 and 134-141 are located among the application papers deposited on July 31, 2003. However, the evidence is convincing that the application papers deposited on July 31, 2003, included 148 sheets of drawings and that the drawing sheet containing Figure 133 was subsequently misplaced in the Office. Therefore, the application, including the one (1) sheet of drawings containing Figure 133 as described in the specification, is entitled to a filing date of July 31, 2003.

The "Notice" mailed on November 5, 2003, is **VACATED**.

In view of the above, the petition filed November 17, 2003 is **GRANTED** and the petition filed February 18, 2004 which is a duplicate, is dismissed as moot. The $130.00 petition fee paid on November 17, 2003, will be credited to deposit account no. 50-1891.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of July 31, 2003, using the application papers filed on July 31, 2003 and the one (1) drawing sheet containing Figure 133, supplied on November 17, 2003, and for an indication on the bib-data sheet that 148 sheets of drawings were present on filing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (703)305-4497.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/492,164	08/01/2003		160	H0005858	1		

CONFIRMATION NO. 3778

CORRECTED FILING RECEIPT

OC000000012620118

00128
HONEYWELL INTERNATIONAL INC.
101 COLUMBIA ROAD
P O BOX 2245
MORRISTOWN, NJ 07962-2245

Date Mailed: 05/12/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Darren D. Cofer, Minnetonka, MN;

If Required, Foreign Filing License Granted: 11/01/2003

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

Non-Publication Request: No

Early Publication Request: No

Title

Adaptive scheduler for anytime tasks

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

GRANTED

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

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

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

NOT GRANTED

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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/492,386	08/04/2003		80	047.00021 (RFT-108)	1		

CONFIRMATION NO. 5399

CORRECTED FILING RECEIPT

OC000000011569123

Peter Rogalskyj, Esq.
Rogalskyj & Weyand, LLP
P.O. Box 44
Livonia, NY 14487-0044

Date Mailed: 12/24/2003

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Qun Huo, Fargo, ND;
James G. Worden, Fargo, ND;

If Required, Foreign Filing License Granted: 11/04/2003

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Functionalized nanoparticles and other particles and methods for making and using same

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

GRANTED

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

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

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

NOT GRANTED

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

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North Weber & Baugh
Suite 707
2479 E. Bayshore Rd.
Palo Alto CA 94303

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MAR 3 0 2004

OFFICE OF PETITIONS

In re Application of
Main, et al.
Application No. 60/492,599
Filed: August 4, 2003
Attorney Docket No. 20000-0001US
For: MULTI-LEVEL NETWORK INFRASTRUCTURE MODEL

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.53(e), filed December 22, 2003 (certificate of mailing date December 18, 2003), requesting that Figures 3 and 13A be accorded a filing date of August 4, 2003.

The application was filed on August 4, 2003. On November 3, 2003, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s) in a Nonprovisional Application" (Notice) informing petitioners that Figures 3 and 13A, as described in the specification, appeared to have been omitted.

Petitioners request that Figures 3 and 13A be accorded a filing date of August 4, 2003 on the basis that 43 sheets of formal drawing figures, including Figures 3 and 13A, were received in the Patent and Trademark Office (PTO) on August 4, 2003. In support, the instant petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing August 4, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included 43 sheets of formal drawings.

The return postcard constitutes *prima facie* evidence that 43 sheets of formal drawing figures were filed on August 4, 2003. MPEP 503. A review of the application file reveals that there are 41 sheets of drawing figures present. The missing sheets of drawings correspond to that which would have contained Figures 3 and 13A.

Accordingly, the petition under 37 CFR 1.53(e) is **GRANTED**. Pursuant to petitioner's authorization, the petition fee will be refunded by way of a treasury check that will be scheduled shortly.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **August 4, 2003**, using the copy of Figures 3 and 13A submitted with the

instant petition. Office records will be corrected to show that 43 sheets of drawings were present on initial filing.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SHERIDAN ROSS P.C.
1560 BROADWAY, SUITE 1200
DENVER, CO 80202-5141

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SEP 0 8 2004

OFFICE OF PETITIONS

In re Provisional Application of :
Sikela et al. :
Provisional Application No. 60/493,077 : ON PETITION
Filed: August 5, 2003 :
Attorney Docket No. 2848-58-PROV :

This decision concerns the November 14, 2003 "Petition for Filing Date of Provisional Application" which is being properly treated as a petition under 37 CFR 1.53(e) that the above-referenced provisional application be accorded a filing date.

The petition is **GRANTED.**

On August 5, 2003, the provisional application was deposited in the USPTO. On November 5, 2003, the Office of Initial Patent Examination (OIPE) mailed a Notice of Incomplete Provisional Application ("11/5/03 Notice"), requiring drawings of the described invention, the statutory filing fee and a cover sheet or application data sheet identifying the inventors; and stating that the filing date would be the date of receipt of the drawings. It is noted that the specification deposited on August 5, 2003 describes drawings in the section entitled "Figure Legends" but was not accompanied by any drawing.

The petition does not dispute the 11/5/03 Notice but, rather, asserts that drawings are not necessary for understanding the subject matter described in the provisional application as deposited.

As stated in MPEP 601.01(f) (Rev. 2, May 2004), it is the practice of the USPTO to treat an application that contains at least one process or method claim as an application for which a drawing is **not** necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

MPEP 601.01(f) also states that:

> A provisional application having at least some disclosure directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed **without** drawings will be treated as an application filed **without all** of the drawing figures referred to in the specification as discussed in MPEP 601.01(g), so long as the application contains something that can be construed as a written description. (emphasis added)

The instant provisional application describes the invention as a method/procedure of identifying certain gene copy changes. Therefore, the provisional application should have been treated as one filed without all of the drawing figures referred to in the specification as discussed in MPEP 601.01(g).

Under MPEP 601.01(g) (Rev. 2, May 2004), if an application is filed without all of the drawing figure(s) referred to in the specification, a "Notice of Omitted Item(s)" is mailed indicating that the application has been accorded a filing date, but is lacking some of the figures of drawings described in the specification.

The 11/5/03 Notice was thus mailed in error and is hereby vacated.

The instant provisional application is hereby accorded the requested August 5, 2003 filing date. The petition is thus granted.

The $130 petition fee has been credited to Deposit Account No. 19-1970 as authorized in the petition.

Finally, the Office acknowledges receipt on May 10, 2004 (Certificate of Mailing date May 5, 2004) of a request for a 4-month extension of time, a provisional application cover sheet, the $80 provisional application filing fee, the $25 surcharge for late remittance of the filing fee, and the $740 extension-of-time fee, all in small entity amounts.

The provisional application is being forwarded to OIPE for further processing with a filing date of August 5, 2003, and for indication in the USPTO records that "0" sheets of drawings were present on filing.

Telephone inquiries should be directed to Petitions Attorney RC Tang at (703) 308-0763.

Charles Steven Brantley
Senior Attorney
Office of Petitions

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. None

Howrey Simon Arnold & White, LLP
750 Bering Drive
Houston TX 77057-2198

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MAR 01 2004

OFFICE OF PETITIONS

In re Application of
Ceryl J. Dyer et al.
Application No. 60/493,158
Filed: August 7, 2003
Attorney Docket No.
11916.0058.PZUS00
Title: USE OF SINGLE NUCLEOTIDE POLYMORPHISMS IN THE CODING REGION OF THE PORCINE LEPTIN RECEPTOR GENE TO ENHANCE PORK PRODUCTION

DECISION ON PETITION
UNDER 37 C.F.R. §1.53(e)

This is a decision on the petition filed November 17, 2003, requesting the application, including Figure one (1) be accorded a filing date of August 7, 2003 as part of the original disclosure.

The application was deposited on August 7, 2003. However, on November 6, 2003, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Provisional Application" (Notice), stating that the application had NOT been accorded a filing date, and advising applicants that the application was deposited without drawings, and that a filing date would be accorded when the drawings were received.

In response, on November 17, 2003, applicants filed the present petition. The petition is further accompanied by a copy of Figure one (1), along with a copy of applicants' postcard receipt acknowledging receipt of "Drawings: Fig. 1 on 1 Sheets (sic)" in the United States Patent and Trademark Office (Office) on August 7, 2003. Applicants request that the application, including Figure one (1), be accorded a filing date of August 7, 2003.

Upon review of the record, the above-mentioned figure has not been located among the application papers. However, the evidence is convincing that the application papers deposited on August 7, 2003 included one drawing sheet containing Figure one (1), and the drawing sheet containing this drawing was subsequently misplaced in the Office.

Therefore, the application, including Figure one (1), was complete on filing and entitled to a filing date of August 7, 2003 as part of the original disclosure.

Accordingly, the petition is **GRANTED**.

The notice mailed November 6, 2003 was sent in error, and is hereby **VACATED**. Therefore, no petition fee is necessary. The petition fee of $130 will be refunded to petitioner's Deposit Account.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of August 7, 2003, using the original application papers filed on that date, as well as Figure one (1) submitted on November 17, 2003.

Any inquiries related to this decision should be directed to the undersigned at (703) 305-0011.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/493,171	08/07/2003		80	ALTU-400	1		

CONFIRMATION NO. 9761

CORRECTED FILING RECEIPT

OC000000011448214

28584
STALLMAN & POLLOCK LLP
121 SPEAR STREET, SUITE 290
SAN FRANCISCO, CA 94105

Date Mailed: 12/09/2003

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

John L. Nightingale, Portola Valley, CA;
Greg Spooner, Kensington, CA;
David A. Gollnick, San Francisco, CA;
Dean A. MacFarland, Magnolia, MA;

If Required, Foreign Filing License Granted: 11/06/2003

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

LED-pumped fluorescence concentrator (FC) device, and vascular photocoagulation therapy with yellow-green FC

LICENSE FOR FOREIGN FILING UNDER
Title 35, Unit d States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

NOT GRANTED

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

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GARRETT & DUNNER, LLP
1300 I STREET, NW
WASHINGTON DC 20005

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OFFICE OF PETITIONS

In re Application of
Williams, et al.
Application No. 60/493,341
Filed: August 8, 2003
Attorney Docket No. 8940.6107

ON PETITION

This is a decision on the petition filed January 6, 2004, requesting, in effect, withdrawal of a Notice mailed November 7, 2003.

The application was filed on August 8, 2003. However, on November 7, 2003, The Office of Initial Patent Examination mailed a "Notice of Omitted Item(s) in a Provisional Application" (Notice) stating that the application had been accorded a filing date of August 8, 2003, and advising applicants that pages 345-353 of the specification appeared to have been omitted.

In response, the present petition was filed. Petitioners argue that pages 345-353 should be included with the papers filed on August 8, 2003, because they were originally filed in copending application, the entire disclosure of which was incorporated by reference at the time of filing.

The petition is dismissed.

The mailing of a "Notice of Omitted Items in a Provisional Application" permits the applicant to either: (1) promptly establish prior receipt in the PTO of the items at issue (generally by way of a date-stamped postcard receipt (MPEP 503)), or (2) accept the application as filed. An applicant asserting that the missing items were in fact deposited in the PTO with the application papers must file a petition (and the appropriate petition fee) with evidence of such deposit.

In this case, petitioners have neither asserted that the missing pages were actually deposited in the instant application nor accepted the application as filed.

Instead, applicants seek to add the pages to the present application on the basis that the pages are not new matter. However, it is not permissible to amend a provisional application. 37 CFR 1.53(c).

Accordingly, the petition is inappropriate and is subject to dismissal. The petition fee will not be refunded, since the petition was not necessitated by any error on the part of the Office.

Petitioners are encouraged to submit an itemized date stamped postcard receipt. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the Office of all the items listed thereon on the date stamped thereon by the Office. See section 503, Manual Of Patent Examining Procedure (MPEP 503). However, if the postcard receipt has been annotated to indicate that a particular item denoted on the postcard was not received by the USPTO, the postcard receipt will not serve as *prima facie* evidence of

receipt of that item in the USPTO. MPEP 503.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of **August 8, 2003**. Pages 345-353 are not considered part of the original application papers and will not be processed.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

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

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AMSTER, ROTHSTEIN & EBENSTEIN
90 PARK AVENUE
NEW YORK NY 10016

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OFFICE OF PETITIONS

NOTICE

In re Application of :
Hendrik Sibolt van Damme :
Application No. 60/493,844 :
Filed: August 8, 2003 :
Attorney Docket No. 65959/37 :

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 the undersigned at (703) 305-8859.

This file is being referred to the Office of Initial Patent Examination Division.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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163 MADISON AVENUE, P.O. BOX 163
MORRISTOWN, NJ 07962-1989

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OFFICE OF PETITIONS
ON PETITION

In re Application of :
Hong Yu :
Application No. 60/493,970 :
Filed: August 8, 2003 :
Attorney Docket No. 5199-109 :

This is a decision on the petition under 37 CFR 1.137(b), filed June 30, 2004, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Provisional Application (Notice) mailed November 5, 2003. 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 above-identified application became abandoned on January 6, 2004.

In accordance with 35 U.S.C. § 111 (b)(5), a provisional application for patent is regarded as abandoned 12 months after the filing date of such application and is not be subject to revival after such 12-month period. The instant application therefore is statutorily abandoned.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the $1,005.00 extension of time submitted with the petition on June 30, 2004 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (703) 306-5685.

This matter is being referred to Files Repository.

Wan Laymon
Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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PERKINS COIE LLP
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MENLO PARK, CA 94026

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OFFICE OF PETITIONS

In re Application of
Patrick Iversen
Application No. 60/493,990
Filed: August 7, 2003
Attorney Docket No.50450-8055
Title of Invention: SENSE ANTIVIRAL COMPOUND AND METHOD FOR TREATING SSRNA VIRAL INFECTION

DECISION GRANTING PETITION

This is a decision on the petition filed November 21, 2003, requesting in effect, that a Notice of Omitted Items in a Provisional Application ("Notice") mailed November 10, 2003, be withdrawn.

The petition is GRANTED.

The application was filed on August 7, 2003. However, on November 10, 2003, the Office of Initial Patent Examination (OIPE) mailed a Notice stating that the application had been accorded a filing date of August 7, 2003 but figure 5 described in the specification appeared to have been omitted.

In response, the present petition was filed wherein Petitioner contends 8 pages of drawings which included "figure 5" as described in the specification was filed on August 7, 2003. In support, the petition is accompanied by a copy of applicant's return postcard which lists 8 sheets of drawings. The petition is further accompanied by "figure 5".

Applicant's postcard receipt is prima facie evidence that 8 pages of drawings were received on August 7, 2003, but 1 page including "figure 5" is not present in the file. Hence, it is clear that the papers for this application were mishandled by the Office. Therefore, it is concluded that 8 pages of drawings including "figure 5" were received on August 7, 2003, as shown in counsel's file, and later misplaced in the office.

Since original "figure 5" cannot be located in the Office, "figure 5" supplied on November 21, 2003, will be used for processing and examination purposes.

Deposit account no. 50-2207 will be credited with the $130.00 petition fee.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of August 7, 2003, using the substitute figure 5 supplied on November 21, 2003.

Any inquiries related to this decision should be directed to the undersigned at (703) 306-0251.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

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University of Pennsylvania
Center For Technology Transfer
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Philadelphia, PA 19104-0283

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OFFICE OF PETITIONS

In re Application of
Dinggang Shan, et al.
Application No. 60/494,028
Filed: August 8, 2003
Attorney Docket No.: P3191

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed August 9, 2004, to revive the above-identified provisional application.

The application became abandoned for a failure to timely file the basic filing fee and surcharge required in a Notice to File Missing Parts of Provisional Application mailed October 16, 2003.

On August 9, 2004, the present petition was filed. There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, in accordance with 37 CFR 1.34(a), the signature of Kenneth N. Nigon appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts. Under the circumstances of this case, a courtesy copy of this decision is being mailed to petitioner.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While 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, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The petition is **GRANTED**.

Pursuant to 37 CFR 1.137(g), a provisional application will not be regarded as pending after twelve months from its filing date under any circumstances. Consequently, the above-identified application is revived solely for purposes of continuity with the nonprovisional application filed August 5, 2004. As continuity has been established by this decision, the above-identified application is again abandoned by operation of law after midnight August 8, 2004.

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

The application is being referred to Files Repository.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Kenneth N. Nigon
RatnerPrestia
P. O. Box 980
Valley Forge, PA 19482-0980

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PATENT DEPARTMENT
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AUSTIN TX 78701-4039

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In re Application of
Roby
Application No. 60/494,726
Filed: August 13, 2003
Attorney Docket No. 069702.0108
FOR: METHOD AND COMPOSITIONS FOR THE TREATMENT OF INFERTILITY USING DILUTE HORMONE SOLUTIONS

: DECISION GRANTING PETITION

This is a decision on the petition filed November 26, 2003 to accord a filing date of August 13, 2003 to the above-identified provisional application.

The application was deposited on August 13, 2003. On November 10, 2003, the Office of Initial Patent Examination mailed a "Notice of Incomplete Provisional Application" requiring drawings of applicant's invention and stating that the filing date would be the date of receipt of the omitted drawings. It is noted that the specification filed on August 13, 2003 refers to a "Figure 1."

As stated in MPEP 601.01(f), it is the practice of the United States Patent and Trademark Office (PTO) to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 USC 113 (first sentence.)

MPEP 601.01(f) also states that:

> ... [A] provisional application having at least some disclosure ...for which a drawing is usually not considered essential for a filing date, describing drawing figures in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification... so long as the application contains something that can be construed as a written description.

This provisional application contains method claims, some disclosure for which a drawing is usually not considered essential for a filing date, and a detailed written description. Therefore, the application should have been accorded a filing date.

In view of the above, the "Notice" mailed November 10, 2003 was mailed in error and is hereby withdrawn. The application is entitled to a filing date of August 13, 2003. The petition is **granted**.

Pursuant to petitioner's authorization, deposit account no. 50-2148 will be credited the $130.00 fee submitted with the instant petition.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of **August 13, 2003** and the mailing of a filing receipt reflecting the August 13, 2003 filing date. The examiner of record will address the Preliminary Amendment deleting the reference to Figure 1 in due course.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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c/o ANTHONY CASTORINA
SUITE 207
2001 JEFFERSON DAVIS HIGHWAY
ARLINGTON VA 22202

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OFFICE OF PETITIONS

In re Application of
Joel M. Van Gelder et al.
Application No. 60/494,800
Filed: August 14, 2003
Attorney Docket No. 26708

: DECISION ON PETITION

This is a decision on the petition filed December 1, 2003 in response to the Notice of Omitted Items mailed November 10, 2003, which is treated under 37 CFR 1.182.

On November 10, 2003, after the application was filed, the Office of Initial Patent Examination mailed a Notice of Omitted Items in a Provisional Application stating that the application had been accorded a filing date of August 14, 2003, but that page 37 of the specification appeared to have been omitted.

In response, a copy of page 37 and the present petition were submitted. Petitioners assert that the specification filed was 70 pages in length and that all pages of the specification were with the other application papers on August 14, 2003, including page 37. In support, a copy of petitioners' postcard receipt has been supplied. The postcard receipt shows an Office date stamp of August 14, 2003, and identifies the application by the name of the inventor and the title of the invention, and acknowledges receipt, *inter alia*, of a seventy page specification. Petitioners request that the application be considered complete with page 37 of the specification and with a filing date of August 14, 2003.

A review of the record reveals that only sixty nine pages of specification (including abstract and claims pages) are located among the application papers deposited on August 14, 2003 and that there is no page 37 included therein. However, from the evidence presented it is obvious that there should have been seventy pages. Since the postcard receipt lacks any notation of non-receipt of any item listed, the application, including page 37, is entitled to a filing date of August 14, 2003.

The "Notice" mailed on November 10. 2003, is **VACATED**.

In view of the above, the petition is **GRANTED**. No fees are due and none have been charged.

This matter is being referred to the Office of Initial Patent Examination with an indication that page 37 of the specification was in fact filed the application papers filed on August 14, 2003.

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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Bradley W. Crawford
McDonnell Boehnen Hulbert & Berghoff
32nd Floor
300 S. Wacker Drive
Chicago, IL 60606

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OFFICE OF PETITIONS

In re Application of
Devadas et al.
Application No. 60/494,959
Filed: August 13, 2003
Attorney Docket No.01-1077-D
Title of Invention: SUBSTITUTED PYRIDINONES

DECISION GRANTING PETITION

This is a decision on the petition filed December 3, 2003, requesting in effect, that a Notice of Omitted Items in a Provisional Application ("Notice") mailed November 12, 2003, be withdrawn.

The petition is GRANTED.

The application was filed on August 13, 2003. However, on November 12, 2003, the Office of Initial Patent Examination (OIPE) mailed a Notice stating that the application had been accorded a filing date of August 13, 2003 but page 1000 of the specification appeared to have been omitted.

In response, the present petition was filed wherein Petitioner contends page 1000 of the specification was filed on August 13, 2003. In support, the petition is accompanied by a copy of applicants' return postcard which lists "specification 1388 sheets including claims". The petition is further accompanied by page 1000 of the specification.

Applicants' postcard receipt is prima facie evidence that 1388 pages of specification were received on August 13, 2003, but page 1000 is not present in the file. Hence, it is clear that the papers for this application were mishandled by the Office. Therefore, it is concluded that 1388 pages of specification and claims were received on August 13, 2003, as shown in counsel's file, and later misplaced in the office.

Since original page 1000 of the specification cannot be located in the Office, page 1000 supplied on December 3, 2003, will be used for processing and examination purposes.

No Petition fee is due.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of August 13, 2003, using the substitute page 1000 of the specification supplied on December 3, 2003.

Any inquiries related to this decision should be directed to the undersigned at (703) 306-0251.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

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John P. White
Cooper & Dunham LLP
1185 Avenue of the Americas
New York NY 10036

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OFFICE OF PETITIONS

In re Application of
Garzon, et al.
Application No. 60/495,074
Filed: August 13, 2003
Attorney Docket No. 70925-PRO
FOR: ANTIDIABETIC COMPOUNDS

DECISION GRANTING PETITION

This is a decision on the petition under 37 CFR 1.53(e), filed January 14, 2004 (certificate of mailing date January 12, 2004), requesting, in effect, withdrawal of the Notice of Omitted Item(s) in a Provisional Application (Notice), mailed November 12, 2003.

The application was deposited on August 13, 2003. On November 12, 2003, the Office of Initial Patent Examination mailed a Notice informing petitioners that page 62 of the specification was omitted.

In response to the Notice, petitioners timely filed the present petition. Petitioners request that page 62 be accorded a filing date of August 13, 2003 on the basis that the entire specification, including missing page 62, was received in the Patent and Trademark Office (PTO) on August 13, 2003. In support, the petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated barcode showing August 13, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included 63 pages of specification. A review of the application file reveals only 62 pages are present. Page 62 is missing.

The return postcard constitutes *prima facie* evidence that the entire specification, including missing page 62, was filed on August 13, 2003. MPEP 503. Accordingly, the request is granted.

Pursuant to petitioner's request, the $130.00 petition fee will be credited to deposit account no. 03-3125.

The application is being returned to Office of Initial Patent Examination for further processing, using the copy of page 62 supplied with the petition. The application, including page 62, will have a filing date of August 13, 2003.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/495,189	08/14/2003		160	5308-315PR	2		

CONFIRMATION NO. 8236

CORRECTED FILING RECEIPT

OC000000011803375

20792
MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

Date Mailed: 02/02/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

David B. Slater, Raleigh, NC;
John Edmond, Cary, NC;

If Required, Foreign Filing License Granted: 11/19/2003

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Laser annealing of ohmic contacts to SiC

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

GRANTED

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

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

NOT GRANTED

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

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BRENT ALAN WOOLLEY
11,114 SELA LN.
HOUSTON TX 77072-3634

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In re Application of
Woolley et al.
Application No. 60/495,272
Filed: 26 December, 2003
For: POST AND TREE PULLER

: DECISION DISMISSING
: PETITION

This is a decision on the petition filed on 26 December, 2003, which is treated as a petition under 37 CFR 1.53 requesting that the application be accorded a filing date of 15 August, 2003, with 12 pages of specification as a part of the original disclosure.

The petition is **DISMISSED**.

The application was deposited on 15 August, 2003, without a specification. Accordingly, on 6 November, 2003, a Notice of Incomplete Provisional Application was mailed, stating that the specification was missing and that a complete specification as provided by 35 U.S.C. § 112 was required to obtain a filing date.

In response, on 19 December, 2003, petitioners filed one (1) page of specification accompanied by a letter asserting that the specification had been filed with the original application papers on 15 August, 2003, but misplaced in the USPTO because it was not marked as such. On 26 December, 2003, the present petition was filed, accompanied by 12 pages of specification.

The arguments have been considered, but are not persuasive. The U.S. Patent and Trademark Office (Office) file is the official record of the papers originally filed in this application. A review of the papers originally filed reveals that no pages of specification were filed on 15 August, 2003. An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence.

Where the records of the Office (e.g. the file of the application) contain any document(s) or fee(s) corresponding to the contents of the correspondence at issue, the Office will rely upon its official record of the contents of such correspondence

in the absence of convincing evidence (e.g. a postcard receipt under MPEP 503 containing specific itemization of the document(s) or fee(s) purported to have been filed with the correspondence at issue) that the Office received and misplaced any document(s) or fee(s) that is not among the official records of the Office. If a new application is being filed, all parts of the application being submitted should be separately listed on the postcard, *e.g.*, the number of pages of specification (including written description, claims and abstract) number of claims, number of sheets of drawings, number of pages of oath/declaration. The postcard receipt will not serve as *prima facie* evidence of receipt of any item which is not adequately itemized on the postcard.[1]

At the outset, it is noted that had petitioner utilized an itemized return postcard in accordance with Section 503 of the Manual of Patent Examining Procedure (MPEP), petitioner could have avoided the predicament that has now occurred. 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 of the items listed thereon on the date stamped thereon by the USPTO. Where the records of the Office (e.g. the file of the application) contain any document(s) or fee(s) corresponding to the contents of the correspondence at issue, the Office will rely upon its official record of the contents of such correspondence in the absence of convincing evidence (e.g. a postcard receipt under MPEP 503 containing specific itemization of the document(s) or fee(s) purported to have been filed with the correspondence at issue) that the Office received and misplaced any document(s) or fee(s) that is not among the official records of the Office. If a new application is being filed, all parts of the application being submitted should be separately listed on the postcard (e.g. the number of pages of specification (including written description, claims and abstract) number of claims, number of sheets of drawings, number of pages of oath/declaration. The postcard receipt will not serve as *prima facie* evidence of receipt of any item which is not adequately itemized on the postcard.[2] However, due to the absence in the record of a postcard receipt itemized with respect to the specification that bears a USPTO date stamp of 15 August, 2003, showing that the specification was were received in the USPTO on 15 August, 2003, the application cannot be accorded a

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[1] MPEP 503.

[2] MPEP 503.

filing date of 15 August, 2003, with 12 pages of specification as a part of the original disclosure.

The application will be processed with a filing date of 26 December, 2003, using the application papers deposited on 15 August, 2003, and the 12 pages of specification filed on 26 December, 2003.

As the Notice correctly stated that no specification was present on filing, the petition was not necessitated by Office error and the petition fee will not be refunded.

Any request for reconsideration should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely. This time period may not be extended pursuant to 37 CFR 1.136.

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

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

By FAX: (703) 872-9306
Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza 2, Lobby, Room 1B03
Arlington, VA 22202

The application will be forwarded to Initial Patent Examination Division for further processing with a filing date of **26 December, 2003**, using the specification filed on that date.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 308-6918.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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

Jonathon A. Bay, Attorney at Law
Suite 314
333 Park Central E.
Springfield, MO 65896

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NOV 25 2003

OFFICE OF PETITIONS

In re Application of :
Rick A. Britton :
Application No. 60/495,281 :
Filed: August 15, 2003 :
Attorney Docket No. 204-24 :

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.10(d), filed August 25, 2003, requesting that the above-identified application be accorded a filing date of August 15, 2003, rather than the presently accorded filing date of August 18, 2003.

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited on August 15, 2003, under 37 CFR 1.10 by "Express Mail Post Office to Addressee" service. In support, petitioner supplied a copy of a United States Postal Service Track & Confirm record of the shipment details of a package bearing Express Mail Label No. ER380098018US, indicating that the package was in enroute on August 15, 2003, at 7:37 pm, in Springfield, MO 65801. The same Express Mail Label Number appears on the application papers as originally filed.

Petitioner did not supply a copy of the Express Mail Label with the present petition. Nevertheless, the showing establishes, to the satisfaction of the Commissioner, that the requested filing date is the date the correspondence was deposited in "Express Mail Post Office to Addressee" service.

In view of the above, the application is **granted**. The Office of Initial Patent Examination is directed to change the filing date to August 15, 2003, and mail a corrected filing receipt to petitioner.

Telephone inquiries should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/495,352	08/14/2003		160	MDSP-P61-105	18		

CONFIRMATION NO. 8840

CORRECTED FILING RECEIPT

OC000000011577195

28120
ROPES & GRAY LLP
ONE INTERNATIONAL PLACE
BOSTON, MA 02110-2624

Date Mailed: 12/29/2003

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Joseph Michel Daniel Figeys, Pickering, CANADA;

If Required, Foreign Filing License Granted: 11/05/2003

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

Non-Publication Request: No

Early Publication Request: No

Title

ARP_complex3_sigma2-interactors

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

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING

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

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

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

NOT GRANTED

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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/495,353	08/14/2003		160	MDSP-P61-104	16		

28120
ROPES & GRAY LLP
ONE INTERNATIONAL PLACE
BOSTON, MA 02110-2624

CONFIRMATION NO. 8838
CORRECTED FILING RECEIPT
OC000000011576456

Date Mailed: 12/29/2003

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Joseph Michel Daniel Figeys, Pickering, CANADA;

If Required, Foreign Filing License Granted: 11/05/2003

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

Non-Publication Request: No

Early Publication Request: No

Title

Mxi1-max and Fbw1a complex

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

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING

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

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

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

NOT GRANTED

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

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

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OFFICE OF PETITIONS

NOTICE

In re Application of
David A. Weber
Application No. 60/495,570
Filed: August 15, 2003
Attorney Docket No. 440883001901

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 the Office of Petitions Staff at (703) 305-9285.

This file is being forwarded to the Initial Patent Examination Unit.

Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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BRUCE E. WEIR
12 SPARROW VALLEY COURT
MONTGOMERY VILLAGE MD 20886-1265

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JUL 1 5 2004

OFFICE OF PETITIONS

In re Application of
Anthony Cunha
Application No. 60/495,899
Filed: August 19, 2003
Attorney Docket No.0118
Title of Invention: SYSTEM AND METHOD FOR CREATION OF USER - CUSTOMIZED OPTICAL DISCS

DECISION GRANTING PETITION

This is a decision on the petition filed November 13, 2003, requesting in effect, that a Notice of Incomplete Provisional Application ("Notice") mailed November 5, 2003, be withdrawn.

The petition is GRANTED.

On August 19, 2003, applicant deposited the above-identified application. On November 7, 2003, the Office of Initial Patent Examination mailed a "Notice of Incomplete Provisional Application," stating that the application had not been accorded a filing date as the application was deposited without drawings and that the filing date would be the date of receipt of the items.

In response, on November 13, 2003, applicant filed the present petition and a copy of applicant's postcard receipt acknowledging receipt of five sheets of drawings on August 19, 2003. Additionally, applicant submitted a copy of five sheets of drawings, containing Figures 1-5.

Upon review of the record, Figures 1-5, deposited on August 19, 2003, have not been located among the application papers. However, the evidence is convincing that the application papers deposited on August 19, 2003, included five sheets of drawings (Figures 1-5), which were subsequently misplaced in the United States Patent and Trademark Office. Therefore, the application, including five drawing sheets (Figures 1-5) was complete on filing and will be granted a filing date of August 19, 2003.

Accordingly, the petition is granted. A treasury Check in the amount $130.00 refunding the petition fee will be forwarded to

petitioner.

The "Notice of Incomplete Provisional Application," mailed November 7, 2003, was sent in error and is hereby vacated. Accordingly, a petition fee is unnecessary.

Since original five sheets of drawings including figures 1-5 cannot be located in the Office, five sheets of drawings supplied on November 13, 2003, will be used for processing and examination purposes.

The application will be returned to the Office of Initial Patent Examination for further processing with a **filing date of August 19, 2003**, using the substitute five sheets of drawings including figures 1-5 supplied on November 13, 2003.

Any inquiries related to this decision should be directed to the undersigned at (703) 306-0251.

Charlema R. Grant

Charlema R. Grant
Petition Attorney
Office of Petitions

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

Rader, Fishman & Grauer PLLC
39533 Woodward Avenue
Suite 140
Bloomfield Hills, MI 48304-0610

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OFFICE OF PETITIONS

In re Application of
James D. Asbury
Application No. 60/495,931
Filed: August 14, 2003
Attorney Docket No. 65961-0113

: DECISION GRANTING PETITION

This is a decision on the petition filed by facsimile on November 25, 2003, requesting that the above-identified application be accorded a filing date of August 14, 2003, rather than the presently accorded filing date of August 18, 2003, due to an interruption in the postal service. The petition is properly treated as a petition under 37 CFR 1.181.

The USPTO designated the interruption in the service of the USPS that occurred as a result of the power outage on Thursday, August 14, 2003, in the Northeast and Midwest United States as a postal service interruption and an emergency within the meaning of 35 U.S.C. 21(a) and 37 CFR 1.6(e). On August 15, 2003, a notice was posted on the USPTO website which indicated that correspondence that would have been filed with the USPTO under 37 CFR 1.10 during the USPS service interruption, but which was not filed due to the USPS service interruption, should be promptly filed after the termination of the interruption with a statement that the correspondence would have been deposited with the USPS but for the designated interruption or emergency in "Express Mail" service. Thereafter, on August 19, 2003, a second notice was posted on the USPTO website which indicated that the USPTO had terminated the designation of this interruption in the service of the USPS as postal service interruption and an emergency within the meaning of 35 U.S.C. 21(a) and 37 CFR 1.6(e). This notice stated that correspondence that would have been filed with the USPTO under 37 CFR 1.10 on August 14, 2003, through August 16, 2003, but which was not filed due to the USPS service interruption, should now be filed with the USPTO under 37 CFR 1.10 with a statement that the correspondence would have been deposited with the USPS on August 14, 2003, August 15, 2003, or August 16, 2003, but for the designated interruption in the "Express Mail" service of the USPS. *See United States Postal Service Interruptions and Emergency Terminated*, 1274 *Off. Gaz. Pat. Office* 105 (September 16, 2003).

Petitioner states that on August 14, 2003, the provisional application was hand delivered to a U.S.

postal employee for delivery to the USPTO by Express Mail. In support, petitioner has supplied a copy of the first page of the application showing Express Mail label No. EV223958277US thereon, a copy of Express Mail label No. EV223958277US, a copy of the stamped postcard receipt, and a copy of the Express Mail Log. Petitioner indicates that the transmittal documents erroneously indicated that the application was mailed by First Class Mail.

In view of the circumstances, the petition is granted. No petition fee is required.

After the mailing of this decision, the Office of Initial Patent Examination will correct the filing date of the application to **August 14, 2003**, and mail a corrected filing receipt.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 306-5586.

Eugenia A. Jones

Eugenia A. Jones
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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Ostrolenk, Faber, Gerb & Soffen
1180 Avenue of the Americas
New York, NY 10036-8403

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MAR 17 2004

OFFICE OF PETITIONS

In re Application of :
Fissore et al. :
Application No. 60/496,000 : DECISION GRANTING PETITION
Filed: August 14, 2003 :
Attorney Docket No. IR-2557 PROV :

This is a decision on the "REQUEST FOR A CORRECTED FILING RECEIPT" filed December 22, 2003, requesting that the above-identified application be accorded a filing date of August 14, 2003, rather than the presently accorded filing date of August 18, 2003, due to an interruption in the postal service. The request is being treated as a petition under 37 CFR 1.181.

The USPTO designated the interruption in the service of the United States Postal Service (USPS) that occurred as a result of the power outage on Thursday, August 14, 2003, in the Northeast and Midwest United States as a postal service interruption and an emergency within the meaning of 35 U.S.C. 21(a) and 37 CFR 1.6(e). On August 15, 2003, a notice was posted on the USPTO website which indicated that correspondence that would have been filed with the USPTO under 37 CFR 1.10 during the USPS service interruption, but which was not filed due to the USPS service interruption, should be promptly filed after the termination of the interruption with a statement that the correspondence would have been deposited with the USPS but for the designated interruption or emergency in "Express Mail" service. Thereafter, on August 19, 2003, a second notice was posted on the USPTO website which indicated that the USPTO had terminated the designation of this interruption in the service of the USPS as postal service interruption and an emergency within the meaning of 35 U.S.C. 21(a) and 37 CFR 1.6(e). This notice stated that correspondence that would have been filed with the USPTO under 37 CFR 1.10 on August 14, 2003, through August 16, 2003, but which was not filed due to the USPS service interruption, should now be filed with the USPTO under 37 CFR 1.10 with a statement that the correspondence would have been deposited with the USPS on August 14, 2003, August 15, 2003, or August 16, 2003, but for the designated interruption in the "Express Mail" service of the USPS. *See United States Postal Service Interruptions and Emergency Terminated*, 1274 *Off. Gaz. Pat. Office* 105 (September 16, 2003).

The petition indicated that the "Express Mail" envelope for the instant application was prepared and was intended to be delivered to the "Express Mail" service of the USPS on August 14, 2003. The petition also included a statement that the correspondence would have been deposited with

the United States Postal Service on August 14, 2003, but for the designated interruption or emergency in "Express Mail" service.

The petition is granted. No petition fee is required.

After mailing of this decision, Initial Patent Examination Division will correct the filing date of the application to **August 14, 2003**, and mail a corrected filing receipt.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 306-5586.

Eugenia A. Jones

Eugenia A. Jones
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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New York, NY 10036-8403

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OFFICE OF PETITIONS

In re Application of
Fissore et al.
Application No. 60/496,001
Filed: August 14, 2003
Attorney Docket No. IR 2556 PROV

DECISION GRANTING PETITION

This is a decision on the "REQUEST FOR A CORRECTED FILING RECEIPT" filed December 22, 2003, requesting that the above-identified application be accorded a filing date of August 14, 2003, rather than the presently accorded filing date of August 18, 2003, due to an interruption in the postal service. The request is being treated as a petition under 37 CFR 1.181.

The USPTO designated the interruption in the service of the United States Postal Service (USPS) that occurred as a result of the power outage on Thursday, August 14, 2003, in the Northeast and Midwest United States as a postal service interruption and an emergency within the meaning of 35 U.S.C. 21(a) and 37 CFR 1.6(e). On August 15, 2003, a notice was posted on the USPTO website which indicated that correspondence that would have been filed with the USPTO under 37 CFR 1.10 during the USPS service interruption, but which was not filed due to the USPS service interruption, should be promptly filed after the termination of the interruption with a statement that the correspondence would have been deposited with the USPS but for the designated interruption or emergency in "Express Mail" service. Thereafter, on August 19, 2003, a second notice was posted on the USPTO website which indicated that the USPTO had terminated the designation of this interruption in the service of the USPS as postal service interruption and an emergency within the meaning of 35 U.S.C. 21(a) and 37 CFR 1.6(e). This notice stated that correspondence that would have been filed with the USPTO under 37 CFR 1.10 on August 14, 2003, through August 16, 2003, but which was not filed due to the USPS service interruption, should now be filed with the USPTO under 37 CFR 1.10 with a statement that the correspondence would have been deposited with the USPS on August 14, 2003, August 15, 2003, or August 16, 2003, but for the designated interruption in the "Express Mail" service of the USPS. *See United States Postal Service Interruptions and Emergency Terminated*, 1274 *Off. Gaz. Pat. Office* 105 (September 16, 2003).

The petition indicated that the "Express Mail" envelope for the instant application was prepared and was intended to be delivered to the "Express Mail" service of the USPS on August 14, 2003. The petition also included a statement that the correspondence would have been deposited with

the United States Postal Service on August 14, 2003, but for the designated interruption or emergency in "Express Mail" service.

The petition is granted. No petition fee is required.

After mailing of this decision, Initial Patent Examination Division will correct the filing date of the application to **August 14, 2003**, and mail a corrected filing receipt.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 306-5586.

Eugenia A. Jones

Eugenia A. Jones
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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1180 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8403

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APR 16 2004

OFFICE OF PETITIONS

In re Application of
Heny Lin
Application No. 60/496,002
Filed: August 14, 2003
Attorney Docket No. IR-2558PROV

DECISION GRANTING PETITION

This is a response to the paper styled "REQUEST FOR A CORRECTED FILING RECEIPT" filed December 1, 2003 under 37 CFR 1.10, which is being treated as a submission under 37 CFR 1.6(e) requesting that the above-identified application be accorded a filing date of August 14, 2003, rather than the presently accorded filing date of August 18, 2003.

The USPTO is aware that a power outage on Thursday, August 14, 2003, resulted in a number of United States Postal Service (USPS) post offices throughout the Northeast and Midwest United States being closed or not accepting mail. As a result thereof, the Director of the USPTO designated the interruption in the service of the United States Postal Service (USPS) as a postal service interruption and an emergency within the meaning of 35 U.S.C. 21(a) and 37 CFR 1.6(e) for the period beginning Thursday, August 14, 2003 through Saturday, August 16, 2003. See the notice entitled "United States Postal Service Interruption and Emergency," 1251 Off. Gaz. Pat. Office 55 (August 15, 2003).

The submission filed on December 1, 2003, states that the application was prepared, and intended to be filed by Express Mail service on August 14, 2003, and, but for the designated interruption in the USPS, electrical energy blackout in New York City, would have been filed and accorded that date as the "date-in." Under 37 CFR 1.10(a), correspondence received by the USPTO that was delivered by the "Express Mail Post Office to Addressee" service of the USPS is considered filed in the Office on the date of deposit with the USPS shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation. Based on the submission filed on December 1, 2003, it is concluded that the present application would have been filed on August 14, 2003, if it were not for the designated interruption in the USPS.

Accordingly, the application will be accorded a filing date of August 14, 2003.

No petition fee is due and none has been charged.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of August 14, 2003 and for a corrected filing receipt.

Telephone inquiries regarding this decision should be directed to the undersigned Petitions Attorney at (703) 305-4497.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/496,165	08/19/2003		80	2003080-0135	1		

CONFIRMATION NO. 4245

CORRECTED FILING RECEIPT

OC000000012041409

24280
Choate, Hall & Stewart
Exchange Place
53 State Street
Boston, MA 02109

Date Mailed: 03/08/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Samuel J. Danishefsky, Englewood, NJ;
Christoph Gaul, New York, NY;
Jon T. Njardarson, New York, NY;
Robert Benezra, New York, NY;
Erik Henke, New York, NY;

If Required, Foreign Filing License Granted: 11/07/2003

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Migrastatin analogs and uses thereof

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.

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

NOT GRANTED

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/496,366	08/18/2003		160	58380/100	1		

CONFIRMATION NO. 4829

CORRECTED FILING RECEIPT

OC000000013787001

31013
KRAMER LEVIN NAFTALIS & FRANKEL LLP
INTELLECTUAL PROPERTY DEPARTMENT
919 THIRD AVENUE
NEW YORK, NY 10022

Date Mailed: 09/13/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Yong Yang, Hackettstown, NJ;
Mohammad Asif, Middletown, NJ;
Robert J. Sheerin, Caldwell, NJ;

Power of Attorney: The patent practitioners associated with Customer Number **31013**.

If Required, Foreign Filing License Granted: 11/07/2003

The number of your priority application, to be used for filing abroad under the Paris Convention is,
US60/496,366

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

Non-Publication Request: No

Early Publication Request: No

Title

Copolymer surfactants

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

GRANTED

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NOT GRANTED

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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/496,367	08/18/2003		160	10271-100-888			

CONFIRMATION NO. 4831

CORRECTED FILING RECEIPT

OC000000011861670

20583
JONES DAY
222 EAST 41ST STREET
NEW YORK, NY 10017

Date Mailed: 02/09/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Herren Wu, Germantown, MD;
William Dall' Acqua, Gaithersburg, MD;
Melissa Dormitzer, Germantown, MD;

If Required, Foreign Filing License Granted: 11/07/2003

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

Non-Publication Request: No

Early Publication Request: No

Title

Humanization of antibodies

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

GRANTED

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

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

NOT GRANTED

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/496,619	08/20/2003		160	998-975PR	6		

CONFIRMATION NO. 8336

CORRECTED FILING RECEIPT

OC000000011568397

20792
MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

Date Mailed: 12/24/2003

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Matt Starling, Ypsilanti, MI;
Jeff Hanson, Plymouth, MI;

If Required, Foreign Filing License Granted: 11/07/2003

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

Non-Publication Request: No

Early Publication Request: No

Title

Reversible vehicle floor mats

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.

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NOT GRANTED

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NISHITH MADANLAL DESAI
220 CALIFORNIA AV
SUITE 201
PALO ALTO CA 94306

COPY MAILED
AUG 23 2004
OFFICE OF PETITIONS

In re Application of :
Desai, et al. :
Application No. 60/496,648 : DECISION ON PETITION
Filed: August 21, 2003 :
Title: AUTOMATED METHOD FOR :
PERFORMING DUE DILIGENCE AND LEGAL,
FINANCIAL AND VARIOUS OTHER AUDITS

This is a decision on the "Response to Notice of Omitted Item(s) in a Provisional Application Filed Under 37 CFR 1.53(c)", filed December 15, 2003, which is being treated as a petition under 37 CFR 1.53, requesting that the above-identified application maintain its presently accorded a filing date of August 21, 2003, with the application papers deposited on that date.

The application was filed on August 21, 2003. However, on October 23, 2003, the Initial Patent Examination Division mailed a "Notice of Omitted Item(s) in a Provisional Application". According to the Notice, the application was accorded a filing date; however, Figure 11 described in the specification appeared to have been omitted.

On December 15, 2003, the present petition was filed. Petitioner requests that the application be accorded a filing date of August 21, 2003, the date the application was deposited in the Patent and Trademark Office (Office) without a drawing labeled Figure 11. Petitioner explains that Figure 11 was mislabeled.

In view of the petition, it now appears that Figure 11 was mislabelled by applicant. Therefore, the "Notice of Omitted Item(s) in a Provisional Application" was properly mailed and will not be withdrawn. Since it is now clear that no drawing was missing, the application may be accorded August 21, 2003, as the filing date.

The petition is **GRANTED**.

However, the $130 petition fee is required, since a petition was necessary to correct applicant's filing error.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of August 21, 2003.

Telephone inquiries concerning this decision may be directed to the undersigned at 703-305-0272.

for Cliff Congo
Petitions Attorney
Office of Petitions

I FW

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APURVA

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NISHITH MADANLAL DESAI
220 CALIFORNIA AV
SUITE 201
PALO ALTO CA 94306

COPY MAILED
AUG 2 3 2004
OFFICE OF PETITIONS

In re Application of
Desai, et al.
Application No. 60/496,648
Filed: August 21, 2003
Title: AUTOMATED METHOD FOR PERFORMING DUE DILIGENCE AND LEGAL, FINANCIAL AND VARIOUS OTHER AUDITS

DECISION ON PETITION

This is a decision on the "Response to Notice of Omitted Item(s) in a Provisional Application Filed Under 37 CFR 1.53(c)", filed December 15, 2003, which is being treated as a petition under 37 CFR 1.53, requesting that the above-identified application maintain its presently accorded a filing date of August 21, 2003, with the application papers deposited on that date.

The application was filed on August 21, 2003. However, on October 23, 2003, the Initial Patent Examination Division mailed a "Notice of Omitted Item(s) in a Provisional Application". According to the Notice, the application was accorded a filing date; however, Figure 11 described in the specification appeared to have been omitted.

On December 15, 2003, the present petition was filed. Petitioner requests that the application be accorded a filing date of August 21, 2003, the date the application was deposited in the Patent and Trademark Office (Office) without a drawing labeled Figure 11. Petitioner explains that Figure 11 was mislabeled.

In view of the petition, it now appears that Figure 11 was mislabelled by applicant. Therefore, the "Notice of Omitted Item(s) in a Provisional Application" was properly mailed and will not be withdrawn. Since it is now clear that no drawing was missing, the application may be accorded August 21, 2003, as the filing date.

The petition is **GRANTED**.

Adjustment date: 09/09/2004 TLUU11
09/03/2004 AWONDAF1 00000002 60496648
01 FC:1807 50.00 OP

09/03/2004 AWONDAF1 00000002 60496648
01 FC:1807 50.00 OP
Refund Ref:
09/03/2004 AWONDAF1 0000138564
CHECK Refund Total: $80.00

Refund Ref:
09/09/2004 TLUU11 0000138707
CHECK Refund Total: $130.00

However, the $130 petition fee is required, since a petition was necessary to correct applicant's filing error.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of August 21, 2003.

Telephone inquiries concerning this decision may be directed to the undersigned at 703-305-0272.

for Cliff Congo
Petitions Attorney
Office of Petitions

(703) 308-6868

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/496,963	08/21/2003		160	9414-2PR .	5		

CONFIRMATION NO. 7949

CORRECTED FILING RECEIPT

OC000000011576833

20792
MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

Date Mailed: 12/29/2003

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Joseph P. Davis III, Raleigh, NC;

If Required, Foreign Filing License Granted: 11/07/2003

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

Non-Publication Request: No

Early Publication Request: No

Title

Exchange notes

LICENSE FOR FOREIGN FILING UNDER
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Title 37, Code of Federal Regulations, 5.11 & 5.15

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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.

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NOT GRANTED

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STALLMAN & POLLOCK LLP
121 SPEAR STREET, SUITE 290
SAN FRANCISCO CA 94105

COPY MAILED

MAR 0 9 2004

OFFICE OF PETITIONS

In re Application of
Govorkov, et al.
Application No. 60/497,077
Filed: August 22, 2003
Attorney Docket No. LMPY-20720 [361/U]
For: EXCIMER OR MOLECULAR FLUORINE LASER WITH A HIGH EFFICIENCY SOLID STATE EXCITATION CIRCUIT

ON PETITION

This is a decision on the petition filed December 29, 2003 (certificate of mailing date December 22, 2003) requesting, in effect, withdrawal of the November 10, 2003 Notice of Omitted Item(s) in a Provisional Application (Notice). The petition will be treated under 37 CFR 1.53(e).

The application was filed on August 22, 2003. However, on November 10, 2003, the Office of Initial Patent Examination mailed a Notice stating that the application had been accorded a filing date of August 22, 2003, and advising applicants that Figure 3 described in the specification appeared to have been omitted.

In response, the present petition was filed. Petitioners assert that the reference to a Figure 3 in the specification is actually a reference to a Figure 3 found in the addendum, provisional application no. 60/497,077, which was among the application papers filed on August 22, 2003. A close reading of the specification supports this position. Petitioners state that all drawings intended to be filed on August 22, 2003 were filed on August 22, 2003.

However, the provisional cover sheet states that three drawing sheets were filed on August 22, 2003, and a review of the application papers reveals that three drawing sheets are indeed present. The figures on the sheets of drawings are labeled "Figure 1"; "Figure 2"; and "Figure 4".

Drawings are to be numbered in consecutive Arabic numerals 37 CFR 1.84(u)(1). Therefore, the Notice mailed November 10, 2003, was correct in advising applicants that a drawing of Figure 3 appeared to have been omitted. The Notice was properly mailed and will not be withdrawn. The petition is **dismissed**. The petition fee is required, since the petition was necessary to clarify the record. Pursuant to petitioners' authorization, deposit account no. 50-1703 will be charged $130.00.

The application is being returned the Office of Initial Patent Examination for further processing with the presently accorded filing date of **August 22, 2003.**

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/497,269	08/22/2003		160	9301-89PR	1		

CONFIRMATION NO. 9777

CORRECTED FILING RECEIPT

OC000000013305253

20792
MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

Date Mailed: 07/22/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Peter D. Karabinis, Cary, NC;
Santanu Dutta, Cary, NC;

If Required, Foreign Filing License Granted: 11/08/2003

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

Non-Publication Request: No

Early Publication Request: No

Title

Time-frequency division multiplexing (T-FDM) and/or Orthogonal FDM (OFDM) systems and methods employing unsymmetrical sub-band carrier groupings

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

GRANTED

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

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

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

NOT GRANTED

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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/497,446	08/22/2003		80	5150-001	8		

CONFIRMATION NO. 1600

CORRECTED FILING RECEIPT

OC000000014161469

24112
COATS & BENNETT, PLLC
P O BOX 5
RALEIGH, NC 27602

Date Mailed: 10/22/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

David Kaminski, Raleigh, NC;
Reggie Ray Strange, Cumming, GA;

Power of Attorney:

David E. Bennett--32194

If Required, Foreign Filing License Granted: 11/08/2003

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/497,446

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

System and method of filtering unwanted electronic messages

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

GRANTED

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

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

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

NOT GRANTED

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

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OFFICE OF PETITIONS

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

In re Application of :
Mathilde Benveniste :
Application No. 60/497,556 :
Filed: August 26, 2003 :
Attorney Docket No. 3655-0210P :
Title: POWER-SAVING MECHANISMS :
FOR 802.11 CLIENTS :

DECISION ON PETITION

This is a decision on the petition for filing date, filed December 22, 2003, requesting the application, including one drawing sheet containing Figure one (1) be accorded a filing date of August 26, 2003 as part of the original disclosure.

The application was deposited on August 26, 2003. However, on October 20, 2003, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Provisional Application" (Notice), stating that the application had NOT been accorded a filing date, and advising applicants that the application was deposited without drawings, and a filing date would be accorded when the drawings were received.

In response, on December 22, 2003, applicants filed the present petition. The petition is further accompanied by a copy of applicants' postcard receipt acknowledging receipt of "Drawings 1 Sheets, Formal" in the United States Patent and Trademark Office (Office) on August 26, 2003. Petitioner did not include a copy of this drawing sheet. Applicants request that the application, including one sheet of drawings, be accorded a filing date of August 26, 2003.

Upon review of the record, a copy of the one page drawing sheet containing Figure one (1) has been located in the electronic file.

Accordingly, the petition is **DIMSSED-AS-MOOT.**

The notice mailed October 20, 2003 is hereby **VACATED.** Therefore, no petition fee is necessary. The petition fee of $130 will be refunded to petitioner's Deposit Account.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of August 26, 2003, using the original application papers filed on that date.

Any inquiries related to this decision should be directed to the undersigned at (703) 305-0011.

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

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CLARK & MORTIMER
Citicorp Center, Suite 3800
500 West Madison Street
Chicago, IL 60661-2511

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APR 29 2005

OFFICE OF PETITIONS

In re Application of :
Edwin Kroeger :
Application No.: 60/497,859 :
Filed: August 26, 2003 :
Attorney Docket No.: CRO10068P0010US :

ON PETITION

This is a decision on the "Petition to Secure Original Filing Date" filed November 24, 2003.

The petition is **dismissed.**

The application was submitted on August 25, 2003. On November 12, 2003, the Office of Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application indicating that no filing date was accorded the application because drawings were not filed with the application, but were believed to be required to understand the invention claimed. The notice allowed a non-extendable period for reply of two months from its mailing date.

In response, the present petition was filed. Petitioner concedes that at least on figure was referenced in the specification, but that no figures accompanied the original application papers. Notwithstanding the aforementioned, petitioner still requests that the application be accorded a filing date of August 26, 2003, with the omitted drawing as part of the original disclosure.

Section 601.01(f) of the *Manual of Patent Examining Procedure* explains the Patent and Trademark Office policy in this instance. Section 601.01(f) provides in pertinent part:

> [i]t has been USPTO practice to treat an application that contains at least on process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113(first sentence).

Section 601.01(f) of the *MPEP* further explains that a provisional application having at least some disclosure from which a method claim could be constructed, and which describes figure(s) in the specification, but filed without drawings, will be treated as an application filed without all the drawings in accordance with MPEP Section 601.01(g). The subject application satisfies these criteria; the subject application is, therefore, entitled to a filing date of August 26, 2003, without the omitted figure.

Although the application is being accorded a filing date, the petition is dismissed because it seeks to obtain the filing date with the omitted figure as part of the original disclosure. Petitioner has not provided any evidence that would support the granting of this relief. In order to have the figure included as part of

the original disclosure, petitioner would have to establish that the figure was included among the original application papers and lost by the Patent and Trademark Office. An itemized Office date-stamped postcard whereby the Office acknowledges having received the drawings can only establish this. Petitioner will not be able to meet this evidentiary burden as petitioner has conceded that the figure did not accompany the original application papers.

Petitioner should also note that a petition to accept the omitted figure and accord the application a filing date as of the date the drawing is filed will not be granted in a provisional application. The remedy in such cases would be for the applicant to simply file a new completed provisional application. See *MPEP* 601.0(d).

As previously indicated, the application is accorded a filing date of August 26, 2003, with only those papers filed on that date.

The application file is directed to the Office of Initial Patent Examination for issuance of a corrected filing receipt.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin

Kenya A. McLaughlin
Petition Attorney
Office of Petitions

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SABRA-ANNE R. TRUESDALE
FENWICK & WEST LLP
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

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APR 1 5 2004

OFFICE OF PETITIONS

In re Application of :
Hidetoshi Yokota et al :
Application No. 60/497,943 :
Filed: August 25, 2003 :
Attorney Docket No. 23690-08217

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 the Office of Petitions Staff at (703) 305-9285.

This file is being forwarded to the Initial Patent Examination Unit.

Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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Ryan Kromholz & Manion, S.C.
P. O. Box 26618
Milwaukee, WI 53226

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JUL 14 2004
OFFICE OF PETITIONS

In re Application of	:	
Timothy J. Hinchey	:	
Application No. 60/498,487	:	DECISION GRANTING
Filed: August 28, 2003	:	PETITION
Attorney Docket No. 9519.18432-PROV	:	

This is a decision on the petition filed November 24, 2003 (and resubmitted March 4, 2004), requesting that the above-identified application be accorded a filing date of August 28, 2003, rather than the presently accorded date of August 26, 2003. The petition is properly treated as a petition under 37 CFR 1.10(c).

The petition is **GRANTED**.

Applicant requests the later filing date on the basis that the application was purportedly deposited with Express Mail Service on August 28, 2003 pursuant to 37 CFR 1.10. While the copy of the Express Mail label receipt no. EV317559185US (the same Express Mail label number which appears on the certificate of mailing on the original transmittal cover sheet for the application papers) bears a handwritten "date-in" of August 26, 2003, it also includes a USPS receipt date stamp of August 28, 2003. Applicants are alleging that the date of mailing shown in the "date-in" is a U. S. Postal Service (USPS) error and the correct date of mailing pursuant to 37 CFR 1.10 is August 28, 2003. Petitioner has also provided a copy of a "USPS Express Mail Corporate Account Mailing Statement" which corroborates petitioner's allegations that the package in question was, in fact, deposited on August 28, 2003.

The Office considers that the date of deposit with the USPS is shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation. In view thereof, the USPS receipt stamp is sufficient to show that the package was deposited with the USPS on August 28, 2003.

This application file is being referred to the Office of Initial Patent Examination Division for **processing with a filing date of August 28, 2003 and mailing of a corrected filing receipt.**

Telephone inquiries concerning this matter may be directed to Marianne Morgan at (703) 306-3475.

Brian Hearn
Senior Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
For Patent Examination Policy

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Paper No.

Daniel P. McCarthy, Esq.
Parsons Behle & Latimer
Suite 1800
201 South Main Street
Salt Lake City, UT 84111

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OFFICE OF PETITIONS

In re Application of :
Clayton F. Gardinier :
Application No. 60/498,767 :
Filed: August 29, 2003 :
Attorney Docket Number: :
05261.067/6098 P :

ON PETITION

This is a decision on the Petition for Filing Date, filed December 22, 2003, requesting the application be accorded a filing date of August 29, 2003, including 58 sheets of drawings. The delay in treating this petition is regretted.

The petition is **granted**.

The application was filed on August 29, 2003. However, on November 18, 2003, the Office of Initial Patent Examination mailed a Notice of Incomplete Provisional Application (hereinafter "Notice"), stating that a filing date had NOT been accorded the application because the application had been deposited without drawings.

In response, Applicant files the instant petition wherein Applicant avers that 58 sheets of drawings were originally filed with the application on August 29, 2003, and were received by this Office as evidenced by the return-receipt postcard. In support, Petitioner provides a copy of a return receipt postcard acknowledging receipt of, *inter alia*, 58 sheets of drawings on August 29, 2003.

A review of the return receipt postcard reveals that Petitioner is correct. The postcard acknowledges receipt of 58 sheets of drawings on August 29, 2003. Petitioner has also re-submitted 58 sheets of drawings with the instant petition.

Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self-addressed postcard 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 postcard in the outgoing mail. "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.

The copy of 58 sheets of drawings supplied with the instant petition on December 23, 2003, will be made part of the application file.

A refund of the petition fee has been scheduled.

The application will be returned to the Office of Initial Patent Examination for further processing as a provisional application with a filing date of August 29, 2003, and an indication that 58 sheets of drawings were present on filing, using the 58 sheets of drawings filed December 23, 2003.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 305-0014.

Derek L. Woods
Petitions Attorney
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/498,943	08/29/2003		160	15436.279	9		

CONFIRMATION NO. 9459

CORRECTED FILING RECEIPT

OC000000011746029

022913
WORKMAN NYDEGGER (F/K/A WORKMAN NYDEGGER & SEELEY)
60 EAST SOUTH TEMPLE
1000 EAGLE GATE TOWER
SALT LAKE CITY, UT 84111

Date Mailed: 01/22/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

William Freeman, Castro Valley, CA;
Hong Jin Jiang, Singapore, SINGAPORE;

If Required, Foreign Filing License Granted: 11/11/2003

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

Non-Publication Request: No

Early Publication Request: No

Title

Thermoelectric modules and methods of manufacture

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

GRANTED

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

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

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

NOT GRANTED

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

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CANTOR COLBURN, LLP
55 GRIFFIN ROAD SOUTH
BLOOMFIELD CT 06002

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OFFICE OF PETITIONS

In re Application of Vervoort, et al. Application No. 60/499,215 Filed: August 28, 2003 Attorney Docket No. 140541-1 For: FLAME RETARDANT THERMOPLASTIC FILMS AND METHODS OF MAKING THE SAME	DECISION GRANTING PETITION

This is a decision on the petition entitled, "PETITION REGARDING NOTICE OT [sic] FILE MISSING PARTS OF PROVISIONAL APPLICATION," filed May 3, 2004 requesting, in effect, partial withdrawal of the Notice to File Missing Parts of Provisional Application (Notice), insofar as it alleges that Figure 3 described in the specification was omitted. The petition will be treated under 37 CFR 1.53(e).

The application was filed on August 28, 2003. On April 16, 2004, the Office of Initial Patent Examination mailed a Notice informing petitioners, *inter alia*, that Figure 3 described in the specification appeared to have been omitted.

In response to the Notice, petitioners timely filed the present petition. Petitioners request that Figure 3 be accorded a filing date of August 28, 2003 on the basis that 2 sheets of drawing figures, including Figure 3, were received in the Patent and Trademark Office (PTO) on August 28, 2003. In support, the petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing August 28, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included 2 sheets of drawings.

The return postcard constitutes *prima facie* evidence that 2 sheets of drawing figures were filed on August 28, 2003. MPEP 503. A review of the original application papers reveals that only 1 sheet of drawings is present. Accordingly, the request is granted.

Regarding finances, no petition fee will be charged in connection with this matter. However, two $50.00 surcharges were charged to deposit account no. 07-0862. This is an error. Only one $50.00 surcharge is required. Pursuant to petitioners' authorization, one $50.00 surcharge fee will be credited to deposit account no. 07-0862.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **August 28, 2003**, using the copy of Figure 3 submitted with the instant petition. Office records will be corrected to show that 2 sheets of drawings were present on filing.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

E Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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MCANDREWS HELD & MALLOY
500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

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OFFICE OF PETITIONS

NOTICE

In re Application of :
Russell J. Graham et al :
Application No. 60/499,840 :
Filed: September 3, 2003 :
Attorney Docket No. 14202US01 :

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 the undersigned at (703) 305-8859.

This file is being referred to Files Repository.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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DAVID B. RITCHIE
THELEN REID & PRIEST LLP
P O BOX 640640
SAN JOSE CA 95164-0640

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OFFICE OF PETITIONS

In re Application of	:	
Frederic Bernard et al	:	
Application No. 60/500,460	:	NOTICE
Filed: September 5, 2003	:	
Attorney Docket No. IMPJ-0031P	:	

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 (703) 305-8680.

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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COZEN O'CONNOR, P.C.
1900 MARKET STREET
PHILADELPHIA PA 19103-3508

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APR 0 9 2004

OFFICE OF PETITIONS

In re Application of	:	
Griffey et al.	:	
Application No. 60/500,724	:	DECISION GRANTING PETITION
Filed: 4 September, 2003	:	
Attorney Docket No	:	
ISIS0091-001/CORE0020US.L	:	

This is a decision on the petition filed on 9 January, 2004, requesting that the above-identified provisional application be accorded a filing date of 4 September, 2003.

The petition is **GRANTED**.

The application was filed on 4 September, 2003, without drawings. Accordingly, on 18 November, 2003, Initial Patent Examination Division mailed a "Notice of Incomplete Provisional Application" stating that the application had been deposited without drawings.

On 9 January, 2004, the present petition was filed. Petitioners argue that drawings are not necessary for an understanding of the subject matter sought to be patented, and request that the application be accorded a filing date of 4 September, 2003.

As stated in MPEP § 601.01(f), it is the practice of the PTO to treat a provisional application that contains at least some disclosure of a process or method as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

MPEP § 601.01(f) also states that:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application

filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description and the names of all the inventors.

As a review of the official file reveals that the application includes method claims. Therefore, this application contains disclosure relating to a process or method.

In view of the above, the "Notice" mailed 18 November, 2003, was mailed in error and is hereby withdrawn.

The application is accorded a filing date of 4 September, 2003, without drawings as a part of the original disclosure. No petition fee has been charged and none is due.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of 4 September, 2003, using only the application papers filed on that date.

Telephone inquiries specific to this matter should be directed to the undersigned at 703 308-6918.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Cozen O'Connor
1900 Market Street
Philadelphia, PA 19103-3508

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In re Application of
Richard H. Griffey
Application No. 60/500,730
Filed: September 4, 2003
Attorney Docket No. IBIS0094-001/CORE0022US.L

DECISION ON PETITION

This is a decision on the petition filed January 9, 2004, requesting that the above-identified provisional application be accorded a filing date of September 4, 2003, without the submission of drawings.

On September 4, 2003, this application was deposited with the United States Patent and Trademark Office (Office) without drawings. Accordingly, on November 18, 2003, the Office of Initial Patent Examination mailed a Notice of Incomplete Provisional Application (Notice), stating that the application had not been accorded a filing date as the application was filed without drawings and that the filing date would be the date of receipt of the omitted drawings.

In response, on January 9, 2004, applicant filed the present petition and paid the petition fee. In the present petition, applicant requested that the above-identified application be accorded a filing date of September 4, 2003, the date the application was deposited with the Office without drawings. Specifically, applicant stated that the drawings were not necessary for the understanding of the subject matter sought to be patented, and therefore, the application should be accorded the filing date of September 4, 2003, without the drawings.

A review of the record reveals, as applicant admitted, that the application papers deposited on September 4, 2003, did not include any drawings. 35 U.S.C. 113, first sentence states, "The applicant shall furnish a drawing where necessary for the understanding of the subject matter sought to be patented." However, it is the practice of the Office to treat a provisional application that contains at least some disclosure of a process or method as an application for which a drawing is <u>not</u> necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

In this case, the application, as filed, includes method claims, which by Office practice does not require a drawing for filing date purposes. Additionally, a registered practitioner attested to the fact and signed a statement indicating that drawings are not necessary for the understanding of the subject matter sought to be patented.

In view of the above, the petition is granted.

The application will be processed with a filing date of September 4, 2003, as requested in the petition, without any drawings. The petition fee is unnecessary and will be credited to Deposit Account No. 50-1275.

The Office of Initial Patent Examination is directed to process the application with a filing date of September 4, 2003, and indicating in Office records that zero (0) sheets of drawings were present on filing.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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PHILADELPHIA PA 19103-3508

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OFFICE OF PETITIONS

In re Application of
Griffey, et al.
Application No. 60/500,732
Filed: September 4, 2003
Attorney Docket No. CORE0021US.L

: DECISION GRANTING PETITION

This is a decision on the petition filed January 15, 2004 to accord a filing date of September 4, 2003 to the above-identified application.

The application was deposited on September 4, 2003. However, on January 5, 2004, the Office of Initial Patent Examination mailed a "Notice of Incomplete Provisional Application" requiring drawings of applicants' invention and stating that the filing date would be the date of receipt of the omitted drawings. It is noted that the specification filed on September 4, 2003 describes drawing figures.

As stated in MPEP 601.01(f), it is the practice of the United States Patent and Trademark Office (PTO) to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 USC 113 (first sentence.)

MPEP 601.01(f) also states that:

> ... [A] provisional application having at least some disclosure ...for which a drawing is usually not considered essential for a filing date, describing drawing figures in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification... so long as the application contains something that can be construed as a written description.

This provisional application contains some disclosure for which a drawing is usually not considered essential for a filing date and a detailed written description. Therefore, the application should have been accorded a filing date.

In view of the above, the "Notice" January 5, 2004 was mailed in error and is hereby withdrawn. The application is entitled to a filing date of September 4, 2003. The petition is **granted**.

No petition fee has been or will be charged in connection with this matter.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of **September 4, 2003** and the mailing of a filing receipt reflecting the September 4, 2003 filing date.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/501,043	09/09/2003	Roy Howard Herron JR.	

Thomas A. O'Rourke
Bodner & O'Rourke
425 Broadhollow Road
Melville, NY 11747

CONFIRMATION NO.
OC000000014811432

Date Mailed: 12/22/2004

DECISION DISMISSING REQUEST UNDER 37 CFR 1.53(c)(3) TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **10/12/2004,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is dismissed because it does not comply with all the requirements of 37 CFR 1.53(c)(3).

A grantable request under 37 CFR 1.53(c)(3) to convert a provisional application to a non-provisional application must be accompanied by the fee set forth in 37 CFR 1.17(i) and an amendment including at least one claim if no claim is present in the provisional application and be filed prior to the earliest of: abandonment of the provisional application filed under 37 CFR 1.53(c) or expiration of twelve months after the filing date of the provisional application filed under 37 CFR 1.53(c). The present request is not grantable because:

It is not accompanied by the fee required by 37 CFR 1.17(i).

It was received after the expiration of twelve months after the filing date of the provisional application.

Any request for reconsideration of this decision must be filed within TWO MONTHS of the date of this decision. This time limit may NOT be extended pursuant to 37 CFR 1.136. The request must be accompanied by the items noted above.

Any inquiries related to this decision should be directed to Customer Service at (703) 308-1202.

A copy of this notice MUST be returned with the reply.

JANICE L. TIPPETT
Office of Initial Patent Examination

PART 2 - OFFICE COPY

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OFFICE OF PETITIONS

SIERRA PATENT GROUP, LTD.
P O BOX 6149
STATELINE, NV 89449

In re Application of :
Lee Hendrickson :
Application No. 60/501,526 :
Filed: September 8, 2003 :
For: RFP PROCESS FOR INFORMATION :
SYSTEMS PROFESSIONALS :

DECISION ON PETITION

This is a decision on the "PETITION TO WITHDRAW NOTICE OF INCOMPLETE PROVISIONAL APPLICATION UNDER 37 C.F.R. 1.53(c)," filed December 29, 2003. Petitioner requests that the Notice of Incomplete Provisional Application for the above-identified application be withdrawn and the filing date granted.

The petition is **GRANTED**.

The request for refund of the petition fee is **GRANTED**.

Application papers in the above-identified application were deposited on September 8, 2003. However, on November 17, 2003, the Office of Initial Patent Examination mailed a "Notice of Incomplete Provisional Application," notifying applicant that the application papers had not been accorded a filing date because the application was deposited without drawings.

In reply, applicant filed the instant petition. Petitioner argues that the application was filed with an attachment, which is the invention and the attachment included drawings. Alternatively, petitioner argues that a drawing is not required since Claim 1 contains the term method.

37 CFR 1.53(c) provides that:

> The filing date of a provisional application is the date on which a specification as prescribed by the first paragraph of 35 U.S.C. 112, and any drawing required by § 1.81(a) are filed in the Patent and Trademark Office. No amendment, other than to make the provisional application comply with the patent statute and all applicable regulations, may be made to the provisional application after the filing date of the provisional application.

A review of the application as filed reveals that it included an attachment. It appears that the attachment is a written report of the process that petitioner maintains is his invention. It is not a drawing figure in compliance with 37 CFR § 1.84. Further, even though it may contain a drawing figure, an amendment may not be entered in the provisional application to add the drawing figure in a format in compliance with § 1.84.

Nonetheless, as stated by petitioner and as set forth in MPEP 601.01(f), it has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence). In view of the presence of the method claim and petitioner's contention then that drawings are not necessary, it is concluded that this provisional application is entitled to a filing date. (It is noted that the reference to Fig. 1 in the specification refers to the figure as being present in the attachment. The specification does not include a section entitled "Brief Description of Drawings.")

The petition fee is being refunded to Deposit Account No. 50-0612.

The provisional application is being forwarded to the Office of Initial Patent Examination for **correction of the filing date to September 8, 2003**, with no drawings present in the application.

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0309.

Nancy Johnson

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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Nagesh S. Mavinahally
126 Shadow Creek Lane
Anderson SC 29621

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In re Application of
Mavinahally, et al.
Application No. 60/501,658
Filed: September 9, 2003
Attorney Docket No. N/A
For: MULTI-PURPOSE MONO-SHAFT FOUR-STROKE ENGINES

ON PETITION

This is a decision on the petition filed December 29, 2003, requesting, in effect, withdrawal of the November 18, 2003 Notice of Omitted Item(s) in a Provisional Application. (Notice). The petition will be treated under 37 CFR 1.53(e).

The petition under 37 CFR 1.53(e) is **DISMISSED**.

The application was filed on September 9, 2003. On November 18, 2003, the Office of Initial Patent Examination mailed applicants a Notice stating that the application had been accorded a filing date of September 9, 2003, and advising applicants that Figures 1-8, 9a-e, 10 a-e, 11a-f, 12, 14a-e, 15a-c, 16a-b, and 22-27 described in the specification appeared to have been omitted.

The Notice was incomplete because a review of the original application papers reveals that Figures 17-20 were omitted, as well. Fortunately, the information presented by petitioners in the instant petition and the contents of the application file provide sufficient evidence to resolve the omitted drawing issue -- including the omission of Figures 17-20 -- without the need for supplemental petitions.

Petitioners argue that because the omitted drawings are present in provisional application no. 60/409,474, filed on September 10, 2002, and provisional application no 60/409,474 was cited in a related nonprovisional application, that the above-identified application should be able to rely on the copy of the drawings found in provisional application no. 60/409,474.

The undersigned cannot find any reference to provisional application no. 60/409,474 in the application papers filed on September 9, 2003. Even if there were a reference to it, the mere reference in an application to another application is not an incorporation of anything contained in the other application into the referencing application. See In re Seversky, 177 USPQ 144, 146 (C.C.P.A. 1973) and Dart Industries, Inc. v. Banner, 207 USPQ 273, 276 (D.C. Cir. 1980).

Next petitioners state that they believe that all drawing figures intended to be filed in application no. 60/501,658 were filed on September 9, 2003.

A review of the original Provisional Application for Patent Cover Sheet reveals that 32 sheets of drawing figures were intended to be filed in the above-identified application. A review of the original application papers reveals that 32 sheets of drawing figures were indeed filed on September 9, 2003.

A close comparison of the 32 sheets of drawings filed on September 9, 2003 with the 21 sheets of

replacement drawings filed on December 29, 2003 shows that they both contain the drawing figures at issue, but the figures on the sheets of drawings filed on September 9, 2003 **were not labeled**. The September 9, 2003 drawings have no reference characters to identify them. **In short, petitioners did file all the figures they intended to file on September 9, 2003, but the figures were not identified properly.**

Therefore, the "Notice" mailed November 18, 2003, was correct in advising applicants that drawings of Figures 1-8, 9a-e, 10 a-e, 11a-f, 12, 14a-e, 15a-c, 16 a-b, and 22-27 *appeared* to have been omitted. The "Notice" was properly mailed and will not be withdrawn. The petition fee is required, since the petition was not necessary to correct any PTO error.

There is no evidence that any drawing figures containing the labels "Figures 1-8, 9a-e, 10 a-e, 11a-f, 12, 14a-e, 15a-c, 16 a-b, and 22-27" were present in the Office on September 9, 2003. So, the 21 sheets of replacement drawings containing labels/reference characters will not be processed. They will be retained in the application file, however.

The petition to withdraw the November 18, 2003 Notice is dismissed.

The application is being returned the Office of Initial Patent Examination. As stated above, the 21 sheets of replacement drawings filed with the instant petition on December 29, 2003 were not part of the original application papers, will not be considered as such, and will not be processed.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

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

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PHILADELPHIA, PA 19103-3508

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OFFICE OF PETITIONS

In re Application of
Monia et al.
Application No. 60/501,719
Filed: September 9, 2003
Attorney Docket No.
CORE0026US.L

ON PETITION

This is a decision on the Petition and Response to Notice of Incomplete Provisional Application, filed January 18, 2004, which is being treated as a petition under 37 CFR 1.53, requesting the above-identified application be accorded a filing date of September 9, 2003.

The petition is granted.

The application was filed on September 9, 2003. On December 1, 2003, the Office of Initial Patent Examination mailed a Notice of Incomplete Provisional Application (hereinafter "Notice") stating, *inter alia*, that the application had not been accorded a filing date because the application had been deposited without drawings.

Petitioner responds with the instant petition wherein Petitioner avers that the drawings are not necessary for an understanding of the invention, and are not required under 35 U.S.C. § 113.

A review of the file reveals that Petitioner is correct - the specification contains composition claims. As stated in MPEP § 601.01(f), it is the practice of the PTO to treat a composition application as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. § 113 (first sentence).

MPEP § 601.01(f) also states that:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description.

This application is a composition application; therefore, the application should have been treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g).

In view of the above, the Notice mailed December 1, 2003, was mailed in error and is hereby withdrawn.

This application is being forwarded to the Office of Initial Patent Examination, Customer Corrections, for further processing, with the filing date of September 9, 2003, and an indication that no drawings were required nor present on filing.

The petition fee has been refunded to deposit account 50-1275 as authorized in the instant petition.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 305-0014.

Derek L. Woods
Petitions Attorney
Office of Petitions

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In re Application of	:	
Matthew Fischer	:	
Application No. 60/501,781	:	DECISION GRANTING PETITION
Filed: 10 September, 2003	:	
Attorney Docket No. 1518US01	:	

This is a decision on the petition filed on 19 December, 2003, requesting that the above-identified provisional application be accorded a filing date of 10 September, 2003.

The Office apologizes for the delay in responding to the present petition.

The petition is **GRANTED**.

The application was filed on 10 September, 2003. Accordingly, on 1 December, 2003, Initial Patent Examination Division mailed a "Notice of Incomplete Provisional Application" stating that the application had not been accorded a filing date because the application had been deposited without drawings.

On 23 December, 2003, the present petition was filed. Petitioners assert that Appendix A filed with the original application papers contains drawings.

A review of the papers filed in Appendix A reveals that two figures labeled "Example 1" and "Example 2" are contained on sheets located therein. As such, the two drawings figures contained in Appendix A, while obviously informal, are sufficient to accord the application a filing date of 10 September, 2003.

In view of the above, the "Notice" mailed 1 December, 2003, was mailed in error and is hereby withdrawn.

The application is accorded a filing date of 1 December, 2003,

with two (2) sheets of drawings as a part of the original disclosure. No petition fee has been paid and none is due.

The application is being referred to the Office of Initial Patent Examination for correction of the filing date to 10 September, 2003.

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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JAMES W. INSKEEP
INSKEEP INTELLECTUAL PROPERTY GROUP, INC
1225 W. 190TH STREET, SUITE 205
GARDENA, CA 90248

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OFFICE OF PETITIONS

In re Application of :
Hideyo Sugimura et al :
Application No. 60/501,820 :
Filed: September 9, 2003 :
Attorney Docket No. 10-500

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 the Office of Petitions Staff at (703) 305-9285.

This file is being forwarded to the Initial Patent Examination Unit.

Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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BOSTON, MA 02110-2624

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In re Application of	:	
Paul Ashton et al	:	
Application No. 60/501,975	:	NOTICE
Filed: September 11, 2003	:	
Attorney Docket No. CDSI-P60-040	:	

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 the Office of Petitions Staff at (703) 305-9285.

Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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AUSTIN TX 78701

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In re Application of
Arulanandam
Application No. 60/502,482
Filed: September 12, 2003
Attorney Docket No. UTSJ:042USP1
For: COMBINATORIAL IMMUNOTHERAPY

DECISION GRANTING PETITION

This is a decision on the petition filed February 5, 2004 (certificate of mailing date February 4, 2004), requesting, in effect, withdrawal of the Notice to File Omitted Item(s) in a Provisional Application (Notice). The petition will be treated under 37 CFR 1.53(e).

The application was deposited on September 12, 2003. On December 2, 2003, the Office of Initial Patent Examination mailed a Notice informing petitioner that Figures 1B, 2A, and 2B described in the specification appeared to have been omitted.

In response to the Notice, petitioner timely filed the present petition. Petitioner requests that Figures 1B, 2A, and 2B be accorded a filing date of September 12, 2003 on the basis that 5 sheets of drawings, including Figures 1B, 2A, and 2B, were received in the Patent and Trademark Office (PTO) on September 12, 2003. In support, the petition is accompanied by a copy of applicant's itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing September 12, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included 5 sheets of drawings. A review of the application file reveals that only 3 sheets of drawings -- Figures 1A, 3A, and 3B -- are present.

The return postcard constitutes *prima facie* evidence that 5 sheets of drawings, including Figures 1B, 2A, and 2B, were filed on September 12, 2003. MPEP 503. Accordingly, the request is granted.

Pursuant to petitioner's authorization, deposit account no. 50-1212 will be credited the $130.00 fee submitted with the instant petition.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **September 12, 2003**, using the copy of Figures 1B, 2A, and 2B submitted with the instant petition. Office records will be corrected to show that 5 sheets of drawings were present on filing.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

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

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DORSEY & WHITNEY LLP
INTELLECTUAL PROPERTY DEPARTMENT
SUITE 3400, FOUR EMBARCADERO CENTER
SAN FRANCISCO, CA 94111-4187

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OFFICE OF PETITIONS

In re Application of: :
Barrett :
Application No. 60/502,585 : DECISION ON
Filed: September 11, 2003 : PETITION
For: TREATING URINARY INCONTINENCE :
USING PRODRUGS OF GABA ANALOGS :

This is a decision on the Petition to Accord a Filing Date Under 37 CFR § 1.53(e), filed October 1, 2004. The Petition requests the application be accorded a filing date of September 11, 2003.

A review of Office records reveal that the above identified application, serial number 60/502,585, has been accorded a filing date of September 11, 2003[1]. A copy of a Replacement Filing Reciept (as opposed to a Corrected Filing Receipt) is enclosed.

Accordingly, the petition is dismissed as moot.

The petition fee will not be refunded since the filing of the petition was not necessitated by an error on the part of this Office.

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

Derek L. Woods
Attorney/Advisor
Office of Petitions

Enclosure: Replacement Filing Receipt

[1]A review of the Notice of Omitted Item(s) in a Nonprovisional Application ("Notice"), filed with the instant petition, reveals that the serial number appearing on the Notice, 10/911,287, is different from that of the above-identified application.

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OFFICE OF PETITIONS

In re Application of:	:	
Barrett	:	
Application No. 60/502,585	:	DECISION ON
Filed: September 11, 2003	:	PETITION
For: TREATING URINARY INCONTINENCE	:	
USING PRODRUGS OF GABA ANALOGS	:	

This is a decision on the Petition Under 37 CFR § 1.182, filed January 6, 2005. The Petition requests correction of Office records in accordance with the application filings. The petition is properly treated under 37 CFR § 1.181 (no fee).

A review of Office records reveal that, although the above identified application, serial number 60/502,585, has been accorded a filing date of September 11, 2003, the inventor data as shown in Office records did not match the inventor data supplied in the Provisional Application Cover Sheet filed with the application. The inventor information has been corrected.

Accordingly, the petition is granted.

The Revocation and Substitute Power of Attorney, filed October 1, 2004, has been entered and made of record.

A copy of a Corrected Filing Receipt is enclosed.

No fee is charged and none is due.

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

Derek L. Woods
Attorney/Advisor
Office of Petitions

Enclosure: Corrected Filing Receipt

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HOUSTON TX 77252-2189

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MAR 1 1 2005

OFFICE OF PETITIONS

In re Application of	:	
Yung et al.	:	
Application No. 60/502,718	:	DECISION GRANTING
Filed: 12 September, 2003	:	PETITION
Attorney's Docket No. 2003UR024A	:	

This is a decision in reference to the petition filed on 14 January, 2005, which is treated as a petition under 37 CFR 1.53 to accord the above-identified application a filing date of 12 September, 2003, with Pages 27-35 of the specification as a part of the original disclosure.

Receipt is also acknowledged of the petition to expedite consideration under 37 CFR 1.182.

The petition is **GRANTED**.

On 12 September, 2003, the application was filed. On 4 August, 2004, however, Initial Patent Examination Division mailed a "Notice of Omitted Item(s) in a Provisional Application" stating that the application had been accorded a filing date of 12 September, 2003, but that Pages 27-35 of the specification (description and claims) appeared to have been omitted from the application. A two (2)-month period for reply was set. In response, on 19 August, 2004, applicants filed a copy of Pages 27-35. Accordingly, the application was assigned a filing date of 19 August, 2004.

In response, on 14 January, 2005, the present petition was filed. Petitioners assert that Pages 27-35 were filed with the other application papers deposited in the USPTO on 12 September, 2003. In support, petitioners supplied with the present petition, a copy of a postcard receipt bearing a USPTO Office date stamp of 09/12/03, and the above-identified application number and

itemizing the filing of, *inter alia*, "Specification (45 sheets)". A copy of Pages 27-35 was supplied on 14 August, 2004, in response to the Notice.

A review of the record reveals that Pages 1-26 and 36-45 of the specification, including the claims and one (1) page containing the abstract, are located among the application papers deposited on 12 September, 2003. However, the evidence is convincing that the application papers deposited on 12 September, 2003, included Pages 27-35 of the specification and that Pages 27-35 of the specification were subsequently misplaced in the Office. Therefore, the application, including Pages 27-35 of the specification, is entitled to a filing date of 12 September, 2003.

The "Notice" mailed on 4 August, 2004, is vacated.

In view of the above, the petition is granted. As the petition under 37 CFR 1.53 was the result of USPTO error, no fee is due for said petition. However, the petition fee for the petition under 37 CFR 1.182 was properly paid and will not be refunded.

The application will be processed with a filing date of 12 September, 2003, using the application papers filed on 12 September, 2003, and the copy of Pages 27-35 supplied on 19 August, 2004. The copies of the application papers supplied with the present petition will not be used for processing or examination, but will be retained in the application file.

There is no indication that petitioners herein were ever empowered to prosecute the instant application. If petitioners desire to receive future correspondence regarding this application, the appropriate power of attorney documentation must be mailed.

The address listed on the petition is different than the correspondence address of record. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

The application is being referred to Initial Patent Examination Division for reprocessing with a filing date of **12 September, 2003**, using the application papers filed on that date, and the copy of Pages 27-35 supplied with the present petition.

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

cc: Hershkovitz & Associates
1725 I Street, N.W.
Suite 300
Washington DC 20006

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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HAYNES AND BOONE, LLP
901 MAIN STREET, SUITE 3100
DALLAS TX 75202

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OFFICE OF PETITIONS

In re Application of
Gordon G. Sorrells et al. :
Application No. 60/503,027 :
Filed: September 15, 2003 :
Attorney Docket Number: 35296.5 :

ON PETITION

This is a decision on the petition under 37 CFR 1.182 filed July 30, 2004, to correct the name of the inventor due to error on the part of the applicant.

The petition is **GRANTED**.

Petitioner has requested that the inventor incorrectly listed on the application as Michael Sorrells be correctly listed as Gordon G. Sorrells. A declaration by the inventor explains that the error was without deceptive intent.

In view of the instant request, the following inventor name data has been changed.

Inventor 1) Gordon G. Sorrells

The application is being forwarded to the Office of Initial Patent Examination for the mailing of a corrected filing receipt.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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Paper No. None

SALTER & MICHAELSON
THE HERITAGE BUILDING
321 SOUTH MAIN STREET
PROVIDENCE RI 02903-7128

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APR 1 4 2004

OFFICE OF PETITIONS

In re Application of :
Michael A. Smith :
Application No. 60/503,281 :
Filed: September 16, 2003 : DECISION ON PETITION
Attorney Docket No. : 02537 : UNDER 37 C.F.R. §1.53(E)(2)
Title: METHOD OF PROCESSING :
SHELLFISH WASTE MATERIALS AND :
PRODUCT PRODUCED THEREBY :

This is a decision on the petition under 37 C.F.R. §1.53(e)(2), filed December 4, 2003.

On September 16, 2003, the above-identified application was deposited. On November 15, 2003, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Provisional Application - Filing Date Not Granted (notice)", advising applicant that the application appeared to have been deposited without drawings, and that a filing date would be accorded upon the submission of drawings.

On December 4, 2003, Petitioner submitted: the instant petition; a statement that although the specification refers to Figures 1 and 2, both figures were omitted on filing, and; an assertion that the drawings are not necessary for an understanding of the subject matter sought to be patented. No drawings were submitted.

The attorney of record has stated, over her registration number, that "the figures...are not necessary for understanding the subject

matter sought to be patented, within the meaning of 35 U.S.C. §113 (first sentence[1)]."

Based solely on the Attorney's attestation, the petition is **GRANTED.**

The petition fee of $130.00 will not be refunded, as this petition was not necessitated by any error on the part of the Office.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of September 16, 2003, and for **mailing of an updated filing receipt**, using only the original application papers filed on that date.

Any inquiries related to this decision should be directed to the undersigned at (703) 305-0011.

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

1 Petition, page 2.

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Paper No. None

David B. Cochran, Esq.
JONES DAY
North Point
901 Lakeside Ave
Cleveland OH 44114

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APR 1 5 2004
OFFICE OF PETITIONS

In re Application of
Gerhard D. Klassen et al.
Application No. 60/503,366
Filing Date: September 16, 2003
Attorney Docket No. 555255012563
Title: ACTIVITY PROXYING PRESENCE
IN MOBILE INSTANT MESSAGING

DECISION ON PETITION

BACKGROUND

This is a decision on the petition filed February 12, 2004, requesting that the above-identified application be accorded a filing date of September 16, 2003, with Figures 2 and 3 as part of the original disclosure of the application.

The application was deposited September 16, 2003. However, on December 15, 2003, the Office of Initial Patent Examination (OIPE) mailed a notice stating that the application had been accorded a filing date of September 16, 2003, and that the application appeared to have been deposited without Figures 2 and 3.

With the instant petition, Petitioner has submitted a copy of Figures 2 and 3 along with the petition fee and a six-page specification.

With the petition, Petitioner sets forth that the figures were included on filing. A separate drawing section was not included; the figures are charts which appear within the text of the specification.

THE RELEVANT SECTION OF THE MPEP

Section 503 of the MPEP, entitled Application Number and Filing Receipt, sets forth, in part:

RETURN POSTCARD

If a receipt of any item (e.g., paper or fee) filed in the USPTO is desired, it may be obtained by enclosing with the paper a self-addressed postcard specifically identifying the item. The USPTO will stamp the receipt date on the postcard and place it in the outgoing mail. A postcard receipt which itemizes and properly identifies the items which are being filed serves as prima facie evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

The identifying data on the postcard should be so complete as to clearly identify the item for which receipt is requested. For example, the postcard should identify the applicant's name, application number (if known), confirmation number (if known), filing date, interference number, title of the invention, etc. The postcard should also identify the type of paper being filed, e.g., new application, affidavit, amendment, notice of appeal, appeal brief, drawings, fees, motions, supplemental oath or declaration, petition, etc., and the number of pages being submitted. If a new application is being filed, all parts of the application being submitted should be separately listed on the postcard, e.g., the number of pages of specification (including written description, claims and abstract), number of claims, number of sheets of drawings, number of pages of oath/declaration, number of pages of cover sheet (provisional application).

The postcard receipt will not serve as prima facie evidence of receipt of any item which is not adequately itemized on the postcard. For example, merely listing on the postcard "a complete application" or "patent application" will not serve as a proper receipt for each of the required components of an application (e.g., specification (including claims), drawings (if necessary), oath or declaration and the application filing fee) or missing portions (e.g., pages, sheets of drawings) of an application if one of the components or portion of a component is found to be missing by the USPTO. Each separate component should be specifically and properly itemized on the postcard. Furthermore, merely incorporating by reference in the postcard receipt, the items listed in a transmittal letter will not serve as prima facie evidence of receipt of those items.

The person receiving the item(s) in the USPTO will check the listing on the postcard against the item(s) being filed to be sure they are properly identified and that all the items listed on the postcard are presently being submitted to the USPTO. If any of the items listed on the postcard are not being submitted to the USPTO, those items will be crossed off and the postcard initialed by the person receiving the items.

Upon return of a postcard receipt from the USPTO, the postcard receipt should be promptly reviewed by the person who filed the items to ensure that every item specifically denoted on the postcard was received by the USPTO. If the postcard receipt has been annotated to indicate that a particular item denoted on the postcard was not received by the USPTO, the postcard receipt will not serve as prima facie evidence of receipt of that item in the USPTO.

ANALYSIS

It is noted that the electronic file contains 3 pages of specification. The copy of the specification Petitioner has submitted with the instant petition consists of 6 pages. Figure 1 appears at the top of the third page, and there is a chart which appears on the bottom of the same page, although it is not labeled. This chart continues on the fourth page of the specification Petitioner has included with the instant petition, and the third figure appears on the sixth page.

The PTO file is the official record of all papers filed in this application. A review of the official file reveals that only 3 pages of specification were received on filing. An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence. The only evidence relied on to support petitioner's allegation is his statement that the six-page specification which was submitted with the instant petition is a "copy of the application as filed[1] (emphasis included)." However, this assertion is not more persuasive than the PTO file.

The PTO has a well established and well publicized practice of providing a receipt for papers filed in the PTO to any applicant desiring a receipt. The practice requires that any paper for which a receipt is desired be filed in the PTO with a self-addressed postcard identifying the paper. A postcard receipt which *itemizes and properly identifies* the papers which are being filed

1 Petition, page 1.

serves as prima facie evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO[2].

No postcard receipt which shows that pages 4-6 of the specification were filed and received by the Office has been submitted with the instant petition.

As such, it appears that pages 4-6 of the specification were not filed with the Office on September 16, 2003. For this reason, the petition cannot be granted.

CONCLUSION

For these reasons, the petition is **DISMISSED**.

Figures 2 and 3, submitted with the instant petition, will not be entered.

Any renewed 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 renewed petition should include a cover letter entitled "Renewed Petition under 37 CFR 1.182."

The reply to this letter may be submitted by mail[3], hand-delivery[4], or facsimile[5].

The reply should display "Please deliver to Paul Shanoski, c/o Office of Petitions" in a prominent manner. The Petitioner may wish to consider telephoning the undersigned at the number provided below to confirm that the documents were delivered to the undersigned. Please note that the delivery process within the PTO can take as much as three weeks.

The application file will be retained in the Office of Petitions for two (2) months.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0011.

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

2 See MPEP 503, partially reproduced above.
3 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
4 Customer Window, Mail Stop Petition, Crystal Plaza Two, Lobby, Room 1B03, Arlington, Virginia 22202.
5 (703) 872-9306 - please note this is a central facsimile number, and as such, there will be a delay in the delivery of the facsimile to the undersigned.

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Paper No. None

David B. Cochran, Esq.
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Cleveland OH 44114

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APR 1 5 2004
OFFICE OF PETITIONS

In re Application of
Gerhard D. Klassen et al.
Application No. 60/503,366
Filing Date: September 16, 2003
Attorney Docket No. 555255012563
Title: ACTIVITY PROXYING PRESENCE IN MOBILE INSTANT MESSAGING

DECISION ON PETITION

BACKGROUND

This is a decision on the petition filed February 12, 2004, requesting that the above-identified application be accorded a filing date of September 16, 2003, with Figures 2 and 3 as part of the original disclosure of the application.

The application was deposited September 16, 2003. However, on December 15, 2003, the Office of Initial Patent Examination (OIPE) mailed a notice stating that the application had been accorded a filing date of September 16, 2003, and that the application appeared to have been deposited without Figures 2 and 3.

With the instant petition, Petitioner has submitted a copy of Figures 2 and 3 along with the petition fee and a six-page specification.

With the petition, Petitioner sets forth that the figures were included on filing. A separate drawing section was not included; the figures are charts which appear within the text of the specification.

THE RELEVANT SECTION OF THE MPEP

Section 503 of the MPEP, entitled Application Number and Filing Receipt, sets forth, in part:

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RETURN POSTCARD

If a receipt of any item (e.g., paper or fee) filed in the USPTO is desired, it may be obtained by enclosing with the paper a self-addressed postcard specifically identifying the item. The USPTO will stamp the receipt date on the postcard and place it in the outgoing mail. A postcard receipt which itemizes and properly identifies the items which are being filed serves as prima facie evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

The identifying data on the postcard should be so complete as to clearly identify the item for which receipt is requested. For example, the postcard should identify the applicant's name, application number (if known), confirmation number (if known), filing date, interference number, title of the invention, etc. The postcard should also identify the type of paper being filed, e.g., new application, affidavit, amendment, notice of appeal, appeal brief, drawings, fees, motions, supplemental oath or declaration, petition, etc., and the number of pages being submitted. If a new application is being filed, all parts of the application being submitted should be separately listed on the postcard, e.g., the number of pages of specification (including written description, claims and abstract), number of claims, number of sheets of drawings, number of pages of oath/declaration, number of pages of cover sheet (provisional application).

The postcard receipt will not serve as prima facie evidence of receipt of any item which is not adequately itemized on the postcard. For example, merely listing on the postcard "a complete application" or "patent application" will not serve as a proper receipt for each of the required components of an application (e.g., specification (including claims), drawings (if necessary), oath or declaration and the application filing fee) or missing portions (e.g., pages, sheets of drawings) of an application if one of the components or portion of a component is found to be missing by the USPTO. Each separate component should be specifically and properly itemized on the postcard. Furthermore, merely incorporating by reference in the postcard receipt, the items listed in a transmittal letter will not serve as prima facie evidence of receipt of those items.

The person receiving the item(s) in the USPTO will check the listing on the postcard against the item(s) being filed to be sure they are properly identified and that all the items listed on the postcard are presently being submitted to the USPTO. If any of the items listed on the postcard are not being submitted to the USPTO, those items will be crossed off and the postcard initialed by the person receiving the items.

Upon return of a postcard receipt from the USPTO, the postcard receipt should be promptly reviewed by the person who filed the items to ensure that every item specifically denoted on the postcard was received by the USPTO. If the postcard receipt has been annotated to indicate that a particular item denoted on the postcard was not received by the USPTO, the postcard receipt will not serve as prima facie evidence of receipt of that item in the USPTO.

ANALYSIS

It is noted that the electronic file contains 3 pages of specification. The copy of the specification Petitioner has submitted with the instant petition consists of 6 pages. Figure 1 appears at the top of the third page, and there is a chart which appears on the bottom of the same page, although it is not labeled. This chart continues on the fourth page of the specification Petitioner has included with the instant petition, and the third figure appears on the sixth page.

The PTO file is the official record of all papers filed in this application. A review of the official file reveals that only 3 pages of specification were received on filing. An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence. The only evidence relied on to support petitioner's allegation is his statement that the six-page specification which was submitted with the instant petition is a "copy of the application as filed[1] (emphasis included)." However, this assertion is not more persuasive than the PTO file.

The PTO has a well established and well publicized practice of providing a receipt for papers filed in the PTO to any applicant desiring a receipt. The practice requires that any paper for which a receipt is desired be filed in the PTO with a self-addressed postcard identifying the paper. A postcard receipt which *itemizes and properly identifies* the papers which are being filed

1 Petition, page 1.

serves as prima facie evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO[2].

No postcard receipt which shows that pages 4-6 of the specification were filed and received by the Office has been submitted with the instant petition.

As such, it appears that pages 4-6 of the specification were not filed with the Office on September 16, 2003. For this reason, the petition cannot be granted.

CONCLUSION

For these reasons, the petition is **DISMISSED**.

Figures 2 and 3, submitted with the instant petition, will not be entered.

Any renewed 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 renewed petition should include a cover letter entitled "Renewed Petition under 37 CFR 1.182."

The reply to this letter may be submitted by mail[3], hand-delivery[4], or facsimile[5].

The reply should display "Please deliver to Paul Shanoski, c/o Office of Petitions" in a prominent manner. The Petitioner may wish to consider telephoning the undersigned at the number provided below to confirm that the documents were delivered to the undersigned. Please note that the delivery process within the PTO can take as much as three weeks.

The application file will be retained in the Office of Petitions for two (2) months.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0011.

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

2 See MPEP 503, partially reproduced above.
3 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
4 Customer Window, Mail Stop Petition, Crystal Plaza Two, Lobby, Room 1B03, Arlington, Virginia 22202.
5 (703) 872-9306 - please note this is a central facsimile number, and as such, there will be a delay in the delivery of the facsimile to the undersigned.

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Paper No. None

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Cleveland OH 44114

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OFFICE OF PETITIONS

In re Application of
Gerhard D. Klassen et al.
Application No. 60/503,366
Filing Date: September 16, 2003
Attorney Docket No. 555255012563
Title: ACTIVITY PROXYING PRESENCE
IN MOBILE INSTANT MESSAGING

DECISION ON RENEWED PETITION

This is a decision on the renewed petition filed April 20, 2004, requesting that the above-identified application be accorded a filing date of September 16, 2003, with Figures 2 and 3 as part of the original disclosure of the application.

The application was deposited September 16, 2003. However, on December 15, 2003, the Office of Initial Patent Examination (OIPE) mailed a notice stating that the application had been accorded a filing date of September 16, 2003, and that the application appeared to have been deposited without Figures 2 and 3.

On February 12, 2004, the original petition was submitted, which was dismissed via the mailing of a decision on April 15, 2004. Although the Petitioner asserted that these figures were included on filing, no postcard receipt was provided to substantiate this allegation. The decision set forth:

The PTO file is the official record of all papers filed in this application. A review of the official file reveals that only 3 pages of specification were received on filing. An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence. The only evidence relied on to support petitioner's allegation is his statement that the six-page specification which was submitted with the instant petition is a "copy of the application as filed[1] (emphasis included)." However, this assertion is not more persuasive than the PTO file.

The PTO has a well established and well publicized practice of providing a receipt for papers filed in the PTO to any applicant desiring a receipt. The practice requires that any paper for which a receipt is desired be filed in the PTO

1 Petition, page 1.

with a self-addressed postcard identifying the paper. A postcard receipt which *itemizes and properly identifies* the papers which are being filed serves as prima facie evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO[2].

With the renewed petition, petitioner has submitted a copy of applicants' postcard receipt acknowledging receipt of "application papers – 6 pages specification" in the United States Patent and Trademark Office (Office) on September 16, 2003. Applicants request that the application, including Figures three through 2 and 3, be accorded a filing date of September 16, 2003.

Upon review of the record, the above-mentioned figures have not been located among the application papers. The electronic file only contains pages one, two, and three of the specification. However, the evidence is convincing that the application papers deposited on September 16, 2003 included 6 pages of specification, and the pages of the specification containing these figures were subsequently misplaced in the Office.

Therefore, the application, including Figures 2 and 3, was complete on filing and entitled to a filing date of September 16, 2003 as part of the original disclosure.

Accordingly, the petition is **GRANTED**.

The notice mailed December 15, 2003 was sent in error, and is hereby **VACATED**.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of September 16, 2003, using the original application papers filed on that date, as well as pages 4, 5, and 6 of the specification, which contains Figures 2 and 3, submitted with the original petition on February 12, 2004, and for indication in Office records that these pages were present on filing.

Any inquiries related to this decision should be directed to the undersigned at (703) 305-0011.

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

2 See MPEP 503, partially reproduced above.

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OFFICE OF PETITIONS

In re Application of
Gille, et al.
Application No. 60/503,388
Filed: September 16, 2003
Attorney Docket No. 50125/079002
For: NEW ANGIOGENIC FACTOR AND ITS MEDICAL USE

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.53(e), filed January 23, 2004 (certificate of mailing date January 21, 2004), requesting, in effect, withdrawal of the Notice of Incomplete Provisional Application (Notice), mailed November 21, 2003.

The application was deposited on September 16, 2003. On November 21, 2003, the Office of Initial Patent Examination mailed a Notice informing petitioners that no filing date had been accorded to the above-identified application because the application as filed did not include drawings. It is noted that the specification describes Figures 1-12.

In response to the Notice, petitioners timely filed the present petition. Petitioners request that the application be accorded a filing date of September 16, 2003 on the basis that 13 pages of drawing figures were received in the Patent and Trademark Office (PTO) on September 16, 2003. In support, the petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing September 16, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included 13 pages of drawings.

The return postcard constitutes *prima facie* evidence that 13 pages of drawing figures were filed on September 16, 2003. MPEP 503. Accordingly, the request is **GRANTED**. The application is entitled to a filing date of September 16, 2003.

Pursuant to petitioners' request, the $130.00 petition fee will be credited to deposit account no. 03-2095

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **September 16, 2003**, using the copy of the 13 pages of drawings submitted with the instant petition. Office records will be corrected to show that 13 pages of drawings were present on filing.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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INSKEEP INTELLECTUAL PROPERTY GROUP, INC
2281 W. 190TH STREET
SUITE 200
TORRANCE CA 90504

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OFFICE OF PETITIONS

In re Application of	:	
Goldberg et al.	:	
Application No. 60/503,588	:	DECISION GRANTING PETITION
Filed: 17 September, 2003	:	
Atty Dckt No. 8448.14P	:	

This is a decision on the petition under 37 CFR 1.10(e),[1] filed on 4 November, 2005, requesting that the application papers filed therewith be accorded a filing date of 10 September, 2004.

Petitioners allege that the application papers were deposited as a nonprovisional "Conversion Application" of the above-identified provisional application in "Express Mail" service with the U.S. Postal Service on 10 September, 2004. Petitioners assert that the application papers were deposited in Express Mail Service on 10 September, 2004. Although no copy of the actual Express Mail

[1] 37 CFR 1.10(e) provides that:

Any person mailing correspondence properly addressed to the Office with sufficient postage utilizing "Express Mail Post Office to Addressee" service of the USPS but not received by the Office, may petition the Commissioner 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 Commissioner, the original depositof 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

Customer Label has been provided, in support, petitioners have provided a copy of an email containing the Express Mail Track & Confirm record for Customer Label EL977608415US, showing acceptance of the Express Mail mailing by the USPS on 10 September, 2004. The same Express Mail receipt number was referred to on the itemized Utility Patent Application Transmittal sheet submitted with the present petition. Petitioners have provided a copy of 13 pages of specification (including one (1) page of abstract), and 7 sheets of drawings as itemized on the transmittal sheet.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date In" on the Express Mail label or other official notation entered by the USPS.[2] That is the date that verifies that the package was actually mailed. In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the USPS on 10 September, 2004.

In accepting this petition, the Office is construing the "Express Mail Certification" signed by registered practitioner Kenton R. Mullins, and the statement by registered practitioner James W. Inskeep as declarations that the application papers submitted with the present petition are true copies of the documents that were originally mailed, and that the documents were originally deposited on the date and at the indicated on the Express Mail Track & Confirm printout. Petitioners **must** notify the Office if this is an incorrect interpretation.

Although the petition states that petitioners filed the papers with an Express Mail as a "Conversion Application," it is noted that the first sentence of the specification states that this application "is a regular filing corresponding to" the above-identified provisional application. Additionally, the Utility Patent Application Transmittal states that the transmittal sheet is only for new nonprovisional applications under 37 CFR 1.53(b). As such, it is clear that rather than converting the provisional application to a nonprovisional application, petitioners intended to file a nonprovisional application claiming benefit of the prior-filed provisional application.

The petition is **granted**.

---

[2] MPEP 513.

The nonprovisional application papers have been assigned Application No. **11/443,429**. The application papers will be processed as a nonprovisional application and have been accorded a filing date of 10 September, 2004. All future correspondence regarding the nonprovisional application should be directed to Application No. **11/443,429**, not to Application No. 60/503,588.

In view of the above, the petition is granted. No fee is required and none has been charged.

As the nonprovisional application papers have been placed in a separate application file and accorded the requested filing date, no further action is required in connection with this petition.

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

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. None

ABELMAN, FRAYNE & SCHWAB
150 East 42nd Street
New York NY 10017

COPY MAILED

JUN 2 8 2004

OFFICE OF PETITIONS

In re Application of :
Opher Gileadi et al. :
Application No. 60/503,611 :
Filed: September 15, 2003 : DECISION ON PETITION
Attorney Docket No. 206,236 :
Title: METHOD FOR LIPID :
EXAMINATION IN A SEM :

This is a decision on the petition filed December 8, 2003, requesting the application, including Figures sixteen through eighteen (16-18) be accorded a filing date of September 15, 2003 as part of the original disclosure.

The application was deposited on September 15, 2003. However, on November 28, 2003, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Omitted Item(s) in a Provisional Application" (Notice), stating that the application had been accorded a filing date of September 15, 2003, and advising applicants that Figures sixteen through eighteen (16-18) appeared to have been omitted.

In response, on December 8, 2003, applicants filed the present petition. The petition is further accompanied by a copy of Figures sixteen through eighteen (16-18), along with a copy of applicants' postcard receipt acknowledging receipt of "drawings (22 pages)" in the United States Patent and Trademark Office (Office) on September 15, 2003. Applicants request that the application, including Figures sixteen through eighteen (16-18), be accorded a filing date of September 15, 2003.

Upon review of the record, the above-mentioned figures have not been located among the application papers. However, the evidence is convincing that the application papers deposited on September 15, 2003 included twenty-two (22) sheets of drawings, and the

three sheets containing Figures sixteen through eighteen (16-18) were subsequently misplaced in the Office.

Therefore, the application, including Figures sixteen through eighteen (16-18), was complete on filing and entitled to a filing date of September 15, 2003 as part of the original disclosure.

Accordingly, the petition is **GRANTED**.

The notice mailed November 28, 2003 was sent in error, and is hereby **VACATED**. Therefore, no petition fee is necessary. The petition fee of $130 has been refunded to Petitioner's Deposit Account, as authorized in the petition.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of September 15, 2003, using the original application papers filed on that date, as well as Figures sixteen through eighteen (16-18) submitted on December 8, 2003.

Any inquiries related to this decision should be directed to the undersigned at (703) 305-0011.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/503,640	09/17/2003		160	10011.002100 (P1178)	10		

CONFIRMATION NO. 5002

CORRECTED FILING RECEIPT

OC000000011559467

000031894
OKAMOTO & BENEDICTO, LLP
P.O. BOX 641330
SAN JOSE, CA 95164

Date Mailed: 12/23/2003

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Mark A. McCord, Los Gatos, CA;
Jan A. Lauber, San Jose, CA;
Paul Petric, Pleasanton, CA;
Ross W. Thompson, Santa Clara, CA;
Jason Lim, San Jose, CA;
Frank Y.H. Fan, Pleasanton, CA;
Gabor D. Toth, San Jose, CA;

If Required, Foreign Filing License Granted: 12/01/2003

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

Non-Publication Request: No

Early Publication Request: No

Title

Apparatus and methods of controlling surface charge and focus

---

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

NOT GRANTED

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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/503,752	09/18/2003		160	5048.00	27		

CONFIRMATION NO. 7156

CORRECTED FILING RECEIPT

OC000000011568872

26698
MYRIAD GENETICS INC.
LEGAL DEPARTMENT
320 WAKARA WAY
SALT LAKE CITY, UT 84108

Date Mailed: 12/24/2003

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Scott Morham, Salt Lake City, UT;

If Required, Foreign Filing License Granted: 12/03/2003

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

Non-Publication Request: No

Early Publication Request: No

Title

Method and composition for treating viral infection

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

GRANTED

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

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

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

NOT GRANTED

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

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OIPE 03-04

MICHAEL LAWRENCE BEAUCHAMP
651-B MINNA STREET
SAN FRANCISCO CA 94103

COPY MAILED

MAR 2 6 2004

OFFICE OF PETITIONS

In re Application of	:
Michael Lawrence Beauchamp	:
Application No. 60/503,867	: DECISION DISMISSING
Deposited: 22 September, 2003	: PETITION
For: HOME UTILITY MANAGEMENT	:
VEHICLE MINI VAN OR HUM V - MINI	:
VAN	:

This is a decision on the petition filed on 27 January, 2004, which is treated as a petition under 37 CFR 1.53 requesting that the application be accorded a filing date of 22 September, 2003.

The petition is **DISMISSED**.

The application was deposited on 22 September, 2003, without a specification. Accordingly, on 6 December, 2003, a Notice of Incomplete Provisional Application was mailed, stating that the specification was missing and that a complete specification as provided by 35 U.S.C. § 112 was required to obtain a filing date.

In response, on 27 January, 2004, the present petition was filed. Petitioner asserts that the specification was not filed with the other application papers deposited on 22 September, 2003, because petitioner the USPTO "did not request it" and because petitioner "did not wish to disclose said specification to competitors who might request a certified copy of my Provisional Application from me."

The arguments have been considered, but are not persuasive. The U.S. Patent and Trademark Office (Office) file is the official record of the papers originally filed in this application. A review of the papers originally filed reveals that no pages of specification were filed on 22 September, 2002. Moreover, petitioner concedes that the specification was not filed.

Petitioner is advised that 35 U.S.C. § 112 requires that a specification be filed. 35 U.S.C. § 111, moreover, states that the contents of an application **shall** include a specification as

prescribed in section § 111. Therefore, unless and until petitioner submits a specification, the Office is precluded by statute from according this application a filing date.

The format and wording of the papers filed are that of an inexperienced applicant. In further prosecution, the services of a registered attorney or agent are recommended.

As this petition was not due to an error on the part of the USPTO, the petition fee will not be refunded.

The filing date will be the date of receipt of all of the following items described herein and on the "Notice of Incomplete Provisional Application". All of the items described herein must be submitted within **TWO MONTHS** of the date of this decision, or proceedings on the application will be terminated.[1] **THIS TIME PERIOD MAY NOT BE EXTENDED PURSUANT TO 37 CFR 1.136.**

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

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

By FAX: (703) 872-9306
Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza 2, Lobby, Room 1B03
Arlington, VA 22202

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 308-6918.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

[1] 37 CFR 1.53(e).

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

Paper No. None

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
100 GALLERIA PARKWAY, NW
STE 1750
ATLANTA GA 30339-5948

COPY MAILED

MAR 01 2004

OFFICE OF PETITIONS

In re Application of :
Gary E. Miller :
Application No. 60/503,909 :
Filed: September 18, 2003 : DECISION ON PETITION
Attorney Docket No. :
211301-8010 :
Title: HYPODERMIC NEEDLE :
EXTRACTION DISPOSAL SYSTEM AND :
DEVICE :

This is a decision on the petition filed December 8, 2003, requesting the application, including Figure fourteen (14) be accorded a filing date of September 18, 2003 as part of the original disclosure and that the "Notice" mailed November 25, 2003 be vacated.

The application was deposited on September 18, 2003. However, on November 25, 2003, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Omitted Item(s) in a Provisional Application" (Notice), stating that the application had been accorded a filing date of September 18, 2003, and advising applicant that Figures one, five, six, seven, and fourteen (1, 5, 6, 7, and 14) appeared to have been omitted.

In response, on December 8, 2003, applicants filed the present petition. The petition is further accompanied by a copy of eighteen (18) sheets of drawings, containing Figures two, three, four, eight, nine, ten, eleven, twelve-a, twelve-b, twelve-c, thirteen-a, thirteen-b, thirteen-c, fourteen, fifteen, sixteen, seventeen, eighteen, and nineteen-a (2, 3, 4, 8, 9, 10, 11, 12a, 12b, 12c, 13a, 13b, 13c, 14, 15, 16, 17, 18, and 19a), along with a copy of applicants' postcard receipt acknowledging receipt of "18 Pgs. Drawings OR 56 Pgs. Specification & Dwgs"" in the United

States Patent and Trademark Office (Office) on September 18, 2003. Applicants request that the application, including Figure fourteen (14), be accorded a filing date of September 18, 2003.

Upon review of the record, the above-mentioned figure has not been located among the application papers. However, the evidence is convincing that the application papers deposited on September 18, 2003 included the single drawing sheet containing Figure fourteen (14), and the drawing sheet containing this drawing was subsequently misplaced in the Office.

Therefore, the application, including Figure fourteen (14), was complete on filing and entitled to a filing date of September 18, 2003 as part of the original disclosure.

Regarding Figures one, five, six, and seven (1, 5, 6, and 7), Petitioner's failure to submit a petition which address these figures within two-months of the mailing of the notice is hereby construed as constructive acceptance that these figures were not included on filing.

Accordingly, the petition is **DISMISSED-IN-PART**.

The portion of the notice which stated that Figure fourteen (14) was not received, mailed November 25, 2003 was sent in error, and **that portion** is hereby **VACATED**.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of September 18, 2003, using the original application papers filed on that date, as well as Figure fourteen (14) resubmitted on December 8, 2003.

However, the remainder of the Notice was proper. The petition fee of $130 will not be refunded as the petition was necessitated by the condition of the application on filing.

Any inquiries related to this decision should be directed to the undersigned at (703) 305-0011.

Nancy Johnson for

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No.

PATENT DEPARTMENT
SKADDEN, ARPS, SLATE, MEAGHER &
FLOM LLP
FOUR TIMES SQUARE
NEW YORK, NY 10036

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SEP 16 2005

OFFICE OF PETITIONS

In re Provisional Application of Brian Ratcliff Application No. 60/503,952 Filed: September 18, 2003 Attorney Docket No. FLEET-001-PRV For: METHOD OF ADMINISTERING A CRM SYSTEM HAVING MULTIPLE USER CONTEXTS	ON PETITION

This is a decision on the "PETITION TO EXPUNGE PART OF ORIGINAL DISCLOSURE (MPEP § 724.05(IV)," filed September 17, 2004, requesting under 37 CFR 1.183 suspension of the requirements of 37 CFR 1.59(a) such that a portion of the originally filed disclosure be expunged from this file. The petition fee has been charged to Deposit Account No. 19-2385, as authorized.

Petitioners request expungement and return of confidential customer information from the figures shown on pages 15, 16, 18, 19, 23 and 24 from the disclosure originally filed in this application. Petitioners state that public disclosure of this information could cause irreparable harm to those customers. Applicants state that this confidential information has no connection to the questions of patentability and scope of the present application.

It is found that the references to the confidential customer information is not important to a reasonable Examiner in deciding on patentability.

It is agreed that justice would be served by waiver in this instance.

Further, petitioners have supplied a replacement set of pages 15, 16, 18, 19, 23 and 24.

However, the present application as filed has been scanned and is maintained in the Office in an Image File Wrapper (IFW). The instant request is not for national security reasons. Thus, the pages will not be removed from the IFW. Instead, the Office has "hidden" pages 15, 16, 18, 19, 23 and 24 as originally filed with confidential information. See *Reminder of the Proper Procedure for Filing Confidential Information Pursuant to MPEP 724.02(signed April 23, 2004)*, 1282 OG 107 (May 18, 2004).

The substitute pages supplied on petition will replace the "hidden" pages of the originally filed papers.

Accordingly, the petition is **GRANTED** to the extent indicated herein.

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

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

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/503,972	09/19/2003		160	2867-207-P	2		

CONFIRMATION NO. 8357

CORRECTED FILING RECEIPT

OC000000011567413

27820
WITHROW & TERRANOVA, P.L.L.C.
P.O. BOX 1287
CARY, NC 27512

Date Mailed: 12/24/2003

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Joseph Smart, Mooresville, NC;
Brook Hosse, Huntersville, NC;
Shawn Gibb, Charlotte, NC;
David Grider, Huntersville, NC;
Jeffrey Shealy, Huntersville, NC;

If Required, Foreign Filing License Granted: 12/02/2003

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

Non-Publication Request: No

Early Publication Request: No

Title

High voltage GaN-based transistor structure

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

GRANTED

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

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

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

NOT GRANTED

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

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.
P O BOX 458
ALAMEDA CA 94501

COPY MAILED

MAR 0 9 2004

OFFICE OF PETITIONS

In re Application of Ron Application No. 60/504,083 Filed: September 19, 2003 Attorney Docket No. 316T-002600US For: MITIGATING SYMPTOMS AND BEHAVIORS OF SUBSTANCE ABUSE BY MODULATING GDNF PATHWAY ACTIVITY	:	DECISION GRANTING PETITION

This is a decision on the paper entitled, "PETITION TO GRANT FILING DATE OF APPLICATION," filed January 26, 2004 (certificate of mailing date January 23, 2004), requesting that the above-identified application be accorded a filing date of September 19, 2003. The petition will be treated under 37 CFR 1.53(e).

The application was deposited on September 19, 2003. On November 26, 2003, the Office of Initial Patent Examination mailed a Notice informing petitioner that no filing date had been accorded to the application papers deposited on September 19, 2003 because no drawings were present, as is required by 35 USC 113.

In response to the Notice, petitioner timely filed the present petition. Petitioner requests that the above-identified application be accorded a filing date of September 19, 2003 on the basis that 13 pages of drawing figures were received in the Patent and Trademark Office (PTO) on September 19, 2003. In support, the petition is accompanied by a copy of applicant's itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing September 19, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing includes 13 pages of drawings.

The return postcard constitutes *prima facie* evidence that 13 pages of drawings were filed on September 19, 2003. MPEP 503. Accordingly, the request is **GRANTED**.

Deposit account no. 50-0893 will be credited the $130 petition fee submitted with the instant petition.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **September 19, 2003**, using the copy of the 13 pages of drawings submitted with the instant petition. Office records will be corrected to show that 13 pages of drawings were present on filing.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/504,161	09/19/2003		160	PC26038			

CONFIRMATION NO. 6930

CORRECTED FILING RECEIPT

OC000000013357030

Gregg C. Benson
Pfizer Inc.
Patent Department, MS 8260-1611
Eastern Point Road
Groton, CT 06340

Date Mailed: 07/27/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Judy Campagnari, Westerly, RI;

If Required, Foreign Filing License Granted: 12/03/2003

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

Non-Publication Request: No

Early Publication Request: No

Title

Pharmaceutical compositions and methods comprising combinations of 2-alkylidene-19-nor-vitamin D derivatives and a bone morphogenetic protein

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

GRANTED

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

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

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

NOT GRANTED

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

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JOHN F. MCCABE
LUCENT TECHNOLOGIES, INC.
DOCKET ADMINISTRATOR – ROOM 3J-219
101 CRAWFORDS CORNER ROAD
HOLMDEL, NJ 07733-3030

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OCT 1 4 2004

OFFICE OF PETITIONS

In re Application of	:	
Gershenson et al.	:	
Application No. 60/504,215	:	ON PETITION
Filed: September 22, 2003	:	
Attorney Docket No. 04-032	:	

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 the undersigned at (571) 272-3206.

This matter is now being referred to the Office of Initial Patent Examination for processing of the Correction of Inventorship under 37 C.F.R. 1.48(d) concurrently submitted.

Liana Chase

Liana Chase
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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JJGJr: 02-04

Paper No: __

DAVID M. GRYTE
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7700 BONHOMME
ST. LOUIS, MO 63105

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FEB 2 6 2004
OFFICE OF PETITIONS

In re Application of:	:	
Becker, et al.	:	ON PETITION
Filed: 19 September, 2003	:	
Application No. 60/504,281	:	
Docket No.: 01414/2/PR	:	
(6794-000063(PS1)		

This is a decision on the petition filed on 6 February, 2004, to have accorded to pages 1 -132 of the specification (description and claims) of the instant application a filing date of 19 September, 2003.

The petition is **DISMISSED as moot**.

The application was deposited on 19 September, 2003, by Counsel David M. Gryte (Reg. No. 41,809) (Mr. Gryte/Petitioner) of Harness, Dickey & Pierce, LLC, on behalf of fourteen named inventors, of whom the first named inventor was Daniel P. Becker (Mr. Becker, et al).

A receipt card bearing an Office bard-coded date stamp of "09/19/03 " and Application No. "60/504,281" was returned to Mr. Gryte via the US Postal Service (USPS) on or about 2 October, 2003.

In a telephone inquiry to the Office, Mr. Gryte's colleague, Lydia N. Nenow (Reg. No. 52,530) (Ms. Nenow), represented that she and Mr. Gryte began inquiries with the Office as to the instant provisional application when they did not receive a filing receipt for the application, and it was at that time that she learned that the application number about which she inquired (60/504,281)

contained only a portion of the materials she believed to be filed in the application (i.e., contained only pages numbered sequentially 133 - 313 and each bearing the Attorney Docket No. 01414/2/PR and Client Docket No. 6794-000063/PS1), and that the record identified persons other than Mr. Becker, et al., as the inventors–while the Image File Wrapper (IFW) contained 132 pages other than materials understood by Petitioner to be the content of pages 1 -132 of the application of Mr. Becker et al.

Thereafter, on 6 February, 2004, Mr. Gryte and Ms. Nenow filed the instant petition, and therewith supplied:

- a copy of the receipt card (see: MPEP §503) evidencing the deposit via Express Mail (Label No. EL961489701US) on 19 September, 2003, of the instant application containing, *inter alia*: "Provisional Application for Patent Cover Sheet (2 pages) . . . Provisional Application (269 claims) (313 Pages)" with a title of Heteroarylsulfonymethyl Hydroxamic Acids and Amides and Their Use as Protease Inhibitors" for "Applicant: Becker et al" and "Client Matter #01414/2/PR (6794-000063/PS1)" for "Attorney: David M. Gryte";

- copies of documents purporting to be "Provisional Application for Patent Cover Sheet" (2 pages) and pages 1 - 313 (numbered sequentially and each bearing the Attorney Docket No. 01414/2/PR and Client Docket No. 6794-000063/PS1) of the application; and

- Petitioner's statement incorporated into the petition

Two reviews of the application papers–the first on February 12, 2004, and the second on February 20, 2004, reveal that:

- on February 12, 2004, the IFW of the instant application contained matter other than pages numbered sequentially 1 - 132 and each bearing the Attorney Docket No. 01414/2/PR and Client Docket No. 6794-000063/PS1, while it did contain pages numbered sequentially 133 - 313 and each bearing the Attorney Docket No. 01414/2/PR and Client Docket No. 6794-000063/PS1;

- however, by February 20, 2004, the review of the file revealed that Office had collated the parts of the file such that the IFW of the instant application contained pages numbered sequentially 1 - 313 and each bearing the Attorney Docket No. 01414/2/PR and Client Docket No. 6794-000063/PS1, as well as the Provisional Application for Patent Cover Sheet (2 pages) identifying the application entitled "Heteroarylsulfonymethyl Hydroxamic Acids and Amides and Their Use as Protease Inhibitors" for Applicant(s): Becker, et al., and providing Mr. Gryte's mailing and other contact information.

Moreover, on February 20, 2004, the Office bibliographic data for the instant application was corrected to identify the application entitled "Heteroarylsulfonymethyl Hydroxamic Acids and Amides and Their Use as Protease Inhibitors" for Applicant(s): Becker, et al., and providing Mr.

Gryte's mailing and other contact information.

In light of those findings, there are no other requests from Petitioner remaining to be considered in this matter by the Office of Petitions.

Therefore, the petition is **dismissed as moot**, and all fees associated with this petition are waived.

The application is released to the Documents Services Division for preparation of certified copies required by the Petitioner.

Telephone inquiries concerning this decision may be directed to the undersigned at (703)305-9199.

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

Encl.: Filing Receipt

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PHOENIX AZ 85012

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MAR 1 2 2004

OFFICE OF PETITIONS

In re Application of
Petras, et al.
Application No. 60/504,306
Received: September 17, 2003
Attorney Docket No. PP03957
For: CONTENT GENERATION SYSTEM FOR CREATING AND MAINTAINING A DATABASE OF INFORMATION UTILIZING USER EXPERIENCES

:DECISION GRANTING PETITION

This is a decision on the petition entitled, "PETITION UNDER 37 CFR 1.181,"filed January 26, 2004, requesting, in effect, withdrawal of the November 26, 2003 Notice of Incomplete Provisional Application and accordation of a September 17, 2003 filing date to the above-identified application with 131 pages of allegedly omitted specification being part of the original disclosure. In the alternative, petitioners request that the application, as filed without a formal specification, be accorded a filing date of September 17, 2003. The petitions will be treated under 37 C.F.R 1.53(e).

On September 17, 2003, the above-identified provisional application was received. However, on November 26, 2003, the Office of Initial Patent Examination mailed a Notice of Incomplete Provisional Application (Notice), stating 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.

In response to the Notice, petitioners timely filed the present petitions on January 26, 2004. Petitioners request a September 17, 2003 filing date based on two arguments. First, petitioners state that the specification was filed on September 17, 2003 and later misplaced by the Office. Second, petitioners argue that the 272 pages of drawings received on September 17, 2003 suffice as a specification under 35 U.S. C. 112.

35 U.S.C. 111(b) provides, in pertinent part, that:

(1) AUTHORIZATION. —A provisional application for patent shall be made or authorized to be made by the inventor, except as otherwise provided in this title, in writing to the Director. Such application shall include —

(A) a specification as prescribed by the first paragraph of section 112 of this title; and
(B) a drawing as prescribed by section 113 of this title.

(2) CLAIM. —A claim, as required by the second through fifth paragraphs of section 112, shall not be required in a provisional application.

...

(4) FILING DATE. —The filing date of a provisional application shall be the date on which the specification and any required drawing are received in the Patent and Trademark Office.

35 U.S.C. 112, first paragraph, provides that:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

37 C.F.R. § 1.53(c) further provides that:

> The filing date of a provisional application is the date on which a specification as prescribed by the first paragraph of 35 U.S.C. 112, and any drawing required by § 1.81(a) are filed in the Patent and Trademark Office. No amendment, other than to make the provisional application comply with the patent statute and all applicable regulations, may be made to the provisional application after the filing date of the provisional application.
>
> > (1) A provisional application must also include the cover sheet required by § 1.51(c)(1), which may be an application data sheet (§ 1.76), or a cover letter identifying the application as a provisional application. Otherwise, the application will be treated as an application filed under paragraph (b) of this section.

MPEP 601.01(b) provides that:

> A provisional application will be given a filing date in accordance with 37 CFR 1.53(c) as of the date the written description and any necessary drawings are filed in the Office. The filing date requirements for a provisional application set forth in 37 CFR 1.53(c) parallel the requirements for a nonprovisional application set forth in 37 CFR 1.53(b), except that no claim is required. Amendments, other than those required to make the provisional application comply with applicable regulations, are not permitted after the filing date of the provisional application.

PETITION TO ACCORD A FILING DATE OF SEPTEMBER 17, 2003 WITH 131 PAGES OF SPECIFICATION AS PART OF THE ORIGINAL DISCLOSURE

Petitioners argue that the allegedly omitted 113 page specification <u>was</u> received in the Patent and Trademark Office (PTO) on September 17, 2003. Therefore, petitioners contend that the application is entitled to a September 17, 2003 filing date with the 113 page specification as part of the original disclosure.

In support, the petition is accompanied by a copy of applicants' provisional cover sheet that lists the specification as 113 pages, a copy of the original Certificate of Express Mailing listing

September 17, 2003 as the date of deposit, a statement from the attorney of record that two persons witnessed and participated in the application's assembly and each of whom verified the contents of the mailing, and a copy of applicants' annotated itemized postcard receipt showing an Office of Initial Patent Examination date stamp listing September 17, 2003 as the date of receipt.

Petitioners are reminded that certificate of mailing cannot be relied upon to establish an application's filing date. 37 C.F.R. 1.8(2)(I)(A). Petitioners are reminded that the provisions of 37 C.F.R. 1.10(e) cannot be utilized to prove the contents of a mailing. MPEP 513 states, "Where there is a dispute as to the contents of correspondence submitted to the Office,...an applicant may not rely upon the provisions of 37 C.F.R. 1.10(e) to establish what document(s)... were filed in the Office with such correspondence.

The Office file is the official record of what was mailed by Express Mail or filed on September 17, 2003. An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence. In this regard, declarations by individuals involved in the preparation and mailing of the original application reciting their personal recollection or belief of what was contained in the application that they reviewed and/or mailed are no more persuasive of what was actually mailed than the contents of the official record. Such statements, as in this case, are usually made months after the actual events recited. In this case, the statement supplied on January 26, 2004, was made more than four (4) months after the application was actually mailed.

It is for this reason that the Office has established a practice of providing a receipt for papers filed in the Office to any applicant desiring a receipt. The practice, which was long ago established and is well publicized, requires that any paper for which a receipt is desired be filed in the Office with a self-addressed postcard identifying the paper. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the Office of all the items listed thereon on the date stamped thereon by the Office. See section 503, Manual Of Patent Examining Procedure (MPEP 503).

The postcard in this case lists 131 pages of specification. However, the postcard was annotated by the Office. The annotation states, "The PTO did not receive the following listed item(s): 131 pages of specification." As stated in MPEP 504, "If the postcard receipt has been annotated to indicate that a particular item denoted on the postcard was not received by the USPTO, the postcard receipt will not serve as *prima facie* evidence of receipt of the item in the USPTO."

Petitioners have not carried their burden of establishing that 131 pages of specification were received in the Office on September 17, 2003. The petition to accord a September 17, 2003 filing date to the application with 131 pages of specification as part of the original filing is **dismissed**.

PETITION TO ACCORD A FILNG DATE OF SEPTEMBER 17, 2003 WITHOUT 131 PAGES OF SPECIFICATION AS PART OF ORIGINAL DISCLOSURE

Petitioners next argue that it is well settled that a drawing may by itself constitute a written description of the invention if it reasonably conveys to one of ordinary skill that the inventor possessed the invention. Petitioners assert that the application as filed contained 272 textually annotated drawing figures. According to petitioners, these drawings provide a written description as required under 35 U.S.C. § 112, first paragraph. Thus, the provisional application as filed complies with 35 U.S.C. § 112, first paragraph, and is entitled to a filing date.

Petitioners rely on the Vas-cath, Inc. v. Mahurkar case to conclude that a provisional patent application including 272 textually annotated drawing figures is sufficiently complete to comply with 35 U.S.C. § 112, first paragraph, and is entitled to a filing date. To be entitled to a filing date, a provisional application need only have a written description in compliance with 35 U.S.C. § 112, first paragraph; and any required drawing(s). No claims are required.

The issue then is whether the 272 sheets of drawings deposited on September 17, 2003, in the instant provisional application, provide an adequate written description to meet the requirements of § 112, first paragraph, and entitle the application to a filing date.

The Vas-cath decision did not address the issue of compliance with § 112 for purposes of entitlement to a filing date under § 111(b)(4). The issue in Vas-cath was whether the disclosure of a design application, namely, the drawings without more, adequately meets the "written description" requirement also contained in § 112, first paragraph, so as to entitle Mahurkar to the benefit of the filing date of the earlier filed design application for his two later filed utility patents. The Court did, however, state that drawings alone may be sufficient to provide the "written description of the invention" required by § 112, first paragraph. Neither Congress nor the Commissioner have determined that drawings alone are not sufficient to meet the requirements of § 112, first paragraph for purposes of according a filing date under 35 U.S.C. 111(b)(4).

It is the practice of the Office to accord a filing date to an application that appears to comply with the requirements for according a filing date. Inasmuch as drawings alone may be sufficient to provide the written description requirement of § 112, first paragraph, and the instant application contains drawings and claims are not required, the instant provisional application appears to comply with the requirements for according a filing date. It is not necessary to now determine whether this provisional application will adequately support any non-provisional application claiming the benefit of its filing date.

In this instance, the drawings will be construed as the written description required by 35 U.S.C. § 112, first paragraph.

In view thereof, the petition to accord a September 17, 2003 filing date to the above-identified application, as it was originally filed on September 17, 2003, is GRANTED.

The provisional application file is being returned to the Office of Initial Patent Examination for correction of the filing date to September 17, 2003. The 113 pages of specification submitted on January 26, 2004 will not be considered part of the original disclosure of the application, but will be retained in the application file.

Telephone inquiries specific to this decision should be directed to the undersigned at (703) 308-6712

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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KENYON & KENYON
ONE BROADWAY
NEW YORK, NY 10004

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JUL 14 2004

OFFICE OF PETITIONS

In re Application of	:	
Leon Smith	:	
Application No. 60/504,365	:	NOTICE
Filed: September 19, 2003	:	
Attorney Docket No. 11245/49202	:	

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 the Office of Petitions Staff at (703) 305-9285.

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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COZEN O'CONNOR, P.C.
1900 MARKET STREET
PHILADELPHIA PA 19103-3508

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APR 21 2004

OFFICE OF PETITIONS

In re Application of
Griffey, et al.
Application No. 60/504,495
Filed: September 17, 2003
Attorney Docket No. ISIS0094-002/
CORE0022US.L
FOR: METHODS OF RAPID DETECTION AND IDENTIFICATION OF SPECIES OF BIOAGENTS: PREDICTIVE EVOLUTION OF MIRNAS

DECISION DISMISSING PETITION

This is a decision on the petition filed January 20, 2004 to accord a filing date of September 4, 2003 to the above-identified application without Figure 1I as part of the application papers.[1]

The petition is **dismissed**.

As stated in the Notice of Omitted Item(s) in a Provisional Application, the application's filing date is September 17, 2003. September 17, 2003 is when a written description and drawings, if required for the understanding of the invention were filed. 35 USC 111(b)(4). The only issue is whether Figure 1I was part of the application papers filed on September 17, 2003.

Petitioners have provided no evidence that Figure 1I was filed on September 17, 2003. Petitioners argue that Figure 1I is not necessary for the understanding of the invention.

Therefore, petitioners have constructively accepted the application as it was filed on September 17, 2003 -- without Figure 1I.

The application is entitled to a filing date of September 17, 2003 without Figure 1I as part of the application papers.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of **September 17, 2003**. The application papers will consist of the papers that were filed on September 17, 2003. No petition fee has been charged in connection with this matter.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

[1] The request to accord a September 4, 2003 filing date to the application is on page 2 of the petition.

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/504,576	09/18/2003		80	UMY-043-2	5		

CONFIRMATION NO. 7813

CORRECTED FILING RECEIPT

OC000000012287488

00959
LAHIVE & COCKFIELD, LLP.
28 STATE STREET
BOSTON, MA 02109

Date Mailed: 04/06/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Timothy C. Wang, Acton, MA;
Jeanmarie Houghton, North Grafton, MA;

If Required, Foreign Filing License Granted: 11/22/2003

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Bone marrow stem cells as the origin for epithelial cancer

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

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

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

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

NOT GRANTED

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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/504,726	09/18/2003		80	XENO-015/01US			

CONFIRMATION NO. 8932

CORRECTED FILING RECEIPT

OC000000012291342

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PALO ALTO, CA 94306

Date Mailed: 04/06/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Ronald W. Barrett, Saratoga, CA;
Daniel M. Canafax, Half Moon Bay, CA;

If Required, Foreign Filing License Granted: 11/20/2003

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Treating or preventing restless legs syndrome using prodrugs of GABA analogs

---

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

GRANTED

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

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

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

NOT GRANTED

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

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SUITE 390
1270 NORTHLAND DRIVE
ST. PAUL MN 55120

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FEB 03 2004

OFFICE OF PETITIONS

In re Application of
Jeffrey E. Stahmann et al.
Application No. 60/504,749
Filed: September 18, 2003
Attorney Docket No. GUID.109P1

DECISION DISMISSING
PETITION AS MOOT

This is a decision on the petition filed November 6, 2003 under 37 CFR 1.10(c), requesting that the filing date in the above-identified application be corrected to September 18, 2003.[1]

Petitioner alleges that the application was deposited in Express Mail service on September 18, 2003. In support, on November 6, 2003, petitioner supplied a copy of Express Mail receipt No. EL981390277US (the same Express Mail number found on the itemized transmittal sheet accompanying the original application papers located in the official file) bearing a date-in of September 18, 2003.

A review of the Office PALM records reveals that this application was previously accorded a filing date of September 18, 2003. Therefore, the present petition is unnecessary and will be dismissed as moot.

The application is being returned to the Office of Initial Patent Examination for further processing with the presently accorded filing date of September 18, 2003, and for issuance of a corrected Filing Receipt.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (703)305-4497.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

[1]A duplicate copy of the petition was docketed on December 8, 2003.

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/504,779	09/17/2003		80	74238-296338	20		

CONFIRMATION NO. 1201

CORRECTED FILING RECEIPT

OC000000012429975

35657
PATENT GROUP
FAEGRE & BENSON LLP
3200 WELLS FARGO CENTER
1700 LINCOLN STREET
DENVER, CO 80203-4532

Date Mailed: 04/23/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

David M. Spruce, Lakewood, CO;

If Required, Foreign Filing License Granted: 12/03/2003

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Container for transport of hazardous materials

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

GRANTED

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

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

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

NOT GRANTED

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

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PHILLIP OZDEMIR
476 HOPKINS CRANDALL ROAD
SMYRNA NY 13464

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OFFICE OF PETITIONS

In re Application of
Phillip Ozdemir
Application No. 60/504,793
Filed: September 23, 2003
Title of Invention: METHOD OF DESIGNING A FUEL DELIVERY SYSTEM FOR AN INTERNAL COMBUSTION ENGINE

: DECISION GRANTING PETITION

This is a decision on the petition filed under 37 CFR 1.181 and 1.53(e), on January 23, 2004, requesting that the above-identified provisional application be accorded a filing date of September 23, 2003.

The petition under 37 CFR 1.53 is **GRANTED**.
The petition under 37 CFR 1.181 is **DISMISSED** as involving moot issues.

The application was filed on September 23, 2003, without drawings. Accordingly, on November 24, 2003, the Office of Initial Patent Examination mailed a "Notice of Incomplete Provisional Application" stating that the application had been deposited without drawings.

On petition, it is conceded that no drawings were filed on application but also argued that drawings are not necessary for an understanding of the subject matter sought to be patented. Petitioners request that the application be accorded a filing date of September 23, 2003.

As stated in MPEP § 601.01(f), it is the practice of the PTO to treat a provisional application that contains at least some disclosure of a process or method as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

MPEP § 601.01(f) also states that:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description and the names of all the inventors.

A review of the official file reveals that the application includes at least one method claim. Therefore, this application contains disclosure relating to a process or method.

In view of the above, the "Notice" mailed November 24, 2003, was mailed in error and is hereby withdrawn.

The application will be processed with only the papers present on filing on September 23, 2003.

The application is accorded a filing date of September 23, 2003, without drawings as a part of the original disclosure. The petition fee of $130.00 paid with the present petition will be refunded to counsel's deposit account, No. 03-3975, indicated on the petition.

No treatment of this petition under 37 CFR 1.181 is necessary and thus, the application is being returned to the Office of Initial Patent Examination for correction of the filing date to September 23, 2003, and correction of PTO records to show that zero (0) sheets of drawings were present on filing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (703)305-4497.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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GREENBERG TRAURIG, P.C.
77 WEST WACKER DRIVE, SUITE 2500
CHICAGO IL 60601-1732

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FEB 23 2004

OFFICE OF PETITIONS

In re Application of
Casson, et al.
Application No. 60/504,799
Filed: September 22, 2003
Attorney Docket No. 10547.28US1
FOR: SYSTEM AND METHOD FOR FACILITATING SERVICE SUBSCRIPTION AND BILLING

: DECISION GRANTING PETITION

This is a decision on the petition filed December 15, 2003 (certificate of mailing date December 11, 2003) to accord a filing date of September 22, 2003 to the above-identified application. The petition will be treated under 37 CFR 1.182.

The application was deposited on September 22, 2003. However, on November 25, 2003, the Office of Initial Patent Examination mailed a "Notice of Incomplete Provisional Application" requiring drawings of applicants' invention and stating that the filing date would be the date of receipt of the omitted drawings. It is noted that the specification filed on September 22, 2003 references one drawing figure.

As stated in MPEP 601.01(f), it is the practice of the United States Patent and Trademark Office (PTO) to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 USC 113 (first sentence.)

MPEP 601.01(f) also states that:

> ... [A] provisional application having at least some disclosure ...for which a drawing is usually not considered essential for a filing date, describing drawing figures in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification... so long as the application contains something that can be construed as a written description.

This provisional application contains some disclosure for which a drawing is usually not considered essential for a filing date, a detailed written description, and method claims. Therefore, the application should have been accorded a filing date.

In view of the above, the "Notice" of November 25, 2003 was mailed in error and is hereby withdrawn. The application is entitled to a filing date of September 22, 2003. The petition is **granted**.

Pursuant to petitioners' authorization, deposit account no. 50-2428 will be credited the $130.00 petition fee.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of **September 22, 2003** and the mailing of a filing receipt reflecting the September 22, 2003 filing date.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/505,016	9/17/2003	STEFAN, SCHULZ	4422

Correspondence Address:
WALTER F. FASSE
P.O BOX 726
HAMPDEN, ME 04444-0726

Date Mailed: 03-03-2004

NOTICE OF CORRECTED APPLICATION NUMBER

Through an administrative error, the above identified application number was assigned to your application. The correct application number is **[60/413,029]**. Please refer to the new application number in all future correspondence to the Office.

All notices mailed in application **[60/505,016]** have been vacated. A new filing receipt will be mailed for **[60/413,029]** will be mailed in due course.

The Office regrets any inconvenience this has caused. Please direct any questions or inquiries to Customer Service at (703) 308-1202.

Eleanor Kurtz
Office of Initial Patent Examination

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St. Louis MO 63105

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OFFICE OF PETITIONS

In re Application of
Preston, et al.
Application No. 60/505,115
Filed: September 23, 2003
Attorney Docket No. 14105-9-43344
For: DUAL SHUTTLE SYSTEM

ON PETITION

This is a decision on the petition filed February 11, 2004, requesting, in effect, that the Notice of Omitted Items in a Provisional Application (Notice), mailed December 11, 2003, be withdrawn. The petition will be treated under 37 CFR 1.53(e).

The application was filed on September 23, 2003. However, on December 11, 2003, the Office of Initial Patent Examination mailed a Notice stating that the application had been accorded a filing date of September 23, 2003, and advising applicants that Figure 54, as described in the specification, appeared to have been omitted.

In response, the present petition was filed. The petition does not allege and is not accompanied by any evidence that a sheet of drawings containing the label "Figure 54" was present in the Office on September 23, 2003. In fact, petitioners state that all drawing figures intended to be filed on September 23, 2003 **were filed** and that "Figure 54" was listed in the Brief Description of Drawings by mistake.

According to the Brief Description of Drawings, the application did include a "Figure 54." Therefore, the Notice mailed December 11, 2003, was correct in advising applicants that a drawing of Figure 54 appeared to have been omitted. The Notice was properly mailed and will not be withdrawn. The petition fee is required, since the petition was not necessary to correct any PTO error.

The application is being returned the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

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

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JJGJR.: 02-05

Paper No: __

J. MICHAEL SCHIFF
MEYER PHARMACEUTICALS LLC
1761 KAISER AVENUE
IRVINE CA 92614

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FEB 04 2005
OFFICE OF PETITIONS

In re Application of
Gatanata, et al :
Application No. 60/505,336 : DECISION ON PETITION
Filing Date: 23 September, 2003
Attorney Docket No. CYTO-1 :

This is a decision on the petition filed on 19 November, 2004, and considered under 37 C.F.R. §1.53, to obtain a filing date of 23 September, 2003, for the instant application.

The petition under 37 C.F.R. §1.53 is **DISMISSED**.

BACKGROUND

This provisional application was deposited on 23 September, 2003.

Petitioner alleges that he received neither his receipt card (see: MPEP §503[1]) nor a filing receipt.

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[1] MPEP §503 provides in pertinent part:
§503 Application Number and Filing Receipt

* * *

A return postcard should be attached to *each* patent application for which a receipt is desired. It is important that the return postcard itemize all of the components of the application. If the postcard does not itemize each of the components of the application, it will not serve as evidence that any component which was not itemized was received by the United States Patent and Trademark Office (USPTO). It should be recognized that the identification of an application by application number does not necessarily signify that the USPTO has accepted the application as complete (37 C.F.R. §1.53(a)).

* * *

RETURN POSTCARD

If a receipt of any item (e.g., paper or fee) filed in the USPTO is desired, it may be obtained by enclosing with the paper a self-addressed postcard specifically identifying the item. The USPTO will stamp the receipt date on the postcard and place it in the outgoing mail. A postcard

Therefore, Petitioner filed on 19 November, 2004, the instant petition seeking a filing date, a serial number and a filing receipt for the instant provisional application.

ANALYSIS

A review of the record reveals that:

- the instant application was deposited with the Office on 23 September, 2003; and
- the file contains 35 pages (description, claims and abstract) and 18 sheets of drawings sequentially numbered a 1/18 through and including 18/18.

Accordingly, because it appears from the record that the Office has accorded to this provisional application a filing date of 23 September, 2003, the petition under 37 C.F.R. §1.53 is **dismissed as moot**; the petition fee is waived and is refunded via Treasury check.

This application is released to the Office of Initial Patent Examination to forward to Petitioner a corrected filing receipt setting forth a filing date of 23 September, 2003, reflecting therein that 35 pages of specification (description, claims and abstract) and 18 sheets of drawings were present on filing.

---

receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

The identifying data on the postcard should be so complete as to clearly identify the item for which receipt is requested. For example, the postcard should identify the applicant's name, application number (if known), confirmation number (if known), filing date, interference number, title of the invention, etc. The postcard should also identify the type of paper being filed, e.g., new application, affidavit, amendment, notice of appeal, appeal brief, drawings, fees, motions, supplemental oath or declaration, petition, etc., and the number of pages being submitted. If a new application is being filed, all parts of the application being submitted should be separately listed on the postcard, e.g., the number of pages of specification (including written description, claims and abstract), number of claims, number of sheets of drawings, number of pages of oath/declaration, number of pages of cover sheet (provisional application).

The postcard receipt will not serve as *prima facie* evidence of receipt of any item which is not adequately itemized on the postcard. For example, merely listing on the postcard "a complete application" or "patent application" will not serve as a proper receipt for each of the required components of an application (e.g., specification (including claims), drawings (if necessary), oath or declaration and the application filing fee) or missing portions (e.g., pages, sheets of drawings) of an application if one of the components or portion of a component is found to be missing by the USPTO. Each separate component should be specifically and properly itemized on the postcard. Furthermore, merely incorporating by reference in the postcard receipt, the items listed in a transmittal letter will not serve as *prima facie* evidence of receipt of those items.

The person receiving the item(s) in the USPTO will check the listing on the postcard against the item(s) being filed to be sure they are properly identified and that all the items listed on the postcard are presently being submitted to the USPTO. If any of the items listed on the postcard are not being submitted to the USPTO, those items will be crossed off and the post-card initialed by the person receiving the items. Upon return of a postcard receipt from the USPTO, the postcard receipt should be promptly reviewed by the person who filed the items to ensure that every item specifically denoted on the postcard was received by the USPTO. If the postcard receipt has been annotated to indicate that a particular item denoted on the postcard was not received by the USPTO, the postcard receipt will not serve as *prima facie* evidence of receipt of that item in the USPTO. (Emphasis supplied.)

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3214.

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request: _____ 2 Serial/Patent # 60/505,386

3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing			$
	Amendment			$
	Extension of Time			$
	Notice of Appeal/Appeal			$
✓	Petition			$ 130
	Issue			$
	Cert of Correction/Terminal Disc.			$
	Maintenance			$
	Assignment			$
	Other			$

7 TOTAL AMOUNT OF REFUND $

8 TO BE REFUNDED BY: CC

10 REASON:			
	Overpayment		Treasury Check
	Duplicate Payment		Credit Deposit A/C #:
✓	No Fee Due (Explanation):	9	--

11 REFUND REQUESTED BY:

TYPED/PRINTED NAME: Gleason TITLE: Atty

SIGNATURE: PHONE: 23214

OFFICE:

****

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APPROVED: DATE: 8/4/05

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Crystal Park One, Room 802B

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(01/90)

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/317,857	12/12/2002	William F. Long	15186-41US JA/ld

CONFIRMATION NO.

OC000000010973396

020988
OGILVY RENAULT
1981 MCGILL COLLEGE AVENUE
SUITE 1600
MONTREAL, QC H3A2Y3
CANADA

Date Mailed: 10/02/2003

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **07/23/2003,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/505,339.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

PART 2 - OFFICE COPY

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/440,481	05/16/2003	Jerry Chung	SIPXP008

CONFIRMATION NO.

OC000000010973613

21912
VAN PELT & YI LLP
10050 N. FOOTHILL BLVD #200
CUPERTINO, CA 95014

Date Mailed: 10/02/2003

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **08/11/2003,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/505,340.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/453,206	06/03/2003	Andrew W. Gordon	37861-277592

CONFIRMATION NO.

OC000000011017364

Samuel B. Rollins
Kilpatrick Stockton LLP
1001 West Fourth Street
Winston-Salem, NC 27101

Date Mailed: 10/09/2003

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **07/14/2003,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/505,341.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/811,562	03/29/2004	Joseph David MacDonald	A2004001

CONFIRMATION NO.

OC000000013105975

26643
PETER J. GORDON, PATENT COUNSEL
AVID TECHNOLOGY, INC.
ONE PARK WEST
TEWKSBURY, MA 01876

Date Mailed: 06/29/2004

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **05/27/2004,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/505,342.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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

APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/452,294	06/03/2003	Larry M. Conrad	031920-0048

CONFIRMATION NO.

OC000000011028267

31824
MCDERMOTT, WILL & EMERY
18191 VON KARMAN AVE.
SUITE 500
IRVINE, CA 92612-7108

Date Mailed: 10/14/2003

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **08/11/2003,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/505,343.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/307,220	11/29/2002	Luis Serra	057450-01180

KRAMER LEVIN NAFTALIS & FRANKEL LLP
919 Third Avenue
New York, NY 10022

CONFIRMATION NO.
OC000000011035940

Date Mailed: 10/15/2003

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **08/18/2003,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/505,344.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S. DILL
Office of Initial Patent Examination
(703) 308-0910

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/307,262	11/29/2002	Luis Serra	057450-01160

CONFIRMATION NO.

OC000000011035978

KRAMER LEVIN NAFTALIS & FRANKEL LLP
919 Third Avenue
New York, NY 10022

Date Mailed: 10/15/2003

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **08/18/2003,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/505,345.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/307,223	11/29/2002	Luis Serra	057450-01140

CONFIRMATION NO.

OC000000011036021

35743
KRAMER LEVIN NAFTALIS & FRANKEL LLP
INTELLECTUAL PROPERTY DEPARTMENT
919 THIRD AVENUE
NEW YORK, NY 10022

Date Mailed: 10/15/2003

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **08/18/2003,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/505,346.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/408,751	04/06/2003	Ken Carson	APLE.P0048

CONFIRMATION NO.

OC000000011036057

23349
STATTLER JOHANSEN & ADELI
P O BOX 51860
PALO ALTO, CA 94303

Date Mailed: 10/15/2003

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **09/08/2003,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/505,347.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/082,053	02/22/2002	Larry W. Smith	

CONFIRMATION NO.

OC000000011036143

Larry W. Smith
2205 Telhurst St., S.W.
Atlanta, GA 30310

Date Mailed: 10/15/2003

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **08/20/2003,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/505,348.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/053,248	01/15/2002	Biaoyang Lin	P-IS 4814

CONFIRMATION NO.

OC000000011079680

CATHRYN CAMPBELL
CAMPBELL & FLORES LLP
7th Floor
4370 La Jolla Village Drive
San Diego, CA 92122

Date Mailed: 10/22/2003

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **01/15/2003,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/505,349.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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OF PATENTS AND TRADEMARKS

Washington, DC 20231

OCT 2 2003

MM
Paper No. 6

In re Application of:
LEONARDI ET AL.
Serial No.: 10/172,794
Filed: June 14, 2002
For: NOVEL OXYALKYLPIPERAZINES

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.53, filed June 3,2003, to convert the application to a provisional application.

Since the petition includes all that is required by 37 CFR 1.53, the petition is GRANTED.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for conversion into a provisional application.

PETITION GRANTED

Charles Tsang for
John Doll, Director
Technology Center 1600

DARBY & DARBY P.C.
P.O. Box 5257
New York, NY 10150-5257

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/172,794	06/14/2002	Amedeo Leonardi	6485/0L559-US0

CONFIRMATION NO.

OC000000011133553

DARBY & DARBY P.C.
P.O. Box 5257
New York, NY 10150-5257

Date Mailed: 11/17/2003

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **06/03/2003,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/505,350.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/385,595	03/11/2003	Hans-Werner Schoeling	J&J-5023

CONFIRMATION NO.

OC000000011205829

000027777
PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

Date Mailed: 11/06/2003

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **10/24/2003,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/505,351.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/317,856	12/12/2002	William F. Long	15186-32US JA/Id

CONFIRMATION NO.

OC000000011205893

020988
OGILVY RENAULT
1981 MCGILL COLLEGE AVENUE
SUITE 1600
MONTREAL, QC H3A2Y3
CANADA

Date Mailed: 11/06/2003

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **09/22/2003,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/505,352.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/813,300	03/21/2001	Paul Wight	279235 SMC60465X

CONFIRMATION NO.

OC000000011207309

909
PILLSBURY WINTHROP, LLP
P.O. BOX 10500
MCLEAN, VA 22102

Date Mailed: 11/06/2003

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **05/07/2001,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/505,353.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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DW 03-04

CHOATE, HALL & STEWART
EXCHANGE PLACE
53 STATE STREET
BOSTON MA 02109

COPY MAILED
MAR 09 2004
OFFICE OF PETITIONS

In re Application of	:
Kohane et al.	:
Application No. 60/505,355	: DECISION GRANTING PETITION
Filed: 23 September, 2003	:
Atty Docket No. 0492611-0508	:

This is a decision on the petition filed on 26 January, 2004, which is treated as a petition requesting that the above-identified application be accorded a filing date of 23 September, 2003, with 16 sheets of drawings as a part of the original disclosure.

On 23 September, 2003, the application was filed.

On 25 November, 2003, Initial Patent Examination Division mailed a "Notice of Incomplete Nonprovisional Application" stating that the application had not been accorded a filing date because the application was deposited without drawings and that the filing date of the application would be the date of receipt of the drawings.

In response, on 26 January, 2004, the present petition and 16 sheets of drawings were filed. Petitioners argue that 16 sheets of drawings were filed with the other application papers on 23 September, 2003, and that the drawings were misplaced in the U.S. Patent and Trademark Office (Office). In support of the petition, a copy of petitioners' postcard receipt was supplied with the petition. The postcard receipt, which shows an Office stamp of 09/23/03, and the above-identified application number, acknowledges receipt of, *inter alia*, 16 sheets of drawings.[1]

[1] It is noted that the postcard was stamped to indicate that a check for $80.00 itemized therein was not received on filing. However, since the postcard was not stamped to indicate that 16 sheets of drawings were not received the postcard does

Petitioners request that the application, including 16 sheets of drawings, be accorded a filing date of 23 September, 2003.

Upon review of the record, no sheets of drawings deposited on 23 September, 2003, have been located among the application papers. However, the evidence is convincing that the application papers deposited on 23 September, 2003, included 16 sheets of drawings, which were subsequently misplaced in the USPTO. Therefore, the application, including 16 sheets of drawings, was complete on filing and entitled to a filing date of 23 September, 2003.

In view of the above, the petition is granted. The application will be processed with the 16 sheets of drawings submitted with the present petition. Since this petition was due to an error on the part of the USPTO, the fee of $50.00 charged with the present petition is unnecessary and will be credited to counsel's deposit account, No. 03-1721.

The "Notice" mailed on 25 November, 2003, was sent in error and is hereby withdrawn.

The application is being returned to Initial Patent Examination Division for processing with a filing date of 23 September, 2003, using the application papers filed on that date, and the 16 sheets of drawings supplied with the present petition, and for an indication in Office records that 16 sheets of drawings were present on filing.

Telephone inquiries specific to this matter should be directed to the undersigned at 703 308-6918.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

---

serve as persuasive evidence that 16 sheets of drawings were received in the USPTO on the date stamped thereon.

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/505,643	09/24/2003		80	35027.003PROV	1		

CONFIRMATION NO. 4285

CORRECTED FILING RECEIPT

OC000000012785298

34395
OLYMPIC PATENT WORKS PLLC
P.O. BOX 4277
SEATTLE, WA 98104

Date Mailed: 05/26/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Gregory A. Failla, Gig Harbor, WA;
John M. McGhee, Los Alamos, NM;
Todd A. Wareing, Gig Harbor, WA;
Douglas A. Barnett, Pattersonville, NY;

If Required, Foreign Filing License Granted: 11/22/2003

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

System and method for calculating radiation doses for radiotherapy applications

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

GRANTED

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

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

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

NOT GRANTED

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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/505,825	09/24/2003		160	10022-327	12		

CONFIRMATION NO. 5534

CORRECTED FILING RECEIPT

OC000000011870561

Brinks, Hofer, Gilson & Lione
P.O. BOX 10395
Chicago, IL 60610

Date Mailed: 02/10/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Andrew Pitman, Dunwoody, GA;
David McDonald, Herndon, VA;
Sean Finnegan, Leesburg, VA;
Steven Buxton, Sterling, VA;
Robert Matles, Chicago, IL;

If Required, Foreign Filing License Granted: 11/20/2003

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

Non-Publication Request: No

Early Publication Request: No

Title

Electronic signature

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

GRANTED

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

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

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

NOT GRANTED

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

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Alexandria, Virginia 22313-1450
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/505,879	09/24/2003		160	03-890	4		

CONFIRMATION NO. 5310

CORRECTED FILING RECEIPT

OC000000011765477

20306
MCDONNELL BOEHNEN HULBERT & BERGHOFF
300 SOUTH WACKER DRIVE
SUITE 3200
CHICAGO, IL 60606

Date Mailed: 01/26/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Michael S. Borella, Naperville, IL;

If Required, Foreign Filing License Granted: 11/20/2003

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

Non-Publication Request: No

Early Publication Request: No

Title

Loopback interface for value added services

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

GRANTED

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

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

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

NOT GRANTED

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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/505,884	09/24/2003		80	03-552	1		

CONFIRMATION NO. 5307

CORRECTED FILING RECEIPT

OC000000012413408

020306
MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO, IL 60606

Date Mailed: 04/21/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Oscar Moradei, Kirkland, CANADA;
Isabelle Paquin, Saint-Laurent, CANADA;
Silvana Leit, Kirkland, CANADA;
Sylvie Frechette, Montreal, CANADA;
Arkadii Vaisburg, Kirkland, CANADA;
Jeffrey M. Besterman, Baie D'Urfe, CANADA;

If Required, Foreign Filing License Granted: 11/20/2003

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Inhibitors of histone deacetylase

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

NOT GRANTED

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

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BAKER BOTTS L.L.P.
2001 ROSS AVENUE
6TH FLOOR
DALLAS, TX 75021-2980

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FEB 16 2005
OFFICE OF PETITIONS

In re Application of :
Yasin N. Khan :
Application No. 60/506,289 :
Filed: September 26, 2003 :
Attorney Docket No. 065274.0104 :

ON PETITION

This is a decision on the Petition for Filing Date, filed January 24, 2005, requesting the above-identified application be accorded a filing date of September 26, 2003, including 5 pages of drawings.

The application was filed on September 26, 2003. On November 26, 2004, the Office of Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application (hereinafter "Notice") stating that the application had NOT been accorded a filing date because the application had been deposited without drawings.

Applicant responds with the instant petition wherein Applicant avers that 5 pages of drawings were originally filed with the application on September 26, 2003, and were received by this Office as evidenced by the return-receipt postcard. In support of this assertion, Applicant provides a copy of a return-receipt postcard acknowledging receipt of, *inter alia*, 5 pages of drawings in the above-identified application by this Office on September 26, 2003.

A review of the return-receipt postcard reveals that Applicant is correct. The postcard acknowledges receipt of, *inter alia*, 5 pages of drawings in the above-identified application by this Office on September 26, 2003.

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

Accordingly, the petition is granted.

The copy of 5 pages of drawings, filed with the instant petition on January 24, 2005, will be used for examination purposes.

A refund of the petition fee has been credited to deposit account 02-0384, as requested in the instant petition.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of September 26, 2003, and an indication that 5 pages of drawings were present on filing, using the 5 pages of drawings filed with the instant petition on January 24, 2005.

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

Derek L. Woods
Attorney/Advisor
Office of Petitions

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Sten Erik Hakanson
One Cornelius Place
Anoka MN 55082

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OFFICE OF PETITIONS

In re Application of :
Scott Sevcik, et al. :
Application No. 60/506,391 : ON PETITION
Filed: September 27, 2003 :
Attorney Docket No. 1A0328.PV :

This is a decision in response to the petition filed May 3, 2004, in the above-identified application requesting.

The application was filed on September 27, 2003. However, on March 8, 2004, Initial Patent Examination Division mailed a "Notice Of Omitted Item(s)" stating that the application had been accorded a filing date of September 27, 2003, and advising applicants that Page 8 of the specification appeared to have been omitted.

In response, the present petition was filed. There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, in accordance with 37 CFR 1.34(a), the signature of Michael Piontek 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. A courtesy copy of this decision is being mailed to petitioner. However, if Mr. Piontek desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. All future correspondence regarding this application file will be directed solely to the address of record.

Petitioners explain that page 8 was not missing on September 27, 2003. Instead, the application included an erroneous page break when printing, with page 8 being blank except for a page number. Petitioners submit 9 pages of specification which are renumbered to correct this error.

It is now clear from the petition that no page 8 was actually missing on September 27, 2003. Rather, the application included a blank page numbered page 8 as a result of applicant's printing error. However, the "Notice Of Omitted Item(s)" mailed March 8, 2004, was correct in stating that page 8 of the specification appeared to have been omitted. Therefore, the "Notice" was properly mailed and will not be withdrawn.

The petition is dismissed.

Since the present petition was not necessitated by any error on the part of the Office, the $130.00 petition fee will not be refunded.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of September 27, 2003, using the application papers filed on that date.

Telephone inquires related to this decision should be directed to the undersigned at (703) 305-9220. Telephone inquiries related to OIPE processing should be directed to their hotline at (703) 308-1202.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Michael Piontek
PYLE & PIONTEK
221 N. LaSalle Street, Suite 850
Chicago, IL 60601

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/506,403	09/26/2003		210	20518/55	1		

CONFIRMATION NO. 8665

CORRECTED FILING RECEIPT

OC000000012095851

21710
BROWN, RUDNICK, BERLACK & ISRAELS, LLP.
BOX IP, 18TH FLOOR
ONE FINANCIAL CENTER
BOSTON, MA 02111

Date Mailed: 03/12/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Jim Walls, Dunwoody, GA;
Cliff Karl, Buzzards Bay, MA;
Kurt Green, Wrentham, MA;
Tony Sacchetti, Quincy, MA;
Robert A. Morris, Milton, MA;
Chris Dubeau, Attleboro, MA;
Henry Mros, Taunton, MA;
Ed Desanto, Warwick, RI;
Manikanton Menon, Tijuana B.C., MEXICO;
Stephen Murray, North Attleboro, MA;

If Required, Foreign Filing License Granted: 12/01/2003

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

Non-Publication Request: No

Early Publication Request: No

Title

Urology catheter

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.

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NOT GRANTED

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

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DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP
2101 L Street, NW
Washington DC 20037

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DEC 3 0 2004

OFFICE OF PETITIONS

In re Application of
Shepard
Application No. 60/506,513
Deposited: September 23, 2003
Attorney Docket No. A4084.0003/P003
For: PARTIAL DISTAL FEMUR

ON PETITION

This is a decision on the petition, filed November 16, 2004, requesting, in effect, withdrawal of the Notice of Incomplete Nonprovisional Application, mailed November 10, 2004, insofar as it alleges that drawings were omitted upon filing. The petition will be treated under 37 CFR 1.53(e).

The petition under 37 CFR 1.53(e) is **DISMISSED**.

The application was deposited on September 23, 2003. On November 10, 2004, the Office of Initial Patent Examination mailed a Notice informing petitioner that drawings were omitted.

In response to the Notice, petitioner filed the present petition. Petitioner request that the application be accorded a filing date of September 23, 2003 on the basis that 12 sheets of drawings were received in the Patent and Trademark Office (PTO) on September 23, 2003. In support, the petition is accompanied by a copy of applicant's itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing September 23, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included 12 sheets of drawings. A review of the application file reveals that no sheets of drawings are present.

The return postcard constitutes *prima facie* evidence that 12 sheets of drawings were filed on September 23, 2003. MPEP 503.

Unfortunately, copies of only 10 of the 12 sheets of drawings were submitted with the instant petition. A copy of Figure 12 and a copy of Figure 14 are missing.

The application file will be retained in the Office of Petitions until the 2 missing figures are submitted. Once the omitted sheets are submitted and a reconsideration petition is granted, the $130.00 petition fee submitted with the instant petition will be credited to petitioner's deposit account.

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

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

By hand: U.S. Patent and Trademark Office
220 20th Street S.
Customer Window, Mail Stop Petition
Crystal Plaza 2, Lobby, Room 1B03
Arlington, VA 22202

By FAX: (703) 872-9306 – ATTN: Office of Petitions

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

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP
2101 L Street, NW
Washington DC 20037

COPY MAILED

JAN 26 2005

OFFICE OF PETITIONS

In re Application of	:	
Shepard	:	
Application No. 60/506,513	:	ON PETITION
Deposited: September 23, 2003	:	
Attorney Docket No. A4084.0003/P003	:	
For: PARTIAL DISTAL FEMUR	:	

This is a decision on the reconsideration petition, filed January 7, 2005, requesting, in effect, withdrawal of the Notice of Incomplete Nonprovisional Application, mailed November 10, 2004, insofar as it alleges that drawings were omitted upon filing. The petition will be treated under 37 CFR 1.53(e).

The petition under 37 CFR 1.53(e) is **GRANTED**.

The application was deposited on September 23, 2003. On November 10, 2004, the Office of Initial Patent Examination mailed a Notice informing petitioner that the application had not been accorded a filing date because drawings were omitted.

In response to the Notice, petitioner filed a petition on November 16, 2004. Petitioner requested that the application be accorded a filing date of September 23, 2003 on the basis that 12 sheets of drawings were received in the Patent and Trademark Office (PTO) on September 23, 2003. In support, the petition is accompanied by a copy of applicant's itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing September 23, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included 12 sheets of drawings. A review of the application file reveals that no sheets of drawings are present.

The return postcard constitutes *prima facie* evidence that 12 sheets of drawings were filed on September 23, 2003. MPEP 503.

Unfortunately, copies of only 10 of the 12 sheets of drawings were submitted with the November 16, 2004 petition. A copy of Figure 12 and a copy of Figure 14 were missing. Therefore, the petition was dismissed on December 30, 2004.

Petitioner filed the instant timely reconsideration petition on January 7, 2005 and submitted a copy of Figure 12 and a copy of Figure 14.

Therefore, the reconsideration petition is **GRANTED** and the Notice of Incomplete Provisional Application was mailed in error and is vacated. The $130.00 petition fee submitted with the November 16, 2004 petition will be refunded to petitioner's credit card.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **September 23, 2003**, using the copy of the drawing figures submitted with the November 16, 2004 petition and the January 7, 2005 reconsideration petition. Office records will be corrected to show that 12 sheets of drawings were present on filing.

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

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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MCDONALD HOPKINS CO., LPA
2100 BANK ONE CENTER
600 SUPERIOR AVENUE, E.
CLEVELAND OH 44114-2653

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MAR 1 1 2004

OFFICE OF PETITIONS

ON PETITION

In re Application of :
John W. Patterson :
Application No. 60/506,588 :
Filed: 26 September, 2003 :
Attorney's Docket No. 18785-02346 :

This is a decision in reference to the petition, filed on 14 January, 2004, in response to the Notice of Omitted Items in a Provisional Application mailed on 3 December, 2003, which is treated as a petition filed under 37 CFR 1.53.

The petition is dismissed.

The application was filed on 26 September, 2003. However, on 3 December, 2003, Initial Patent Examination Division mailed a "Notice" stating that the application had been accorded a filing date of 26 September, 2003, and advising applicant that Figures 6, 7, and 8 described in the specification appeared to have been omitted.

In response, the present petition was filed. Petitioners argue that explain that Figures 6, 7, and 8 were not missing on 26 September, 2003. Petitioners have submitted corrected drawings containing Figures 1-8 with the present petition.

It is obvious from the petition that no drawings were actually missing on 26 September, 2003. Rather, the drawings of Figures 6, 7, and 8 were simply mislabeled as a result of the applicant's filing error. However, the "Notice" mailed on 3 December, 2003, was correct in stating that Figures 6, 7, and 8 described in the specification appeared to have been omitted. Therefore, the "Notice" was properly mailed and will not be withdrawn.

The present petition was not necessitated by any error on the part of the Office and the $130.00 petition was required upon filing of the petition. Thus, the $130.00 petition fee will be charged to counsel's deposit account, No. 13-0265.

The application will be processed using the application papers filed on 26 September, 2003. The copies of the drawing figures supplied with the present petition will not be used for processing, but will be retained in the application file.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of 26 September, 2003, using the application papers filed on that date.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 308-6918.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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GREER BURNS & CRAIN, LTD
300 SOUTH WACKER DRIVE, SUITE 2500
CHICAGO, IL 60606

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DEC 08 2004

OFFICE OF PETITIONS

In re Application of :
Sujit Dey et al :
Application No. 60/506,711 :
Filed: September 26, 2003 :
Attorney Docket No. 0321.68379

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
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/506,802	09/29/2003		160	MDSP-P61-125	15		

CONFIRMATION NO. 2092

CORRECTED FILING RECEIPT

OC000000011584327

28120
ROPES & GRAY LLP
ONE INTERNATIONAL PLACE
BOSTON, MA 02110-2624

Date Mailed: 12/30/2003

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Joseph Michel Daniel Figeys, Pickering, CANADA;

If Required, Foreign Filing License Granted: 11/22/2003

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

Non-Publication Request: No

Early Publication Request: No

Title

RuvB-like2-USP7 complex

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

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING

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

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SIDLEY AUSTIN LLP
555 WEST 5TH STREET
SUITE 4000
LOS ANGELES, CA 91723

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JUN 11 2008

OFFICE OF PETITIONS

In re Application of :
Christopher C. Miller, et al :
Application No. 60/506,807 :
Filed: September 29, 2003 :
Docket No. 24647-81950 (0-03-206) :

DECISION GRANTING PETITION

This is a decision on the petition filed May 27, 2008, requesting that the above-identified application be accorded a filing date of September 29, 2003, instead of the presently accorded date of September 26, 2003.

Petitioner requests the later filing date on the basis that the application was purportedly deposited with the U. S. Postal Service (USPS) as Express Mail on September 29, 2003. In support, petitioner provides a copy of the Express Mail label, No. EE272891364US. The same Express Mail tracking number appears on the transmittal letter found in the file.

It is noted that while the "date-in" is not legible on the copy of the Express Mail mailing label, the label includes a USPS receipt date stamp of "SEP 29 2003." The evidence presented is convincing that the Express Mail package was entrusted to the USPS on September 29, 2003, as shown by the USPS stamped receipt date. Accordingly, this application is entitled to a filing date of September 29, 2003.

The petition is **GRANTED**.

The application is being referred to the Office of Patent Application Processing (OPAP) for correction of the filing date to **September 29, 2003** and issuance of a corrected filing receipt.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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WILMER CUTLER PICKERING HALE AND DORR LLP
300 PARK AVENUE
NEW YORK,NY 10022

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AUG 2 4 2004
OFFICE OF PETITIONS

In re Application of :
Ott, et al. :
Application No. 60/506,819 : ON PETITION
Receipt Date: September 29, 2003 :
Attorney Docket No.: 111785.129 :

This is a decision on the petition filed May 7, 2004, requesting that the above-identified application be accorded a filing date of September 29, 2003.

The application was received by the USPTO on September 29, 2003. On March 8, 2003, a Notice of Omitted Items in a Provisional Application ("Notice") was mailed indicating that the application had been accorded a filing date, but that pages 6 and 18 appeared to have been omitted from the application as filed. The Notice indicates that should applicant contend the omitted items were in fact deposited in the USPTO with the provisional application papers, a copy of the Notice and a petition (along with petition fee) should be filed.

Petitioners argue that the application as filed included pages 6 and 18. Petitioners have included a copy of pages 6 and 18 purportedly filed on September 29, 2004. The petition also includes a copy of the specification. Petitioners have also included the declaration of E. Brauer setting forth the manner in which the application was prepared for filing. The petition also includes a copy of a USPS Express Mail mailing label and a copy of an unstamped postcard. The postcard indicates the enclosure of twenty-six (26) pages of specification.

The argument and evidence submitted by petitioners have been considered, but are not persuasive. The USPTO file is the official record of the papers originally filed in this application. An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence.

A review of the official file reveals that twenty-three (23) pages of specification were received September 29, 2003.

Omitted from the items submitted September 29, 2003 were pages 6 and 18 as the Notice indicated.

The declaration of E. Brauer relies upon the declarant's recall of routine events that occurred approximately eight (8) months earlier and are not more persuasive than the record of what was filed as shown in the official file. Accordingly, the fact that petitioners believe the specification as submitted included pages 6 and 18 is not more persuasive than the actual papers shown to have been received by the official file.

The Office has a well established and well publicized practice of providing a receipt for papers filed in the Office to any applicant desiring a receipt. The practice requires that any paper for which a receipt is desired be filed in the Office with a self-addressed postcard identifying the paper. A postcard receipt that itemizes and properly identifies the papers that are being filed serves as *prima facie* evidence of receipt in the Office of all the items listed thereon on the date stamped thereon by the Office. See section 503, Manual Of Patent Examining Procedure (MPEP 503).

Petitioners' postcard is not date stamped by the USPTO thus it does not establish that the items in question were in fact received by the USPTO.

Assuming, *arguendo*, that petitioners' postcard were in fact date stamped by the USPTO, the postcard would not *prima facie* establish receipt in the USPTO of twenty-six (26) pages of specification as indicated on the postcard. The USPTO received twenty-three (23) pages of specification. The copy of the specification submitted by petitioners includes twenty-five (25) pages of specification. As the postcard conflicts with the evidence submitted by petitioners, the postcard would not, were it date-stamped by the USPTO, be held to establish the receipt by the USPTO of the omitted items in question.

While the USPS Express Mail mailing label does establish that petitioners did in fact deposit something with the USPS on September 29, 2003, the label does not establish what items specifically were in fact deposited.

For the reasons set forth herein, the petition to enter pages 6 and 18 in the application and accord the application a filing date of September 29, 2003 is hereby **DISMISSED**.

Any request for reconsideration should be filed within **TWO MONTHS** of the mailing date of this decision in order to be considered timely. 37 CFR 1.181(f). This time period may not be extended pursuant to 37 CFR 1.136.

This application will be forwarded to the Office of Initial Patent Examination with a filing date of September 29, 2003 using the application papers that were filed on that day. Petitioners must submit a preliminary amendment renumbering the pages of specification prior to issuance of the first Office action.

If petitioners desire to have the omitted pages entered in the application, petitioners should submit a renewed petition requesting a later filing date.

Further correspondence with respect to 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: (703) 872-9306

By hand: U.S. Patent and Trademark Office
220 20th Street S.
Customer Window
Crystal Plaza 2, Lobby, Room 1B03
Arlington, VA 22202

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0310. Inquiries after September 27, 2004 should be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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Herbert L. Allen
Allen, Dyer, Doppelt, Milbrath & Gilchrist, P.A.
255 S. Orange Avenue, Ste. 1401
Post Office Box 3791
Orlando, FL 32802-3791

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OFFICE OF PETITIONS

In re Application of	:	
Stephen J. Hayes, et. al.	:	
Application No. 60/506,916	:	NOTICE
Filed: September 29, 2003	:	
Attorney Docket No. 36040.PR	:	

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

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

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

This file is being referred to back to the Office of Initial Patent Examination.

Inquiries related to this communication should be directed to the undersigned at (703) 308-6711.

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

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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/506,981	09/29/2003		160	5458-315PR	12		

CONFIRMATION NO. 2284

CORRECTED FILING RECEIPT

OC000000014756888

20792
MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

Date Mailed: 12/15/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Alan Toman, Apex, NC;

Power of Attorney:

Devin Jensen–44805

If Required, Foreign Filing License Granted: 11/22/2003

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/506,981

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

Non-Publication Request: No

Early Publication Request: No

Title

Rheology modifying agents and methods of using the same

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

NOT GRANTED

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

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YOUNG & THOMPSON
745 SOUTH 23RD STREET 2ND FLOOR
ARLINGTON VA 22202

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OFFICE OF PETITIONS

In re Application of	:	
Juha NATUNEN	:	
Application No. 60/507,086	:	DECISION GRANTING PETITION
Filed: October 1, 2003	:	UNDER 37 CFR 1.182
Attorney Docket No. 3501-1073	:	

This is a decision on the petition under 37 CFR 1.182, filed October 2, 2003, requesting that the subject provisional application be abandoned as of October 2, 2003 pursuant to Article 4C(4) of the Paris Convention, without leaving any rights outstanding.

The petition is **granted**.

As requested, this application will be processed as an abandoned application as of October 2, 2003.

Any questions concerning this decision may be directed to the undersigned at (703) 305-8680.

Frances Hicks
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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HAHN LOESER & PARKS, LLP
TWIN OAKS ESTATE
1225 W. MARKET STREET
AKRON OH 44313

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AUG 1 8 2004

OFFICE OF PETITIONS

In re Application of	:	
Rabin et al.	:	
Application No. 60/507,233	:	DECISION ON PETITION
Deposited: September 30, 2003	:	
Attorney Docket No. 200113.00005	:	

This is a decision on the petition filed July 15, 2004, requesting that the above-identified application be accorded a filing date of September 30, 2003.

The above-identified application was deposited on September 30, 2003. However, on May 25, 2004, the Office of Initial Patent Examination mailed a Notice of Incomplete Provisional Application, stating that the application was deposited without drawings and that the filing date would be the date of receipt of the drawings.

In response, on July 15, 2004, applicants filed the present petition and an authorization to charge the Deposit Account for the petition fee. Applicants assert that the application as filed included 7 pages of specification, 5 pages of drawings, and a 62-page appendix, which included a cover sheet. Applicants state that on June 4, 2004, applicants called OIPE regarding the Notice. Applicants assert that OIPE personnel informed applicants' representative that 7 pages of specification were indexed with a 67-page appendix. Applicants state that they believe that the 5 sheets of drawings were inadvertently included with the 62-page appendix when the application was scanned and indexed.

The Office file is the official record of the papers originally filed in this application. A review of the official file reveals 7 pages of specification and a 62-page appendix were submitted on filing; however, no drawings are located in the file. An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence.

The Office has a well established and well publicized practice of providing a receipt for papers filed in the Office to any applicant desiring a receipt. The practice requires that any

paper for which a receipt is desired be filed in the Office with a self-addressed postcard identifying the paper. A postcard receipt which itemizes and properly identifies the papers that are being filed serves as prima facie evidence of receipt in the Office of all the items listed thereon on the date-stamped thereon by the Office. See MPEP 503.

No date-stamped postcard receipt has been submitted in this case. If applicant has a postcard receipt showing that 5 pages of drawings were filed on September 30, 2003, the postcard receipt or a copy thereof should be supplied.

At the present time, the petition is **dismissed**. No filing date shall be accorded to the application at this time.

Any inquiries should be directed to the undersigned at (703) 306-5589.

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HAHN LOESER & PARKS, LLP
TWIN OAKS ESTATE
1225 W. MARKET STREET
AKRON OH 44313

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OCT 2 1 2004

OFFICE OF PETITIONS

In re Application of	:
Rabin et al.	:
Application No. 60/507,233	: DECISION ON PETITION
Deposited: September 30, 2003	:
Attorney Docket No. 200113.00005	:

This is a decision on the renewed petition filed August 30, 2004, requesting that the above-identified application be accorded a filing date of September 30, 2003.

The above-identified application was deposited on September 30, 2003. However, on May 25, 2004, the Office of Initial Patent Examination mailed a Notice of Incomplete Provisional Application, stating that the application was deposited without drawings and that the filing date would be the date of receipt of the drawings.

In response, on July 15, 2004, applicants filed the original petition and an authorization to charge the Deposit Account for the petition fee. Applicants asserted that the application as filed included 7 pages of specification, 5 pages of drawings, and a 62 page appendix, which included a cover sheet. Applicants stated that on June 4, 2004, applicants called OIPE regarding the Notice. Applicants asserted that OIPE personnel informed applicants' representative that 7 pages of specification were indexed with a 67-page appendix. Applicants stated that they believed that the 5 sheets of drawings were inadvertently included with the 62-page appendix when the application was scanned and indexed. Unfortunately, the petition was dismissed by the decision of August 18, 2004, because applicants did not submit a date-stamped postcard receipt establishing receipt of any drawings in the USPTO on September 30, 2003.

On August 30, 2004, applicants submitted the present renewed petition and a date-stamped postcard acknowledging receipt of "Sheet(s) of Drawings" on September 30, 2003.

The Office file is the official record of the papers originally filed in this application. A review of the official file reveals 7 pages of specification and a 62-page appendix were submitted on filing; however, no drawings are located in the file.

Nevertheless, the evidence is convincing that the application papers deposited on September 30, 2003, included drawings, which were subsequently misplaced in the United States Patent and Trademark Office. **Unfortunately, the present renewed petition must be dismissed because applicants failed to submit the 5 sheets of drawings needed to process the application as complete on filing.**

Accordingly, the petition is dismissed without prejudice. Any renewed petition under 37 CFR 1.182 must be filed within TWO MONTHS of the date of this decision and be accompanied by the 5 sheets of drawings. This period is not extendable. See 37 CFR 1.181(f).

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

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

By FAX: (703) 872-9306
Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
220 20th Street S.
Customer Window, Mail Stop Petition
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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THOMAS Q. HENRY
WOODARD, EMHARDT, MORIARTY, MCNETT & HENRY LLP
BANK ONE CENTER/TOWER, SUITE 3700
111 MONUMENT CIRCLE
INDIANAPOLIS IN 46204-5137

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MAR 2 2 2004
OFFICE OF PETITIONS

In re Application of	:	
Buck et al.	:	
Application No. 60/507,399	:	ON PETITION
Filed: 30 September, 2003	:	
Attorney Docket No. 7404-455	:	

This is a decision on the petition filed on 26 January, 2004, which is treated as a petition under 37 CFR 1.53 requesting that the above-identified application be accorded a filing date of 30 September, 2003, with Pages 16 and 17 of the specification as a part of the original disclosure.

The petition is **dismissed**.

On 30 September, 2003, the application was filed.

On 25 November, 2003, the Office of Initial Patent Examination (OIPE) mailed a Notice of Omitted Items in a Provisional Application stating that the application had been accorded a filing date of 30 September, 2003, but that Pages 16 and 17 of the specification (description and claims) appeared to have been omitted from the application.

In response, on 26 January, 2004 (certificate of mailing date 21 January, 2004), the present petition was filed. Petitioners argue that Pages 16 and 17 were present among the application papers filed on 30 September, 2003. Petitioners' counsel states that he believes that the missing pages were lost after receipt in the USPTO. Petitioners request that the application be accorded a filing date of 30 September, 2003, with Pages 16 and 17 as a part of the original disclosure.

The arguments have been considered, but are not persuasive. The U.S. Patent and Trademark Office (Office) file is the official record of the papers originally filed in this application. A review of the papers originally filed reveals that Pages 1-15 and 18-23 of specification, including claims, and one (1) page of

abstract, were filed on 30 September, 2003. No Pages 16 and 17 were filed on 30 September, 2003, since no such pages are present among the application papers received on that date. An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence. The fact that petitioners believe the missing pages were among the papers they included in the application is not more persuasive than the actual papers shown to have been received by the official file. In this regard, counsel's assertion that the omitted pages became separated from the remainder of the application papers after they were received in the USPTO, is not more persuasive than the contents of the official USPTO file.

It is noted that the USPTO has a long-established and well publicized practice for *prima facie* establishing the date of receipt of correspondence that has either been mailed or otherwise delivered to the PTO, and is asserted to have been subsequently misplaced: the itemized postcard receipt practice of section 503 of the Manual of Patent Examining Procedure (MPEP).[1] This practice requires that any paper(s) for which a receipt is desired be filed in the USPTO with a self-addressed postcard identifying the paper(s). A postcard receipt which itemizes and properly identifies the paper(s) which is 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.

Where the records of the Office (e.g. the file of the application) contain any document(s) or fee(s) corresponding to the contents of the correspondence at issue, the Office will rely upon its official record of the contents of such correspondence in the absence of convincing evidence (e.g. a postcard receipt under MPEP 503 containing specific itemization of the document(s) or fee(s) purported to have been filed with the correspondence at issue) that the Office received and misplaced any document(s) or fee(s) that is not among the official records of the Office. If a new application is being filed, all parts of the application being submitted should be separately listed on the postcard (e.g. the number of pages of specification (including written description, claims and abstract) number of claims, number of sheets of drawings, number of pages of oath/declaration. The postcard receipt will not serve as *prima facie* evidence of

[1]The public was afforded a "reminder" of the then extent post card receipt practice at 857 *Off. Gas. Pat. Off.* 667 (*O.G.*) (Nov. 21, 1968). This specific notice is usually repeated annually, in a January "Consolidated Listing" section of the *O.G.* that contains important *O.G.* notices of continuing relevance.

receipt of any item which is not adequately itemized on the postcard.[2]

Since Pages 16 and 17 were not a part of the papers filed on 30 September, 2003, the application cannot be accorded the 30 September, 2003, filing date with this page as a part of the original disclosure of this application.

As this petition was not due to an error on the part of the USPTO, the petition fee will not be refunded.

The application will be processed and examined using only the application papers present on filing on 30 September, 2003. The copy of Pages 16 and 17 filed on 26 January, 2004, will not be used for processing or examination, but will be retained in the application file.

The application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of 30 September, 2003, using the application papers filed on that date.

Telephone inquiries concerning this matter may be directed to the undersigned at (703)308-6918.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

[2] MPEP 503.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Danita J.M. Maseles
Schlumberger Information
Solutions
Suite 1208F
5599 San Felipe
Houston, TX 77056

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OFFICE OF PETITIONS

In re Application of :
Gupta et al. :
Application No. 60/507,576 :
Filed: October 1, 2003 : DECISION ON PETITION
Attorney Docket No.: :
94.0067 :

This is a decision on the Petition Under 37 CFR 1.182, filed March 31, 2006, requesting the application be accorded a filing date of October 31, 2003, and requesting a refund of extension of time fees, late filing oath or declaration surcharge, and assignment recordation fees.

The petition to correct the filing date is **granted**.

The request for a refund is **dismissed**.

Background

The above-identified application was filed on October 1, 2003. In response, on November 25, 2003, this Office mailed a Notice of Omitted Item(s) in a Provisional Application, informing Applicant that a filing date had been accorded the application; however, page 12 of the specification appeared to have been omitted from the application.

Petitioner filed a page 12 of the specification, a petition for a four (4) month extension of time and fee, an oath/declaration and late filing oath or declaration surcharge, and an assignment recordation coversheet and fees on May 25, 2004.

In response to the filing, this office changed the filing date of the application to the date that the omitted page 12 of the specification was filed - May 25, 2004.

The instant petition (request for refund)

STATUTE, REGULATION, AND EXAMINING PROCEDURE

35 U.S.C. § 6(a) provides, in part, that:

> The Commissioner...may, subject to the approval of the Secretary of Commerce, establish regulations, not inconsistent with law, for the conduct of proceedings in the Patent and Trademark Office.

35 USC § 42(d) provides that:

> The Commissioner may refund any fee paid by mistake or any amount paid in excess of that required.

37 CFR 1.26(a) states in pertinent part that:

The Director may refund any fee paid by actual mistake or in excess of that required. A change of purpose after the payment of a fee, such as when a party desires to withdraw a patent filing for which the fee was paid, including an application, an appeal, or a request for oral hearing, will not entitle a party to a refund of such fee. The Office will not refund amounts of twenty-five dollars or less unless a refund is specifically requested, and will not notify the payer of such amounts.

OPINION

The applicable statute, 35 USC 42(d), authorizes the Commissioner to refund "any fee paid by mistake or any amount paid in excess of that required." Thus, the patent and Trademark Office (PTO) may refund: (1) a fee paid when no fee is required (*i.e.*, a fee paid by mistake), or (2) any fee paid in excess of the amount of the fee that is required. See Ex Parte Grady, 59 USPQ 276, 277 (Comm'r Pats. 1943)(the statutory authorization for the refund of fees is applicable only to a mistake relating to the fee payment). In the situation in which an applicant or patentee takes an action "by mistake" (e.g., files an application "by mistake"), the submission of fees required to take that action (e.g., a filing fee submitted with such application) is not a "fee paid by mistake" within the meaning of 35 U.S.C. § 42(d).

Here, the applicable regulation, 37 CFR 1.26, requires that the money had to be paid by actual mistake, for a refund to be

authorized. The mistake, however, must clearly be in relation to the payment itself in order to be refundable. Grady, supra. Rather, the amount paid herein was owed at the time it was paid, and it was paid by the representative of the applicant. Such is not a mistake within the meaning of the aforementioned statute and regulation that warrants a refund.

In this regard, contrary to petitioner's assertion, there was no mistake relating to the payment itself. Petitioner is reminded that the use of "shall" appears in 35 USC § 41 pertaining to collection of fees upon the filing of an application with the PTO. It is well settled that the use of "shall" in a statute is the language of command, and where the directions of a statute are mandatory, strict compliance with the statutory terms is essential. Farrel Corp. v. U.S. Int'l Trade Comm'n, 942 F.2d 1147, 20 USPQ2d 1912 (Fed. Cir. 1991). That is, it is mandatory that the Director charge, and the applicant pay, the fees specified by statute upon presentation of a request for a service by the PTO. See BEC Pressure Controls Corp. v. Dwyer Instruments, Inc., 380 F.Supp. 1397, 1399, 182 USPQ 190, 192 (N.D. Ind. 1974). As such, the extension of time fee, late filing fee oath or declaration surcharge, and assignment recordation fees were due when such was submitted to the PTO on May 25, 2004, and was paid in the correct amount. Id. The language of the statute does not permit the Director any discretion with respect to charging the fees set forth therein. Id.

That Applicant may have erred in presenting the petition, oath and assignment recordation request to the PTO does not warrant a finding that the payment was made "by mistake." Rather, the fees were owed at the time they were paid. As noted in 37 CFR 1.26(a), petitioner's change of purpose does not constitute a "mistake" in payment warranting refund of the fees previously paid. The payment of the fee automatically was due, by statute, when petitioner presented, rightly, or wrongly, the aforementioned submission to the PTO. Thus, it is immaterial to the question of "mistake" in payment of the filing and late filing fees that petitioner may have erred in submitting the fees to the PTO.

Petitioner filed a response to the Notice of Omitted Items. While petitioner now contends that the papers and fees for accomplishing this result were presented to the PTO in error,

Petitioner's error of presentation did not relieve petitioner from his statutory mandate to pay to the PTO, upon presentation, the fees required for the PTO to act upon Petitioner's response

to the Notice. Similarly, petitioner's error in presenting those papers and fees on May 25, 2004, does not relieve the PTO from its statutory mandate to collect the fees due to the PTO for consideration of the response. Rather, as a reply to the Notice required a four (4) month extension of time, and a late filed oath or declaration required a surcharge, and recordation of an assignment required a recordation fee, petitioner received precisely what petitioner requested, and paid for. As such, there clearly was no error in relation to the payment of fees to the PTO. As noted above, the fees were owed, by law, at the time they were paid, and the fees were paid by a representative of the Applicant. Such does not warrant either a finding of mistake relating to the payment, or warrant a refund of the fee. See In re Hartman, 145 USPQ 402 (Comm'r Pat. 1965). The fact that the fee was necessary at the time it was paid warrants a conclusion that no error in payment was involved. See Meissner v. U.S., 108 USPQ 6 (D.C. Cir. 1955). Such is not a mistake as contemplated by the statute. Id. The instruction from Assignee, which was received by petitioner after payment of the maintenance fee, does not have the retroactive effect of making the previous payment an error or mistake. See Meissner v. U.S., 108 USPQ 6 (D.C. Cir. 1955)(appeal fee paid on same day that examiner allows the application is not a fee paid by mistake within the meaning of 35 USC 42(d)); see also Opinion of the Comptroller General of the United States, 113 USPQ 28, 29 (Comp. Gen. 1957). It follows that no refund is due.

DECISION

In that Applicant has failed to establish the existence of a mistake in payment of the fees within the meaning of the statute and regulation, no refund of the entire, or any fractional part thereof, is, or can be, authorized. Accordingly the petition is dismissed.

The instant petition (request for original filing date)

Applicant files the instant petition and asserts that the May 25, 2004 filing was a mistake, and that Applicant intended to not file a reply and accept the application as filed.

Applicant is advised that

> in view of the relatively low filing fee for provisional applications, and the USPTO's desire to minimize the processing of provisional applications, the USPTO will not grant petitions under 37 CFR 1.182

> to accept omitted page(s) or drawing(s) and accord an application filing date as of the date of such submission in provisional applications. The applicant should simply file a new completed provisional application.

MPEP 601.01(d)

Accordingly, the request for a filing date of October 1, 2003 is **granted**.

The application will be accorded the original application filing date of October 1, 2003, using the application papers filed on that date, and an indication that page 12 of the specification was NOT present on filing and that no page 12 of the specification is part of the provisional application disclosure.

The petition fee has increased to $400.00 effective December 8, 2004. Applicant's deposit account has been charged the balance.

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

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

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

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LESLIE GLADSTONE RESTAINO
BROWN RAYSMAN MILLSTEIN FELDER & STEINER LLP
163 MADISON AVENUE
P.O. BOX 1989
MORRISTOWN, NJ 07962-1989

COPY MAILED

MAY 1 1 2005

OFFICE OF PETITIONS

In re Application of	:	
Del Priore et al.	:	
Application No. 60/507,636	:	ON PETITION
Filed: September 30, 2003	:	
Attorney Docket No. 5199-86	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed September 20, 2004, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed December 11, 2003. 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 above-identified application became abandoned on February 12, 2004.

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

A provisional application may be revived so as to be pending for a period no longer than 12 months from its filing date. This application is hereby deemed revived until September 30, 2004, when it went abandoned as a matter of law.

Petitioner should file a petition under 37 CFR 1.183 requesting waiver of 37 CFR 1.78(a)(4) for the instant application if petitioner wishes to claim priority based on the instant application.

37 CFR 1.78(a)(4) states,

> In order for a nonprovisional application to claim the benefit of one or more prior filed provisional applications... [for] each prior provisional application[,] the basic filing fee set forth in § 1.16(k) must be paid within the time period set forth in § 1.53(g).

The basic filing fee set forth in § 1.16(k) was not paid within the time period set forth in § 1.53(g).

The Notice entitled Request for Continued Examination Practice and Changes to Provisional Application Practice, Final rule. (EFFECTIVE DATE: August 16, 2000) states,

> Comment 9: One comment indicated that if an application fails to timely reply to a Notice to File Missing Parts of Application in a provisional application, the Office should permit an applicant to revive the provisional application to file the filing fee, surcharge, translation, or whatever else is missing from the provisional application such that a nonprovisional application may claim the benefit of the provisional application under 35 U.S.C. 119(e) and § 1.78.
>
> Response: Section 1.78(a)(3) [Now § 1.78(a)(4)] requires, for a nonprovisional application to claim the benefit of a provisional application, that the provisional application filing fee be paid within the period specified in 1.53(g), and that any English language translation be filed within the period specified in 1.52(d). Thus, the grant of a petition to revive the provisional application will still not result in compliance with 1.78(a)(3). Rather, the applicant would be required to file a petition under § 1.183 showing that circumstances of applicant's failure to pay the provisional application filing fee within the period specified in § 1.53(g), or failure to file any English language translation within the period specified in § 1.52(d), constitutes an "extraordinary situation" in which "justice requires" a waiver of this requirement of 1.78(a)(3).

Normally, 37 CFR 1.78(a)(4) will be waived upon the submission of :
(1) a showing or statement that the failure to pay the fee timely was unintentional,
(2) a grantable petition to revive the application, and
(3) a petition under 37 CFR 1.183 and the $400.00 fee.

Requirements (1) and (2) have been met by the filing of the instant petition.

If a petition under 37 CFR 1.183 is filed, it may be addressed as follows:

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

By fax: (703) 872-9306
ATTN: Office of Petitions

If a request for reconsideration is filed, and a decision on the new petition is not received within three months, petitioner may wish to call the number below to check on the status of the renewed petition.

This matter will be retained in the Office of Petitions for two months in order to give petitioner an opportunity to file a petition under 37 CFR 1.183. If a petition is not filed within two months, this matter will be referred to the Office of Initial Patent Examination for retention purposes.

Telephone inquiries regarding this decision should be directed to (571) 272-3282.

Liana Chase

Liana Chase
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/507,768	09/30/2003		160	227PRV	10		

CONFIRMATION NO. 4114

CORRECTED FILING RECEIPT

OC000000012242628

Samuel M. Kais
Scios Inc.
D1040
6500 Paseo Padre Parkway
Fremont, CA 94555

Date Mailed: 04/01/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Linda S. Higgins, Palo Alto, CA;
Moon Lim, Redwood City, CA;
Andrew A. Protter, Palo Alto, CA;
George F. Schreiner, Los Altos, CA;

If Required, Foreign Filing License Granted: 01/13/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Treatment of cardiovascular disease with inhibitors of p38 kinase

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

GRANTED

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

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/507,839	10/01/2003		80	GLIER-001Xq800	1		

CONFIRMATION NO. 7407

CORRECTED FILING RECEIPT

OC000000011558494

207
WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP
TEN POST OFFICE SQUARE
BOSTON, MA 02109

Date Mailed: 12/23/2003

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Michael Glier, Jamestown, RI;
Mark D. Laird, Milford, MA;

If Required, Foreign Filing License Granted: 12/03/2003

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Campus security system

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

GRANTED

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

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/507,920	09/30/2003		160	ARC 3341 P1	10		

CONFIRMATION NO. 9355

CORRECTED FILING RECEIPT

OC000000011898224

27777
PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

Date Mailed: 02/12/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Guohua Chen, Sunnyvale, CA;
Rupala Ayer, Cupertino, CA;
Scott Lautenbach, San Mateo, CA;

If Required, Foreign Filing License Granted: 11/26/2003

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

Non-Publication Request: No

Early Publication Request: No

Title

Osmotically driven active agent delivery device providing an ascending release rate

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

GRANTED

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

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

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

NOT GRANTED

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

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

HESLIN ROTHENBERG FARLEY & MESITI PC
5 COLUMBIA CIRCLE
ALBANY NY 12203

COPY MAILED

NOV 2 2 2004

OFFICE OF PETITIONS

In re Application of Murphy et al. Application No. 60/508,043 Deposited: October 2,2003 Attorney Docket No. 2344.001P Title of Invention: MATTRESSES AND MATTRESS FOUNDATIONS	:	DECISION GRANTING PETITION

This is a decision on the petition filed February 10, 2004 (certificate of mailing February 3, 2004), requesting that the above-identified provisional application be accorded a filing date of October 2, 2003.

The application was deposited on October 2, 2003. However, on December 3, 2003, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Provisional Application" advising applicants that the application papers had not been accorded a filing date because the application was deposited without drawings.

In response, on February 10, 2004, the present petition was filed. Petitioner states that drawings are not necessary for an understanding of the claimed subject matter and, therefore, the application should be accorded the October 2, 2003 filing date without any drawings. The petition indicates the disclosure relates to processes and methods.

As stated in MPEP 601.01(f), it is the practice of the PTO to treat a provisional application that contains at least some disclosure of a process or method as an application for which a drawing is <u>not</u> necessary for an understanding of the invention under 35 USC 113 (first sentence). The same practice has been followed in composition applications.

Since the petition contains a statement that drawings are not necessary for an understanding of the invention and the petition is signed by a registered practitioner, on petition, the application will be accorded the requested filing date without any drawings.

The petition is granted. No petition fee is due.

The application will be processed with only the papers present on filing and is hereby accorded a filing date of **October 2, 2003**, without drawings as part of the original disclosure.

Petitioner is reminded the provisional application would not be considered pending after 12 months from its filing date.

The application is being returned to the Office of Initial Patent Examination for further processing.

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

Charlema R. Grant

Charlema R. Grant
Petition Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/508,083	10/01/2003		80	UC03-241-1	2		

CONFIRMATION NO. 8681

CORRECTED FILING RECEIPT

OC000000011921115

8156
JOHN P. O'BANION
O'BANION & RITCHEY LLP
400 CAPITOL MALL SUITE 1550
SACRAMENTO, CA 95814

Date Mailed: 02/18/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Andrew A. Frank, El Macero, CA;
Brian R. Huff, Davis, CA;

If Required, Foreign Filing License Granted: 11/29/2003

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Compact inline longitudinal CVT

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

GRANTED

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

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Kyle F. Schlueter
Knobbe, Martens, Olson & Bear, LLP
14th Floor
2040 Main Street
Irvine, CA 92614

COPY MAILED

SEP 20 2004

OFFICE OF PETITIONS

ON PETITION

In re Application of	:	
Zsolany et al.	:	
Application No. 60/508,101	:	
Filed: October 2, 2003	:	
Attorney Docket No. PSPWR.015PR	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28(c), filed July 6, 2004.

The deficiency payment of $80 is hereby accepted.

The change of status to large entity has been entered and made of record.

The instant application is **ABANDONED**. Although the transmittal sheet states a cover sheet is attached, a copy of the cover sheet cannot be located. If the cover sheet was submitted, petitioner should file with the Office of Initial Patent Examination:

(1) A paper entitled "Petition to Withdraw the Holding of Abandonment,"
(2) A copy of the cover sheet, and
(3) Evidence that the cover sheet was timely filed (such as a postcard receipt or showing under 37 CFR 1.8(b).

A fee is unnecessary for a petition to withdraw the holding of abandonment.

The Office of Initial Patent Examination will be notified to treat the instant file as an abandoned file.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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FOLEY HOAG, LLP
PATENT GROUP, WORLD TRADE CENTER WEST
155 SEAPORT BLVD
BOSTON MA 02110

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MAR 3 0 2004

OFFICE OF PETITIONS

In re Application of
Seeberger, et al.
Application No. 60/508,209
Filed: October 2, 2003
Attorney Docket No. MTV-062.62

DECISION GRANTING
PETITION

This is a decision on the petition under 37 CFR 1.53(e), filed January 15, 2004 (certificate of mailing date January 13, 2004), requesting, in effect, withdrawal of the Notice of Omitted Item(s) in a Provisional Application (Notice), mailed December 10, 2003.

The application was deposited on October 2, 2003. On December 10, 2003, the Office of Initial Patent Examination mailed a Notice informing petitioners that drawing figure 23 described in the specification appeared to have been omitted.

In response to the Notice, petitioners timely filed the present petition. Petitioners request that drawing figure 23 be accorded a filing date of October 2, 2003 on the basis that 23 sheets of drawing figures, including drawing figure 23, were received in the Patent and Trademark Office (PTO) on October 2, 2003. In support, the petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing October 2, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included 23 sheets of drawings. A review of the application file reveals that only 22 sheets of drawing figures -- Figures 1 - 22 -- are present.

The return postcard constitutes *prima facie* evidence that 23 sheets of drawing figures, including drawing figure 23, were filed on October 2, 2003. MPEP 503. Accordingly, the request is granted.

Pursuant to petitioners' authorization, deposit account no. 06-1448 will be credited the $130.00 fee submitted with the instant petition.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **October 2, 2003**, using the copy of Figure 23 submitted with the instant petition. Office records will be corrected to show that 23 sheets of drawing figures were present on filing.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

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

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request: 3/30/04

2 Serial/Patent # 60/508,209.

	3 Please refund the following fee(s):	4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing			$
	Amendment			$
	Extension of Time			$
	Notice of Appeal/Appeal			$
X	Petition	–	1/15/04	$130
	Issue			$
	Cert of Correction/Terminal Disc.			$
	Maintenance			$
	Assignment			$
	Other			$

7 TOTAL AMOUNT OF REFUND $ 130

8 TO BE REFUNDED BY:

	Treasury Check
X	Credit Deposit A/C #:

9 06--1448

10 REASON:

	Overpayment
	Duplicate Payment
X	No Fee Due (Explanation):

Postcard proves allegedly omitted drwg was present on day 1. Refund pet fee

11 REFUND REQUESTED BY:

TYPED/PRINTED NAME: E. Shirene Willis TITLE: Pet Attny

SIGNATURE: E. Shirene Willis PHONE: 308-6718

OFFICE: Office of Petitions

****

THIS SPACE RESERVED FOR FINANCE USE ONLY:

APPROVED: Alicia Kell DATE: 3/31/04

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

Office of Finance
Refund Branch
Crystal Park One, Room 802B

FORM PTO 1577
(01/90)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/508,225	10/02/2003		160	D0338 PSP4	40		

CONFIRMATION NO. 2641

CORRECTED FILING RECEIPT

OC000000011917550

23914
STEPHEN B. DAVIS
BRISTOL-MYERS SQUIBB COMPANY
PATENT DEPARTMENT
P O BOX 4000
PRINCETON, NJ 08543-4000

Date Mailed: 02/18/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Jian Chen, Princeton, NJ;
Shujian Wu, Langhorne, PA;
Ning Lee, Belle Mead, NJ;

If Required, Foreign Filing License Granted: 12/09/2003

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

Non-Publication Request: No

Early Publication Request: No

Title

Polynucleotides encoding novel adiponectin receptor variants

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

GRANTED

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

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

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

NOT GRANTED

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

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ALEXANDRIA, VA 22313-1450
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Brent A. Johnson, Ph.D.
ALLERGAN, INC.
2525 Dupont Drive, T2-7H
Irvine CA 92612

COPY MAILED

MAR 0 9 2004

OFFICE OF PETITIONS

In re Application of
Shen, et al.
Application No. 60/508,356
Filed: October 3, 2003
Attorney Docket No. 17597 PROV (AP)
FOR: METHODS AND COMPOSITIONS FOR THE ORAL ADMINISTRATION OF PRODRUGS OF PROTON PUMP INHIBITORS

: DECISION GRANTING PETITION

This is a decision on the petition filed December 18, 2003 to accord a filing date of October 3, 2003 to the above-identified application.

The application was deposited on October 3, 2003. However, on December 8, 2003, the Office of Initial Patent Examination mailed a "Notice of Incomplete Provisional Application" (Notice) requiring drawings of applicants' invention and stating that the filing date would be the date of receipt of the omitted drawings. It is noted that the specification filed on October 3, 2003 describes drawing figure 1.

As stated in MPEP 601.01(f), it is the practice of the United States Patent and Trademark Office (PTO) to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 USC 113 (first sentence.)

MPEP 601.01(f) also states that:

> ... [A] provisional application having at least some disclosure ...for which a drawing is usually not considered essential for a filing date, describing drawing figures in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification... so long as the application contains something that can be construed as a written description.

This provisional application contains some disclosure for which a drawing is usually not considered essential for a filing date and a detailed written description. Therefore, the application should have been accorded a filing date.

In view of the above, the "Notice" December 8, 2003 was mailed in error and is hereby withdrawn. The application is entitled to a filing date of October 3, 2003. The petition is **granted**.

Pursuant to petitioners' authorization, deposit account no. 01-0885 will be credited the $50.00 that was charged on December 31, 2003. No $130.00 petition fee has been or will be charged.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of **October 3, 2003** and the mailing of a filing receipt reflecting the October 3, 2003 filing date. The copy of Figure 1 submitted with the instant petition will not be considered part of the original disclosure filed on October 3, 2003, but will be retained in the application file.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. None

KOLISCH HARTWELL, P.C.
520 S.W. YAMHILL STREET
SUITE 200
PORTLAND OR 97204

COPY MAILED
MAR 0 4 2005
OFFICE OF PETITIONS

In re Application of	:	
Hiroshi Igrarashi	:	
Application No. 60/508,562	:	DECISION ON PETITION
Filed: October 3, 2003	:	
Attorney Docket No.:	:	
KSW 340P	:	
Title: KNIFE WITH ROTATABLE	:	
HANDLE	:	

This is a decision on the petition filed December 6, 2004, requesting that Figure 19 be accorded a filing date of October 3, 2003, as part of the original disclosure.

The application was deposited on October 3, 2003. However, on November 26, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Omitted Item(s) in a Provisional Application (notice)", stating that the application had been accorded a filing date, and advising applicants that the application appeared to have been deposited without Figure 19. The notice set a two-month period for response.

In response, on December 6, 2004, applicants filed the present petition. The petition is further accompanied by a copy of Figure 19, along with a copy of applicants' postcard receipt acknowledging receipt of "PA w/17 sheets of Drawings" in the United States Patent and Trademark Office (Office) on October 3, 2003. Applicants request that Figure 19 be accorded a filing date of October 3, 2003 as part of the original disclosure.

It is noted that 16 sheets of drawings have been located in the electronic file, containing Figures 1 - 18.

Upon review of the record, the above-mentioned figure has not been located among the application papers. However, the evidence is convincing that the application papers deposited on October 3, 2003 included Figure 19, and the sheet containing this figure was subsequently misplaced in the Office.

Therefore, the application, including Figure 19, was complete on filing and this figure is entitled to a filing date of October 3, 2003 as part of the original disclosure.

Unfortunately, it does not appear that Petitioner has included a copy of Figure 19 with his petition. No copy of Figure 19 has been located in the electronic file, and it is not mentioned in the list of enclosures found on the first page of the petition. Without a copy of the figure, the figure cannot be entered.

Accordingly, the petition is **DISMISSED**.

The notice mailed November 16, 2004 was sent in error, and is hereby **VACATED**, however the petition fee of $130 has been charged to Petitioner's Deposit Account, as authorized in the petition.

Any reply must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a copy of Figure 19 along with a cover letter entitled "Renewed Petition Under 37 C.F.R. 1.182". 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.

To help assure prompt and proper attention to your response, please see Request for Alert Concerning Submitted Petitions, 1282 Official Gazette (May 18, 2004) for further information on how to assist the Office in delivering your submission to the correct location. The Petitioner may wish to consider telephoning the undersigned one month after the submission is made to confirm that the documents were properly delivered.

Any renewed petition may be submitted by mail[1], hand-delivery[2], or facsimile[3].

---

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

The application file will be retained in the Office of Petitions for two (2) months.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.

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

---

2 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
3 (703) 872-9306 - please note this is a central facsimile number, and as such, there will be a delay in the delivery of the facsimile to the undersigned, which could be as much as one month.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. None

KOLISCH HARTWELL, P.C.
520 S.W. YAMHILL STREET
SUITE 200
PORTLAND OR 97204

COPY MAILED

JUN 14 2005

OFFICE OF PETITIONS

In re Application of :
Hiroshi Igrarashi :
Application No. 60/508,562 :
Filed: October 3, 2003 :
Attorney Docket No.: :
KSW 340P :
Title: KNIFE WITH ROTATABLE :
HANDLE :

DECISION ON RENEWED PETITION

This is a decision on the renewed petition filed May 4, 2005, requesting that Figure 19 be accorded a filing date of October 3, 2003, as part of the original disclosure.

The application was deposited on October 3, 2003. However, on November 26, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Omitted Item(s) in a Provisional Application (notice)", stating that the application had been accorded a filing date, and advising applicants that the application appeared to have been deposited without Figure 19. The notice set a two-month period for response.

The original petition was filed on December 6, 2004, and was dismissed via the mailing of a decision on March 4, 2005. The decision indicated:

Upon review of the record, the above-mentioned figure has not been located among the application papers. However, the evidence is convincing that the application papers deposited on October 3, 2003 included Figure 19, and the sheet containing this figure was subsequently misplaced in the Office.

Therefore, the application, including Figure 19, was complete on filing and this figure is entitled to a filing date of October 3, 2003 as part of the original disclosure.

Unfortunately, it does not appear that Petitioner has included a copy of Figure 19 with his petition. No copy of Figure 19 has been located in the

electronic file, and it is not mentioned in the list of enclosures found on the first page of the petition. Without a copy of the figure, the figure cannot be entered.

With this renewed petition, Petitioner has included a copy of Figure 19. As such, the renewed petition is **GRANTED**.

The Office of Initial Patent Examination will be notified that the application should receive a filing date of October 3, 2003, using the original application papers filed on that date, as well as Figure 19, submitted with this renewed petition on May 4, 2005, and for indication in Office records that Figure 19 was present on filing.

It is noted that the address listed on the petition differs from the address of record. Petitioner has indicated that both the representation and the correspondence address have changed, although it does not appear that a request for a change of correspondence address has been filed in this case. If Petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at http://www.uspto.gov/web/forms/sb0122.pdf.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. 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
United States Patent and Trademark Office

cc: SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 6300
SEATTLE, WA 98104-7092

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/508,576	10/03/2003		80	CRC-P4-US	8		

CONFIRMATION NO. 2099

CORRECTED FILING RECEIPT

OC000000011878147

21616
LAW OFFICES OF MARK A. GARZIA, P.C.
2058 CHICHESTER AVE
BOOTHWYN, PA 19061

Date Mailed: 02/11/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Wontae Kim, Elkins Park, PA;
Daniel J. Cho, Philadelphia, PA;

If Required, Foreign Filing License Granted: 12/02/2003

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Steam car wash system

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

GRANTED

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

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/508,596	10/03/2003		80	P-0303	4		

CONFIRMATION NO. 2180

CORRECTED FILING RECEIPT

OC000000012279300

Sonnax Industries, Inc.
Box 440
Automatic Drive
Bellows Falls, VT 05101-0440

Date Mailed: 04/05/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Gregg A. Nader, Grayslake, IL;

If Required, Foreign Filing License Granted: 12/08/2003

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Automatic transmission fluid filtration system

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.

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NOT GRANTED

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

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/508,619	10/03/2003		80	22727/04186	2		

CONFIRMATION NO. 7582

CORRECTED FILING RECEIPT

OC000000017766924

24024
CALFEE HALTER & GRISWOLD, LLP
800 SUPERIOR AVENUE
SUITE 1400
CLEVELAND, OH 44114

Date Mailed: 01/03/2006

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Ching-Shih Chen, Upper Arlington, OH;

Power of Attorney:

Kristin Frost--50627

If Required, Foreign Filing License Granted: 12/02/2003

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/508,619

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

**** SMALL ENTITY ****

Title

PDK-1/AKT signaling inhibitors

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

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

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

Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

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

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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NANCY W. VENSKO
KNOBBE, MARTENS, OLSON & BEAR, LLP
14TH FLOOR
2040 MAIN STREET
IRVINE, CA 92614

COPY MAILED

MAY 26 2004

OFFICE OF PETITIONS

In re Provisional Application of	:	
Roberts et al.	:	
Provisional Application No. 60/508,671	:	ON PETITION
Filed: October 3, 2003	:	
Attorney Docket No. NIH269.002PR	:	

This decision concerns the February 9, 2004 "Petition in Response to Notice of Omitted Items in a Provisional Application." The petition asserts prior filing of certain drawings of figures and is being properly treated as a petition under 37 CFR 1.53(e) that these drawings be considered part of the above-referenced provisional application.

The petition is **GRANTED.**

The application was filed on October 3, 2003. On December 8, 2003, a "Notice of Omitted Items in a Provisional Application" ("12/8/03 Notice") was mailed, stating that the provisional application had been accorded a filing date, but Figures 1-3 described in the specification appeared to have been omitted from the filed provisional application. The Office notes that the USPTO file for this provisional application contains Figures 4-7, 1-Saika, 2-Saika, 3-Saika, 4-Saika, 5-Saika, 6-Saika, 7-Saika, 8-Saika, and 9-Saika, but not Figures 1-3 (a total of 13 sheets in the drawings component).

Petitioner contends that the allegedly omitted drawings were filed with the other application papers on October 3, 2003. In support, the petition is accompanied by a copy of Applicants' postcard receipt, indicating receipt in the USPTO for this provisional application on October 3, 2003 of, *inter alia*, 16 sheets of drawings. The petition also encloses copies of 3 sheets of drawings (Figures 1-3) purportedly filed on October 3, 2003.

In view of the above, the Office concludes that drawings of Figures 1-3 had been filed on October 3, 2003, but were later misplaced. The petition is thus granted.

The 12/8/03 Notice is hereby vacated.

No petition fee is owed. The $130 petition fee has been credited to Deposit Account No. 11-1410 as authorized in the instant petition.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of October 3, 2003, using the papers filed on that date and supplemented with the drawings of Figures 1-3 submitted with the instant petition, and for indicating in the USPTO record that 16 sheets of drawings were present on filing. Thereafter, the file will be returned to Files Repository.

Telephone inquiries should be directed to Petitions Attorney RC Tang at (703) 308-0763.

Christina T. Donnell

Christina T. Donnell
Senior Petitions Attorney
Office of petitions

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/508,985	10/06/2003		80	00850-03	1		

CONFIRMATION NO. 6945

CORRECTED FILING RECEIPT

OC000000011872235

34444
UNIVERSITY OF VIRGINIA PATENT FOUNDATION
1224 WEST MAIN STREET, SUITE 1-110
CHARLOTTESVILLE, VA 22903

Date Mailed: 02/11/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

William F. Walker, Charlottesville, VA;
Francesco Viola, Charlottesville, VA;

If Required, Foreign Filing License Granted: 01/03/2004

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Method and apparatus for continuous time delay estimation using sampled data

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

GRANTED

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

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

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

NOT GRANTED

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

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/359,188	02/06/2003	Jun Tanaka	Q74148

SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, NW
Washington, DC 20037-3213

CONFIRMATION NO.
OC000000011292275

Date Mailed: 11/18/2003

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **08/15/2003,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/509,034.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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ALEXANDRIA, VA 22313-1450
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PJR
Paper Number #8

Mailed:
8
AUG 25 2003

In re Application of	:	
Mark Kinkelaar et al	:	DECISION ON
Serial No.: 09/894,939	:	PETITION
Filed: June 28, 2001	:	
For: Liquid Fuel Delivery System for Fuel Cells	:	

This is a Decision on the Petition filed under 37 C.F.R. 1.181 on September 6, 2003. The Petition request that the office action of June 6, 2003 be expunged from the record in view of applicant's time filing of a request to convert the application to a provisional application.
In support of this petition, applicant has provided copies of the request to convert and a copy of a date stamped postcard from the PTO mailroom indicating receipt of the request to convert the application to a provisional application. This evidence is found convincing. As such, the office action of December 18, 2002 will be expunged from the record and the application will be forwarded to the Office of Initial Patent Examination for processing the conversion request.
The PETITION is **granted**.

JMStone

Jacqueline Stone, Director
Technology Center 1700
Chemical and Materials Engineering

Arent, Fox, Kinter, Plotkin and Kahn, PLLC
1050 Connecticut Avenue, N.W.
Suite 400
Washington, D.C. 20036-5339

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/894,939	06/28/2001	Mark R. Kinkelaar	124-769

CONFIRMATION NO.

OC000000011323305

004372
ARENT FOX KINTNER PLOTKIN & KAHN
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

Date Mailed: 11/20/2003

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **06/25/2002,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/509,035.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/611,644	07/02/2003	Thomas Patrick Nolan	146712003900

CONFIRMATION NO.

OC000000011831163

Raj S. Dave
Morrison & Foerster LLP
Suite 300
1650 Tysons Boulevard
McLean, VA 22102

Date Mailed: 02/04/2004

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **07/28/2003,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/509,036.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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Washington, DC 20231

OCT 2 2003

MM
Paper No. 10

In re Application of:
HE ET AL.
Serial No.: 10/264,825
Filed: October 04, 2002
For: METHODS OF TREATING CANCER BY INHIBITING WNT SIGNALING

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.53, filed July 31, 2003, to convert the application to a provisional application.

Since the petition includes all that is required by 37 CFR 1.53, the petition is GRANTED.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for conversion into a provisional application.

PETITION GRANTED

Cecilia Tsay for
John Doll, Director
Technology Center 1600

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

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Patent and Trademark Offic

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Washington, DC 20231

OCT 2 2003

MM
Paper No. 5

In re Application of:
LEONARDI ET AL.
Serial No.: 10/172,791
Filed: June 14, 2002
For: NOVEL 1,4- DISUBSTITUTED PIPERAZINES

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.53, filed June 3, 2003, to convert the application to a provisional application.

Since the petition includes all that is required by 37 CFR 1.53, the petition is GRANTED.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for conversion into a provisional application.

PETITION GRANTED

John Doll, Director
Technology Center 1600

DARBY & DARBY P.C.
P.O. Box 5257
New York, NY 10150-5257

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/172,791	06/14/2002	Amedeo Leonardi	6485/0L558-US0

CONFIRMATION NO.

OC000000011347854

DARBY & DARBY P.C.
P.O. Box 5257
New York, NY 10150-5257

Date Mailed: 11/24/2003

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **06/03/2003,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/509,038.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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Washington, DC 20231

DEC 15 2003

MM
Paper No. 7

In re Application of:
SHIOZAKI ET AL.
Serial No.: 10/330,623
Filed: December 27, 2002
For: A METHOD FOR TREATING ATTENTION DEFICIT HYPERACTIVITY DISORDER

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.53, filed August 14, 2003, to convert the application to a provisional application.

Since the petition includes all that is required by 37 CFR 1.53, the petition is GRANTED.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for conversion into a provisional application.

PETITION GRANTED

John Doll, Director
Technology Center 1600

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

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/330,623	12/27/2002	Shizuo Shiozaki	00766.000068

CONFIRMATION NO.

OC000000011759051

5514
FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

Date Mailed: 01/26/2004

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **08/14/2003,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/509,039.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/623,485	07/18/2003	Vadim Kutsyy	CYTOP140

CONFIRMATION NO.

OC000000012001027

22434
BEYER WEAVER & THOMAS LLP
P.O. BOX 778
BERKELEY, CA 94704-0778

Date Mailed: 03/02/2004

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **09/22/2003,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/509,040.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/437,553	05/13/2003	Abraham Dijke	33449-8004

CONFIRMATION NO.

OC000000011989494

22918
PERKINS COIE LLP
P.O. BOX 2168
MENLO PARK, CA 94026

Date Mailed: 02/27/2004

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **10/17/2003,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/509,041.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/678,051	10/02/2003	Susan Reich	VTOB.259A

CONFIRMATION NO.

OC000000012700849

20995
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Date Mailed: 05/18/2004

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **11/07/2003,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/509,042.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/602,239	06/24/2003	Lorraine Moore	276.50

CONFIRMATION NO.

OC000000012001965

Wendy K. Buskop
Buskop Law Group, P.C.
Suite 500
1717 St. James Place
Houston, TX 77056

Date Mailed: 03/02/2004

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **11/07/2003,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/509,043.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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

APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/180,967	06/27/2002	Markku Koulu	2630-118

CONFIRMATION NO.

OC000000011588535

6449
ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON, DC 20005

Date Mailed: 12/31/2003

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **06/09/2003,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/509,044.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/816,679	03/22/2001	David Bar-Or	4172-3-1

CONFIRMATION NO.

OC000000011589036

22442
SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER, CO 80202

Date Mailed: 12/31/2003

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **08/13/2001,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/509,045.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S. DILL
Office of Initial Patent Examination
(703) 308-0910

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/457,420	06/10/2003	Hiroshi Kase	00005.001217

CONFIRMATION NO.

OC000000011638765

5514
FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

Date Mailed: 01/07/2004

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **09/08/2003,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/509,046.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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OF PATENTS AND TRADEMARKS

Washington, DC 20231

DEC 15 2003

MM
Paper No. 9

In re Application of:
RUOSLAHTI ET AL.
Serial No.: 10/233,153
Filed: August 28, 2002
For: COLLAGEN-BINDING MOLECULES THAT SELECTIVELY HOME TO TUMOR VASCULATURE AND METHODS OF USING SAME

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.53, filed August 25,2003, to convert the application to a provisional application.

Since the petition includes all that is required by 37 CFR 1.53, the petition is GRANTED.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for conversion into a provisional application.

PETITION GRANTED

John Doll, Director
Technology Center 1600

CAMPBELL & FLORES LLP
4370 LA JOLLA VILLAGE DRIVE
7TH FLOOR
SAN DIEGO, CA 92122

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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/233,153	08/28/2002	Erkki Ruoslahti	P-LJ 5328

CONFIRMATION NO.

OC000000011692152

23601
CAMPBELL & FLORES LLP
4370 LA JOLLA VILLAGE DRIVE
7TH FLOOR
SAN DIEGO, CA 92122

Date Mailed: 01/15/2004

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **08/25/2003,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/509,048.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/262,573	09/30/2002	Alan Verkman	UCSF-291

CONFIRMATION NO.

OC000000012536776

24353
BOZICEVIC, FIELD & FRANCIS LLP
200 MIDDLEFIELD RD
SUITE 200
MENLO PARK, CA 94025

Date Mailed: 05/05/2004

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **06/20/2003,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/509,049.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 4

WESTMAN, CHAMPLIN & KELLY
SUITE 1600 - INTERNATIONAL
CENTRE
900 SECOND AVENUE SOUTH
MINNEAPOLIS, MN 55402-3319

COPY MAILED

DEC 17 2003

OFFICE OF PETITIONS

In re Application of :
Mathiowetz et al. :
Application No. 10/383,003 : DECISION ON PETITION
Filed: March 6, 2003 :
Attorney Docket Number: :
P32.12-0022 :

This is a decision on the petition under 37 CFR 1.53(c)(2) filed October 6, 2003 (Certificate of Mailing dated October 1, 2003), to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c)(2).

The Petition is granted.

The application is being returned to the Office of Initial Patent Examination (OIPE) for further processing as a **PROVISIONAL** application under 35 U.S.C. 111(b) and 37 CFR 1.53(c)(2), including the assignment of a new provisional application number.

The new provisional application number will be communicated to applicants by OIPE in due course.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 305-0014.

Derek L. Woods
Petitions Attorney
Office of Petitions

UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER

OF PATENTS AND TRADEMARKS

Washington, DC 20231

OCT 2 2003

MM
Paper No. 8

In re Application of:
BAE ET AL.
Serial No.: 10/138,469
Filed: May 03, 2002
For: IMMUNOGENIC PEPTIDES

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.53, filed December 2, 2002, to convert the application to a provisional application.

Since the petition includes all that is required by 37 CFR 1.53, the petition is GRANTED.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for conversion into a provisional application.

PETITION GRANTED

John Doll, Director
Technology Center 1600

FOLEY & LARDNER
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON, WI 53701-1497

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

APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/138,469	05/03/2002	Joo-Eun Bae	47940-0128

CONFIRMATION NO.

OC000000011733985

23524
FOLEY & LARDNER
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON, WI 53701-1497

Date Mailed: 01/22/2004

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **12/02/2002,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/509,051.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER

OF PATENTS AND TRADEMARKS

Washington, DC 20231

DEC 15 2003

MM
Paper No. 8

In re Application of:
JAN ET AL.
Serial No.: 10/236,458
Filed: September 06, 2002
For: METHODS OF MODULATING CELL DEATH BASED ON THE BIT-1/AES REGULATORY PATHWAY

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.53, filed September 5, 2003, to convert the application to a provisional application.

Since the petition includes all that is required by 37 CFR 1.53, the petition is GRANTED.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for conversion into a provisional application.

PETITION GRANTED

John Doll, Director
Technology Center 1600

CAMPBELL & FLORES LLP
4370 LA JOLLA VILLAGE DRIVE
7TH FLOOR
SAN DIEGO, CA 92122

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/658,101	09/09/2003	Andreas Blumenthal	13913-085001/2003P00373 U

CONFIRMATION NO.

OC000000013066169

32864
FISH & RICHARDSON, P.C.
3300 DAIN RAUSCHER PLAZA
60 SOUTH SIXTH STREET
MINNEAPOLIS, MN 55402

Date Mailed: 06/24/2004

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **01/26/2004,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/509,053.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/608,812	06/27/2003	Guy C. Thrap	026471-0601

CONFIRMATION NO.

OC000000012378694

30542
FOLEY & LARDNER
P.O. BOX 80278
SAN DIEGO, CA 92138-0278

Date Mailed: 04/16/2004

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **12/04/2003,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/509,055.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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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
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/386,911	03/11/2003	Charles T. Carpenter	P 0555.13066

CONFIRMATION NO.

OC000000012068544

BIRDWELL, JANKE & DURANDO, PLC
Suite 1400
1100 SW Sixth Avenue
Portland, OR 97204

Date Mailed: 03/10/2004

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **10/14/2003,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/509,056.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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www.uspto.gov

APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/446,653	05/29/2003	Val A. Kagan	H-0004126

CONFIRMATION NO.

OC000000012300728

Herbert B. Keil
HEIL & WEINKAUF
1350 Connecticut Ave., N.W.
Washington, DC 20036

Date Mailed: 04/07/2004

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **08/22/2003,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/509,057.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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United States Patent and Trademark Office
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Herbert B. Keil
HEIL & WEINKAUF
1350 Connecticut Ave., N.W.
Washington, DC 20036

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JAN 07 2005

OFFICE OF PETITIONS

In re Application of :
Kagan, et al. :
Application No. 60/509,057 :
Filed: may 29, 2003 :
Attorney Docket No. H-004126

ON PETITION

This is a decision on the petition under 37 CFR 1.181(a)(3) filed on September 8, 2004, requesting two certified copies of the above-identified application as filed.

The petition is **DISMISSED AS MOOT**.

This petition is dismissed as moot because there is no relief that can be granted by a petition under 37 CFR 1.181. Petitioner is advised that a request for certified copies of an application as filed is not a petitionable matter. Rather, petitioner may order these certified copies through the United States Patent and Trademark website via the following link: http://ebiz1.uspto.gov/oems25p/index.html. The petition is, therefore, dismissed as moot as the relief requested in the petition can be obtained via the website without the need for a petition.

It is noted that a courtesy copy of this decision was mailed on December 10, 2004. Please disregard that decision as it contained and incorrect header and other information. The decision was erroneously sent to the firm of Foley & Lardner. A letter will be sent to Foley & Lardner explaining the error. Any inconvenience to petitioner is regretted.

The application file will be directed to the Office of Initial Patent Examination for further processing.

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

Kenya A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/327,310	12/20/2002	Steven L. Shafer	STAN-287

CONFIRMATION NO.

OC000000012301044

24353
BOZICEVIC, FIELD & FRANCIS LLP
200 MIDDLEFIELD RD
SUITE 200
MENLO PARK, CA 94025

Date Mailed: 04/07/2004

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **12/18/2003,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/509,058.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/463,209	06/17/2003	Yuhpyng L. Chen	PC25335 Pro3

CONFIRMATION NO.

OC000000012710808

23913
PFIZER INC
150 EAST 42ND STREET
5TH FLOOR - STOP 49
NEW YORK, NY 10017-5612

Date Mailed: 06/09/2004

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **02/25/2004,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/509,059.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/633,369	08/01/2003	Neal V. Huynh	038190/260815

CONFIRMATION NO.

OC000000012301315

00826
ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

Date Mailed: 04/07/2004

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **12/08/2003,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/509,060.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/350,313	01/22/2003	Frank R. George	P-RG 5386

CONFIRMATION NO.

OC000000012379265

23601
CAMPBELL & FLORES LLP
4370 LA JOLLA VILLAGE DRIVE
7TH FLOOR
SAN DIEGO, CA 92122

Date Mailed: 04/16/2004

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **01/16/2004,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/509,061.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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MAR - 4 2004

ASTRID R. SPAIN
McDERMOTT, WILL & EMERY
4370 LA JOLLA VILLAGE DRIVE
SUITE 700
SAN DIEGO, CA 92122

In re Application of	:
George et al	:
Serial No.: 10/350,313	: CONVERSION TO PROVISIONAL
Filed: Janruary 22, 2003	:
Attorney Docket No.: 60581	:

This is in response to applicants' request, filed January 16, 2004, to convert this application to a provisional application

The petition is **GRANTED**.

Should there be any questions with regard to this letter please contact William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission at Office facsimile number.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600

Copied from 10350313 on 07/26/2004

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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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MAR - 4 2004

FRANCIS D. CERRITO
PENNIE & EDMONDS
1155 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-2711

In re Application of	:
Lenaerts et al	:
Serial No.: 10/281,026	: CONVERSION TO PROVISIONAL
Filed: October 25, 2002	:
Attorney Docket No.: 9463-018-999	:

This is in response to applicants' request, filed October 23, 2003, to convert this application to a provisional application

The petition is **GRANTED**.

Should there be any questions with regard to this letter please contact William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission at Office facsimile number.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600

Copied from 10281026 on 03/31/2005

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/729,867	12/05/2003	Carsten Andersen	09663.0069US01

CONFIRMATION NO.

OC000000012301661

23552
MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

Date Mailed: 04/07/2004

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **01/26/2004,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/509,063.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/661,026	09/11/2003	Michael Dugan	40353.6US01

CONFIRMATION NO.

OC000000012301865

23552
MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

Date Mailed: 04/07/2004

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **02/03/2004,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/509,064.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/661,024	09/11/2003	David A. Kummer	40353.11US01

CONFIRMATION NO.

OC000000012374365

23552
MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

Date Mailed: 04/15/2004

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **02/03/2004,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/509,065.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/800,411	03/12/2004	Sunita Shrivastava	MS1-1900US

CONFIRMATION NO.

OC000000012899407

22801
LEE & HAYES PLLC
421 W RIVERSIDE AVENUE SUITE 500
SPOKANE, WA 99201

Date Mailed: 06/08/2004

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **03/29/2004,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/560,716.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
~~10/137,682~~ 60509067	05/03/2002	Stefan Jansens	021565-116

CONFIRMATION NO.

OC000000015565459

21839
BURNS DOANE SWECKER & MATHIS L L P
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

Date Mailed: 03/24/2005

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **05/02/2003,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/509,067.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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MAR 10 2004

BURNS DOANE SWECKER & MATHIS L L P
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

In re Application of	:	
Stefan Jansens et al	:	
Serial No.: 10/137,682	:	CONVERSION TO PROVISIONAL
Filed: May 3, 2002	:	
Attorney Docket No.: 021565-116	:	

This is in response to applicants' request, filed May 2, 2003 and refilled September 18, 2003, to convert this application to a provisional application. The original request was received timely by the Office, but was never correlated with the file resulting in the petition not being acted on and an Office action being issued by the examiner. The error is regretted

The petition is **GRANTED**.

Should there be any questions with regard to this letter please contact William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission at Office facsimile number.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600

Copied from 10137682 on 03/31/2005

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/426,998	04/30/2003	Stephen J. Brand	24492-007

CONFIRMATION NO.

OC000000012375921

30623
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY
AND POPEO, P.C.
ONE FINANCIAL CENTER
BOSTON, MA 02111

Date Mailed: 04/16/2004

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **02/27/2004,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/509,068.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
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APR - 5 2004

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY
AND POPEO, P.C.
12010 SUNSET HILLS ROAD, SUITE 900
RESTON, VA 20190

In re Application of	:
Stephen J. Brand	:
Serial No.: 10/426,998	: CONVERSION TO PROVISIONAL
Filed: April 30, 2003	:
Attorney Docket No.: 24492-007	:

This is in response to applicants' request, filed February 27, 2004, to convert this application to a provisional application

The petition is **GRANTED**.

Should there be any questions with regard to this letter please contact William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission at Office facsimile number.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600

Copied from 10426998 on 07/26/2004

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MAR 10 2004

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

In re Application of	:
Z. Miao et al	:
Serial No.: 10/365,854	: CONVERSION TO PROVISIONAL
Filed: February 13, 2003	:
Attorney Docket No.: 60580	:

This is in response to applicants' request, filed February 2, 2004, to convert this application to a provisional application.

The petition is **GRANTED**.

Should there be any questions with regard to this letter please contact William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission at Office facsimile number.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600

Copied from 10365854 on 07/21/2004

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/365,854	02/13/2003	Zhenwei Miao	ENP-050

CONFIRMATION NO.

OC000000012383642

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

Date Mailed: 04/16/2004

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **02/02/2004,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/509,069.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S. DILL
Office of Initial Patent Examination
(703) 308-0910

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/611,756	06/30/2003	Roger Timmis	25085

CONFIRMATION NO.

OC000000012382597

28624
WEYERHAEUSER COMPANY
INTELLECTUAL PROPERTY DEPT., CH 1J27
P.O. BOX 9777
FEDERAL WAY, WA 98063

Date Mailed: 04/16/2004

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **10/06/2003,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/509,070.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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MAR 10 2004

WEYERHAEUSER COMPANY
INTELLECTUAL PROPERTY DEPT., CH 1J27
P.O. BOX 9777
FEDERAL WAY WA 98063

In re Application of	:
Roger Timmis et al	:
Serial No.: 10/611,756	: CONVERSION TO PROVISIONAL
Filed: June 30, 2003	:
Attorney Docket No.: 25085	:

This is in response to applicants' request, filed October 6, 2003, to convert this application to a provisional application. The delay in acting on this petition is regretted.

The petition is **GRANTED**.

Should there be any questions with regard to this letter please contact William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission at Office facsimile number.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600

Copied from 10611756 on 06/21/2004

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/418,759	04/18/2003	Suanne Nakajima	ENP-060

CONFIRMATION NO.

OC000000012374677

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

Date Mailed: 04/15/2004

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **02/02/2004,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/509,071.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/310,666	12/04/2002	Jeffry D. Watkins	66797-113 (P-IX 4266)

CONFIRMATION NO.

OC000000012375038

23601
CAMPBELL & FLORES LLP
4370 LA JOLLA VILLAGE DRIVE
7TH FLOOR
SAN DIEGO, CA 92122

Date Mailed: 04/15/2004

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **12/04/2003,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/509,072.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/733,348	12/12/2003	Pia Knuuttila	118062

CONFIRMATION NO.

OC000000012375295

25944
OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

Date Mailed: 04/15/2004

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **02/03/2004,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **60/509,073.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/509,120	10/05/2003		160	249213026400	2		

CONFIRMATION NO. 2977

CORRECTED FILING RECEIPT

OC000000011895002

20872
MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO, CA 94105-2482

Date Mailed: 02/12/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Michael Del Rosso, Laguna Hills, CA;
Nicholas Burke, San Francisco, CA;
Chris Insinger, Sunnyvale, CA;
Musa Mustafa, Fullerton, CA;

If Required, Foreign Filing License Granted: 12/03/2003

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

Non-Publication Request: No

Early Publication Request: No

Title

Information security coordinated continuous backup and recovery protection

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

GRANTED

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

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NOT GRANTED

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OIPE JC58
FEB 12 2004
PATENT & TRADEMARK OFFICE

Attorney Docket No. 9342-131PR PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Robert Ottocan
Serial No.: 60/509,219
Filed: October 6, 2003 Confirmation No.: 4980
For: SLIDABLE BUTTON

February 10, 2004

Office of Patent Legal Administration
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO ACCORD THE PROPER FILING DATE

Sir:

As set forth in 37 CFR § 1.10(c) and MPEP § 506.02, Applicant hereby petitions to grant the proper filing date of October 6, 2003 rather than October 8, 2003 for the above-identified patent application as this was the date the application was deposited as "Express Mail" in the U.S. Postal Service. The following is enclosed as evidence of October 6, 2003 being the correct filing date for the application, which was properly filed under 37 C.F.R. § 1.10:

1. A true and accurate copy of the Cover Sheet for the Application showing the Express Mail signature and date on Page 2;

2. A true and accurate copy of the Express Mail Receipt along with a copy of the USPS-Track & Confirm from the web page (www.usps.com) , showing "acceptance" or deposit date with the USPS at 5:38 p.m. on October 6, 2003; and

3. A true and accurate copy of our return post card and of the official filing receipt for this application, sent by the United States Patent and Trademark Office, showing that Applicant was improperly given the filing date of October 8, 2003 instead of the Express Mail date of October 6, 2003.

This petition is being filed promptly after Applicant became aware of the improperly accorded filing date. Accordingly, Applicant respectfully requests the granting of October 6, 2003 as the filing date pursuant to 37 CFR § 1.10.

OIPE JC58
FEB 12 2004
PATENT & TRADEMARK OFFICE

On the basis that Applicant properly followed the requirements of 37 CFR § 1.10 and the USPTO failed to accord the proper filing date under MPEP § 505 and thus the need to file this petition is due to error on the part of the USPTO, it is applicant's belief that no fee is due with this petition. However, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,

Robert W. Glatz
Attorney For Applicant
Registration No. 36,811

USPTO Customer No. 20792
Myers Bigel Sibley & Sajovec
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone: 919/854-1400
Facsimile: 919/854-1401

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Office of Patent Legal Administration, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 10, 2004.

Lindsay L. Huey
Date of Signature: February 10, 2004

OIPE JC56
FEB 12 2004
PATENT & TRADEMARK OFFICE

Attorney Docket No. **9342-131PR** PATENT

COVER SHEET FOR FILING PROVISIONAL PATENT APPLICATION (37 CFR §1.51(c)(1))

Mail Stop PROVISIONAL PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date: October 6, 2003

This is a request for filing a PROVISIONAL PATENT APPLICATION under 37 C.F.R §1.53(c).

Docket No.	**9342-131PR**
Type a plus sign (+) inside this box ☐	+

INVENTOR(s)/APPLICANT(s)

Name: Robert Ottocan
Address: Fabriksgatan 7
SE-211 37 Malmö
SWEDEN

TITLE OF THE INVENTION *(280 characters maximum)*

SLIDABLE BUTTON

ENCLOSED APPLICATION PARTS *(check all that apply)*

☒ Specification (Number of Pages 8)

☒ Drawing(s) (Number of Sheets 2)

☐ Claims (Number of Claims ____)
(A complete provisional application does not require claims 37 C.F.R. §1.51(c)).

☐ Application Data Sheet. See 37 CFR §1.76

☐ Other:

O I P E JC56
FEB 1 2 2004
PATENT & TRADEMARK OFFICE

CORRESPONDENCE ADDRESS

Myers Bigel Sibley & Sajovec, P.A.
P. O. Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401
Customer Number 20792

METHOD OF PAYMENT

- ☐ Applicant claims small entity status. See 37 CFR §1.27.
- ☒ Check or money order is enclosed to cover the filing fee.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☒ The Commissioner is hereby authorized to charge filing fees or credit any overpayment to Deposit Account No. 50-0220.

The invention was made by an agency of the United States Government or under a contract with an agency of the United States Government.

- ☐ No.
- ☐ Yes, the name of the U.S. Government agency and the Government contract number are:

Respectfully submitted,

Robert W. Glatz
Registration No. 36,811

CERTIFICATE OF EXPRESS MAIL

Express Mail Label Number EV 353592436 US
Date of Deposit: October 6, 2003

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop PROVISIONAL PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Carey Gregory

EV 353592436 US

Custom r Copy
Label 11-F June 2002

EXPRESS MAIL
UNITED STATES POSTAL SERVICE®

Post Office To Addressee

ORIGIN (POSTAL USE ONLY)

PO ZIP Code	Day of Delivery ☒ Next ☐ Second	Flat Rate Envelope ☐
Date In Mo. Day Year	☒ 12 Noon ☐ 3 PM	Postage $ 13.65
Time In ☐ AM ☐ PM	Military ☐ 2nd Day ☐ 3rd Day	Return Receipt Fee
Weight lbs. ozs.	Int'l Alpha Country Code	COD Fee / Insurance Fee
No Delivery ☐ Weekend ☐ Holiday	Acceptance Clerk Initials TM	Total Postage & Fees $ 13.65

DELIVERY (POSTAL USE ONLY)

Delivery Attempt Mo. Day	Time ☐ AM ☐ PM	Employee Signature
Delivery Attempt Mo. Day	Time ☐ AM ☐ PM	Employee Signature
Delivery Date Mo. Day	Time ☐ AM ☐ PM	Employee Signature

☐ WAIVER OF SIGNATURE (*Domestic Only*) Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.

NO DELIVERY ☐ Weekend ☐ Holiday

Customer Signature

CUSTOMER USE ONLY

METHOD OF PAYMENT:
Express Mail Corporate Acct. No. X276081

Federal Agency Acct. No. or Postal Service Acct. No.

FROM: (PLEASE PRINT) PHONE (919) 854 1400

MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH NC 27627-7426

9342-131PR (1.1) RWG

TO: (PLEASE PRINT) PHONE ( )

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PO Box 1450
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OIPE JC55
FEB 1 2 2004
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UNITED STATES POSTAL SERVICE

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Shipment Details

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Your item was delivered at 9:51 am on October 08, 2003 in ALEXANDRIA, VA 22313 to PATENT OFFICE. The item was signed for by J STECKEL.

Here is what happened earlier:

- ARRIVAL AT PICK-UP-POINT, October 07, 2003, 9:47 pm, ALEXANDRIA, VA 22313
- ARRIVAL AT UNIT, October 07, 2003, 9:35 pm, DULLES, VA 20102
- ENROUTE, October 07, 2003, 4:12 am, RALEIGH, NC 27623
- ACCEPTANCE, October 06, 2003, 5:38 pm, RALEIGH, NC 27612

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Enter label number:

Track & Confirm FAQ

Notification Options

- **Track & Confirm by email** What is this? Go >
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OIPE JC56
FEB 12 2004
PATENT & TRADEMARK OFFICE

M.S. Provisional Application Ruxley

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

Date: 10/6/03
Doc. No. 9342-131PR
Serial No. TBA
Inventor: Ottocan

Sir: Kindly acknowledge receipt of the accompanying items listed below by placing your receiving stamp hereon and return mailing:

- ✓ Application Transmittal and:
  - ✓ Specification pages 8
  - ___ No. of Claims ___
  - ___ Declaration & POA
  - ___ Assignment and Fee
  - ___ Small Entity Statement
  - ✓ Formal Drawings/ 7 sheets
  - ___ Associate Power of Attorney
  - ✓ Exp. Mail ___ 1st Class Mail
- ✓ Check $ 160.00
- ___ IDS & PTO-1449 & ___ refs.
- ___ Amendment & Amend. Transmittal
- ___ Preliminary Amendment
- ___ Issue Fee
- ___ Brief
- ___ Appeal
- ___ Submittal of Priority Doc.
- ___ Other: ___

00746 U.S. PTO
60/509219
100803

Respectfully submitted,
MYERS BIGEL SIBLEY & SAJOVEC, P.A.
Attorneys for Applicant

OIPE JC56 FEB 12 2004 PATENT & TRADEMARK OFFICE

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/509,219	~~10/08/2003~~ 10/06/2003		160	9342-131PR	2		

CONFIRMATION NO. 4980

FILING RECEIPT

OC000000011479670

20792
MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

Date Mailed: 12/12/2003

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Robert Ottocan, Malmo, SWEDEN;

If Required, Foreign Filing License Granted: 12/11/2003

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

Non-Publication Request: No

Early Publication Request: No

Title

Slidable button

12-16-03 A08:57 IN

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

BY AV
DATE 12-16-03

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING

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

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

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

NOT GRANTED

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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/509,220	10/06/2003		160	5175-166PR	3		

CONFIRMATION NO. 4978

CORRECTED FILING RECEIPT

OC000000011798255

20792
MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

Date Mailed: 01/30/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

John H. Hebrank, Durham, NC;

If Required, Foreign Filing License Granted: 12/12/2003

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

Non-Publication Request: No

Early Publication Request: No

Title

Non-contact methods and apparatus for identifying live eggs

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

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING

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

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

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

NOT GRANTED

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

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OFFICE OF PETITIONS

MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

In re Application of
Michael Miller
Application No. 60/509,224
Filed: October 6, 2003
Attorney Docket No. 5646-87PR

DECISION GRANTING PETITION

This is a decision on the petition under 37 CFR 1.10(c) filed April 5, 2004, requesting that the above-identified application be accorded a filing date of October 6, 2003, instead of the presently accorded date of October 8, 2003.

Petitioner alleges that the application was deposited in "Express Mail" service with the United States Postal Service (USPS), on October 6, 2003. In support, petitioners provide, *inter alia*, a copy of the Express Mail label, receipt No. EV193633677US. The same Express Mail receipt number was referred to in the original provisional patent application cover sheet found in the application file. It is noted that while the "date in" on the copy of the Express Mail label is blank, the label includes an official USPS notation in the form of an USPS receipt stamp dated October 6, 2003.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date In" on the Express Mail label, MPEP 513. That is the date that verifies that the package was actually mailed. The evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on October 6, 2003.

The petition is granted.

The application is being referred to Initial Patent Examination Division for correction of the filing date to **October 6, 2003** and for issuance of a corrected filing receipt.

Telephone inquires related to this decision should be directed to the undersigned at (703) 305-9220. Telephone inquiries related to OIPE processing should be directed to their hotline at (703) 308-1202.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects

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United States Patent and Trademark Office
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PATENT DEPARTMENT
2300 Trammell Crow Center
2001 Ross Avenue
Dallas TX 75201

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OCT 26 2004

OFFICE OF PETITIONS

In re Application of :
Shui-Tein Chen :
Application No. 60/509,345 : DECISION ON PETITION
Filed: October 3, 2003 :
Attorney Docket No. 87166682-242007 :
Title of Invention: IN VIVO DELIVERY :
VEHICLE :

This is a decision on the petition filed September 28, 2004, requesting that the above-identified application be accorded a filing date of October 7, 2003, instead of the presently accorded filing date of October 3, 2003.

Petitioner request the later filing date on the basis that the application was purportedly deposited in Express Mail of Taiwan Postal Service on October 3, 2003. Petitioner believes the application was received at the USPTO on October 7, 2003. In support, petitioner has supplied a copy of the Express Mail label of Taiwan Postal Service.
Paragraph (a) of 37 CFR 1.10 states that:

> Any correspondence received by the Patent and Trademark Office (Office) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) will be considered filed in the Office on the date of deposit with the USPS. The date of deposit with the USPS is shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation. If the USPS deposit date cannot be determined, the correspondence will be accorded the Office receipt date as the filing date.[1] (emphasis added)

Paragraph (d) of 37 CFR 1.10 states that:

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing

[1] See 37 CFR 1.6(a).

label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Commissioner to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:
(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and
(3) The petition includes a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS. Any statement submitted in support of such a showing pursuant to this paragraph must be a verified statement if made by a person other than an employee of the USPS or a practitioner as defined in § 10.1(r) of this chapter.

The petition lacks the showing required for item (3).

As to item (3), the instant petition is not supported by corroborating evidence from the USPS. Petitioner has submitted an express mail label from Taiwan Express Mail. The procedure in 37 CFR 1.10 is limited to correspondence deposited in the "Express Mail Post Office to Addressee" service of the USPS. There are no similar provisions and no similar benefit can be obtained for correspondence deposited in International Express Mail. MPEP 513

Petitioner must establish, by official documentation from the USPS or evidence that came into being after deposit and within one business day of deposit, that the application was deposited with the USPS.

At the present time, the petition must be **DISMISSED**.

Telephone inquiries may be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema. R. Grant
Petitions Attorney
Office of Petitions

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/509,363	10/06/2003		80	50304/015001	10		

CONFIRMATION NO. 5623

CORRECTED FILING RECEIPT

OC000000013452520

21559
CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON, MA 02110

Date Mailed: 08/05/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

August Verbruggen, Eke-Nazareth, BELGIUM;
Dirk Elewaut, Gent, BELGIUM;
Jun Wan, Gent, BELGIUM;

If Required, Foreign Filing License Granted: 12/09/2003

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Detection of mRNA in living cells using exon-bridging probes

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

GRANTED

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

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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John F. A. Earley III
Harding Earley Follmer & Frailey
P.O. Box 750
Valley Forge, PA 19482-0750

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JUN 13 2008

OFFICE OF PETITIONS

In re Application of	:	
Herb Ogden	:	
Application No. 60/509,602	:	DECISION GRANTING
Filed: October 7, 2003	:	PETITION
Attorney Docket No. E-2340	:	

This is a decision on the petition filed on May 9, 2007, which is being treated as a petition under 37 CFR 1.10(c) requesting that the above-identified application be accorded a filing date of October 7, 2003.

Petitioner alleges that the application was deposited in Express Mail Service on October 7, 2003. In support, the petition is accompanied by a copy of Express Mail label number EU 915743185 US, which contains a "date-in" of October 7, 2003. It is noted that the Application Transmittal Letter contained the same Express Mail label number.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "date-in" on the Express Mail label, MPEP 513. The evidence is convincing that the application was deposited as "Express Mail" with the U. S. Postal Service on October 7, 2003.

It is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, in accordance with 37 CFR 1.34(a), the signature of Nanda Kumar 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. A courtesy copy of the decision is being mailed to petitioner.

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

A corrected filing receipt, for the above application, was mailed on August 28, 2007.

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

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Nanda Kumar
Reed Smith, LLP
2500 One Liberty Place
1650 Market Street
Philadelphia, PA 19103-7301

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/509,734	10/07/2003		160	KLA1P103P/P1093	5		

CONFIRMATION NO. 7032

CORRECTED FILING RECEIPT

OC000000011949858

022434
BEYER WEAVER & THOMAS LLP
P.O. BOX 778
BERKELEY, CA 94704-0778

Date Mailed: 02/23/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Anne Testoni, Holton, MA;
Gabor D. Toth, San Jose, CA;

If Required, Foreign Filing License Granted: 12/10/2003

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

Non-Publication Request: No

Early Publication Request: No

Title

Time of flight electron detector

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

GRANTED

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

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

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

NOT GRANTED

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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/509,928	10/08/2003		80	101086.0001PRO			

CONFIRMATION NO. 8039

CORRECTED FILING RECEIPT

OC000000014978133

Rutan & Tucker, LLP
Suite 1400
611 Anton Blvd.
Costa Mesa, CA 92626

Date Mailed: 01/18/2005

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Robert Harman, Ramona, CA;
Theodore T. Sand, Poway, CA;

Power of Attorney: The patent practitioners associated with Customer Number **34284**.

If Required, Foreign Filing License Granted: 12/15/2003

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/509,928

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Adipose-derived stem cells and methods of use

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

GRANTED

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NOT GRANTED

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Hamilton Brook Smith & Reynolds, PC
530 Virginia Road
PO Box 9133
Concord, MA 01742-9133

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NOV 0 4 2004

OFFICE OF PETITIONS

In re Application of :
Joby Joseph and David Waldman :
Application No. 60/509,983 : ON PETITION
Filed: October 8, 2003 :
Attorney Docket No. 3174.1020-000 :

This is a decision on the petition under 37 CFR 1.10(d) filed October 8, 2004, to accord the above-identified application a filing date of October 8, 2003, instead of October 9, 2003. This is also a decision on the petition under 37 CFR 1.182 to expedite consideration of the petition under 37 CFR 1.10(d).

The petition under 37 CFR 1.10(d) is **granted**.

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

37 CFR 1.10(d) states:

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, <u>who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS</u>, may petition the Commissioner to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:
>
> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
>
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and
>
> (3) The petition includes a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

All of the above requirements have been met. Therefore, the application will be accorded a filing date of October 8, 2003.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy

copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed solely to the address currently of record until such time as appropriate instructions are received to the contrary.

The Office of Initial Patent Examination will be informed of the instant decision and will accord the application a filing date of October 8, 2003.

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

Charles Steven Brantley
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Phonetics L.C.
2872 North Ridge Road
Wichita KS 67205

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MAY 12 2004

OFFICE OF PETITIONS

In re Application of
Robert George Mater
Application No. 60/509,993
Filed: October 9, 2003

For: METHOD AND SYSTEM FOR ORDERING, BILLING AND PROVISIONING VIA A COMMUNICATIONS NETWORK

DECISION DISMISSING PETITION

This is a decision on the petition filed February 12, 2004, requesting that the above-identified application be accorded a filing date of October 9, 2003, with Figures 1B and 4 as part of the original disclosure.

On October 9, 2003, applicant filed the above-identified application. However, on December 11, 2003, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s)," stating that a filing date had been assigned in the application; however, Figure 4 described in the specification appeared to be omitted from the application.[1]

In response, on February 12, 2004, applicant filed the present petition, and a copy of pages 2-9 consisting of Figures 1A, 1B, 1C, 2, 3, 4, and 5. Applicant stated that a total of 25 pages of application papers were filed, including Figures 1A, 1B, 1C, 2, 3, 4, and 5, as evidenced by the enclosed date-stamped postcard receipt. Applicant submitted a copy of the date-stamped postcard receipt, indicating 25 pages of application papers were filed on October 9, 2003.

A review of the record reveals that applicant did indeed file 25 pages of application papers. Specifically, 1 page of abstract (page 1), 2 pages of IDS (pages 2-3), 10 pages of specification (pages 4-13), 6 pages of claims (pages 14-19), and 6 sheets of

[1] Upon further review of the application papers, it appears that Figure 1B was also omitted upon filing the application.

drawings (Figures 1A, 1B, 1C, 2, 3, 4, and 5, pages 20-25). The 25 pages of application papers does not include Figures 1B and 4. Therefore, Figures 1B and 4 cannot be considered a part of the original disclosure of the application because they were not present on October 9, 2003, the date the application was filed. Accordingly, the application cannot be accorded the filing date of October 9, 2003, with the drawings of Figures 1B and 4 as a part of the original disclosure.

Accordingly, the petition is dismissed.

Figures 1B and 4, submitted with the present petition on February 12, 2004, will not be entered.

The application file will be forwarded to the Office of Initial Patent Examination for further processing with a filing date of October 9, 2003, using only Figures 1A, 1C, 2, 3, and 5 submitted on that date, and indicating in the Office records that 6 sheets of drawings were present on filing.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
Petitions Attorney
Office of Petitions

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MICHAEL T MROZ
2262 N Ranch Trail
Huachuca City AZ 85616

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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Mroz :
Application No. 60/510,003 :
Filed: October 8, 2003 :
Attorney Docket No. N/A :
For: SWIMMING POOL BRUSH AND NET COMBINATION

This is a decision on the petition filed February 10, 2004, requesting, in effect, that omitted Figures 3-7 be accorded a filing date of October 8, 2003. The petition will be treated under 37 CFR 1.53(e).

The application was filed on October 8, 2003. However, on December 16, 2003, The Office of Initial Patent Examination mailed a "Notice of Omitted Item(s) in a Provisional Application" (Notice) stating that the application had been accorded a filing date of October 8, 2003, and advising applicant that Figures 3-7, as described in the specification, appeared to have been omitted.

In response, the present petition was filed, in which petitioner submits a copy of Figures 3-7 and a copy of the December 16, 2003 Notice. Petitioner admits that Figures 3-7 were omitted from the original filing by mistake.

The mailing of a "Notice of Omitted Items in a Provisional Application" permits the applicant to either: (1) promptly establish prior receipt in the PTO of the items at issue (generally by way of a date-stamped postcard receipt (MPEP 503)), or (2) accept the application as filed. An applicant asserting that a missing item was in fact deposited in the PTO with the application papers must file a petition (and the appropriate petition fee) with evidence of such deposit.

In this case, petitioner has neither asserted that the missing figures were actually filed on October 8, 2003 with the original application papers, nor accepted the application as filed without the missing figures.

Instead, applicant seeks to add the figures to the present application. However, it is not permissible to amend a provisional application. 37 CFR 1.53 (c). Either Figures 3-7 were present in the Office on October 8, 2003 or they were not. Petitioner has admitted they were not present.

Accordingly, the petition to accord Figures 3-7 a filing date of October 8, 2003 is dismissed. The petition fee will not be refunded, since the petition was not necessitated by any error on the part of the Office.

Petitioner is encouraged to submit his itemized date stamped postcard receipt. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the Office of all the items listed thereon on the date stamped thereon by the Office. See section 503, Manual Of Patent Examining Procedure (MPEP 503). However, if the postcard receipt has been annotated to indicate that a particular item denoted on the postcard was not received by the USPTO, the postcard receipt will not serve as *prima facie* evidence of receipt of that item in the USPTO. MPEP 503.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of **October 8, 2003**. Figures 3-7 are not considered part of the original application papers and will not be processed.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 308-6712.

E Shirene Willis

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

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www.uspto.gov

Paper No.

Anthony Joon Yun
470 University Ave.
Palo Alto, CA 94301

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DEC 14 2004

OFFICE OF PETITIONS

In re Application of	:	
Anthony Joonkyoo Yun	:	DECISION ON PETITION
Application No. 60/510,008	:	
Filed: October 8, 2003	:	
Attorney Docket No. PALO-002 PRV	:	

This is a decision on the "PETITION Under 37 CFR 1.53(e)," filed October 18, 2004, requesting that the above-identified provisional application be accorded a filing date of October 8, 2003. Petitioner also requests refund of the petition fee.

The petition is **GRANTED**.

The request for refund of the petition fee is **GRANTED**.

Application papers in the above-identified application were deposited on October 8, 2003. However, on October 1, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Provisional Application," notifying applicant that the application papers had not been accorded a filing date because the application was deposited without drawings.

In reply, applicant filed the instant petition. Petitioner asserts that drawings are not necessary to understand the application. The filed claims include at least one process or method claim. Thus, petitioner contends, pursuant to MPEP 601.01(f), that drawings are not required for the above-captioned application.

Petitioner's assertion is well-taken. As as set forth in MPEP 601.01(f), it has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence). A review of the application as filed reveals that it contains at least one method claim. In view of the presence of the method claim and petitioner's contention that drawings are not necessary, it is concluded that this provisional application is entitled to a filing date. The "Notice of Incomplete

Provisional Application" mailed October 1, 2004, was mailed in error and is hereby **withdrawn**.

Given the basis for granting this petition, the petition fee is subject to refund. Accordingly, although authorized, no petition fee is being charged to Deposit Account 50-0815.

The Office of Initial Patent Examination (OIPE) has been advised of this decision. OIPE will **correct the filing date to October 8, 2003**, with "0" drawings present in the application.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/510,054	10/08/2003		80	012824-003500US	6		

CONFIRMATION NO. 9042

CORRECTED FILING RECEIPT

OC000000011999828

20350
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

Date Mailed: 03/01/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Garry L. Montierth, Fremont, CA;
Henry R. Miranda, Fremont, CA;
Sharyl L. Maraviov, Pleasanton, CA;

If Required, Foreign Filing License Granted: 01/13/2004

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Method and apparatus for reducing variation of ultrasonic energy in the near field

---

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.

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NOT GRANTED

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/510,072	10/08/2003		80	101086.0003PRO			

CONFIRMATION NO. 8997

CORRECTED FILING RECEIPT

OC000000014977801

Rutan & Tucker, LLP
611 Anton Blvd., Suite 1400
Costa Mesa, CA 92626

Date Mailed: 01/18/2005

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Robert Harman, Ramona, CA;
Theodore T. Sand, Poway, CA;

Power of Attorney: The patent practitioners associated with Customer Number **34284**.

If Required, Foreign Filing License Granted: 12/05/2003

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/510,072

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Animal stem cells and methods of use

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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NOT GRANTED

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

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University of Pennsylvania
Center for Technology Transfer
Suite 200
3160 Chesmur Street
Philadelphia, PA 19104-6283

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OFFICE OF PETITIONS

In re Application of:	:	
Amos Smith	:	
Application No. 60/510,097	:	DECISION ON
Filed: October 9, 2003	:	PETITION
Attorney Docket Number: UPN-4586	:	

This is a decision on the Petition Pursuant to 37 CFR 1.53(e)(2), filed October 27, 2005, requesting that a filing date be accorded the aove-identified application.

The application was filed on October 9, 2003. However, on August 31, 2005, the Office of Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application ("Notice") stating that the application had NOT been accorded a filing date because the specification did not include a written description.

Applicant responds with the instant petition wherein Applicant avers that "[a] skilled organic chemist, would easily understand the language of this reaction scheme and would know how to make the product using the given reactions. Such reaction schemes are part of the technical language commonly used by chemists to convey chemical processes. The provisional application is complete…."

Based upon the assertion of the applicant, a registered practitioner, that the application satisfies the written description requirement under 112, 1st paragraph, the petition is granted.

The petition fee has been refunded to deposit account 23-3050 as authorized in the instant petition.

The application will be accorded the application filing date of October 9, 2003, using the application papers filed on that date.

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

Derek L. Woods
Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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STE. 170
763 S. NEW BALLAS ROAD
ST. LOUIS MO 63141

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OFFICE OF PETITIONS

In re Application of
Jeanne G. Canada
Application No. 60/510,372
Filed: October 8, 2003
Attorney Docket Number: 7468

: DECISION GRANTING
: PETITION

This is a decision on the renewed petition filed October 4, 2004, under 37 CFR 1.53, in response to the Notice of Incomplete Nonprovisional Application mailed January 6, 2004, requesting that the above identified application be accorded a filing date of October 8, 2003.

On October 8, 2003, the application was filed.

On January 6, 2004, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application" stating that the application had not been accorded a filing date because the application was deposited without drawings and that the filing date of the application would be the date of receipt of the drawings. On February 2, 2004, a paper was filed, which was treated as a petition under 37 CFR 1.53, with one (1) sheet of drawings claiming that the sheet proffered with the petition was the same as that filed with the other application papers on October 8, 2003.

The petition was dismissed because while the petition claimed to submitted a postcard receipt with the application papers, no such copy of the date-stamped postcard receipt was submitted as evidence that one (1) sheet of drawings was in fact filed with the other application papers on October 8, 2003. Thus, since the official file revealed that no drawings were received on October 8, 2003 and in the absence of convincing evidence to the contrary, the filing date accorded was the date the drawings were supplied which was February 2, 2004.

Comes now petitioner with proof of the submission of drawings with the application papers filed October 8, 2003. The renewed petition includes one sheet of drawings and a copy of petitioner's postcard receipt which shows an official USPTO date-stamp of October 8, 2003, and the above-identified application number, and acknowledges receipt of, *inter alia*, 1 sheets of drawings having been supplied with the application papers filed October 8, 2003. Petitioner requests that the application, including 1 sheet of drawings be accorded a filing date of October 8, 2003.

Upon review of the record, no sheets of drawings deposited on October 8, 2003, have been located among the application papers. However, the evidence is convincing that the application papers deposited on October 8, 2003, included 1 sheets of drawings, which were subsequently misplaced in the USPTO. Therefore, the application,

including the 1 sheet of drawings, was complete on filing and entitled to a filing date of October 8, 2003.

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

The Notice of Incomplete Nonprovisional Application mailed January 6, 2004, is withdrawn. Therefore, no petition fee is due and none has been charged.

The application is being returned to the Office of Initial Patent Examination for reprocessing with a filing date of October 8, 2003, using the application papers filed on October 8, 2003 and the 1 sheet of drawings supplied on October 4, 2004.

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

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ST. LOUIS MO 63141

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MAR 3 1 2004

OFFICE OF PETITIONS

In re Application of
Jeanne G. Canada
Application No. 60/510,372
Filed: October 8, 2003
Attorney Docket Number: 7468

DECISION DISMISSING PETITION

This is a decision in reference to the paper filed February 2, 2004, which is treated as a petition under 37 CFR 1.53 requesting that the application be accorded a filing date of October 8, 2003, with one (1) sheet of drawings as a part of the original disclosure.

The petition is **DISMISSED**.

The application was deposited on October 8, 2003 without drawings. Accordingly, on January 6, 2004, a Notice of Incomplete Provisional Application was mailed, stating that the application had been deposited without drawings and that the filing date would be the date that drawings were received in the Office. In response, on February 2, 2004, applicant filed one (1) sheet of drawings claiming that the sheet proffered with the petition was the same as that filed with the other application papers on October 8, 2003.

The arguments have been considered, but are not persuasive. The U.S. Patent and Trademark Office (Office) file is the official record of the papers originally filed in this application. A review of the papers originally filed reveals that no sheets of drawings were filed on October 8, 2003. An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence.

Where the records of the Office (e.g. the file of the application) contain any document(s) or fee(s) corresponding to the contents of the correspondence at issue, the Office will rely upon its official record of the contents of such correspondence in the absence of convincing evidence (e.g. a postcard receipt under MPEP 503 containing specific itemization of the document(s) or fee(s) purported to have been filed with the correspondence at issue) that the Office received and misplaced any document(s) or fee(s) that is not among the official records of the Office. If a new application is being filed, all parts of the application being submitted should be separately listed on the postcard, *e.g.,* the number of pages of specification (including written description, claims and abstract) number of claims, number of sheets of drawings, number of pages of oath/declaration. The postcard receipt will not serve as *prima facie* evidence of receipt of any item which is not adequately itemized on the postcard.[1]

[1] MPEP 503.

At the outset, the application transmittal cover sheet indicates that a return postcard was filed with the application papers on October 8, 2003. Petitioner has not submitted a copy of the postcard receipt as evidence that one (1) sheet of drawings was in fact filed with the other application papers on October 8, 2003. Due to the absence in the record of a postcard receipt itemized with respect to the drawings that bears a USPTO date stamp of October 8, 2003, showing that drawings were received in the USPTO on October 8, 2003, the application cannot be accorded a filing date of October 8, 2003, with one (1) sheet of drawings as a part of the original disclosure.

Since the official file reveals that no drawings were received on October 8, 2003 and in the absence of convincing evidence to the contrary, the filing date will be the date the drawings were received. Therefore, the application will be accorded a filing date of February 2, 2004, the date the drawings were supplied.

The Office of Initial Patent Examination will be notified to process the application with a filing date of February 2, 2004.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (703)305-4497.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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Paper No.

MARSHALL, GERSTEIN & BORUN
6300 SEARS TOWER
233 SOUTH WACKER DRIVE
CHICAGO, IL 60606-6357

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MAY 2 4 2004

OFFICE OF PETITIONS

In re Application of
Brenda Baker
Application No. 60/510,614
Filed: October 10, 2003
Attorney Docket No. BIOL0022US.L

DECISION ON PETITION

This is a decision on the "PETITION UNDER 37 CFR 1.53(e)," filed February 17, 2004, which in essence, requests that the above-identified provisional application be accorded a filing date of October 9, 2003 without drawings present in the application. Petitioner further requests that the petition fee be refunded.

Preliminarily, it must be stated that Office records show that application papers in the above-identified application were deposited in Express Mail service on October 10, 2003, not October 9, 2003. For the papers to be considered deposited on October 9, 2003, applicant needs to submit a grantable petition pursuant to 37 CFR 1.10.

As to the current petition, on December 15, 2003, the Initial Patent Examination Division mailed applicant a "Notice of Incomplete Provisional Application," stating that the application papers deposited October 10, 2003 had not been accorded a filing date because the application was deposited without drawings. In response, applicant timely filed the instant petition. Applicant states that drawings are not necessary under 35 U.S.C. 113 for understanding the subject matter sought to be patented.

35 U.S.C. 111(b)(4) provides that:

> The filing date of a provisional application shall be the date on which the specification and any required drawing are received in the Patent and Trademark Office.

However, it has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence). The same practice has been followed in composition applications. See MPEP § 601.01(f). Applicant states that drawings are not required for the instant provisional application for a "DOUBLE STRANDED RNA

OLIGONUCLEOTIDE COMPOSITIONS AND METHODS FOR THE MODULATION OF THE EXPRESSION OF B7 PROTEIN."

However, in regards to withdrawing the Notice, MPEP § 601.01(f) also states that:

> ... a provisional application having at least some disclosure, directed to subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description.

And, MPEP § 601.01(g) further provides that:

> If the application is filed without all of the drawing figure(s) referred to in the specification, ..., OIPE will mail a "Notice of Omitted Item(s)" indicating that the application papers so deposited have been accorded a filing date, but are lacking some of the figures of the drawings described in the specification.

As the specification in the instant provisional application contained references to drawing figures (Figs. 1-21B), mailing of a Notice requiring submission of those drawings was appropriate. The Office should have mailed a "Notice of Omitted Items" rather than a "Notice of Incomplete Provisional Application." Nonetheless, the filing of a petition was necessary due to the condition of the application on filing. Accordingly, the petition fee is required and will not be refunded.

In view thereof, to the extent the petition requests a filing date of October 9, 2003 and withdrawal of the Notice mailed December 15, 2003, the petition is **DISMISSED**. However, the provisional application will be accorded a filing date of October 10, 2003 with no drawings as a part of the original disclosure of the application. Moreover, the request for refund is **DENIED**.

The Office of Initial Patent Examination (OIPE) has been advised of this decision. Pursuant to this decision, the application has been referred to OIPE for further processing **with a filing date of October 10, 2003** and for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing.

Telephone inquiries specific to this decision may be directed to the undersigned at (703) 305-0309.

Nancy Johnson

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

C. M. McClure
ARENA PHARMACEUTIALS, INC.
6166 Nancy Ridge Drive
San Diego CA 92121

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SEP 2 3 2005

OFFICE OF PETITIONS

In re Application of
Jones et al.
Application No. 60/510,644
Filed: October 10, 2003
Attorney Docket No. 71. US2.PRO
Title of Invention: FUSED-ARYL AND HETEROARYL DERIVATIVES AS MODULATORS OF METABOLISM AND THE PROPHYLAXIS AND TREATMENT OF DISORDERS RELATED THERETO

: DECISION ON PETITION

This is a decision on the petition filed October 1, 2004, under 37 CFR 1.183 requesting waiver of the requirements for a statement of Lack of Deceptive Intent in support of a petition that is being filed under 37 CFR 1.48 (e).

The petition is **Dismissed as Moot**.

A petition under 37 CFR 1.183 for waiver is appropriate where there is an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Director or the Director's designee, *sua sponte*, or on petition of the interested party, subject to such other requirements as may be imposed. In this instance, the remedy is for petitioner to file a petition under 37 CFR 1.48(e). Pursuant to MPEP 201.03 the statement of lack of deceptive intent may be included in the request and may be signed by a registered attorney or agent. A statement of lack of deceptive intent is not required from any of the original or to be added inventors.

Since the Office of Petitions is not the appropriate deciding official for petitions under 37 CFR 1.48 (d) and (e) the petition will be forwarded to the Office of Initial Patent Examination for the treatment of the petition.

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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C. M. McClure
ARENA PHARMACEUTIALS, INC.
6166 Nancy Ridge Drive
San Diego CA 92121

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MAR 24 2006

OFFICE OF PETITIONS

In re Application of :
Jones et al. :
Application No. 60/510,644 : DECISION ON PETITION
Filed: October 10, 2003 :
Attorney Docket No. 71. US2.PRO :
Title of Invention: FUSED-ARYL AND :
HETEROARYL DERIVATIVES AS :
MODULATORS OF METABOLISM AND THE :
PROPHYLAXIS AND TREATMENT OF :
DISORDERS RELATED THERETO

This decision vacates the decision mailed on September 23, 2005 and treats the petition filed October 1, 2004, under 37 CFR 1.183 requesting waiver of the requirements for a statement of Lack of Deceptive Intent in support of a petition that is being filed under 37 CFR 1.48 (e).

The petition is **Granted**.

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

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Daniel M. Chambers
Bio Technology Law Group
658 Marsolan Avenue
Solana Beach CA 92075-1931

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MAY 1 0 2004

OFFICE OF PETITIONS

In re Application of
Albani
Application No. 60/510,645
Filed: October 10, 2003
Attorney Docket No. AND-1001-PRV2
For: METHODS AND COMPOSITIONS FOR ISOLATING, QUANTIFYING, CHARACTERIZING, AND MODULATING ANTIGEN-SPECIFIC T CELLS

DECISION DISMISSING PETITION

This is a decision on the petition filed March 22, 2004 (certificate of mailing date March 15, 2004), requesting review of a determination that Figures 7 and 33 were omitted on October 10, 2003, the filing date of the application. The petition will be treated under 37 CFR 1.53(e).

The application was filed on October 10, 2003. However, on January 15, 2004, the Office of Initial Patent Examination mailed a notice stating that the application had been accorded a filing date of October 10, 2003, but advising applicant that Figures 7 and 33 referenced in the specification appeared to have been omitted.

In response, the present petition was filed. Petitioner argues that Figures 7 and 33 were filed on October 10, 2003. In support, the petition is accompanied by a copy of applicant's date stamped return postcard receipt showing 36 pages of drawings were received in the Office on October 10, 2003.

The best evidence of what was filed on October 10, 2003, is applicant's postcard receipt. In this case, applicant's postcard receipt identifies 36 pages of drawings as being filed on October 10, 2003. In fact, 36 sheets of drawings were filed on October 10, 2003, as shown by the Official file.

A review of the contents of the file shows that 36 pages of drawings were, in fact, filed on October 10, 2003, and are presently in the file. However, no Figure 7 and no Figure 33(other than that supplied with the instant petition) are present.

The file does contain a Figure 7a and a Figure 7b, but no Figure 7. Petitioner referenced a Figure 7 in the Brief Description of the Drawings, but did not file a Figure 7. Therefore, the Notice was correct in advising applicant that the drawing of "Figure 7," as referenced in the specification was omitted.

It is noted that the January 15, 2004 Notice did **not** address all omitted figures. A closer review of the Brief Description of the Drawings shows that a Figure 42 and a Figure 43 were referenced. No such figures are present among the original application papers. In addition, the Brief Description of Drawings references a Figure 38. There is no Figure 38 among the original application papers, but instead Figures 38A and 38B.

Regardless of the incomplete nature of the Notice, petitioner has provided evidence that 36 pages of drawings were filed. A review of the application papers reveals 36 pages are present. However, Figures 7 and 33 are not among the 36 pages of drawings filed on October 10, 2003.

The petition is **dismissed**.

The application is being returned to the Office of Initial Patent Examination with a filing date of October 10, 2003. The application has already been processed using the 36 pages of drawings filed on October 10, 2003. Figure 33 will not be entered. Petitioner is reminded that it is not possible to amend a provisional application.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/510,785	10/10/2003		80	03-09P3	1		

CONFIRMATION NO. 3949

CORRECTED FILING RECEIPT

OC000000013103330

36814
PAUL G. LUNN, ESQ. NASTECH PHARMACEUTICAL COMPANY INC.
3450 MONTE VILLA PARKWAY
BOTHELL, WA 98021-8906

Date Mailed: 06/29/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Steven C. Quay, Edmonds, WA;
Gordon Brandt, Issaquah, WA;
Mary S. Kleppe, Kingston, WA;
Conor J. MacEvilly, Seattle, WA;

If Required, Foreign Filing License Granted: 01/07/2004

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Protein-free formulation of peptide YY suitable for intranasal administration

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LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

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

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

NOT GRANTED

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

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205 North Monroe Street
P.O. Box 2056
Media, PA 19063-9056

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SEP 16 2004

OFFICE OF PETITIONS

In re Application of: :
Brian M. Gatton :
Application No. 60/510,868 : DECISION ON
Filed: October 14, 2003 : PETITION
Attorney Docket Number: 22118P.PUS :

This is a decision on the Petition Re: Formal Drawings, filed August 23, 2004. The Petition requests substitution of drawing sheet 12/12.

The application was filed on October 14, 2003. However, on July 8, 2004, the Office of Initial Patent Examination mailed a Notice of Omitted Item(s) in a Nonprovisional Application ("Notice") stating that the application had been accorded a filing date of October 14, 2003, and advising applicants that Figures 24 and 24A described in the specification appeared to have been omitted from the application.

In response, Applicant files the instant petition and requests substitution of formal drawing sheet 12/12. The petition is accompanied by a formal drawing correction renumbering the drawing Figures of drawing sheet 12/12. The petition explains that the numbers were changed to correspond with the Description of the Drawings in the Specification as filed, and that no new matter has been added.

A review of the July 8, 2004 Notice reveals that the Notice presented Applicant with two options. The first option was based upon a contention that the drawing Figures were present on filing, and in that instance Applicant was allowed to promptly file proof that the drawings were present on filing. The second option was for Applicant to do nothing, which, Applicant was informed, would be treated as constructive acceptance by the Applicant of the application as-filed.

Applicant is advised that there is no option of amending the provisional application. Amendments to provisional applications may not be entered. *See* 37 CFR 1.121(k). There is also no option to amend the specification in a provisional application. *See* MPEP 601.01(g).

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

The petition fee will not be refunded, since the petition was not necessitated by any error on the part of the USPTO.

The application is an image file wrapper ("IFW"), and as such, no forwarding of the file is required. A message will be sent to the Office of Initial Patent Examination to continue processing the application using the original application filing date of October 14, 2003, using the application papers filed on that date.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 305-0014.

Derek L. Woods
Petitions Attorney
Office of Petitions

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Sofer & Haroun, LLP
Suite 910
317 Madison, Avenue
New York NY 10017

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MAR 0 9 2004

OFFICE OF PETITIONS

In re Application of :
Ghassabian :
Application No. 60/510,885 : DECISION ON PETITION
Filed: October 14, 2003 :
Attorney Docket No. 676-025c14 :
For: METHOD OF DATA ENTRY COMBINING
KEY PRESS & SPEECH

This is a decision on the petition under 37 CFR 1.53(e), filed December 22, 2003, requesting, in effect, withdrawal of the Notice of Incomplete Provisional Application (Notice), mailed December 15, 2003.

The application was deposited on October 14, 2003. On December 15, 2003, the Office of Initial Patent Examination mailed a Notice informing petitioner that no filing date had been accorded to the above-identified application because the application as filed did not include drawings.

In response to the Notice, petitioners timely filed the present petition. Petitioner requests that the application be accorded a filing date of October 14, 2003 on the basis that 66 sheets of informal drawing figures were received in the Patent and Trademark Office (PTO) on October 14, 2003. In support, the petition is accompanied by a copy of applicant's itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing October 14, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included 66 sheets of informal drawings.

The return postcard constitutes *prima facie* evidence that 66 sheets of drawing figures were filed on October 14, 2003. MPEP 503. Accordingly, the request is **GRANTED**. The application is entitled to a filing date of October 14, 2003.

Pursuant to petitioner's request, the $130.00 petition fee will be credited to deposit account no. 19-2825.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of October 14, 2003, using the copy of the 66 sheets of informal drawings submitted with the instant petition. Office records will be corrected to show that 66 sheets of drawings were present on filing.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/510,924	10/14/2003		80	11696-093P01	14		

CONFIRMATION NO. 5442

CORRECTED FILING RECEIPT

OC000000011898056

26191
FISH & RICHARDSON P.C.
3300 DAIN RAUSCHER PLAZA
60 SOUTH SIXTH STREET
MINNEAPOLIS, MN 55402

Date Mailed: 02/12/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Roger I. Pennell, Malibu, CA;

If Required, Foreign Filing License Granted: 12/10/2003

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Methods and compositions for increasing seed weight

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

GRANTED

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

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

NOT GRANTED

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

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Paper No.

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HACKENSACK, NJ 07601

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MAY 14 2004

OFFICE OF PETITIONS

In re Application of :
During et al. :
Application No. 60/510,985 : DECISION DISMISSING
Filed: October 14, 2003 : PETITION
Attorney Docket No. 2782-1-001P :

This is in response to the "PETITION AND RESPONSE TO NOTICE OF OMITTED ITEM(S) IN A PROVISIONAL APPLICATION," filed March 15, 2004, requesting that the Office accept omitted Figures 3A, 3B, 5A, 5B, 6A and 6B as part of the disclosure of the above-identified provisional application[1].

Application papers in the above-identified provisional application were filed on October 14, 2003. However, on January 14, 2004, the Initial Patent Examination Division mailed a "Notice of Omitted Item(s) In A Provisional Application," stating that the application had been accorded a filing date; however, Figures 3A, 3B, 5A, 5B, 6A and 6B described in the specification appeared to be omitted from the application. This Notice set a two-month period for reply.

In response, applicants filed the instant petition, acknowledging that the figures were erroneously omitted from the application at the time of filing. Applicants further submit that the specification provides ample disclosure of these sequences and how to access these sequences in publicly available databases and, therefore, asserts that the sequences of inadvertently omitted Figures 3A and 3B, 5A and 5B and 6A and 6B are corroborative of information already presented in the specification.

Application papers not present in this application on filing cannot be considered part of the original application disclosure. Applicants acknowledge that the figures were in fact omitted from the original application papers.

Petitioner is advised that in response to the Notice applicants' options were: I) to establish on petition that the figures were not, in fact, omitted from the application on filing, or ii) to maintain a filing date of deposit of the application papers in the USPTO, with the original application papers including only

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[1] It is unclear whether applicants are requesting the original filing date or a filing date as of the submission of the figures. The petition on both bases is addressed in this decision.

those application papers present in the USPTO on the date of deposit of the application.

The filing date of a provisional application is the date on which a specification as prescribed by the first paragraph of 35 U.S.C. 112, and any drawing required by § 1.81(a) are filed in the Patent and Trademark Office. No amendment, other than to make the provisional application comply with the patent statute and all applicable regulations, may be made to the provisional application after the filing date of the provisional application. See 35 U.S.C. 111(b)(4) and 37 C.F.R. 1.53(c). Thus, in a provisional application, petitioner does not have the option of amending the application to include figures on the basis that those figures do not constitute new matter.

Furthermore, with regard to omitted figures in provisional applications, MPEP 601.01(d) specifically provides that:

> The submission of omitted page(s) or drawing(s) in a nonprovisional application and acceptance of the date of such submission as the application filing date is tantamount to simply filing a new application. Thus, applicants should consider filing a new application as an alternative to submitting a petition under 37 C.F.R. 1.182 (with the petition fee under 37 C.F.R. 1.17(h)) with any omitted page(s) or drawing(s), which is a cost effective alternative in instances in which a nonprovisional application is deposited without filing fees. Likewise, in view of the relatively low filing fee for provisional applications, and the USPTO's desire to minimize the processing of provisional applications, the USPTO will not grant petitions under 37 C.F.R. 1.182 to accept omitted page(s) or drawing(s) and accord an application filing date as of the date of such submission in provisional applications. The applicant should simply file a new completed provisional application.

Thus, it is concluded that applicants do not have the option of amending this provisional application to include the inadvertently omitted figures nor can applicants submit the omitted figures and accept a later filing date.

In view thereof, the petition is **DISMISSED**.

The petition fee will not be refunded as the petition was necessitated by the condition of the application on filing.

The application will maintain a filing date of October 14, 2003 using the application papers deposited on that date.

Telephone inquiries specific to this decision may be directed to the undersigned at (703) 305-0309.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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H. Albert Richardson, Esq.
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Seattle WA 98104

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APR 3 0 2004

OFFICE OF PETITIONS

In re Application of Reed Application No. 60/511,070 Deposited: October 14, 2003 Attorney Docket No. PRDE-1-1001 For: CONTROL DEVICE FOR SPORT KITES	DECISION GRANTING PETITION

This is a decision on the petition under 37 CFR 1.53(e), filed March 1, 2004 (certificate of mailing date February 25, 2004), requesting that the Office recognize that drawings were among the application papers filed on October 14, 2003 and that the above-identified application be accorded a filing date of October 14, 2003.

The application was deposited on October 14, 2003. On January 6, 2004, the Office of Initial Patent Examination mailed a Notice informing petitioner that no filing date had been accorded to the application papers deposited on October 14, 2003 because no drawings were present, as is required by 35 USC 113.

In response to the Notice, petitioner timely filed the present petition. Petitioner requests that the above-identified application be accorded a filing date of October 14, 2003 on the basis that 7 pages of drawing figures were received in the Patent and Trademark Office (PTO) on October 14, 2003. In support, the petition is accompanied by a copy of applicant's itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing October 14, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing includes 7 pages of drawings.

The return postcard constitutes *prima facie* evidence that 7 pages of drawings were filed on October 14, 2003. MPEP 503.

Accordingly, the request is **GRANTED**. No petition fee has been or will be charged in connection with this matter.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **October 14, 2003**, using the copy of the 7 pages of drawings submitted with the instant petition. Office records will be corrected to show that 7 pages of drawings were present on filing.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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MAXWELL TECHNOLOGIES, INC.
C/O MARK WARDAS
9244 BALBOA AVE
SAN DIEGO, CA 92123

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SEP 0 9 2005

OFFICE OF PETITIONS

In re Application of	:	
Xi, et al.	:	
Application No. 60/511,273	:	ON PETITION
Filed: October 14, 2003	:	
Attorney Docket No. M102P	:	

This is a decision on the papers styled, "Petition to Reconsider Termination of Proceedings under 27 CFR 1.53(e)" filed August 25, 2005, which has been treated as a petition under 37 CFR 1.53 requesting that the above-identified provisional application be accorded a filing date of October 14, 2003, including two (2) sheets of drawings.

The provisional application was submitted on October 14, 2003. However, on July 28, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Provisional Application," (Notice) that stated the application had not been accorded a filing date, and that the application was deposited without drawings. A "Notice of Termination of Proceedings Under 37 CFR 1.53(e)" was mailed August 11, 2005.

In response, on August 25, 2005, the instant petition was submitted. Petitioner argues that two (2) sheets of drawings were filed on October 14, 2003. In support, the petition is accompanied by a copy of applicants' postcard receipt that acknowledges receipt of "2 pages of Drawings" on October 14, 2003. A review of the application file indicates the presence of zero (0) sheets of drawings submitted on that date. It is assumed that missing sheets of drawings were misplaced by the Office.

In view of the above, the petition is granted.

As such, the "Notice of Incomplete Provisional Application" and "Notice of Termination of Proceedings Under 37 CFR 1.53(e)" were sent in error and are hereby vacated.

The $200.00 petition fee, submitted August 25, 2005, will be used for re-submission of the provisional application fee. $170.00 will be refunded by treasury check.

This application will be returned to OIPE for further processing with a filing date of October 14, 2003, using the two (2) sheets of drawings, supplied on August 25, 2005.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/511,353	10/14/2003		160	CL2244 US PRV	2		

CONFIRMATION NO. 6989

CORRECTED FILING RECEIPT

OC000000012051013

23906
E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1128
4417 LANCASTER PIKE
WILMINGTON, DE 19805

Date Mailed: 03/08/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Tammy Georgette Amos, Hockessin, DE;
Velliyur Nott Mallikarjuna Rao, Wilmington, DE;
Allen C. Sievert, Elkton, MD;
Shekhar Subramoney, Hockessin, DE;

If Required, Foreign Filing License Granted: 12/15/2003

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

Non-Publication Request: No

Early Publication Request: No

Title

Chromium oxide compositions containing zinc, their preparation, and their use as catalysts and catalyst precursors

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

NOT GRANTED

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

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Paper No. None

Finnegan, Henderson, Farabow,
Garrett & Dunner, L.L.P.
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Washington DC 20005

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OCT 25 2005

OFFICE OF PETITIONS

In re Application of
Annalisa Delnevo
Application No. 60/511,361
Filed: October 16, 2003
Attorney Docket No.: 07552.6014
Title: DIALYSIS BAG, A DIALYSIS SET COMPRISING THE BAG, AND A THREE-WAY CONNECTOR FOR ACCESS TO A DIALYSIS BAG

DECISION ON PETITION

This is a decision on the petition filed September 19, 2005, requesting that the above-identified application, including page 13 of the specification, be accorded a filing date of October 16, 2003 as part of the original disclosure.

The application was deposited on October 16, 2003. However, on August 30, 2005, 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 page 13 of the specification appeared to have been omitted. The notice set a two-month period of reply.

In response, on September 19, 2005, applicants filed the present petition. The petition is further accompanied by a copy of page 13 of the specification, along with a copy of applicants' postcard receipt acknowledging receipt of "Spec. 20 pgs." in the United States Patent and Trademark Office (Office) on October 16, 2003. Applicants request that page 13 of the specification be accorded a filing date of October 16, 2003.

It is noted that 12 pages of specification, 6 pages of claims, and a 1 page abstract have been located in the electronic file.

Upon review of the record, the above-mentioned page has not been located among the application papers. However, the evidence is

convincing that the application papers deposited on October 16, 2003 included page 13 of the specification, and this sheet was subsequently misplaced in the Office.

Therefore, the application, including page 13 of the specification, was complete on filing and entitled to a filing date of October 16, 2003 as part of the original disclosure.

Accordingly, the petition is **GRANTED**.

The notice mailed August 30, 2005 was sent in error, and is hereby **VACATED**. Therefore, no petition fee is necessary, and the petition fee will be refunded to Petitioner's Deposit Account, as authorized in the petition.

OIPE will be advised to process the application with a filing date of October 16, 2003, using the original application papers filed on that date, as well as page 13 of the specification submitted on September 19, 2005, and for noting in Office records that this page was present on filing.

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

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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/511,376	10/14/2003		160	03818/0200148-US0	2		

CONFIRMATION NO. 6063

CORRECTED FILING RECEIPT

OC000000012029909

07278
DARBY & DARBY P.C.
P. O. BOX 5257
NEW YORK, NY 10150-5257

Date Mailed: 03/04/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Barbara Sienkiewicz, Krakow, POLAND;
Piotr Kowalski, Krakow, POLAND;
Katarzyna Ossowska, Wegrzce, POLAND;
Jerzy Potok, Krakow, POLAND;
Biserka Cetina-Cizmek, Zagreb, CROATIA;
Michaela Horvat, Sesvete, CROATIA;
Peter Tudja, Zagreb, CROATIA;
Aleksandar Danilovski, Rijeka, CROATIA;

If Required, Foreign Filing License Granted: 12/15/2003

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

Non-Publication Request: No

Early Publication Request: No

Title

Solid-state form of alendronate sodium and preparation thereof

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

NOT GRANTED

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

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CLIFFORD KRAFT
320 ROBIN HILL DR.
NAPERVILLE IL 60540

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JUL 1 4 2004

OFFICE OF PETITIONS

In re Application of :
Bach :
Application No. 60/511,565 : ON PETITION
Deposited: October 15, 2003 :
Attorney Docket No. N/A :
For: DYNAMIC MEASUREMENT OF VISCOSITY AND DENSITY OF FLUIDS USING MAGNETOSTRICTIVE PARTICLE SENSORS

This is a decision on the petitions filed January 16, 2004 and supplemented on May 19, 2004 requesting accordation of an October 15, 2003 filing date to the above-identified application. The petition will be treated under 37 CFR 1.53(e).

The petition under 37 CFR 1.53(e) is **DISMISSED**. Any further reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted.

The application was deposited on October 15, 2003. On January 6, 2004, the Office of Initial Patent Examination (OIPE) mailed a Notice informing petitioner that the application had not been accorded a filing date because no drawing was present, as is required by 35 USC 113. It is noted that the specification filed on October 15, 2003 references Figures 1- 4.

In response to the Notice, petitioner filed the present petitions.

In the January 16, 2004 petition, petitioner requests entry of 6 pages of drawings and accordation of an October 15, 2003 filing date for application no. 60/511,565 based on the assertion that 6 pages of drawings were filed on October 15, 2003. Petitioner provided a date stamped postcard receipt showing 6 pages of drawings were filed on October 15, 2003. However, these 6 pages of drawings were filed in application no. 60/511,56**6**, not in application no. 60/511,565, as is evidenced by the copy of petitioner's itemized date stamped postcard receipt showing an OIPE generated barcode citing October 15, 2003 as the filing date of papers assigned to application no. 60/511,56**6**.

On May 13, 2004, OIPE mailed petitioner another copy of the January 6, 2004.

Petitioner filed additional correspondence, which is being treated as a supplemental petition, on May 19, 2004. Petitioner presented four sheets of drawing figures, different from those filed in the January 16, 2004 petition, on May 19, 2004. It is noted that the correct title of the invention assigned to application no. 60/511, 565 is listed on the copy of the second OIPE Notice, which accompanied the four sheets of drawing figures submitted on May 19, 2004. However, petitioner has submitted no evidence that four sheets of drawing figures were filed on October 15, 2003 in application no. 60/511,565.

Provisional applications cannot be amended.

Therefore, if petitioner cannot prove that 4 sheets of drawings were filed on October 15, 2003 with an itemized date stamped postcard receipt (MPEP 503) for application no. 60/511,565, then petitioner must re-file the complete application (including the 4 sheets of drawing figures) and take a filing date as of the date of re-filing OR petitioner may argue that the drawings are not necessary for the understanding of the invention in a reconsideration petition under 37 CFR 1.53(e).

It is noted that the original Provisional Application for Patent Cover Sheet for the above-identified invention states next to "Drawing(s) Number of Sheets" the word "NONE."

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
ATTN: E. Shirene Willis

By hand: Crystal Plaza 1 Lobby
2011 South Clark Place
Room 1B03
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ATTN: E. Shirene Willis

By FAX: (703) 872-9306
ATTN: Office of Petitions -- E. Shirene Willis

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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COMMISSIONER FOR PATENTS
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MORGAN, LEWIS & BOCKIUS, LLP.
3300 HILLVIEW AVENUE
PALO ALTO CA 94304

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MAR 0 8 2004

OFFICE OF PETITIONS

In re Application of
Daviot
Application No. 60/511,949
Filed: October 14, 2003
Attorney Docket No. 8317-225-888
For: REMOVAL OF POST ETCH RESIDUES AND COPPER CONTAMINATION FROM LOW-K DIELECTRICS USING SUPERCRITICAL CO2 WITH DIKETONE ADDITIVES

: DECISION GRANTING
: PETITION

This is a decision on the petition under 37 CFR 1.10(c), filed January 16, 2004, requesting that the above-identified application be accorded a filing date of October 14, 2003 rather than the presently accorded filing date of October 15, 2003.

Petitioner requests the earlier filing date on the basis that the application was deposited in Express Mail service of the United States Postal Service (USPS) on October 14, 2003, pursuant to the requirements of 37 CFR 1.10. The petition is accompanied by a copy of Express Mail label no. EV313842042US showing a "date-in" of 10/14/03. The same Express Mail label number is listed on the original cover sheet for provisional application for patent found in the application file.

The evidence presented establishes that the Express Mail package associated with Express Mail label no. EV313842042US was deposited with the USPS on October 14, 2003.

Accordingly, the petition is **GRANTED**. No fee has been or will be charged in connection with this petition.

The application is being returned to the Office of Initial Patent Examination for correction of the filing date to **October 14, 2003**.

Any inquiries related to this decision should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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RUSSELL CORPORATION
SUITE 800
3330 CUMBERLAND BLVD.
ATLANTA GA 30339

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APR 0 1 2004

OFFICE OF PETITIONS

In re Application of
Ben Maki et al.
Application No. 60/512,015
Filed: October 16, 2003
Attorney Docket No. MO-P-0001P

DECISION ON PETITION

This is a decision on the petition filed January 23, 2004, under 37 CFR 1.53 and 37 CFR 1.181, requesting a filing date of October 16, 2003 for the above identified application.

Application papers in the above-identified application were filed on October 16, 2003. However, on January 2, 2004, the Office of Initial Patent Examination mailed a "Notice of Incomplete Provisional Application," notifying applicant that the application had not been accorded a filing date because the specification was missing, and thus, a complete specification as prescribed by 35 U.S.C. 112 was required.

In response to the Notice mailed January 2, 2004, petitioner properly proffered a copy of a date stamped return receipt which corroborated petitioners assertion that the application had been filed with a specification, one page in length.

Copies of the missing page of specification have also been submitted thus satisfying the requirements as set out in the Notice mailed January 2, 2004 and thus completes the application.

In view of the foregoing, the petition under **37 CFR 1.53 is GRANTED**. In view of the above, no treatment of this petition under 37 CFR 1.181 is necessary and thus the petition under **37 CFR 1.181 is DISMISSED** as involving moot issues.

Given the basis for granting the petition, the petition fee will be refunded as requested. The application is being returned to the Office of Initial Patent Examination for correction of the filing date and a correction of PTO records to show that the specification was submitted with the application on filing.

This application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of October 16, 2003, using the application papers received in the Office on that date and the one page specification resubmitted on petition. Applicant will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OIPE.

Telephone inquiries regarding this decision should be directed to the undersigned Petitions Attorney at (703) 305-4497.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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COMMISSIONER FOR PATENTS
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MAR 22 2004

OFFICE OF PETITIONS

In re Application of
Larry F. Rhodes et al.
Application No. 60/512,126
Filed: October 17, 2003
Attorney Docket Number: 202EM003A

DECISION DISMISSING PETITION

In response to a Notice of Omitted Items, the applicant advises that Figure 6 described in the specification had been inadvertently omitted from the application when filed. This decision treats the response as a petition under 37 CFR 1.182.

The petition under 37 CFR 1.182 is DISMISSED as involving moot issues.

The application was filed October 17, 2003. However, on January 16, 2004, the Office of Initial Patent Examination mailed a Notice of Omitted Items. The "Notice" indicated that the application had been accorded a filing date of October 17, 2003, and advised applicant that Figure 6 described in the specification appeared to have been omitted.[1]

Applicant was not required to either explain the omission of the figures or to supply the omitted figure. In fact, pursuant to MPEP 601.01(d) and in view of the relatively low filing fee for provisional applications, and the USPTO's desire to minimize the processing of provisional applications, applicants are guided to file a new completed provisional application.

Applicants don't contend that Figure 6 was included with the application when filed. Thus, in view of the above, consideration of this petition is unnecessary.

The application is being returned to Office of Initial Patent Examination for further processing with a filing date of October 17, 2003

Telephone inquiries specific to this matter should be directed to the undersigned Petitions Attorney at (703) 305-4497.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

[1]The filing date requirements for a provisional application set forth in 37 CFR 1.53(c) parallel the requirements for a nonprovisional application set forth in 37 CFR 1.53(b), except that no claim is required. See MPEP 601.01(b).

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/512,179	10/17/2003		160	9342-134PR	1		

CONFIRMATION NO. 1412

CORRECTED FILING RECEIPT

OC000000012029316

20792
MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

Date Mailed: 03/04/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Peter Isberg, Lund, SWEDEN;
Mats Ormin, Malmo, SWEDEN;

If Required, Foreign Filing License Granted: 12/12/2003

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

Non-Publication Request: No

Early Publication Request: No

Title

Method of controlling a loudspeaker system and device incorporating such control

---

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

GRANTED

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

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

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

NOT GRANTED

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

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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA VA 22314

COPY MAILED

APR 0 5 2004

OFFICE OF PETITIONS

In re Application of
Ingimundarsson
Application No. 60/512,203
Filed: October 20, 2003
Attorney Docket No. INGI3004/JEK
For: ORTHOTIC FOOTPLATE

DECISION DISMISSING
PETITION UNDER
37 CFR 1.53(e)

This is a decision on the petition filed January 6, 2004 requesting withdrawal of the Notice of Omitted Item(s) in a Provisional Application (Notice) mailed December 12, 2003. In addition, petitioner requests that the above-identified application be accorded a filing date of October 20, 2003 using the two sheets of drawing figures filed with the instant petition. The petition will be treated under 37 CFR 1.53(e).

The application was filed on October 20, 2003. However, on December 12, 2003, the Office of Initial Patent Examination mailed a Notice stating that the application had been accorded a filing date of October 20, 2003, and advising applicant that Figure 20 described in the specification appeared to have been omitted.

The Notice should have also addressed the fact that Figure 18 and Figure 31 were not present. The application file and the instant petition provide sufficient information to address the absence of Figures 18 and 31. Therefore, no supplemental petition is required.

In response to the December 12, 2003 Notice, the present petition was filed. The petition does not allege and is not accompanied by any evidence that any sheet of drawings containing the label "Figure 20" was present in the Office on October 20, 2003. The drawings present in the application file show two "Figure 23" drawings and no label for Figures 18 and 31. Petitioners clearly mislabeled Figure 20 and did not label Figures 18 and 31.

Therefore, the "Notice" mailed December 12, 2003, was correct in advising applicant that Figure 20 appeared to have been omitted. While the "Notice"was not complete, it will not be withdrawn. The petition fee is required, since the petition was not necessary to correct any USPTO error.

It is not possible to amend a provisional application. The drawings submitted with the instant petition will be retained in the application file, but will not be processed.

The petition is **DISMISSED**.

The application is being returned the Office of Initial Patent Examination.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/512,297	10/17/2003		160	60655.4550			

CONFIRMATION NO. 2163

CORRECTED FILING RECEIPT

OC000000011730698

20322
SNELL & WILMER
ONE ARIZONA CENTER
400 EAST VAN BUREN
PHOENIX, AZ 850040001

Date Mailed: 01/21/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

David Bonalle, Phoenix, AZ;
Rae K. Merlet, Phoenix, AZ;
John R. Stone, Phoenix, AZ;

If Required, Foreign Filing License Granted: 12/18/2003

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

Non-Publication Request: No

Early Publication Request: No

Title

Transponder system and method

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

GRANTED

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NOT GRANTED

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60/512,308	10/17/2003		80	Carter C-11	5		

CONFIRMATION NO. 2151

CORRECTED FILING RECEIPT

OC000000012439641

23474
FLYNN THIEL BOUTELL & TANIS, P.C.
2026 RAMBLING ROAD
KALAMAZOO, MI 49008-1699

Date Mailed: 04/23/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Alan T. Carter, Sturgis, MI;

If Required, Foreign Filing License Granted: 12/12/2003

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Edge protector and method of making an edge protector

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

GRANTED

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NOT GRANTED

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/512,364	10/17/2003		80	07917-253P01	8		

CONFIRMATION NO. 1201

CORRECTED FILING RECEIPT

OC000000011860429

26161
FISH & RICHARDSON PC
225 FRANKLIN ST
BOSTON, MA 02110

Date Mailed: 02/09/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

If Required, Foreign Filing License Granted: 12/15/2003

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Tram and uses thereof

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

GRANTED

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NOT GRANTED

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/512,376	10/17/2003		80	UOD-115USP	1		

CONFIRMATION NO. 1197

CORRECTED FILING RECEIPT

OC000000012690631

31344
RATNERPRESTIA
P.O. BOX 1596
WILMINGTON, DE 19899

Date Mailed: 05/17/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Hirofumi Sakane, Newark, DE;
Levent Yakay, Elkton, MD;
Vishal Karna, Newark, DE;
Clement Leung, Reston, VA;
Guang R. Gao, Newark, DE;

If Required, Foreign Filing License Granted: 01/13/2004

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Method and apparatus for iterative emulation of large logic circuits containing multiple identical logic modules

---

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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NOT GRANTED

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/512,569	10/15/2003		160	3630.1			

CONFIRMATION NO. 1644

CORRECTED FILING RECEIPT

OC000000014978711

22886
AFFYMETRIX, INC
ATTN: CHIEF IP COUNSEL, LEGAL DEPT.
3380 CENTRAL EXPRESSWAY
SANTA CLARA, CA 95051

Date Mailed: 01/18/2005

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

John Blume, Santa Clara, CA;
Yanxiang Cao, Santa Clara, CA;
Glenn McGall, Santa Clara, CA;
Kyle Cole, Santa Clara, CA;
Fred Christians, Santa Clara, CA;
Kai Wu, Santa Clara, CA;
Linda Hsie, Santa Clara, CA;
Garry Miyada, Santa Clara, CA;
Dale Barone, Santa Clara, CA;

Power of Attorney:
Wei Zhou--44419

If Required, Foreign Filing License Granted: 12/13/2003

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/512,569

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

Non-Publication Request: No

Early Publication Request: No

Title

Methods for fragmenting nucleic acids

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

GRANTED

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NOT GRANTED

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KNOBBE MARTENS OLSON & BEAR LLP
INTELLECTUAL PROPERTY LAW
FOURTEENTH FLOOR
2040 MAIN STREET
IRVINE CA 92614

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MAR 2 2 2004

OFFICE OF PETITIONS

In re Application of	:	
Miller et al.	:	
Application No. 60/512,600	:	DECISION DISMISSING
Filed: 16 October, 2003	:	PETITION
Attorney's Docket No. LINEARB.018PR	:	

This is a decision in reference to the papers filed on 23 January, 2004, which are being treated as a petition under 37 CFR 1.53 to accord the above-identified application a filing date of 16 October, 2003, with Figures 1-27 described in the specification as a part of the original disclosure.

The petition is **DISMISSED**.

On 16 October, 2003, the application was filed. On 16 December, 2003, however, Initial Patent Examination Division mailed a "Notice to File Missing Parts of Provisional Application" stating that the application had been accorded a filing date of 16 October, 2003, but that, *inter alia*, Figures 1-27 described in the specification appeared to have been omitted from the application. A two (2)-month period for reply was set.

In response, on 23 January, 2004 (certificate of mailing date 21 January, 2004), the present petition was filed. Petitioners apparently assert that Figures 1-27 were filed with the other application papers deposited in the USPTO on 16 October, 2003. In support, petitioners supplied with the present petition, a copy of a postcard receipt bearing a USPTO Office date stamp of 16 October, 2003, and the above-identified application number and itemizing the filing of six (6) sheets of drawings.

A review of the record reveals that six (6) sheets of drawings containing Figures 28-35 are located in the application file. Figures 1-27, however, cannot be located among the application papers deposited on 16 October, 2003.

Where the records of the Office (e.g. the file of the application) contain any document(s) or fee(s) corresponding to the contents of the correspondence at issue, the Office will rely upon its official record of the contents of such correspondence in the absence of convincing evidence (e.g. a postcard receipt under MPEP 503 containing specific itemization of the document(s) or fee(s) purported to have been filed with the correspondence at issue) that the Office received and misplaced any document(s) or fee(s) that is not among the official records of the Office. If a new application is being filed, all parts of the application being submitted should be separately listed on the postcard (e.g. the number of pages of specification (including written description, claims and abstract) number of claims, number of sheets of drawings, number of pages of oath/declaration. The postcard receipt will not serve as *prima facie* evidence of receipt of any item which is not adequately itemized on the postcard.[1]

Petitioners argument has been considered, but is not persuasive. The showing of record is that six (6) sheets of drawings containing Figures 28-35 were received in the Office on 16 October, 2003, and petitioner's postcard receipt reflects that the Office received the items listed above. While the postcard itemizes the filing of six (6) sheets of drawings, it, unfortunately, does not itemize the filing of Figures 1-27, or any drawing figures at all. Absent a showing that Figures 1-27 were located within the six (6) sheets of drawings received in the Office on 16 October, 2003, petitioners simply have no evidence that Figures 1-27 were located among the application papers received in the Office on that date.

As the petition resulted from applicant's filing error and not as a result of an error on the part of the Office, a petition fee of $130.00 is due and will be charged to counsel's deposit account, No. 11-1410, as authorized on the transmittal letter filed on 23 January, 2004.

The application will be processed using the three (3) sheets of drawings containing Figures 28-35 filed on 16 October, 2003.

The application file is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of 16 October, 2003, using the application papers filed on that date.

---

[1] MPEP 503.

Telephone inquiries concerning this matter may be directed to the undersigned at (703)308-6918.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/512,897	10/20/2003		80	SEW-010-1	1		

CONFIRMATION NO. 4315

CORRECTED FILING RECEIPT

OC000000012095077

00959
LAHIVE & COCKFIELD, LLP.
28 STATE STREET
BOSTON, MA 02109

Date Mailed: 03/12/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Michael K. Dempsey, Westford, MA;

If Required, Foreign Filing License Granted: 12/13/2003

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Location system

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

GRANTED

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

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

NOT GRANTED

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

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MR. MICHAEL LAWRENCE BEAUCHAMP
651 - B MINNA STREET
SAN FRANCISCO CA 94103

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MAY 11 2004

OFFICE OF PETITIONS

In re Application of
Michael Lawrence Beauchamp
Application No. 60/512,904
Filed: October 22, 2003
Title of Invention: METHOD FOR PRODUCING LATERAL EJECTION APPARATTII FOR HELICOPTER OR PLANE

: DECISION GRANTING PETITION

This is a decision on the petition filed February 12, 2004 which is treated as a petition under 37 CFR 1.53(e), requesting that the above-identified provisional application be accorded a filing date of October 22, 2003.

The petition is **DISMISSED**.

The instant provisional application papers as filed on October 22, 2003 consisted of nine (9) pages of drawings. On December 17, 2003, however, the Office of Initial Patent Examination sent a Notice of Incomplete Provisional Application, indicating that the papers as filed, lacked a specification and that the filing date would be the date of receipt of the missing specification.

In reply, on December 23, 2003, a complete specification and copies of the drawings submitted upon application, were filed. Subsequently, on February 12, 2004 the instant petition was filed supported again by, inter alia, a copy of the complete specification as filed December 23, 2003 and copies of the drawings submitted upon application and again on December 23, 2003.

Pursuant to 35 U.S.C. 111(b)(1)(A);(B), in order to obtain a filing date, a provisional application must provide the specification required by 35 U.S.C. 112 ¶ 1, and a drawing as prescribed by 35 U.S.C. 113.

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

A review of the record reveals that the instant provisional application papers as filed onOctober 22, 2003 consisted of nine (9) pages of drawings and on each page was text

describing the invention however, the descriptive text was not sufficient enough within the meaning of 35 U.S.C. 112, to perhaps even be construed as the written description thus entitling the application to a filing date of October 22, 2003.

It is acknowledged that there is no explicit requirement that precludes the obtaining of a filing date for a provisional application when the specification and drawings are, as here, not separated but there is a requirement for a specification that would enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

All conditions for obtaining a filing date in this provisional application were not clearly met on October 22, 2003, therefore the Notice of December 17, 2003 was not mailed in error and will not be vacated. Thus, the petition fee will not be refunded.

This decision also would not be complete without addressing at least two of the other arguments made in the petition. The first is that petitioner should be advised that the date of filing of an application is 1) the date the application papers are received in the USPTO or 2) pursuant to 37 CFR 1.10, the date of mailing by express mail. Any of these dates can be ascertained with proof of mailing and not by other extraneous proof as the petition suggests, ie. journal entries and sealed envelopes.

Secondly, petitioner claims that only a written description of the invention was required and not the manner and process of making the same in that the USPTO did not ask the applicant for the specification. We would submit that petitioner's explanation is not sufficient to warrant according a filing date of October 22, 2003. The showing of record suggests, the specification was not filed with the other application papers on October 22, 2003 because of petitioner's lack of (a) understanding of the requirements of the patent laws and regulations. The requirements are straightforward. As was previously indicated, 35 USC 112 requires the filing of a specification that would enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention. No such specification was filed until December 23, 2003.

This provisional application is being forwarded to the Office of Initial Patent Examination (OIPE), for further processing with a filing date of December 23, 2003, the date a complete specification was filed, as was indicated in the Notice of Incomplete Provisional Application.

Telephone inquiries concerning this matter should be directed to the undesigned Petitions Attorney at (703) 305-4497.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/512,913	10/21/2003		80	9000/2231			

CONFIRMATION NO. 8136

CORRECTED FILING RECEIPT

OC000000016560260

29933
PALMER & DODGE, LLP
KATHLEEN M. WILLIAMS
111 HUNTINGTON AVENUE
BOSTON, MA 02199

Date Mailed: 07/20/2005

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Christopher J. Cummings, Brookline, MA;
David A. Lowe, Boston, MA;
Gerhard Koenig, Arlington, MA;

Power of Attorney:

Kathleen Williams–34380

If Required, Foreign Filing License Granted: 12/13/2003

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/512,913

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Transgenic flies expressing Abeta42 flemish

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

NOT GRANTED

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

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Warner-Lambert Company
2800 Plymouth Road
Ann Arbor, MI 48105

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APR 11 2005

OFFICE OF PETITIONS

In re Application of	:	
Dainius Macikenas, et al.	:	
Application No. 60/512,980	:	ON PETITION
Filed: October 21, 2003	:	
Attorney Docket No. PC26184	:	

This is a decision on the petition under 37 CFR 1.137(b), filed August 23, 2004, to revive the above-identified application.

The petition is **GRANTED**.

A "Notice to File Missing Parts of Provisional Application" was mailed to applicant on December 16, 2003, which set a two (2) month shortened statutory period for reply. As no reply was received and no extensions of time under the provisions of 37 CFR 1.136 were obtained, the application became abandoned on February 17, 2004.

Since the application became abandoned, applicant filed the instant petition and a proposed reply, namely, an Application Data Sheet (ADS). Receipt of the ADS is acknowledged.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3223.

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

Marianne E. Jenkins
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

In re:	JOHANSEN et al.	:DECISION ON REQUEST
Petition No.:	60/512,994	:UNDER 37 CFR 5.25
Petition Filing Date:	February 4, 2004	
Attorney Docket Number:	10484.003	

Title: TESTING THE INTERACTION BETWEEN A FIRST COMPOUND OR ION AND A SECOND COMPOUND

This is a decision on the petition for retroactive foreign filing license.

It has been determined that a retroactive license for foreign filing under 35 U.S.C. 184 be granted with respect to the filing(s) listed below. The petition complies with 37 C.F.R. 5.25 in that there is an adequate showing that the subject matter in question was not under secrecy order, that the license was diligently sought, and that the material was filed abroad without the required license under 37 C.F.R 5.11 through error and without deceptive intent.

Country	Date
Denmark	October 2, 2003

Yvonne R. Abbott
Patent Examiner
Licensing & Review
(703) 308-2866

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ALEXANDRIA, VA 22313-1450
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VAN DYKE, GARDNER, LINN AND BURKHART, LLP
2851 CHARLEVOIX DRIVE, S.E.
P.O. BOX 888695
GRAND RAPIDS MI 49588-8695

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APR 0 8 2004

OFFICE OF PETITIONS

In re Application of
Palmer
Application No. 60/513,001
Filed: October 21, 2003
Attorney Docket No. PAL01 P-312
FOR: APPARATUS AND METHOD FOR DETERMINING THE CHEMICAL DOSAGE REQUIRED TO REDUCE SULFIDES IN WASTEWATER TO ACCEPTANCE LEVELS

: DECISION GRANTING PETITION

This is a decision on the petition filed January 12, 2004 (certificate of mailing date January 9, 2004) to accord a filing date of October 21, 2003 to the above-identified application.

The application was deposited on October 21, 2003. However, on December 11, 2003, the Office of Initial Patent Examination mailed a "Notice of Incomplete Provisional Application" requiring drawings of applicant's invention and stating that the filing date would be the date of receipt of the omitted drawings. It is noted that the specification filed on October 21, 2003 describes drawing figures.

As stated in MPEP 601.01(f), it is the practice of the United States Patent and Trademark Office (PTO) to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 USC 113 (first sentence.)

MPEP 601.01(f) also states that:

> ... [A] provisional application having at least some disclosure ...for which a drawing is usually not considered essential for a filing date, describing drawing figures in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification... so long as the application contains something that can be construed as a written description.

This provisional application contains some disclosure for which a drawing is usually not considered essential for a filing date, a detailed written description, and method claims. Therefore, the application should have been accorded a filing date.

In view of the above, the "Notice" December 11, 2003 was mailed in error and is hereby withdrawn. The application is entitled to a filing date of October 21, 2003. The petition is **granted**.

Pursuant to petitioners' authorization, deposit account no. 22-0190 will be credited the $130.00 petition fee.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of **October 21, 2003** and the mailing of a filing receipt reflecting the October 21, 2003 filing date.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/513,057	10/21/2003		80	ALLVIV.005PR	9		

CONFIRMATION NO. 4694

CORRECTED FILING RECEIPT

OC000000011998890

Connie C. Tong, Ph.D.
Knobbe, Martens, Olson & Bear, LLP
14th Floor
2040 Main Street
Irvine, CA 92614

Date Mailed: 03/01/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Bo Nilsson, Uppsala, SWEDEN;
Jonas Andersson, Uppsala, SWEDEN;
Karin Caldwell, Djursholm, SWEDEN;
Jennifer A. Neff, Rancho Santa Margarita, CA;

If Required, Foreign Filing License Granted: 01/10/2004

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Elutable surface coating

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

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NOT GRANTED

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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Robert W. Strozier, PLLC
PO Box 429
Bellaire, TX 77402-0429

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MAY 18 2004
OFFICE OF PETITIONS

In re Application of
Olstowski et al.
Application No. 60/513,113
Filed: October 21, 2003
Attorney Docket No. 96600/20PRV

DECISION DISMISSING PETITION

This is a decision on the petition under 37 CFR 1.53(e), filed March 8, 2004, requesting that the application be accorded a filing date of October 21, 2003, without Figure 2E as part of the original disclosure.

On October 21, 2003, applicant filed the above-referenced application. However, on January 7, 2004, the Office mailed a "Notice of Omitted Item(s) in a Provisional Application," stating that the application had been accorded a filing date of October 21, 2003, and advising applicant that the drawing of Figure 2E described in the specification appeared to have been omitted.

In response, applicant filed the present petition requesting that all references to Figure 2E be ignored.

The Office notes that the mailing of a "Notice of Omitted Items" permits the applicant to promptly establish prior receipt in the USPTO of the drawing(s) at issue (generally by way of a date-stamped postcard receipt (MPEP 503)). An applicant asserting that the missing drawings were in fact deposited in the USPTO with the application papers must file a petition (and the appropriate petition fee) with evidence of such deposit. The failure to file a petition (and petition fee) within two months of the date of the Notice will be treated as a constructive acceptance by applicant of the provisional application as deposited in the USPTO.

In this case, applicant is accepting the application as filed without Figure 2E. It is unnecessary to file a petition if an applicant is willing to accept the application as deposited in the USPTO. The petition involves a moot issue.

Accordingly, the petition is dismissed. No petition fee is necessary.

The Office of Initial Patent Examination will process the application with a filing date of October 21, 2003, with the application papers filed on that date. Figure 2E will NOT be entered.

Any inquiries related to this decision should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
Petitions Attorney
Office of Petitions

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

Paper No. None

FULBRIGHT & JAWORSKI L.L.P.
600 CONGRESS AVE.
SUITE 2400
AUSTIN TX 78701

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MAY 07 2004
OFFICE OF PETITIONS

In re Application of
Ravi Dashnamoorthy et al.
Application No. 60/513,134
Filed: October 21, 2003
Attorney Docket No.:
UTSN:025USP1
Title: THIOREDOXIN INCREASES REDOX-CYCLING OF ANTICANCER AGENTS THEREBY SENSITIZES CANCER CELLS TO APOPTOSIS

DECISION ON PETITION

This is a decision on the petition filed December 15, 2003, requesting that Figures 17A - 17D be accorded a filing date of October 21, 2003, as part of the original disclosure.

The application was deposited on October 21, 2003. However, on November 25, 2003, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Omitted Item(s) in a Provisional Application (notice)", stating that the application had been accorded a filing date, and advising applicants that the application appeared to have been deposited without Figures 17A - 17D.

In response, on December 15, 2003, applicants filed the present petition. The petition is further accompanied by a copy of Figures 17A - 17D (3), along with a copy of applicants' postcard receipt acknowledging receipt of "Drawings: 26 Sheets" in the United States Patent and Trademark Office (Office) on October 21, 2003. Applicants request that Figures 17A - 17D be accorded a filing date of October 21, 2003 as part of the original disclosure.

It is noted that 25 sheets of drawings have been located in the electronic file, containing figures 1 - 16c.

Upon review of the record, the above-mentioned figure has not been located among the application papers. However, the evidence is convincing that the application papers deposited on October 21, 2003 included Figures 17A - 17D, and the one sheet containing these Figures was subsequently misplaced in the Office.

Therefore, the application, including Figures 17A - 17D, was complete on filing and these four figures are entitled to a filing date of October 21, 2003 as part of the original disclosure.

Accordingly, the petition is **GRANTED**.

The notice mailed November 25, 2003 was sent in error, and is hereby **VACATED**. Therefore, no petition fee is necessary. The petition fee of $130 will be refunded to petitioner's Deposit Account.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of October 21, 2003, using the original application papers filed on that date, as well as the Figures 17A - 17D submitted on December 15, 2003 and for indication in Office records that these figures were present on filing.

Any inquiries related to this decision should be directed to the undersigned at (703) 305-0011.

Paul Shanoski
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/513,179	10/20/2003		160	XENOP012P/PXE-028.USP	8		

022434
BEYER WEAVER & THOMAS LLP
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CONFIRMATION NO. 4269

CORRECTED FILING RECEIPT

OC000000011991310

Date Mailed: 03/01/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

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David G. Nilson, Walnut Creek, CA;
Michael D. Cable, Danville, CA;

If Required, Foreign Filing License Granted: 12/16/2003

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

Non-Publication Request: No

Early Publication Request: No

Title

Small animal light intensity monitor

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

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