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James C. Peacock III
3317 Melendy Drive
San Carlos CA 94070

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FEB 0 9 2005

OFFICE OF PETITIONS

In re Application of :
Larrick :
Application No. 60/513,299 : DECISION GRANTING PETITION
Deposited: October 21, 2003 :
Attorney Docket No. (MDC-P-005P) :
FOR: GAMMA-TOCOPHEROL THERAPY FOR :
RESTENOSIS PREVENTION

This is a decision on the petition filed October 20, 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 July 28, 2004, 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 drawing(s). 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 U.S.C. 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, and 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 provisional application contains a method claims and a detailed written description. Therefore, the application should have been accorded a filing date without drawings.

In view of the above, the "Notice" mailed July 28, 2004 was mailed in error and is hereby withdrawn.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 petitioner's request, the $130.00 and $685.00 petition fees will be credited to deposit account no.50-3207.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

The application is being 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 (571) 272-3230.

E. Shirene Willis
Petitions Attorney
Office of Petitions

cc: LOUIS C. CULLMAN
PRESTON GATES & ELLIS, LLP
1900 MAIN STREET, SUITE 600
IRVINE, CA 92614-7319

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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
60/513,307	10/22/2003		80	028979-0150	1		

CONFIRMATION NO. 5588

23524
FOLEY & LARDNER
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON, WI 53701-1497

CORRECTED FILING RECEIPT

OC000000012096062

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)

David Matthew Dinauer, South Milwaukee, WI;
Lu Wang, Shorewood, WI;

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

**** SMALL ENTITY ****

Title

Primers, methods and kits for detecting killer-cell immunoglobulin-like receptor alleles

---

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
60/513,384	10/22/2003		160	027969-0115	3		

CONFIRMATION NO. 9500

CORRECTED FILING RECEIPT

OC000000015450960

24804
S.C. JOHNSON COMMERCIAL MARKETS INC
8310 16TH STREET, M/S 510
PO BOX 902
STURTEVANT, WI 53177-0902

Date Mailed: 03/14/2005

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)

Brian T. Holland, Chicago, IL;
Greg Robitaille, Cincinnati, OH;
Jim J. Hilarides, Lebanon, OH;

Power of Attorney: The patent practitioners associated with Customer Number **24804**.

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 US60/513,384

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

Non-Publication Request: No

Early Publication Request: No

Title

Lubricious liners and methods for their use

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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JohnsonDiversey, Inc.
8310 16th STREET -M/S 509
STURTEVANT, WI 53177-0902

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MAR 17 2005

OFFICE OF PETITIONS

In re Application of :
Brian T. Holland :
Application No. 60/513,384 :
Filed: October 22, 2003 : ON PETITION
For: LUBRICIOUS LINERS AND :
METHODS FOR THEIR USE :

This is a decision in response to the Request for Corrected Filing Receipt, filed March 4, 2005, requesting the application be accorded a filing date of October 22, 2003, instead of the presently accorded filing date of October 21, 2003. The correspondence is properly treated under 37 CFR 1.10

This Petition is hereby **dismissed as moot**.

Petitioner alleges that the application was deposited in Express Mail service on October 22, 2003. A review of Office records reveal that the application has been accorded a filing date of October 22, 2003. A Replacement Filing Receipt accompanies this Decision.

In view of the above, the petition is dismissed as moot. No fee has been charged and none is due.

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

Enclosure: Replacement Filing Receipt

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DEC 02 2004

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Dey et al. :
Application No. 60/513,434 :
Filed: October 22, 2003 :
Attorney Docket No. 0321.68380 :

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.

Liana Chase
Petitions Examiner
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
60/513,791	10/23/2003		160	5051-657PR	7		

CONFIRMATION NO. 7109

20792
MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

CORRECTED FILING RECEIPT

OC000000012094547

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)

Thomas A. Rawdanowicz, Raleigh, NC;
Jagdish Narayan, Raleigh, NC;

If Required, Foreign Filing License Granted: 12/20/2003

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

Non-Publication Request: No

Early Publication Request: No

Title

Growth and integration of epitaxial gallium nitride films with silicon-based devices

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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.

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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. None

Brent A. Johnson, Ph.D.
ALLERGAN, INC.
2525 Dupont Drive, T2-7H
Irvine CA 92612

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APR 0 5 2004
OFFICE OF PETITIONS

In re Application of :
Jie Shen et al. :
Application No. 60/513,880 :
Filed: October 22, 2003 : DECISION ON PETITION
Attorney Docket No. : 17597 PROV 2 (AP) : UNDER 37 C.F.R. §1.53(E)(2)
Title: METHODS AND COMPOSITIONS FOR THE ORAL ADMINISTRATION OF PRODRUGS OF PROTON PUMP INHIBITORS :

This is a decision on the petition under 37 C.F.R. §1.53(e)(2), filed January 21, 2004.

On October 22, 2003, the above-identified application was deposited. On January 12, 2004, 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 January 16, 2004, Petitioner submitted the instant petition, along with a copy of Figure 1, a statement that the Figure was omitted on filing, and an assertion that the drawing is not necessary for an understanding of the subject matter sought to be patented.

The Agent has set stated, over his registration number, that "all of the disclosure made in the application can be made in the absence of said drawing" and that the "application meets all of

the statutory requirements for patentability, including utility and enablement, in the absence of said drawing[1]."

Based solely on the Agent's affirmation, the petition is **GRANTED-IN-PART.**

Petitioner will receive the filing date he seeks, however the drawing will not be entered. If petitioner desires for the examiner to consider the missing page which was not submitted as part of the original disclosure, then Petitioner must submit that page via an amendment. Any such amendment will, of course, be reviewed by the examiner for new matter[2]. The amendment is not new matter if the substance was a part of the disclosure of the prior application.

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 rules and statutory provisions governing the operations of the US Patent and Trademark Office require payment of a fee on filing each petition,[3] and payment of the $130.00 petition fee is acknowledged.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of October 22, 2003, and for **mailing of an updated filing receipt.** The date of deposit of the application, using only the original application papers filed on that date.

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

Patricia Faison-Ball
for

Jay Lucas
Interim Supervisory Petitions Examiner
Office of Petitions
United States Patent and Trademark Office

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1 Petition, page 1.
2 See MPEP 608.02(h) and 608.04.
3 35 USC §41(a)(7).

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William Squire
Carella, Byrne, Bain, Gilfillan,
Cecchi, Stewart & Olstein
5 Becker Farm Road
Roseland, NJ 07068

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MAY 27 2004

OFFICE OF PETITIONS

In re Application of :
Martz, et al. :
Filed: October 23, 2003 : ON PETITION
Application No. 60/513,893 :
Atty. Dkt. No.: 525400-324 :

This decision is in response to the "PETITION", filed January 7, 2004. This petition is being treated as a petition for withdrawal of the Notice of Omitted Items in a Nonprovisional Application mailed December 10, 2003 and for accordance of a filing date of October 23, 2003.

The application was filed October 23, 2003. The Notice mailed December 10, 2003 by the Office of Initial Patent Examination indicated that the application had been accorded a filing date but that page 7 of the specification appeared to have been omitted.

In response, the present petition was filed wherein petitioner argues that the application as deposited included eighty (80) sheets of specification, including sheet 7. Petitioner has included as proof of mailing and proof of receipt of the sheet in question a return postcard date stamped by the Office on October 23, 2003. A copy of page 7 purportedly filed with the application on October 23, 2003 was also supplied.

The original page 7 of the specification has not been located. However, in view of the evidence presented, the petition for withdrawal of the Notice and accordance of a filing date of October 23, 2003 is GRANTED.

Since the original page 7 cannot be located in the Office, the copy of page 7 supplied with the instant petition will be used for examination purposes.

No petition fee is due in connection with this matter. A refund of the previously submitted $130.00 petition fee has been requested.

This application will be returned to the Office of Initial Patent Examination for further processing with a filing date of October 23, 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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JJGJR.: 06-05

Paper No. __

RANKIN, HILL, PORTER & CLARK, LLP
925 EUCLID AVENUE, SUITE 700
CLEVELAND OH 44115-1405

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JUN 1 4 2005

OFFICE OF PETITIONS

In re Application of :
Shekunov, et al. :
Application No. 60/513,940 : DECISION ON PETITION
Filed: 24 October, 2003 :
Attorney Docket No. FER-15040 :

This is a decision on the petition under 37 C.F.R. §1.53, filed on 10 March, 2005, requesting that Fig(s). 7 - 12, as described in the specification, be accorded a filing date of 24 October, 2003, with the above-identified application .

The petition is **GRANTED**.

The application was deposited on 24 October, 2003.

On 7 January, 2005, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Omitted Items" and therein indicated that Fig(s). 7 - 12, as described in the specification, appeared to be omitted from the application. The Notice informed Petitioner that the alternatives available were to: (a) petition contending that the application was deposited with the drawings; (b) file the drawings and accept their deposit date as the filing date of the application; or (c) prosecute the application as deposited on 24 October, 2003.

Over a 7 March, 2005, certificate of mailing, on 10 March, 2005 Petitioner filed the instant petition and: (a) alleged therein that Fig(s). 7 - 12, as described in the specification, was submitted as evidenced by a copy of the receipt card submitted with the petition, and (b) submitted a copy of Fig(s). 7 - 12, as described in the specification.

ANALYSIS

A review of the record evidences that:

- the application was deposited on 24 October, 2003;

- Petitioner's date-stamped ("10/24/03") receipt card itemizes the papers received by the Office, *inter alia*:

* * *

	Sent	Pages
Drawings	yes	12

* * *

- the drawing previously acknowledged as received included the sequentially numbered figures, Fig(s). 1 - 6, and the drawings submitted by Petitioner contemporaneously with the instant petition are sequentially numbered figures, Fig(s). 7 - 12.

Because Petitioner's receipt card adequately itemized the contents of the application on the receipt card, it is concluded that the application, including Fig(s). 7 - 12, as described in the specification, was deposited with the Office on 24 October, 2003, and Fig(s). 7 - 12, as described in the specification, were misplaced in the Office.

The petition is **granted**, the petition fee waived, and the petition fee ($130.00) will be credited to Deposit Account 06-0625.

The "Notice of Omitted Items" mailed on 7 January, 2005, was is hereby vacated as to the reference to an omitted Fig(s). 7 - 12, as described in the specification.

This application is released to OIPE for further processing with a filing date of 24 October, 2003, for the entire application and in particular for Fig(s). 7 - 12, as described in the specification, using:

- **the 21 pages of specification (description, claims and abstract) and 6 sheets of drawings (Fig(s). 1 - 6) deposited on 24 October, 2003; and**

- **Fig(s). 7 - 12, as described in the specification, deposited on 10 March, 2005; and**

with direction to OIPE to correct Office records and provide to Petitioner a corrected filing receipt setting forth a filing date of 24 October, 2003, and reflecting therein that 21 pages of specification (description, claims and abstract) and 12 sheets of drawings (Fig(s). 1 - 12) were present on filing.

Telephone inquiries specific to this matter should be directed to the undersigned at 272-3214.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER LLP
1300 I STREET, NW
WASHINGTON DC 20005

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MAY 19 2004

OFFICE OF PETITIONS

In re Application of
Sun, et al.
Application No. 60/514,018
Filed: October 27, 2003
Attorney Docket No. 08702.6127-00
For: REMOVAL OF HIGH MOLECULAR WEIGHT AGGREGATES USING HYDROXYAPATITE CHROMATOGRAPHY

: DECISION GRANTING
: PETITION

This is a decision on the petition filed March 2, 2004, requesting that the above-identified application be accorded a filing date of October 27, 2003. The petition will be treated under 37 CFR 1.53(e).

The application was deposited on October 27, 2003. On February 24, 2004, the Office of Initial Patent Examination mailed a Notice of Incomplete Provisional Application informing petitioners that no filing date had been accorded to the application papers deposited on October 27, 2003 because no drawings were present, as is required by 35 USC 113.

In response to the Notice, petitioners timely filed the present petition. Petitioners request that the above-identified application be accorded a filing date of October 27, 2003 on the basis that 4 sheets of drawing figures were received in the Patent and Trademark Office (PTO) on October 27, 2003. In support, the petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination date stamp citing October 27, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing includes 4 sheets of drawings.

The return postcard constitutes *prima facie* evidence that 4 sheets of drawings were filed on October 27, 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 **October 27, 2003**, using the copy of the 4 sheets of drawings submitted with the instant petition. Office records will be corrected to show that 4 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
Senior 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
60/514,076	10/25/2003		80	139(P)	12		

CONFIRMATION NO. 9010

32763
NANOSTREAM, INC.
580 SIERRA MADRE VILLA AVE.
PASADENA, CA 91107-2928

CORRECTED FILING RECEIPT

OC000000013352313

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)

Joseph F. Covington, San Gabriel, CA;
Matthew W. Hage, San Gabriel, CA;
Alejandro A. Pelaez, Sunland, CA;
Hau H. Duong, Pasadena, CA;
Christoph D. Karp, Pasadena, CA;

If Required, Foreign Filing License Granted: 06/22/2004

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Contact microdispenser with spring-loaded needles

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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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
60/514,425	10/24/2003		160	17682A-008500US			

CONFIRMATION NO. 9469

CORRECTED FILING RECEIPT

OC000000012280594

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

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)

Eugeny A. Lukhtanov, Bothell, WA;

If Required, Foreign Filing License Granted: 12/29/2003

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

Non-Publication Request: No

Early Publication Request: No

Title

Long linker fluorophores

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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SUITE 1000
999 PEACHTREE STREET
ATLANTA, GA 30309-3915

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MAR 3 0 2004

OFFICE OF PETITIONS

In re Application of :
El-Galley, et al. :
Application No. 60/514,990 : DECISION GRANTING PETITION
Filed: October 28, 2003 :
Attorney Docket No. 21085.0057U1 :

This is a decision on the petition filed February 6, 2004, requesting that the above-identified application retain the presently accorded a filing date of October 28, 2003, with Figure 2 as described in the specification as part of the original disclosure.

On October 28, 2003, the above-identified application was filed. On January 6, 2004, a "Notice of Omitted Item(s) in a Provisional Application" was mailed stating that the application had been accorded a filing date of October 28, 2003, however, Figure 2 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 February 4, 2004, applicants filed the present petition and a copy of an Office date-stamped postcard showing that, among other items, fifteen sheets of drawings were received on October 28, 2003.

Upon review of the record, Figure 2 as described in the specification has not been located among the application papers. However, the evidence is convincing that the application papers deposited October 28, 2003, included Figure 2, which was subsequently misplaced by the Office. Accordingly, the application, including Figure 2 as described in the specification, was complete on filing and entitled to the presently accorded filing date of October 28, 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 October 28, 2003, using the fifteen sheets of drawings filed October 28, 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

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request: 3/30/04

2 Serial/Patent # 60/514,990

	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		2/6/04	$ 130.00
	Issue			$
	Cert of Correction/Terminal Disc.			$
	Maintenance			$
	Assignment			$
	Other			$

7 TOTAL AMOUNT OF REFUND: $130.00

8 TO BE REFUNDED BY:

- [ ] Treasury Check
- [ ] Credit Deposit A/C #:

9 1 4 -- 0 6 2 9

10 REASON:

- [ ] Overpayment
- [ ] Duplicate Payment
- [X] No Fee Due (Explanation):

Office Error

11 REFUND REQUESTED BY:

TYPED/PRINTED NAME: Kenya McLaughlin TITLE: Petitions Atty.

SIGNATURE: Kenya McLaughlin PHONE: 305-308-1010

OFFICE: Petitions

****

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APPROVED: Alicia Kelly DATE: 3/30/04

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:

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Refund Branch
Crystal Park One, Room 802B

FORM PTO 1577
(01/90)

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14TH FLOOR
ALBANY NY 12207

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MAR 30 2009

OFFICE OF PETITIONS

In re Application of :
Berejka, et al. :
Application No. 60/515,019 : DECISION ON PETITION
Filed: October 28, 2003 :
Attorney Docket No. R1418-550 :

This is a decision on the petition under 37 CFR 1.59 filed February 27, 2009, requesting the Office expunge a portion of the application file.

The petition is **dismissed**.

Any request for reconsideration of this decision should be filed within two (2) months of the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Petitioners are advised that this is not a final agency decision.

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.

Petitioners request the removal of applicants' social security numbers from the application file.

However, the substitute material provided has been altered beyond the removal of the social security numbers. Page 4 filed on February 27, 2009 is not identical to page 4 filed on October 23, 2003. Two partial lines of text are missing from the February 27, 2009 version.

Petitioners are requested to file substitute material that is identical to the October 23, 2003 filing, except for the deletion of the social security numbers.

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

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

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

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

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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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ALBANY NY 12207

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MAY 07 2009

OFFICE OF PETITIONS

In re Application of
Berejka, et al.
Application No. 60/515,019
Filed: October 28, 2003
Attorney Docket No. R1418-550

DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR 1.59 filed April 17, 2009, requesting the Office expunge a portion of the application file.

The petition is **dismissed**.

Any request for reconsideration of this decision should be filed within two (2) months of the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Petitioners are advised that this is not a final agency decision.

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.

Petitioners request the removal of applicants' social security numbers from the application file.

Petitioners have filed another copy of pages 4 and 5 of the "NEW TECHNOLOGY DISCLOSURE." The undersigned has no issue with these pages.

The substitute material provided on February 27, 2009 has been altered beyond the removal of the social security numbers. Page 4 of the **specification** filed on February 27, 2009 is not identical to page 4 of the specification filed on October 23, 2003. Two partial lines of text are missing from the February 27, 2009 version.

On page 4, under Potential Applications for the Wood Polymer Penetrant, the first line of text is missing – "1. *Engineered Flooring* – increased hardness, dent resistance and dimensional stability of".

In addition, the last line of text in the same section is missing – " wood floor. This is standard practice for installing wood floors over concrete."

As the entire specification filed on October 28, 2003 is to be switched out for a replacement that does not include social security numbers of the inventors, a full copy of the specification (minus the social security numbers) that was filed on October 28, 2003 is required.

Petitioners are requested to file substitute material that is identical to the October 23, 2003 filing, except for the deletion of the social security numbers. Please do not submit only a replacement page 4 of the specification, as the whole 51 page document filed on October 28, 2003 will be closed and replaced with what is submitted with the renewed petition.

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

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

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

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

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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ALBANY NY 12207

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JUL 21 2009

OFFICE OF PETITIONS

In re Application of
Berejka, et al.
Application No. 60/515,019
Filed: October 28, 2003
Attorney Docket No. R1418-550

DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR 1.59 filed May 19, 2009, requesting the Office expunge a portion of the application file.

The petition 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.

The present renewed petition meets the above-listed requirements. As the instant application is an Image File Wrapper (IFW) the granting of the present renewed petition to expunge will be effectuated by closing the record to the public.

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. None

Peer Site Network Corporation
Michael Lemley
733 Caravel Lane
Foster City CA 94404

COPY MAILED

SEP 0 8 2005

OFFICE OF PETITIONS

In re Application of
Stacy Thurston
Application No. 60/515,060
Date of Deposit: October 28, 2003
Title: SYSTEM AND METHOD FOR OPERATING A PEER SITE NETWORK

DECISION ON PETITION

This is a decision on the petition under 37 C.F.R. §1.182, filed December 16, 2004, requesting that the above-identified application be accorded a filing date of October 28, 2003.

The application was deposited on October 28, 2003. However, on July 27, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Nonprovisional Application – Filing Date not Granted" (notice) stating that the application had not been accorded a filing date, and advising applicants that a filing date would be accorded upon the depositing of drawings. The notice set a two-month period for response.

With the present petition, Petitioner has indicated that the application was mailed to the Office on October 27, 2003, along with the following items:

- A Provisional Application for Patent Cover
- Credit Card Payment Form
- Verified Statement Claiming Small Entity Status
- Application Data Sheet (ADS)
- An 11 page Specification
- 4 Claims
- Abstract

This submission constitutes the present provisional application.

On October 28, 2003[1], Petitioner mailed the following documents to the Office:

- A Transmittal form, making reference to the previous day's filing
- A duplicate ADS
- 7 sheets of drawings

This submission was assigned the serial number 60/515,567.

With the present petition, Petitioner has requested that these two separate applications be merged into one application, said application having a serial number of 60/515,060. Petitioner further asserts that he spoke with an individual at the PTO, and was told that the two provisional applications were indeed merged into one. Petitioner has further requested that the petition fee be refunded.

The present petition has been signed by Michael S. Lemley, registration number 42,795. This petition was submitted on December 16, 2004, and as of March of 2004, Mr. Lemley's registration number has been inactive. As such, this petition will be treated as though it had not been signed.

37 C.F.R. §10.18(a) sets forth:

For all documents filed in the Office in patent, trademark, and other non-patent matters, except for correspondence that is required to be signed by the applicant or party, each piece of correspondence filed by a practitioner in the Patent and Trademark Office must bear a signature, personally signed by such practitioner, in compliance with § 1.4(d)(1) of this chapter.

Since the Office is treating this petition as a petition that has been submitted without a signature, the petition cannot be processed. For this reason, the petition under 37 CFR §182 is **DISMISSED**. Any renewed petition may be submitted by mail[2], hand-delivery[3], or facsimile[4]. It is noted in passing that Petitioner has submitted $130 toward the petition fee, when the amount due was $400. 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

1 The petition states "the following day, October 28, 2004 (emphasis added), Applicant sent..." This would be one year and one day later. The undersigned will assume that this is a typographical error, and the date should read October 28, 2003.

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

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

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

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
60/515,081	10/28/2003		160	9342-140PR	2		

CONFIRMATION NO. 4358

20792
MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

CORRECTED FILING RECEIPT

OC000000012029244

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)

Jan Swerup, Nacka, SWEDEN;
Maurice Labiche, Stockholm, SWEDEN;

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

Title

Message handling

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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JENKENS & GILCHRIST
112 EAST PECAN STREET
SUITE 900
SAN ANTONIO, TX 78205-1533

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NOV 2 1 2003

OFFICE OF PETITIONS

In re Application of :
Victor B. Mezhinsky :
Application No. 60/515,255 : NOTICE
Filed: October 30, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Paper No.

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1200 E.CALIFORNIA BLVD.
M/C 201-85
PASADENA CA 91125

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OFFICE OF PETITIONS

In re Application of :
Sakamoto et al. : DECISION ON PETITION
Application No. 60/515,259 :
Filed: October 29, 2003 :
Attorney Docket No. CIT015 :

This is a decision on the PETITION UNDER 37 CFR 1.181 REQUESTING A WITHDRAWAL OF HOLDING OF ABANDONMENT, filed July 28, 2008. This decision is made in light of, and also responds to, the RESPONSE filed November 3, 2004, which is being treated as a petition under § 1.53(e)(2). Petitioner requests that the Office withdraw the termination of proceedings and accord the above-identified application a filing date of October 29, 2003 without drawings. These petitions were recently forwarded to the undersigned.

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

The petition under 37 CFR 1.53(e)(2) is **GRANTED**.

Application papers in the above-identified provisional application were deposited on October 29, 2003. However, on September 29, 2004, the Office mailed applicants a NOTICE OF INCOMPLETE PROVISIONAL APPLICATION. Applicants were thereby notified that the application papers had not been accorded a filing date because the application was filed without drawings. This Notice set a two-month non-extendable time period for reply. No response considered filed, on July 15, 2008, the Office mailed applicants a NOTICE OF TERMINATION OF PROCEEDINGS UNDER 37 CFR 1.53(e).

In response, applicants filed the instant petition, along with a copy of their response to the September 29, 2004 Notice.

Accompanying the response was an itemized return postcard receipt evidencing that the response was timely filed in the Office on November 3, 2004. Furthermore, as stated on petition, the response is present in the image file wrapper for this provisional application with a date of receipt of November 3, 2004.

In view thereof, it is concluded that applicants timely responded to the September 29, 2004 Notice and withdrawal of termination of proceedings is warranted.

Consideration now turns to the merits of the petition filed November 3, 2004. Therein, applicants state that they do not "believe that drawings are necessary for the understanding of the invention within the meaning of 35 U.S.C. 113 (first sentence)." Specifically, applicants assert that "drawings would not contribute to the enablement of the application or aid in the 'understanding of the subject matter sought to be patented,' but would only serve illustrative purposes."

A review of the specification reveals that it refers to drawing figures, but no drawings were in the application-as-filed. 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). See MPEP 601.01(f). However, the instant application has no claims. Thus, it was proper for the Office to mail a Notice of Incomplete Provisional Application. Nonetheless, in view of petitioner's contention that drawings are not necessary, it is concluded that this provisional application is entitled to a filing date.

In view thereof, the petition is **GRANTED** to the extent that the provisional application is accorded a filing date of October 29, 2003 with no drawings present in the application.

Receipt of the petition fee on November 3, 2004 is acknowledged. This fee is not refundable as the petition was not necessitated by Office error.

The application is being forwarded to the Office of Patent Application Processing for:

- **correction of the filing date to October 29, 2003** using the application papers received in the Office on that date;

- indication in Office records, as appropriate, that 0 sheets of drawings were present in the application on filing;

- **withdrawing of the Notice of Termination of Proceedings mailed July 15, 2008** and processing of any fee adjustments, as appropriate; and

- **issuance of a filing receipt**.

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
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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
60/515,328	10/28/2003		160	1662/77402	1		

CONFIRMATION NO. 6044

CORRECTED FILING RECEIPT

OC000000012278242

Steven J. Lee, Esq.
KENYON & KENYON
One Broadway
New York, NY 10004

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)

Gideon Pilarski, Holon, ISRAEL;
Natalia Shenkar, Petah-Tikva, ISRAEL;
Marioara Mendelovici, Rechovot, ISRAEL;
Tamar Nidam, Yehud, ISRAEL;
Anna Balanov, Rehovot, ISRAEL;

If Required, Foreign Filing License Granted: 01/12/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Processes for preparation of ziprasidone

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.: 03-05

Paper No. __

PFIZER INC.
PATENT DEPARTMENT,
MS8260-1611
EASTERN POINT ROAD
GROTON CT 06340

COPY MAILED
MAR 31 2005
OFFICE OF PETITIONS

In re Application of :
Chambers, et al. :
Application No. 60/515,406 : DECISION ON PETITION
Filed: 29 October, 2003 :
Attorney Docket No. PC25124 :

This is a decision on the petition under 37 C.F.R. §1.53, filed on 22 February, 2005, requesting that page 32 of the specification (description), be accorded a filing date of 29 October, 2003, with the above-identified application .

The petition is **GRANTED in part and DISMISSED in part as moot**.

The application was deposited on 29 October, 2003.

(In most contexts, the Office of Initial Patent Examination (OIPE) will review the contents of an application as deposited, and if one or more pages appear not to be included, OIPE will mail a "Notice of Omitted Items" and therein indicated what items appear to be missing from the specification (description, claims and abstract) and/or the drawings. The Notice also will inform an applicant that the alternatives available to the applicant are to: (a) petition contending that the application was deposited with the drawings; (b) file the drawings and accept their deposit date as the filing date of the application; or (c) prosecute the application as deposited. However, before such events could occur, Petitioner acted on the matter as described below.)

On 22 February, 2005, Petitioner filed the instant petition, seeking that the Office accord a filing date of 29 October, 2003, for page numbered 32.

Petitioner stated that Petitioner had reviewed online the contents of the application as deposited

and observed that the record contained 32 pages of specification, but those 32 pages were counted as page 1 and page 1 - 31–*i.e.*, the record evidenced two (2) copies of page numbered 1 and no (0) copy of page numbered 32.

At that time, Petitioner filed the instant petition and, *inter alia*: (a) alleged therein that page 32 of the specification (description) was submitted as evidenced by a copy of the receipt card submitted with the petition, and (b) submitted a copy of page 32 of the specification (description).

ANALYSIS

A review of the record evidences that:

- the application was deposited on 29 October, 2003, and contained at that time at least one method claim (*e.g.*, Claim 1);

- Petitioner's date-stamped ("102903") receipt card itemizes the papers received by the Office, *inter alia*:

* * *

x Specification 32 pages
x Claims 4 pages
x Abstract 1 pages

* * *

- the Office reviewed and re-scanned into IFW (Image File Wrapper) the papers received on deposit on 29 October, 2003, and a review of those papers evidences 32 pages (sequentially numbered 1 - 32) of specification (description), 4 pages (sequentially numbered 33 - 36) of claims, and a single page of abstract (numbered 37), totaling 37 pages.

Because Petitioner's receipt card adequately itemized the contents of the application on the receipt card, it is concluded that the application, including page 32 (description), was deposited with the Office on 29 October, 2003, and page 32 of the specification (description) subsequently was not originally scanned into the record, but since that time the documents as deposited have been re-scanned and loaded as images into the record by Office.

The petition is **granted in part** to the extent that a review and re-scan of the application as deposit has been completed and the petition fee waived (it appears that none has been charged); and in all other particulars the petition is **dismissed as moot** because the relief sought already has been granted and received.

There is no "Notice of Missing Parts" to be vacated.

This application is released to OIPE:

- **for further processing with a filing date of 29 October, 2003, for the entire application and in particular for page 32 of the specification (description), using the 32 pages of specification (description), 4 pages of claims and one page of abstract deposited on 29 October, 2003; and**

- **with direction to OIPE to correct Office records and provide to Petitioner a corrected filing receipt setting forth a filing date of 29 October, 2003, and reflecting therein that 32 sequentially numbered pages of specification (description), 4 sequentially numbered pages of claims and 1 numbered (in sequence) page of abstract were present on filing.**

Telephone inquiries specific to this matter should be directed to the undersigned at 272-3214.

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

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DIW 03-04

PEACOCK MYERS AND ADAMS P C
P O BOX 26927
ALBUQUERQUE NM 87125-6927

COPY MAILED

MAR 2 4 2004

OFFICE OF PETITIONS

In re Application of	:	
Kelly D. Myers	:	DECISION DISMISSING
Application No. 60/515,979	:	PETITION AS MOOT
Filed: 29 October, 2003	:	
Attorney Dkt No. 31299-1001	:	

This is a decision on the petition, filed under 37 CFR 1.10(c) on 15 January, 2004, requesting that the above-identified application be accorded a filing date of 29 October, 2003.

A review of the Office PALM records reveals that this application was previously accorded a filing date of 29 January, 2003.

As the application has been accorded a filing date of 29 October, 2003, the present petition is unnecessary and will be dismissed as involving a moot issue.

A replacement Filing Receipt is enclosed for petitioner's convenience.

The petition fee of $130.00 will be credited to counsel's deposit account, No. 13-4213.

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

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

cf: Filing Receipt

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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
60/516,092	10/29/2003		160	3027-095	18		

CONFIRMATION NO. 9320

PATZIK, FRANK & SAMOTNY, LTD.
Suite 900
150 South Wacker Drive
Chicago, IL 60606

CORRECTED FILING RECEIPT

OC000000012568084

Date Mailed: 05/07/2004

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)

Norman L. Matthew, Highland Park, IL;
Vincent Alesi, Bartlett, IL;

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

Multiple part adjustable automotive clothes rod 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.

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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
60/516,178	10/31/2003		160	5646-117PR	1		

20792
MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

CONFIRMATION NO. 2246

CORRECTED FILING RECEIPT

OC000000011911187

Date Mailed: 02/17/2004

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)

Harmeet Bhugra, San Jose, CA;
John R. Mick JR., Sunnyvale, CA;
Michael Miller, Saratoga, CA;
Jakob Saxtorph, San Jose, CA;
Kenneth Branth, Redwood City, CA;

If Required, Foreign Filing License Granted: 01/12/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Network search engine device

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.

MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

COPY MAILED

MAR 0 8 2004

OFFICE OF PETITIONS

In re Application of :
Lee et al. :
Application No. 60/516,178 : DECISION ON
Filed: October 31, 2003 : PETITION
Attorney Docket No. 5646-117PR :

This is a decision on the "PETITION TO ACCORD THE PROPER FILING DATE," requesting that the above-identified application be accorded a filing date of October 31, 2003, rather than the presently accorded filing date of November 3, 2003.

Petitioner maintains that the above-identified application was deposited in the United States Postal Service (USPS) Express Mail Service on October 31, 2003, pursuant to the requirements of 37 C.F.R. § 1.10; however, the USPTO failed to accord the application a filing date as of the "date-in" or deposit date with the USPS. In support thereof, petitioner submitted true and accurate copies of the Cover Sheet for Filing a Provisional Application; the "Express Mail" mailing label, No. EV353592855; and a copy of the USPS Track and Confirm record for the Express Mail package.

The instant petition was filed promptly within the meaning of § 1.10. A review of the evidence further reveals that: The cover sheet was among the papers received in the Office in the Express Mail package. The cover sheet identifies the papers that were received in the Office in the Express Mail package. Furthermore, the cover sheet bears the Express Mail mailing label number EV353592855US. Thus, petitioner has shown that the Express Mail mailing label number was placed on the correspondence prior to the original mailing.

Moreover, a review of the "Express Mail" mailing label No. EV353592855US reveals that the package was sent via the USPS "Express Mail Post Office to Addressee" service. Although there is no handwritten date-in on the label, the label bears a USPS postmark of October 31, 2003. Further, the USPS Track and Confirm record shows that the Express Mail package was accepted on at 5:23 pm on October 31, 2003.

In view thereof, the petition is **GRANTED**.

No petition fee is required and none has been charged.

A request that application papers be accorded a filing date as of the date of deposit pursuant to § 1.10 is by way of petition. Nonetheless, it appears that prior to a decision being mailed on this petition, the Office of Initial Patent Examination on February 17, 2004 mailed applicants a corrected filing receipt, showing a filing date of October 31, 2003. Accordingly, no further action is required in response to this decision.

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

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
60/516,191	10/31/2003		160	134158	4		

CONFIRMATION NO. 2269

CORRECTED FILING RECEIPT

OC000000012067219

35114
ALCATEL INTERNETWORKING SYSTEM, INC.
ALCATEL-INTELLECTUAL PROPERTY DEPARTMENT
3400 W. PLANO PARKWAY, MS LEGL2
PLANO, TX 75075

Date Mailed: 03/10/2004

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)

Harpal Mann, Union City, CA;

If Required, Foreign Filing License Granted: 01/14/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Virtual chassis for continuous switching

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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Paper No. None

ILEX ONCOLOGY, INC.
ATTN: FRANCES WINKLER
4545 HORIZON HILL BLVD.
SAN ANTONIO TX 78229

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JAN 10 2005

OFFICE OF PETITIONS

In re Application of
Francis J. Carr et al.
Application No. 60/516,210
Filed: November 1, 2003
Attorney Docket No. 1000.48.000
Title: MODIFIED ANTI-CD52 ANTIBODY

DECISION ON PETITION
UNDER 37 C.F.R. §1.28(c)

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

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

Your fee deficiency submission under 37 CFR §1.28 is hereby accepted. The petition is **GRANTED** accordingly.

This file is being forwarded 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) 272-3225.

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

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Paper No. None

MOTOROLA, INC.
LAW DEPARTMENT
1303 E. ALGONQUIN ROAD
SCHAUMBURG IL 60196

COPY MAILED

OCT 2 7 2005

OFFICE OF PETITIONS

In re Application of	:	
Paige Holm et al.	:	
Application No. 60/516,260	:	DECISION ON PETITION
Filed: October 31, 2003	:	UNDER 37 C.F.R. §1.182
Attorney Docket No. CML01188CR	:	
Title: INTEGRATED PHOTOSERVER	:	
FOR CMOS IMAGERS	:	

This is a decision on the petition filed October 17, 2005.

On October 31, 2003, the above-identified application was deposited. On August 23, 2005, the Office of Initial Patent Examination (OIPE) mailed a "Notice to File Missing Parts of Provisional Application - Filing Date Granted (notice)", advising applicant that page 27 of the specification appeared to have been omitted. The Notice set a two-month period for response, and further indicated that the provisional application cover sheet appeared to be omitted as well.

On October 17, 2005, Petitioner submitted this petition, along with page 27 of the specification and an application data sheet. The petition fee has been charged to Petitioner's Deposit Account, as authorized in the petition. Petitioner has supplied the omitted item, and has not asserted that it was included on filing. Based on this, it appears that Petitioner accepts the date of deposit of the formerly omitted drawing as the filing date.

However, Petitioner is 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. See MPEP 601.01(d)[1].

As such, if Petitioner desires to have page 27 of the specification considered as part of the application, Petitioner should simply file a new completed provisional application, including Page 27.

Application number 10/929,135 will continue to claim priority to the present provisional application, save for the material found on page 27 of the specification of the provisional application.

The petition is **DISMISSED.**

Page 27 of the specification of the present application will not be entered.

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. 1.182". 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, and may be submitted by mail[2], hand-delivery[3], or facsimile[4].

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

1 " ... 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."

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

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

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

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

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FEB 19 2004

OFFICE OF PETITIONS

In re Application of
Grodeman
Application No. 60/516,480
Filed: October 31, 2003
Attorney Docket No. 30779-94788
For: STUD ASSEMBLY

: DECISION DISMISSING
: PETITION

This is a decision on the petition filed November 28, 2003 (certificate of mailing date November 25, 2003), which is properly treated as a petition under 37 CFR 1.10(c) requesting that the above-identified application be accorded a filing date of October 30, 2003, rather than the presently accorded filing date of October 31, 2003.

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited in Express Mail service on October 30, 2003, pursuant to the requirements of 37 CFR 1.10. However, petitioner has not supplied a copy of his Express Mail customer receipt -- Label No. EV272185707US -- showing a date of deposit in Express Mail service of October 30, 2003.

Section 1.10(a) of title 37, Code of Federal Regulations, 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 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.

The PTO considers the date the paper or fee is shown to have been deposited as Express Mail as set forth in §1.10(a) to be the "Date-In" on the Express Mail label.

Placing the "Date-In" on the Express Mail label by the postal clerk establishes that the package was actually received by the Postal Service. That is the date that verifies that the package was actually mailed.

This petition does not comply with 37 CFR 1.10(c) because petitioner has not submitted a copy of the "Express Mail" mailing label in question showing the "date-in" or any other official notation by the USPS relied upon to show October 30, 2003 date of deposit. 37 CFR 1.10(c)(3). An independent review of the USPS Express Mail Track and Confirm website reveals that a package associated with Express Mail Label No. EV272185707US was accepted by the USPS on October 31, 2003 at 8:52 am in Chicago, IL. The Office accorded a filing date of October 31, 2003, as indicated on the postcard receipt, which seems to be in agreement with the currently available USPS evidence.

Regarding petitioner's arguments that the application should be accorded a filing date of October 30, 2003 because petitioner was diligent in filing the application via Express Mail and the original

certificate of mailing lists October 30, 2003 as the date of deposit in Express Mail, petitioner is reminded that a certificate of mailing cannot be utilized to prove an application's filing date. 37 CFR 1.8(a)(2)(i)(A). Petitioner is encouraged to submit his copy of Express Mail Label No. EV272185707US showing a date-in of 10/30/03 or any other official USPS notation showing the desired filing date.

Accordingly, the petition is dismissed and the filing date remains October 31, 2003. No petition fee has been charged in connection with this matter.

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

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
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

Steven J. Lee, Esq.
KENYON & KENYON
One Broadway
New York NY 10004

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APR 21 2004

OFFICE OF PETITIONS

In re Application of :
Zoltan G. Toth, Viktor Gyollai, Adrienne Kovacsne Mezei, Csaba Szabo, Judith Aronhime, and Claude Singer :
Application No. 60/516,904 : DECISION ON PETITION
Filed: November 3, 2003 : UNDER 37 C.F.R. §1.48(d)
Attorney Docket No. 2664/63003 :
Title: POLYMORPHS OF DESLORATADINE :

This is in response to the petition under 37 C.F.R. §1.48(d)[1] filed February 4, 2004.

On June 7, 1995, the application was deposited, identifying Zoltan G. Toth, Viktor Gyollai, and Adrienne Kovacsne Mezei as joint inventors. On September 16, 2003, the instant petition was filed, requesting that joint inventors Csaba Szabo, Judith Aronhime, and Claude Singer be added as joint inventors.

Petitioner has included the petition fee[2], a request to change the inventorship, and the appropriate statement from the attorney of record.

As such, the petition under 37 C.F.R. §1.48(a) is **GRANTED**.

1A grantable petition under 37 C.F.R. §1.48(d) requires:
(1) the petition fee of $130;
(2) A request to correct the inventorship that sets forth the desired inventorship change, signed by a party set forth in 37 C.F.R. §1.33(b) that states that the error in inventorship occurred without deceptive intention on the part of the omitted inventor or inventors. A party as set forth in 37 C.F.R. §1.33(b) includes a registered attorney or agent, an assignee, or all of the applicants unless an assignee of the entire interest has taken action on the application in accordance with 37 C.F.R. §3.71.

2 The petition fee of $130 has been charged to the Petitioner's Deposit Account, as authorized in the petition.

The names of the additional inventors have been entered and made of record.

After this decision is mailed, the application will be forwarded to the Office of Initial Patent Examination.

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

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WARE FRESSOLA VAN DER SLUYS &
ADOLPHSON, LLP
BRADFORD GREEN BUILDING 5
755 MAIN STREET, P O BOX 224
MONROE CT 06468

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APR 21 2004

OFFICE OF PETITIONS

In re Application of
Vincent P. McCarroll et al.
Application No. 60/516,961
Filed: November 3, 2003
Attorney Docket No. 835-059-103

DECISION DISMISSING
PETITION

This is a decision on the petition filed March 4, 2004 which is treated as a petition under 37 CFR 1.182 requesting that the above-identified application be accorded a filing date of November 3, 2003, with Figure 5 described in the specification as a part of the original disclosure.

The petition is **DISMISSED**.

On November 3, 2003, the application was filed.

On December 29, 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 November 3, 2003, but that, Figure 5 as described in the specification appeared to have been omitted from the application.

In response, on March 4, 2004 the present petition were filed. Petitioners argue that a complete application was present on November 3, 2003. Petitioners point to their postcard receipt and the itemized transmittal letter as evidence that Figure 5 was among the application papers filed on November 3, 2003. Petitioners request that the application be accorded a filing date of November 3, 2003, with Figure 5 as a part of the original disclosure.

The argument and evidence supplied with the petition have been carefully considered, but are not persuasive. The USPTO has a well-established and well-publicized practice of providing a receipt for papers filed in the USPTO to any applicant desiring a receipt. The practice requires that any paper for which a receipt is desired be filed in the USPTO 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 USPTO of all the items listed thereon on the date stamped thereon by the USPTO. See section 503, Manual of Patent Examining Procedure (MPEP 503).

Unfortunately, in this case, petitioners' postcard receipt fails to itemize in specific detail the papers allegedly filed in this application. The postcard receipt does not itemize the number of drawing figures filed, but rather only that drawings were filed. A postcard receipt will not serve as prima facie evidence of receipt in the USPTO of any items which are not properly itemized and identified. Furthermore, an application transmittal letter is, at best, only evidence of what was intended to be filed, not evidence of what

was actually received or filed in the USPTO.

Since the drawings containing Figure 5 was not a part of the papers filed on November 3, 2003, the application cannot be accorded the November 3, 2003, filing date with drawing Figure 5 as a part of the original disclosure of this application. Furthermore, since petitioners have no persuasive evidence that one (1) sheet of drawings containing Figure 5 was among the application papers received in the USPTO on November 3, 2003 the "Notice of Omitted Items in a Provisional Application" mailed December 29, 2003, was correct in stating that Figure 5 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.[1] As such, if petitioners desire to have Figure 5 considered as part of the application, petitioners should simply file a new completed provisional application, including Figure 5.

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 Figure 5 and with the application papers present on filing on November 3, 2003. The copy of one (1) sheet of drawings containing Figure 5 filed with the present petition, 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 November 3, 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

[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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/516,985	11/04/2003		160	76.0889 P	1		

CONFIRMATION NO. 6940

CORRECTED FILING RECEIPT

26751
SCHLUMBERGER AUSTIN TECHNOLOGY CENTER
ATTN: PEHR B. JANSSON, INTELLECTUAL PROP LAW DEPT.
8311 NORTH FM 620
AUSTIN, TX 78726

OC000000011965185

Date Mailed: 02/25/2004

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 Dollet, Austin, TX;

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

Title

One pass optimization

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
60/516,989	11/03/2003		160	SUN04-0553PSP			

CONFIRMATION NO. 5065

CORRECTED FILING RECEIPT

OC000000014039605

22835
PARK, VAUGHAN & FLEMING LLP
508 SECOND STREET
SUITE 201
DAVIS, CA 95616

Date Mailed: 10/08/2004

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)

Robert J. Drost, Mountain View, CA;

Power of Attorney:

Arvin Park--41241

If Required, Foreign Filing License Granted: 08/06/2004

The number of your priority application, to be used for filing abroad under the Paris Convention is,

US60/516,989

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

Non-Publication Request: No

Early Publication Request: No

Title

Long wires and asynchronous 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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/516,992	11/04/2003		160	2616/102	7		

CONFIRMATION NO. 6930

02101
BROMBERG & SUNSTEIN LLP
125 SUMMER STREET
BOSTON, MA 02110-1618

CORRECTED FILING RECEIPT

OC000000012229579

Date Mailed: 03/31/2004

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)

Xinxin Wang, Naperville, IL;

If Required, Foreign Filing License Granted: 01/20/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

LED source for liquid crystal display

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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KRAMER LEVIN NAFTALIS & FRANKEL LLP
INTELLECTUAL PROPERTY DEPARTMENT
919 THIRD AVENUE
NEW YORK, NY 10022

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AUG 0 5 2004

OFFICE OF PETITIONS

In re Application of :
Kockro et al. :
Application No. 60/517,043 : DECISION DISMISSING
Filed: November 3, 2003 : PETITION
Attorney Docket No. 057450-01360 :

This is in response to the "PETITION UNDER 37 CFR § 1.181 TO INCLUDE ITEMS MISSING FROM U.S.P.T.O. FILE," filed May 24, 2004 (certificate of mailing May 21, 2004). Petitioners assert that figures 3(I), 4 and 11 were present in the above-identified provisional application on filing.

Application papers in the above-identified provisional application were filed on November 3, 2003. However, on March 22, 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 3(I), 4 and 11 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, disputing omission of the figures on filing. Petitioners contend that 20 sheets of drawings were present in the application on filing, including the alleged omitted figures. In support thereof, petitioners submitted the declaration of facts of patent attorney Aaron Haleva. In addition, petitioners submitted a copy of their return postcard receipt. However, petitioners had indicated thereon that only 19 sheets of drawings were present on filing.

Petitioners' evidence has been considered, but is not found persuasive that twenty (20) sheets of drawings were filed on November 3, 2003. The PTO file is the official record of the papers originally filed in this application. A review of the official file reveals that figures 3(I), 4 and 11 were not filed on November 3, 2003, since no such drawing figures are present in the file. Office personnel specifically noted on the application transmittal, where applicants had stated 19 sheets of drawings were being transmitted, that 2 sheets of drawings were missing. An applicant alleging that a paper was filed in the PTO and later misplaced has the burden of proving the allegation by a preponderance of the evidence.

Petitioner has not met that burden. The declaration relied on contains the declarant's recall of routine events which occurred 5 months earlier and are not more persuasive than the record of what was filed as shown by the official file. Furthermore, petitioners' own postcard is inconsistent with their assertion. The postcard requests acknowledgment of receipt of 19 sheets of drawings. Further, petitioners' explanation of the inconsistency on the postcard diminishes their claim of accuracy in placing 20 sheets of drawings in the mailing to the Office. The explanation acknowledges missteps in preparing the application. It is further noted that inconsistent with this petition, on February 19, 2004, applicants filed a "Request for Corrected Filing Receipt," requesting correction of the number of drawing sheets filed to 19 sheets, not 20.

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.

Petitioner is reminded 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. 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:

> ... 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.

The application will maintain a filing date of November 3, 2003, using the application papers deposited on that date. The records of the Office, as appropriate, will indicate that 18 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

UNITED STATES 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.

JOHN P. O'BANION
O'BANION & RITCHEY LLP
400 CAPITOL MALL SUITE 1550
SACRAMENTO, CA 95814

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JUL 19 2004

OFFICE OF PETITIONS

In re Application of :
Wong et al. :
Application No. 60/517,049 : ON PETITION
Deposited: November 3, 2003 :
Attorney Docket No. UC04-109-1P1 :

This is a decision on the "PETITION TO ESTABLISH THAT DRAWINGS ARE NOT NECESSARY FOR A FILING DATE FOR PROVISIONAL APPLICATION [37 CFR § 1.53(e)]," filed May 7, 2004.

On November 3, 2003, application papers were filed in the above-identified provisional application. On March 10, 2004, the Initial Patent Examination Division mailed applicants a "Notice of Incomplete Provisional Application," stating that the application papers deposited November 3, 2003 had not been accorded a filing date because the application was deposited without drawings.

In response, applicants filed the instant petition. Applicants submit that the figures that are referenced in the provisional application are not necessary under 35 U.S.C. 113 (first sentence) for understanding the subject matter of the application since the drawings are duplicative of what exists in the text of the application.

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.

The petition includes a statement by a registered practitioner that drawings are not necessary for the understanding of the subject matter sought to be patented in this provisional application. The instant provisional application is for a "ANTIDEPRESSANT-INDUCED GENE EXPRESSION." Based on applicants' contention and the subject matter of the invention, it is concluded that it is appropriate to treat this application as one in which drawings are not necessary to accord a filing date.

The petition is GRANTED.

The provisional application will be accorded a filing date of November 3, 2003 with no drawings as a part of the original disclosure of the application.

As the specification in the instant provisional application contained references to drawing figures (Figs. 1-3), mailing of a Notice requiring submission of those drawings was appropriate.

The petition fee for review of the Notice, pursuant to § 1.53(e), has been charged to Deposit Account No. 07-1137, as authorized. The fee is not subject to refund as the petition was not necessitated by Office mistake.

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 November 3, 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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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ALBERT W. WATKINS
30844 NE 1ST AVENUE
ST. JOSEPH MN 56374

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MAR 2 2 2005

OFFICE OF PETITIONS

In re Application of
Paxton, et al.
Application No. 60/517,112
Filed: November 3, 2003
Attorney Docket No. PaxtonProv200311
For: COMPETITION BELT, QUICK RELEASE, DOG HARNESSES AND DOG BOOTS

: DECISION ON
: PETITION

This is a decision on the petition filed February 3, 2005 (certificate of mailing date January 31, 2005) requesting, in effect, withdrawal of the Notice of Omitted Item(s) in a Provisional Application (Notice), mailed December 13, 2004. The petition will be treated under 37 CFR 1.53(e).

The application was filed on November 3, 2003. On December 13, 2004, the Office of Initial Patent Examination mailed a Notice informing petitioners that Figures 79-84, as described in the specification, appeared to have been omitted.

Petitioners request that Figures 79-84 be accorded a filing date of November 3, 2003 on the basis that 16 sheets of drawing figures, including Figures 79-84, were received in the Patent and Trademark Office (PTO) on November 3, 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 November 3, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included 16 sheets of drawings.

The return postcard constitutes *prima facie* evidence that 16 sheets of drawing figures were filed on November 3, 2003. MPEP 503. A review of the application file reveals that there are 15 sheets of drawing figures present.

Accordingly, the petition under 37 CFR 1.53(e) 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 **November 3, 2003**, using the copy of Figures 79-84 submitted with the instant petition. Office records will be corrected to show that 16 sheets of drawings were present on initial filing.

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

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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MAR 0 6 2006

OFFICE OF PETITIONS

PETER K. TRZYNA, ESQ.
P O BOX 7131
CHICAGO, IL 60680

In re Application of :
Conroy, et al. :
Application No. 60/517,180 : DECISION GRANTING PETITION
Filed: November 4, 2003 :
Attorney Docket No. MCEA-P4-03 :

This is a decision on the petition filed February 13, 2006, under 37 CFR 1.10 requesting that the above-cited application be accorded a filing date of November 4, 2003, rather than the presently accorded filing date of November 5, 2003.

Petitioner alleges that the application was deposited with the Express Mail Service on November 4, 2003. In support of the allegation, the petition is accompanied by a copy of the Express Mail postcard with a tracking number ER371963354USUS showing a "date-in" of November 4, 2003. The tracking number cited is the same number found on the application transmittal sheet that accompanied the original application papers. Further review of the application file revealed that the Office date-stamped affixed to the application papers is also November 4, 2003. The evidence is convincing that the application papers were deposited on November 4, 2003.

In view of the above, the petition is granted. The new filing date for the above-cited application is November 4, 2003.

The Office of Initial Patent Examination will further process the application with a filing date of November 4, 2003, and issue a corrected filing receipt.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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Paper No.

Paul Smith Intellectual
Property Law
330-1508 West Broadway
Vancouver, BC V6JIW-8 CA
CANADA

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MAY 0 6 2004

OFFICE OF PETITIONS

In re Application of :
Davidson :
Application No. 60/517,398 :
Filed: November 6, 2003 : DECISION ON PETITION
Attorney Docket No.: :
5016P9 :

This is a decision on the Petition to Accord a Filing Date Under 37 CFR 1.53(e), filed February 11, 2004.

Background

The application was filed on July 20, 2003. However, on January 21, 2004, the Office of Initial Patent Examination mailed a Notice of Incomplete Provisional 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 the drawings are not necessary for an understanding of the invention, and are not required under 35 U.S.C. § 113. Applicant has also submitted drawing Figures and requests that the drawings be associated with the application.

Applicant is advised that, in a provisional application filed without drawings, Applicant has only two options: 1) file a petition asserting that the drawings are not necessary under 35 U.S.C. § 113 for a filing date, or submit drawings accompanied by an oath or declaration referring to the drawings and accept the date of such submission as the application filing date. There is no option of filing drawing Figures in a provisional application while simultaneously receiving the filing date of the original deposit of the application that was filed without drawing figures.

Accordingly, the petition is granted in part and dismissed in part. The petition is granted to the extent that the Application will be accorded as a filing date November 6, 2003. The petition is dismissed to the extent that the drawing Figures filed with the instant petition on February 11, 2004 will not be associated with the application.

A refund of the petition fee has been scheduled.

The application will be accorded the original application filing date of November 6, 2003, using the application papers filed on that date, and an indication that no drawing Figures were present on filing and that no drawing Figures are part of the application disclosure.

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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Paper No. None

TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS TX 75265

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APR 15 2004

OFFICE OF PETITIONS

In re Application of :
Lee A. Larson et al. :
Application No. 60/517,460 :
Filed: November 5, 2003 :
Attorney Docket No.: TI-36729P :
Title: APPARATUS AND METHOD :
FOR PERFORMING A MULTI-VALUE :
POLLING OPERATION IN A JTAG :
DATA STREAM :

DECISION ON PETITION
UNDER 37 C.F.R. §1.53(e)(2)

This is a decision on the "Response to Notice of Omitted Item(s) in a Provisional Application," filed February 20, 2004, which is properly treated as a petition under 37 C.F.R. §1.53(e)(2), requesting the application, including Figures five, six, and seven be accorded a filing date of November 5, 2003 as part of the original disclosure.

The application was deposited on November 5, 2003. However, on December 16, 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 five, six, and seven.

In response, on February 20, 2004, applicants filed the present petition. The petition is further accompanied by a copy of Figures five, six, and seven, along with a copy of applicants' postcard receipt acknowledging receipt of "Informal Drawings, 6 sheets" in the United States Patent and Trademark Office (Office) on November 5, 2003. Applicants request that the application, including Figures five, six, and seven, be accorded a filing date of November 5, 2003.

It is noted that five sheets of drawings have been located in the electronic file, containing Figures one through four and eight. The sheet of drawings containing Figures five, six, and seven has not been located in the electronic file.

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 November 5, 2003 included Figures five, six, and seven, and the sheet of drawings containing these figures was subsequently misplaced in the Office.

Therefore, the application, including Figures five, six, and seven, was complete on filing and entitled to a filing date of November 5, 2003 as part of the original disclosure.

Accordingly, the petition is **GRANTED**.

Given the basis for granting this petition, 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 November 5, 2003**, using the original application papers filed on that date, as well as;
- Figures five, six, and seven, re-submitted on petition filed February 20, 2004, and for;
- indication in Office records that seven sheets of drawings 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

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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
60/517,462	11/05/2003		80	668PP001	2		

CONFIRMATION NO. 6885

Robert Frame
Nields & Lemack
176 E. Main Street - Suite 7
Westboro, MA 01581

CORRECTED FILING RECEIPT

OC000000013281347

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)

Lawrence W. Fowler, Northborough, MA;

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

Cellular telephone network apparatus

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: 09-04

Paper No: __

FINNEGAN, HENDERSON,
FARABOW, GARRETT
& DUNNER LLP
1300 I STREET, NW
WASHINGTON DC 20005

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SEP 10 2004

OFFICE OF PETITIONS

In re Application of :
Ferea, et al. :
Application No. 60/517,506 : DECISION ON PETITION
Filed: 4 November, 2003 :
Attorney Docket No.: 7414.6019 :

This is a decision on the petition filed on 30 March, 2004, to correct the Express Mail filing date under 37 C.F.R. §1.10, and seeking for the above-identified application a filing date of 4 November, 2003, instead of the presently accorded filing date of 6 November, 2003.

The Office regrets the delay in addressing this matter, however, the petition was only recently received in the Office of Petitions.

The petition is **GRANTED**, and the petition fee is waived.

BACKGROUND AND ANALYSIS

The record reflects that:

- the instant application was received on 6 November, 2003, and given a filing date of 6 November, 2003; and

- Petitioner Danielle M. Pasqualone (Reg. No. 43,847) submits a petition and statement, and supplements the pleadings with a copy of the US Postal Service (USPS) Express Mail Label No. EL974556461US, which number also appears on the first/cover page of the application following the provisional application transmittal sheet;

- the USPS Express Mail label appears to contain a hand-written "date in" and a USPS date stamp of "11/4/03" and "NOV 4 03," respectively;

- and a USPS "Track & Confirm" Shipment Details printout (copy enclosed) obtained by the Office evidences "ACCEPTANCE, SAN FRANCISCO CA 94128 11/04/03 11:50 P.M.."[1]

CONCLUSION

Therefore, as to the instant provisional application, Application No. 60/517,506, the Office of Initial Patent Examination is specifically instructed to:

- assign a filing date of 4 November, 2003; and

- issue a filing receipt specifying the filing date as that of 4 November, 2003.

The instant application is released to OIPE to be handled as set forth above before being forwarded for examination in due course.

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: USPS "Track & Confirm" Shipment Details

[1] Petitioner may find that obtaining this document from the USPS website shortly after delivery a valuable practice in support of petitions such as this--particularly when documents such as the mail label yield such poor reproductions as in this matter.

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ONSAGERS AS
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NORWAY N-013-0
NORWAY

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APR 0 8 2004

OFFICE OF PETITIONS

In re Application of
Knarvik, et al.
Application No. 60/517,874
Filed: November 7, 2003
Attorney Docket No. 115261
For: RECREATIONAL APPARATUS FOR USE ON A SNOW-COVERED SURFACE, ON WATER AND THE LIKE

: DECISION GRANTING
: PETITION

This is a decision on the petition filed February 10, 2004 and supplemented on February 17, 2004, requesting that the above-identified application be accorded a filing date of November 7, 2003. The petition will be treated under 37 CFR 1.53(e).

The application was deposited on November 7, 2003. On January 23, 2004, the Office of Initial Patent Examination mailed a "Notice of Incomplete Provisional Application" (Notice) informing petitioner that no filing date had been accorded to the application papers deposited on November 7, 2003 because no drawings were present, as is required by 35 USC 113.

In response to the Notice, petitioner filed the present petition. Petitioner requests that the above-identified application be accorded a filing date of November 7, 2003 on the basis that 10 sheets of drawing figures were received in the Patent and Trademark Office (PTO) on November 7, 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 November 7, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included 10 sheets of drawings.

The return postcard constitutes *prima facie* evidence that 10 sheets of drawing figures were filed on November 7, 2003. MPEP 503. Accordingly, the request is granted.

Pursuant to petitioner's authorization, deposit account no. 50-1898 will be credited the $130.00 petition fee charged on February 17, 2004.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **November 7, 2003**, using the copies of the 10 sheets of drawings submitted with the instant petition. Office records will be corrected to show that 10 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
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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DYKEMA GOSSETT PLLC
39577 WOODWARD AVENUE
SUITE 300
BLOOMFIELD HILLS MI 48304-5086

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APR 0 8 2004

OFFICE OF PETITIONS

In re Application of
Bouchard
Application No. 60/518,023
Filed: November 6, 2003
Attorney Docket No. 65300-1076
For: BOWLING CENTER CONTROL SYSTEM

: DECISION GRANTING
: PETITION

This is a decision on the petition under 37 CFR 1.53(e) filed February 18, 2004 requesting, in effect, withdrawal of the Notice of Omitted Item(s) in a Provisional Application (Notice), mailed January 15, 2004.

The application was deposited on November 6, 2003. On January 15, 2004, the Office of Initial Patent Examination mailed a Notice informing petitioner that drawing figure 5 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 5 be accorded a filing date of November 6, 2003 on the basis that 7 sheets of drawing figures, including drawing figure 5, were received in the Patent and Trademark Office (PTO) on November 6, 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 November 6, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included 7 sheets of drawings. A review of the application file reveals that only 6 sheets of drawing figures -- Figures 1-4 and 6-7 -- are present.

The return postcard constitutes *prima facie* evidence that 7 sheets of drawing figures, including drawing figure 5, were filed on November 6, 2003. MPEP 503. Accordingly, the request is granted.

Pursuant to petitioner's authorization, deposit account no. 04-2223 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 **November 6, 2003**, using the copy of Figure 5 submitted with the instant petition. Office records will be corrected to show that 7 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 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
60/518,106	11/07/2003		160	71572	1		

CONFIRMATION NO. 1590

CORRECTED FILING RECEIPT

27975
ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST P.A.
1401 CITRUS CENTER 255 SOUTH ORANGE AVENUE
P.O. BOX 3791
ORLANDO, FL 32802-3791

OC000000017449879

Date Mailed: 11/14/2005

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)

Robert W. Boyd, Rogersville, TN;

Power of Attorney:

Christopher Regan--34906

If Required, Foreign Filing License Granted: 10/01/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/518,106

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

Non-Publication Request: No

Early Publication Request: No

Title

Method for achieving time synchronized network performance with a loosely connected network

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

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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 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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JAMES E. MASLOW
4 FRANKLIN ROAD
LEXINGTON, MA 02420

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APR 2 2 2004

OFFICE OF PETITIONS

In re Application of :
Raanan A. Miller et al :
Application No. 60/518,367 : NOTICE
Filed: November 8, 2003 :
Attorney Docket No. M018

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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/518,387	11/07/2003		80	51498/GSL/H593	13		

CONFIRMATION NO. 1578

CHRISTIE, PARKER & HALE, LLP.
P.O. Box 7068
Pasadena, CA 91109-7068

CORRECTED FILING RECEIPT

OC000000012288024

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)

Nathan H. Harding, Oakland, CA;

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

Electricity producing heat pump

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.: 03-05

Paper No. __

MICHAEL BEST & FRIEDRICH LLP
3773 CORPORATE PARKWAY
SUITE 360
CENTER VALLEY PA 18034-8217

COPY MAILED
MAR 16 2005
OFFICE OF PETITIONS

In re Application of :
Smith, et al. :
Application No. 60/518,539 : DECISION ON PETITION
Filed: 7 November, 2003 :
Attorney Docket No. 020529-9133 :

This is a decision on the petition under 37 C.F.R. §1.53 and §1.182, filed on 13 August, 2004, requesting that the application be accorded the original date of deposit (filing) date of the application–without Fig. 1, deposited on 8 April, 2004.

The petition is **GRANTED in part** as to the earlier filing date without Fig. 1; **in all other respects it is DISMISSED**.

The application was deposited on 7 November, 2003.

On 6 February, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice to File Omitted Items," and therein indicated, *inter alia*, that the application had been accorded a filing date, however, Fig. 1 as described in the specification appeared to be omitted from the application. The Notice informed Petitioner that the alternatives available were to: (a) petition contending that the application was deposited with the drawing; or (b) prosecute (accept) the application as originally deposited.

Petitioner replied on 8 April, 2004, as to the Notice, *inter alia*, with reply as to the Omitted Items with a copy of Fig. 1, which Petitioner acknowledged was omitted on deposit, and so appears to have attempted to amend the application to include the omitted item.

The Office appears to have mailed a Corrected Filing Receipt on 22 April, 2004, setting the filing date as 8 April, 2004, and Petitioner has twice (1 June and 13 August, 2004) requested a corrected filing receipt with a filing date of the original date of deposit.

In this case, Petitioner does not assert that the missing Figure 1 was deposited on 7 November, 2003. Instead, in April 2004 Petitioner sought to amend the application.

However, no amendment, other than to make the provisional application comply with the patent statute and all applicable regulations may be made to a provisional application after the filing date of the provisional application.[1]

The application will be processed using only the application papers present on filing.

The "Notice" mailed on 6 February, 2004, was correct in stating that Figure 1 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 an 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 not be refunded.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of 7 November, 2003, using only the application papers filed on that date.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3214.

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

---

[1] See 37 C.F.R. §1.53(c).

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BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON, DC 20001-5303

COPY MAILED

JUL 13 2004

OFFICE OF PETITIONS

In re Application of :
M. Eisenbach-Schwartz, et al :
Application No. 60/518,627 : NOTICE
Filed: November 12, 2003 :
Attorney Docket No. EIS-SCHWARTZ32

Receipt is acknowledged of your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed June 28, 2004. 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.

It is noted that in view of a previous request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed May 13, 2004, your fee deficiency submission under 37 CFR 1.28 was **ACCEPTED**. Consequently, the $80 fee submitted with the present communication is unnecessary. Petitioner may request a refund of the fee submitted by writing to the Office of Finance. A copy of this decision should accompany petitioner's request.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (703) 305-9285.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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FACTOR & PARTNERS, LLC
1327 W. WASHINGTON BLVD., SUITE 5G/H
CHICAGO, IL 60607

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JAN 1 3 2004

OFFICE OF PETITIONS

In re Application of :
Totzeck et al :
Application No. 60/518,750 : NOTICE
Filed: November 10, 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.

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

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
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Effective December 1, 2003, the Office of Petitions can no longer receive hand-carried correspondence, or facsimile transmissions of correspondence. The centralized location for hand-carried correspondence is the Customer Window located at:

2011 South Clark Place
Crystal Plaza Two, Lobby
Arlington, VA 22202

The centralized facsimile number is **(703) 872-9306.**

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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/518,801	11/06/2003		80	706700-888156	5		

CONFIRMATION NO. 4757

20583
JONES DAY
222 EAST 41ST ST
NEW YORK, NY 10017

CORRECTED FILING RECEIPT

OC000000014989487

Date Mailed: 01/19/2005

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)

Mohammad H.S. Amin, Vancouver, CANADA;
Jeremy P. Hilton, Vancouver, CANADA;

Power of Attorney: The patent practitioners associated with Customer Number **20583**.

If Required, Foreign Filing License Granted: 01/20/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/518,801

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Charge control of the phase qubit

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
60/518,927	11/10/2003		160	9342-146PR	4		

CONFIRMATION NO. 4538

20792
MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

CORRECTED FILING RECEIPT

OC000000012029389

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)

Thomas Karlsson, Lund, SWEDEN;

If Required, Foreign Filing License Granted: 12/20/2003

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

Non-Publication Request: No

Early Publication Request: No

Title

Organizing media data using a portable electronic 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.

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NOT GRANTED

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Paper No. None

Andrew R. Basile
Young & Basile, P.C.
Suite 624
3001 West Big Beaver Road
Troy MI 48084-3107

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MAY 10 2004

OFFICE OF PETITIONS

In re Application of	:	
Frank Stone	:	
Application No. 60/518,952	:	DECISION ON PETITION
Filed: November 11, 2003	:	
Attorney Docket No.:	:	
LSJ-105-A	:	
Title: METHOD FOR OPERATING A	:	
VERTICAL ACCUMULATING CONVEYOR	:	
SYSTEM	:	

This is a decision on the petition filed March 8, 2004, requesting that the above-identified application, including Figures 1 through 4, be accorded a filing date of November 11, 2003 as part of the original disclosure.

The application was deposited on November 11, 2003. However, on January 8, 2004, 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 a filing date would be accorded upon the receipt of drawings.

In response, on March 8, 2004, applicants filed the present petition. The petition is further accompanied by a copy of Figures 1 through 4, along with a copy of applicants' postcard receipt acknowledging receipt of "3 sheet (sic) of drawings" in the United States Patent and Trademark Office (Office) on November 11, 2003. Applicants request that the application, including Figures 1 through 4, be accorded a filing date of November 11, 2003.

It is noted that no drawings have been located in the electronic file.

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 November 11, 2003 included 3 sheets of drawings, and these sheets were subsequently misplaced in the Office.

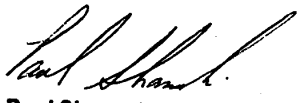
Therefore, the application, including Figures 1 through 4, were complete on filing and entitled to a filing date of November 11, 2003 as part of the original disclosure.

Accordingly, the petition is **GRANTED.**

The notice mailed January 8, 2004 was sent in error, and is hereby **VACATED.** Therefore, no petition fee is necessary. No petition fee is required. It is noted that the petition does not make any reference to a Deposit Account. If the petitioner wishes to have the $130.00 petition fee refunded, he should submit a request for refund to the Office of Finance[1]. A copy of this decision should accompany any such request.

The application file is being returned to OIPE for further processing with a filing date of November 11, 2003, using the original application papers filed on that date, as well as Figures 1 through 4 submitted on March 8, 2004. OIPE will then mail a corrected filing receipt.

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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1 The Refund Branch processes all customer requests for refunds. It generally takes four to six weeks for a request to be processed and a check generated. All requests for refund should be sent to: Mail Stop 16, Director of the US Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450. Office hours are Monday - Friday from 8:30 AM to 5:00 PM. To check the status of a request that has been filed please contact the Refund Branch directly at 703-305-4229.

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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
60/519,013	11/11/2003		80	11520.0314	4		

CONFIRMATION NO. 4585

CORRECTED FILING RECEIPT

OC000000014695537

26712
HODGSON RUSS LLP
ONE M & T PLAZA
SUITE 2000
BUFFALO, NY 14203-2391

Date Mailed: 12/08/2004

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)

Wesley L. Hicks JR., Angola, NY;
Rena Bizios, Troy, NY;
Frank V. Bright, Williamsville, NY;
Joseph A. Gardella, Buffalo, NY;
Robert Hard, Williamsville, NY;
Jamson S. Lwebuga-Mukasa, Getzville, NY;

Power of Attorney:

Ranjana Kadle--40041

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

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/519,013

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Resorbable laminated repair membrane and method of using 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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/519,019	11/11/2003		160	NDTCO.028PR	4		

CONFIRMATION NO. 4574

CORRECTED FILING RECEIPT

OC000000014715488

Che Swyden Chereskin, Ph.D.
Knobbe, Martens, Olson & Bear, LLP
14th Floor
2040 Main Street
Irvine, CA 92614

Date Mailed: 12/10/2004

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)

Sang Van, Oceanside, CA;
Lei Yu, Carlsbad, CA;
Kenji Matsumoto, San Diego, CA;

Power of Attorney: The patent practitioners associated with Customer Number **20995**.

If Required, Foreign Filing License Granted: 01/20/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/519,019

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

Non-Publication Request: No

Early Publication Request: No

Title

Microscope system and methods for intracellular studies

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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/519,057	11/11/2003		160		9		

CONFIRMATION NO. 5204

CORRECTED FILING RECEIPT

A. James Richardson, Esq.
BRINKS HOFER GILSON & LIONE
One Indiana Square, Suite 1600
Indianapolis, IN 46204

OC000000014275897

Date Mailed: 11/03/2004

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)

Amadeo Parissenti, Sudbury, CANADA;

Power of Attorney:

Andrew Richardson--26983

If Required, Foreign Filing License Granted: 01/20/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/519,057

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

Non-Publication Request: No

Early Publication Request: No

Title

Treatment of drug-sensitive tumor cells by calphostin C

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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SEP 30 2004

OFFICE OF PETITIONS

In re Application of :
Brody, et al. :
Application No. 60/519,103 : ON PETITION
Filed: November 12, 2003 :
Dkt. No.: BU03-60 :

This decision is in response to the petition under 37 C.F.R. § 1.137(b), filed August 13, 2004, to revive the above-identified application. This is also a decision on the "RESPONSE AND PETITION UNDER 37 C.F.R. 1.17(h)," in response to the Notice of Incomplete Provisional Application ("Notice") mailed January 7, 2004 requesting that the above-identified application be accorded a filing date of November 12, 2003 without drawings as part of the original disclosure. This petition and response is being treated under 37 C.F.R. § 1.53(e)(2) as a petition to accord the above-identified application a filing date of November 12, 2003.

DECISION UNDER 37 CFR 1.137(b)

The petition under 37 C.F.R. § 1.137(b) is hereby GRANTED.

This application became abandoned March 8, 2004 for failure to timely reply to the Notice of Incomplete Provisional Application mailed January 7, 2004. The Notice set a two month shortened statutory period of time for reply. This decision precedes Notice of Abandonment.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4)any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

As to item (1), petitioners' response to the outstanding Notice is a petition asserting that drawings are not necessary for an understanding of the invention disclosed in the application.

As to item (2), the required petition fee has been submitted

As to item (3), petitioners have indicated that "the delay from the response due date of March 7, 2004 was unintentional."

Item (4) is not applicable to the instant application.

The instant petition has been reviewed and found in compliance with the provisions of 37 CFR 1.137(b). Accordingly, the failure to timely reply to the Notice is accepted as having been unintentionally delayed.

DECISION ON PETITION UNDER 37 C.F.R. § 1.53(e)(2)

The application was submitted November 12, 2003. The Office of Initial Patent Examination mailed a Notice of Incomplete Provisional Application on January 7, 2004. The Notice 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).

The Notice indicated the filing date of the application would be date of receipt of the omitted items. Any assertion that the omitted items were in fact submitted or are not necessary for a filing date must be by way of petition.

Petitioners argue that drawings are not necessary to understand the method disclosed in the application.

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).

Moreover, MPEP 601.01(f) 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. Should the Technology Center determine that drawings are necessary under 35 U.S.C. 113 (first sentence) the filing date issue will be reconsidered by the USPTO.

A review of the official file reveals that the instant application discloses a method for obtaining mouth epithelial cell RNA. As it is USPTO practice 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, the Notice of Incomplete Provisional Application mailed January 7, 2004 was mailed in error and is hereby withdrawn.

Accordingly, the petition to accord the application a filing date of November 12, 2003 is GRANTED.

The application will be processed with only the papers present on filing with a filing date of November 12, 2003, without drawings as part of the original disclosure.

No fee is due in connection with this matter. Thus, a refund of the petition fee of $130.00 (37 C.F.R. § 1.17(h)) has been requested on petitioners' behalf from the Finance Office, Refund Section.

This application will be forwarded to the Office of Initial Patent Examination for further processing with a filing date of November 12, 2003 and without drawings as part of the original disclosure.

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

Alesia M. Brown
Senior Petitions Attorney
Office of Petitions

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COMMISSIONER FOR PATENTS
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Paper No. None

GREGORY H PIESINGER
6225 E SAGUARO VISTA CT
CAVE CREEK AZ 85331

COPY MAILED

APR 19 2004

OFFICE OF PETITIONS

In re Application of :
Gregory Hubert Piesinger :
Application No. 60/519,319 : DECISION ON PETITION
Filed: November 12, 2003 : UNDER 37 C.F.R. §1.53(e)(2)
Title: APPARATUS AND METHOD FOR :
PROBING JACKETED UNDERGROUND :
DISTRIBUTION CABLE :

This is a decision on the petition under 37 C.F.R. §1.53(e)(2), filed February 9, 2004, requesting that Figures one through three be accorded a filing date of November 12, 2003, as part of the original disclosure.

The application was deposited on November 12, 2003. However, on January 7, 2004, 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 appeared to have been deposited without drawings. The notice indicated that a filing date would be accorded upon the depositing of drawings.

In response, on February 9, 2004, applicants filed the present petition. The petition is further accompanied by a copy of three sheets of drawings containing Figures one through three, along with a copy of applicants' postcard receipt acknowledging receipt of "drawings (3 sheets)" in the United States Patent and Trademark Office (Office) on November 12, 2003. Applicant requests that the application, including three sheets of drawings containing Figures one through three, be accorded a filing date of November 12, 2003.

It is noted that no drawings have been located in the electronic file.

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 November 12, 2003 included three sheets of drawings containing Figures one through three, and the sheets containing these figures were subsequently misplaced in the Office.

Therefore, the application, including three sheets of drawings containing Figures one through three, was complete on filing and entitled to a filing date of November 12, 2003 as part of the original disclosure.

Accordingly, the petition is **GRANTED**.

The notice mailed January 7, 2004 was sent in error, and is hereby **VACATED**. Therefore, no petition fee is necessary. If the petitioner wishes to have the $130.00 petition fee refunded, he should submit a request for refund to the Office of Finance[1]. A copy of this decision should accompany any such request.

The application file is being returned to the Office of Initial Patent Examination for further processing with **a filing date of November 12, 2003**, using the original application papers filed on that date, as well as the three sheets of drawings containing Figures one through three submitted on February 9, 2004. The Office of Initial Patent Examination will then **mail a corrected filing receipt.**

Any inquiries related to this decision should be directed to the undersigned at (703) 305-0011.

Paul Shanoski

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

1 The Refund Branch processes all customer requests for refunds. It generally takes four to six weeks for a request to be processed and a check generated. All requests for refund should be sent to: Mail Stop 16, Director of the US Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450. Office hours are Monday - Friday from 8:30 AM to 5:00 PM. To check the status of a request that has been filed please contact the Refund Branch directly at 703-305-4229.

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OIPE JC56
FEB 09 2004
PATENT & TRADEMARK OFFICE

DAC

Attorney Docket No. 9342-149PR PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Sturla Lutanes
Serial No.: 60/519,423
Filed: November 12, 2003 Confirmation No.: 5779
For: POWER CONSUMPTION DETERMINATION

February 6, 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 November 12, 2003 rather than November 13, 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 November 12, 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 5:41 p.m. on November 12, 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 November 13, 2003 instead of the Express Mail date of November 12, 2003.

This petition is being filed promptly after Applicant became aware of the improperly accorded filing date. Accordingly, Applicant respectfully requests the granting of November 12, 2003 as the filing date pursuant to 37 CFR § 1.10.

OIPE JC58
FEB 09 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 6, 2004.

Lindsay L. Huey
Date of Signature: February 6, 2004

OIPE
FEB 09 2004
PATENT & TRADEMARK OFFICE
JC58

Attorney Docket No. 9342-149PR

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: November 12, 2003

This is a request for filing a PROVISIONAL PATENT APPLICATION under 37 C.F.R §1.53(c).

Docket No.	9342-149PR
Type a plus sign (+) inside this box ☐	+

INVENTOR(s)/APPLICANT(s)

Name: Sturla Lutanes
Address: Malma Ringvag 48
SE-756 45 Uppsala
SWEDEN

TITLE OF THE INVENTION *(280 characters maximum)*

POWER CONSUMPTION DETERMINATION

ENCLOSED APPLICATION PARTS *(check all that apply)*

☒ Specification (Number of Pages 16)

☒ Drawing(s) (Number of Sheets 3)

☐ 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:

OIPE JC56
FEB 0 9 2004
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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 1936311092 US
Date of Deposit: November 12, 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

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- ACCEPTANCE, November 12, 2003, 5:41 pm, RALEIGH, NC 27612

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11-20-03 A09:01

Date: 11-12-03
Doc. No. 9342-149PR
Serial No. TBA
Inventor: Lutanes

Sir: Kindly acknowledge receipt of the accompanying items listed below by placing your receiving stamp hereon and return mailing:

- ✓ Application Transmittal and:
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- ___ No. of Claims ____
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- ___ Issue Fee
- ___ Brief
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22154 U.S. PTO
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Respectfully submitted,
MYERS BIGEL SIBLEY & SAJOVEC, P.A.
Attorneys for Applicant

RWG

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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
60/519,423	~~11/13/2003~~ 11/12/2003		160	9342-149PR	3		

CONFIRMATION NO. 5779

20792
MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

MYERS BIGEL
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JAN 14 2004
U.S. DOCKET

FILING RECEIPT

OC000000011639665*

Date Mailed: 01/08/2004

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)

Sturla Lutanes, Uppsala, SWEDEN;

If Required, Foreign Filing License Granted: 01/07/2004

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

N n-Publication Request: No

Early Publication Request: No

Title

Power consumption determination

01-12-04 A07:51 IN

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

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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
60/519,431	11/12/2003		160	I-2-0652US	1		

CONFIRMATION NO. 6054

CORRECTED FILING RECEIPT

OC000000012798674

24374
VOLPE AND KOENIG, P.C.
DEPT. ICC
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

Date Mailed: 05/27/2004

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)

Philip J. Pietraski, Massapequa, NY;
Gregory S. Sternberg, Great Neck, NY;

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

System and method for maintaining current channel quality estimates for high speed data packet architecture schedulers

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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ALLERGAN, INC.
Intellectual Property Law Department
Carlos A. Fisher-T2-7H
2525 Dupont Drive
Irvine CA 92612

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MAR 3 0 2004

OFFICE OF PETITIONS

In re Application of :
Zhao, et al. :
Application No.: 60/519,528 : ON PETITION
Filed: November 12, 2003 :
Attorney Docket No.:17622PROV(HL) :
For: COMPOSITIONS AND METHODS FOR :
INHIBITING CELL GROWTH :

This is a decision on the constructive petition filed February 2, 2004 (certificate of mailing date January 28, 2004), requesting addition of Figures 3A-3E and 4A-4D as part of the above-identified application.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.53(e)" and should be addressed to the undersigned's attention.

The application was filed on November 12, 2003. On January 22, 2004, 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 November 12, 2003, and advising applicants that Figures 3A-3E and 4A-4D described in the specification appeared to have been omitted.

In response, the present petition was filed, in which petitioners submitted authorization to charge their deposit account $130.00, 2 sheets of drawings containing Figures 3A-3E and 4A-4D, and a copy of the January 22, 2004 Notice.

The mailing of a Notice of Omitted Item(s) in a Provisional Application permits the applicant to either: (1) promptly establish prior receipt in the PTO of the item at issue (generally by way of a date-stamped postcard receipt (MPEP 503)), or (2) accept the application as filed.

In this case, petitioners have **not** asserted that the missing drawing figures were actually deposited in the PTO on November 12, 2003, with the other application papers. In addition, petitioners have **not** provided evidence that Figures 3A-3E and 4A-4D were filed on November 12, 2003. Petitioners have merely paid the $130 petition fee and provided two sheets of drawings containing the omitted figures.

Petitioners are informed that it is not permissible to add new matter/drawings to a provisional

application. Thus, Figures 3A-3E and 4A-4D will not be considered as part of the application unless petitioners can provide **evidence** that Figures 3A-3E and 4A-4D were present among the original application papers filed on November 12, 2003. Petitioners are urged to submit their date stamped itemized return receipt postcard.

The application is being returned to the Office of Initial Patent Examination. Figures 3A-3E and 4A-4D are not considered to be part of the application papers and will not be processed at this time.

The petition fee will be retained as it was petitioners' error that caused the filing of the petition.

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: Crystal Plaza 1 Lobby
2011 South Clark Place
Room 1B03
Arlington, VA 22202

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

Telephone inquiries may 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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DIW 03-05

OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8403

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MAR 0 3 2005

OFFICE OF PETITIONS

In re Application of :
Pavier et al. :
Application No. 60/519,586 :DECISION GRANTING PETITION
Filed: 12 November, 2003 :
Atty Dkt No. IR/2650 Prov (2-3806) :

This is a decision on the petition styled under 37 CFR 1.10(d) filed on 15 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 12 November, 2003, instead of the presently accorded filing date of 13 November, 2003.

The petition is **GRANTED**.

Petitioner asserts that the application was deposited in Express Mail service on 12 November, 2003. Petitioner states that the "date-in" of "11-13-03" placed on the Express Mail Customer Label, however, was entered in error. In support of petitioners' contention that the application was deposited in Express Mail Post Office to Addressee Service on 12 November, 2003, petitioners have supplied a copy of a U.S. Postal Service Pickup Service Statement for Express Mail, Priority Mail, or Parcel Post bearing, *inter alia*, Express Mail Label No. EV342602305US (the same Express Mail number found on the "certificate of express mail" filed with the Provisional Application for Patent Cover Sheet accompanying the original application papers located in the official file). The USPS Service Statement also bears the signature of a USPS employee, and in the "Date of Pickup" block, a date of "11/12/03" has been entered.

In view of the evidence present in the file, it is concluded that the correct date of deposit in Express Mail service is 12 November, 2003.

In view of the above, the application is entitled to a filing date of 12 November, 2003.

The petition is granted.

The application is being referred to Office of Initial Patent Examination for reprocessing with a filing date of 12 November, 2003, not 13 November, 2003, and for issuance of a corrected Filing Receipt.

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

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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YALE UNIVERSITY
OFFICE OF COOPERATIVE RESEARCH
433 TEMPLE STREET
NEW HAVEN CT, 06511

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JAN 0 9 2006

OFFICE OF PETITIONS

In re Application of :
Beardsley et al. :
Application No. 60/519,897 :
Filed: November 14, 2003 : ON PETITION
Attorney Docket No. 1595 :

This is a decision on the Petition Under 37 CFR 1.181, filed October 24, 2005, filed in response to a Notice of Incomplete Provisional Application.

The application was filed on November 14, 2003. On June 22, 2005, the Office of Initial Patent Examination mailed a Notice of Incomplete Provisional 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 the drawings are not necessary under 35 U.S.C. 113.

Accordingly, the petition is granted.

No fee has been charged and none is due.

The application will be accorded the original application filing date of November 14, 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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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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NEEDLE & ROSENBERG, P.C.
SUITE 1000
999 PEACHTREE STREET
ATLANTA GA 30309-3915

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JUN 2 2 2004

OFFICE OF PETITIONS

In re Application of :
Gesteland, et al. :
Application No. 60/519,911 : DECISION ON
Filed: November 14, 2003 : PETITION
Attorney Docket No. 21101.0046U1 :
For: METHODS, ARTICLES, AND :
COMPOSITIONS FOR IDENTIFYING
OLIGONUCLEOTIDES

This is a decision on the petition filed April 26, 2004 (certificate of mailing date April 22, 2004) requesting that Figures 1-3 be accorded a filing date of November 14, 2003. The petition will be treated under 37 CFR 1.53(e).

The application was filed on November 14, 2003. On March 23, 2004, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s) in a Provisional Application" informing petitioners that Figures 1-3, as described in the specification, appeared to have been omitted.

Petitioners request that Figures 1-3 be accorded a filing date of November 14, 2003 on the basis that 16 sheets of drawing figures, including Figures 1-3, were received in the Patent and Trademark Office (PTO) on November 14, 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 November 14, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included 16 sheets of drawings.

The return postcard constitutes *prima facie* evidence that 16 sheets of drawing figures were filed on November 14, 2003. MPEP 503. A review of the application file reveals that there are 13 sheets of drawing figures present.

Accordingly, the petition under 37 CFR 1.53(e) is **GRANTED**. The $130.00 petition fee submitted with the instant petition will be refunded to petitioners' credit card.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **November 14, 2003**, using the copy of Figures 1-3 submitted with the instant petition. Office records will be corrected to show that 16 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
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
60/519,928	11/14/2003		160	5051-666PR	8		

CONFIRMATION NO. 1286

CORRECTED FILING RECEIPT

OC000000012138705

20792
MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

Date Mailed: 03/18/2004

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)

Gerald Lucovsky, Cary, NC;

If Required, Foreign Filing License Granted: 01/28/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Semiconductor devices and related methods for interfacial strain reduction in dielectric multi-component, hetero-structures

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
60/520,062	11/15/2003		80	TEC PR-30003-1	34		

CONFIRMATION NO. 1384

CORRECTED FILING RECEIPT

OC000000011990455

29318
JAMES D. STEVENS
REISING, ETHINGTON, BARNES, KISSELLE, ET AL
P.O. BOX 4390
TROY, MI 48099

Date Mailed: 03/01/2004

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Applicant(s)

Bryan W. Domschot, Blissfield, MI;

If Required, Foreign Filing License Granted: 01/06/2004

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Modular welder with improved user interface and latching features

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

GRANTED

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NOT GRANTED

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60/520,138	11/14/2003		160	133165NV (15000US01)	4		

CONFIRMATION NO. 3597

CORRECTED FILING RECEIPT

OC000000012287450

Christopher N. George
McAndrews, Held & Malloy, Ltd.
Suite 3400
500 W. Madison Street
Chicago, IL 60661

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)

Peter T. Anderson, Andover, MA;

If Required, Foreign Filing License Granted: 01/23/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

System and method for distortion reduction in an electromagnetic tracker

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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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/520,180	11/13/2003		160	8158/L/SYNX/JB	24		

CONFIRMATION NO. 9343

CORRECTED FILING RECEIPT

OC000000012899832

Applied Materials, Inc.
PATENT COUNSEL
Legal Affairs Department
P.O. Box 450A
Santa Clara, CA 95052

Date Mailed: 06/10/2004

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)

Michael R. Rice, Pleasanton, CA;
Eric A. Englhardt, Palo Alto, CA;
Robert B. Lowrance, Los Gatos, CA;
Martin R. Elliott, Round Rock, TX;
Jeffrey C. Hudgens, San Francisco, CA;
Kirk vanKatwyk, Tracy, CA;
Amit Puri, San Jose, CA;

If Required, Foreign Filing License Granted: 01/27/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Calibration of high speed loader to substrate transport 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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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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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
60/520,189	11/14/2003		160	130396NV (14296US01)	6		

CONFIRMATION NO. 1664

CORRECTED FILING RECEIPT

OC000000012038274

Christopher N. George
McAndrews, Held & Malloy, Ltd.
Suite 3400
500 W. Madison Street
Chicago, IL 60661

Date Mailed: 03/05/2004

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)

Peter T. Anderson, Andover, MA;

If Required, Foreign Filing License Granted: 01/28/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Electromagnetic tracking system and method using a three-coil wireless transmitter

---

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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OCT 19 2004

OFFICE OF PETITIONS

In re Application of	:
Tak Kwong Wong	:
Application No. 60/520,213	:DECISION GRANTING PETITION
Filed: 14 November, 2003	:
Atty Dkt. No. 5646-125PR	:

This is a decision on the petition filed on 9 February, 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 14 November, 2003, instead of the presently accorded filing date of 17 November, 2003.

The petition is **GRANTED**.

Petitioners assert that the application was deposited in Express Mail service on 14 November, 2003. In support of petitioners' contention that the application was deposited in Express Mail Post Office to Addressee Service on 14 November, 2003, petitioners supplied, with the present petition, a copy of Express Mail Customer Label No. EV193631101US (the same Express Mail number found on the itemized transmittal sheet filed with the original application papers located in the official file).

Although the "date-in" on the Express Mail Label has not been completed, the label bears an Official USPS postmark dated 14 November, 2003. Additionally, petitioners have provided a copy of a USPS Internet Track & Confirm Database report showing that this Express Mail Label No. was accepted by the USPS on 14 November, 2003.

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

The application is being returned to Office of Initial Patent Examination for reprocessing with a filing date of 14 November, 2003, not 17 November, 2003, and for issuance of a corrected Filing Receipt.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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OCT 19 2004

OFFICE OF PETITIONS

In re Application of	:
Au et al.	:
Application No. 60/520,356	:DECISION GRANTING PETITION
Filed: 14 November, 2003	:
Atty Dkt. No. 5646-124PR	:

This is a decision on the petition filed on 9 February, 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 14 November, 2003, instead of the presently accorded filing date of 17 November, 2003.

The petition is **GRANTED**.

Petitioners assert that the application was deposited in Express Mail service on 14 November, 2003. In support of petitioners' contention that the application was deposited in Express Mail Post Office to Addressee Service on 14 November, 2003, petitioners supplied, with the present petition, a copy of Express Mail Customer Label No. EV318416829US (the same Express Mail number found on the itemized transmittal sheet filed with the original application papers located in the official file).

Although the "date-in" on the Express Mail Label has not been completed, the label bears an Official USPS postmark dated 14 November, 2003. Additionally, petitioners have provided a copy of a USPS Internet Track & Confirm Database report showing that this Express Mail Label No. was accepted by the USPS on 14 November, 2003.

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

The application is being returned to Office of Initial Patent Examination for reprocessing with a filing date of 14 November, 2003, not 17 November, 2003, and for issuance of a corrected Filing Receipt.

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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Marshall, Gerstein & Borun
6300 Sears Tower
233 South Wacker Drive
Chicago, IL 60606-6357

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JUL 14 2004

OFFICE OF PETITIONS

In re Application of :
C. Frank Bennett, et al. :
Application No. 60/520,401 : DECISION GRANTING
Filed: November 13, 2003 : PETITION
Attorney Docket No. 30566/39777 :

This is a decision on the petition filed February 23, 2004, requesting that the above-identified application be accorded a filing date of November 13, 2003.

The petition is **GRANTED**.

The application was deposited on January 17, 2004. However, the Office of Initial Patent Examination mailed a "Notice of Incomplete Provisional Application" (Notice) on January 17, 2004 stating that the application was deposited without drawings.

In reply to the Notice, applicant filed the instant petition asserting that, "the drawings are not necessary under 35 U.S.C. 113 for understanding 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 November 13, 2003.

Nevertheless, it is noted that the application contains at least one method claim; thus, the application was entitled to a filing date. MPEP 601.01(f) states in pertinent part:

> "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 above, the Notice was mailed in error, since the application contained at least one method claim. Accordingly, the application was clearly entitled to a filing date and the petition fee of $130 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 November 13, 2003.**

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

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
60/520,402	11/14/2003		160	4220-75-PROV			

CONFIRMATION NO. 1000

CORRECTED FILING RECEIPT

OC000000011894041

22442
SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER, CO 80202

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)

Fred Eshelman, Wilmington, NC;

If Required, Foreign Filing License Granted: 01/08/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Combination formulation for treatment of metabolic syndrome

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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PO BOX 37428
RALEIGH NC 27627

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OCT 25 2004

OFFICE OF PETITIONS

In re Application of :
Jeffery M. Vance, et al. :
Application No. 60,520,429 : DECISION GRANTING PETITION
Filed: November 14, 2003 :
Attorney Docket No. 5405-315PR :

This is a decision on the petition filed February 9, 2004, requesting that the above-identified application be accorded a filing date of November 14, 2003, instead of the presently accorded date of November 17, 2003.

Petitioner alleges that the application was deposited in "Express Mail" Service with the U. S. Postal Service (USPS) on November 14, 2003. In support, petitioner provides, *inter alia*, a copy of the "Express Mail" mailing label receipt No. EV 318418657 US. The same Express Mail receipt number was referred to in the original provisional application transmittal letter found in the file.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date In" on the Express Mail label, MPEP 513. 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 USPS on November 14, 2003.

The petition is granted.

The application is being referred to Initial Patent Examination Division for correction of the filing date to **November 14, 2003**.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to OIPE processing should be directed to their hotline at (703) 308-1202.

Sherry D. 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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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
60/520,430	11/13/2003		80	806-PRO	15		

CONFIRMATION NO. 9990

Law Offices of Albert Wai-Kit Chan, LLC
Suite 604
141-07 20th Avenue
Whitestone, NY 11357

CORRECTED FILING RECEIPT

OC000000012353370

Date Mailed: 04/14/2004

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)

Jordan D. Haller, McMurray, PA;

If Required, Foreign Filing License Granted: 03/23/2004

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Peptide for treatment of leishmaniasis

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	TOT CLMS	IND CLMS
60/520,434	11/14/2003		80	5092-2-PROV		

CONFIRMATION NO. 9804

22442
SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER, CO 80202

CORRECTED FILING RECEIPT

OC000000023110349

Date Mailed: 03/26/2007

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)

Thomas J. Rowan, Littleton, CO;
Rikke Jorgensen, Denver, CO;

Power of Attorney:

Mark Yaskanin--45246

If Required, Foreign Filing License Granted: 01/08/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/520,434

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

Art guard presentation and safety device and method of use

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.

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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
60/520,458	11/13/2003		80	#768-PRO	15		

CONFIRMATION NO. 9770

CORRECTED FILING RECEIPT

OC000000012359990

Law Offices of Albert Wai-Kit Chan, LLC
World Plaza, Suite 604
141-07 20th Avenue
Whitestone, NY 11357

Date Mailed: 04/15/2004

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)

Ivane Bakhutashvili, Fox Point, WI;
Alexander Bakhutashvili, Moscow, RUSSIAN FEDERATION;
Jordan D. Haller, McMurray, PA;
Vladimir Bakhutashvili, Tbilisi, GEORGIA;

If Required, Foreign Filing License Granted: 03/24/2004

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Amniotic-derived peptide 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

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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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- ARRIVAL AT PICK-UP-POINT, November 15, 2003, 6:22 am, ALEXANDRIA, VA 22313
- ARRIVAL AT UNIT, November 15, 2003, 6:07 am, DULLES, VA 20102
- ENROUTE, November 13, 2003, 7:26 pm, FLUSHING, NY 11351
- ACCEPTANCE, November 13, 2003, 5:00 pm, FLUSHING, NY 11351

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GREENSFELDER, HEMKER & GALE, P.C.
INTELLECTUAL PROPERTY GROUP
10 SOUTH BROADWAY, SUITE 2000
ST LOUIS MO 63102-1747

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APR 16 2004

OFFICE OF PETITIONS

In re Application of	:	
Dale Groenke	:	
Application No. 60/520,469	:	DECISION DISMISSING
Filed: 26 January, 2004	:	PETITION
Attorney Docket 41448-88002	:	

This is a decision in reference to the paper filed on 26 January, 2004 (certificate of mailing date 23 January, 2004), which is treated as a petition under 37 CFR 1.53 requesting that the application be accorded a filing date of 14 November, 2003, with three (3) sheets of drawings as a part of the original disclosure.

The petition is **DISMISSED**.

The application was deposited on 14 November, 2003, without drawings. Accordingly, on 12 January, 2004, a Notice of Incomplete Provisional Application was mailed, stating that the application had been deposited without drawings, "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.

In response, on 26 January, 2004, petitioner filed three (3) sheets of drawings, accompanied by the present petition.

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 are located among the application papers deposited on 14 November, 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.

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.[1] 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 14 November, 2003, showing that the three (3) sheets of drawings were received in the USPTO on 14 November, 2003, the application cannot be accorded a filing date of 14 November, 2003, with three (3) sheets of drawings as a part of the original disclosure.

The application will be processed with a filing date of 26 January, 2004, using the application papers deposited on 14 November, 2003, and the three (3) sheets of drawings filed on 26 January, 2004.

Applicant is also reminded that Certificate of Mailing Procedures do not apply to the filing of a national patent application specification and drawing or other correspondence for the purpose of obtaining an application filing date.[2]

As the Notice correctly stated that no drawings were present on filing, the petition was not necessitated by Office error and the petition fee will not be refunded.

---

[1] MPEP 503.

[2] 37 CFR 1.8(a)(2).

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 January, 2004**, using the three (3) sheets of drawings filed on that date.

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

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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Zhou, et al. :
Application No. 60/520,622 :
Filed: November 17, 2003 :
Attorney Docket No. US030447 :

This is a decision on the petition filed February 17, 2004, requesting, in effect, that omitted Figure 9 be accorded a filing date of November 17, 2003.

The application was filed on November 17, 2003. However, on January 30, 2004, 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 November 17, 2003, and advising applicants that Figure 9, as described in the specification, appeared to have been omitted.

In response, the present petition was filed, in which petitioners submit substitute drawings, including Figure 9, and a copy of the January 30, 2004 Notice. Petitioners assert that the application is now complete.

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 item 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, petitioners have neither asserted that the missing figure was actually filed on November 17, 2003 with the original application papers, nor accepted the application as filed without the missing figure.

Instead, applicants seek to add the figure to the present application. 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 their 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 **November 17, 2003**. Figure 9 is 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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OFFICE OF PETITIONS

In re Application of :
Haunhorst et al. :
Application No. 60/520,744 : DECISION GRANTING PETITION
Filed: February 13, 2004 :
Attorney Docket No. 03-AQP-306 :
Title of Invention: VENT VALVE FOR :
POWER STEERING SYSTEM :
:

This is a decision on the petition filed August 16, 2004, requesting that the above-identified application be accorded a filing date of November 17, 2003 rather than the presently accorded filing date of February 13, 2004.

On November 17, 2003, applicant deposited the above-identified application. On February 3, 2004, 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 a specification. Accordingly, the filing date would be the date of receipt of the items.

Applicant supplied the missing drawings and specification on February 13, 2004. Upon receipt of the filing receipt petitioner noted the above-identified application was accorded the filing date of February 13, 2004. The Request for Corrected Filing Receipt was not granted because the filing date was accorded based upon when requirements of 37 CFR 1.53 (c) were met.

The present petition was filed wherein Petitioner contends drawings and specification were present upon filing on November 17, 2003. In support, the petition is accompanied by a copy of applicant's return postcard which lists "provisional patent application; 6 sheets of drawings".

Applicant's postcard receipt is prima facie evidence that 6 sheets of drawings, 4 sheets of specification and 1 sheet of claims were received on November 17, 2003, but the drawings and specification were 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 6 sheets of drawings, 4 sheets of Specification

and 1 sheet of claims were received on November 17, 2003, as shown in counsel's file, and later misplaced in the office.

Since original drawings and specification cannot be located in the Office, the drawings and specification supplied on February 13, 2004 will be used for processing purposes.

Deposit account no. 18-0013 will be credited with the $130.00 petition fee.

There is no indication that Petitioner herein was ever empowered to prosecute the instant application. If Petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation and 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.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of November 17, 2003, using the substitute 6 sheets of drawings and specification supplied on February 13, 2004.

Any inquiries related to this decision should be directed to the undersigned at (703) 306-0251.

Charlema R. Grant
Petitions Attorney
Office of Petitions

cc: Michael B. Stewart
Rader, Fishman, & Grauer PLLC
39533 Woodward Avenue, Suite 140
Bloomfield Hills, Michigan 48304

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SHELTON CT 06484-8000

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OFFICE OF PETITIONS

In re Application of :
Deborra Zukowski :
Application No. 60/521,747 : ON PETITION
Filing Date: June 29, 2004 :
Attorney Docket Number: F-822a :
Title of Invention: RESPONSIVE :
ENVIRONMENT :

This is a decision on the petition to correct a filing date under 37 CFR 1.181 filed August 10, 2004 requesting that the presently accorded filing date of June 29, 2004 be corrected to an earlier filing date of June 6, 2004. This petition is being treated under 37 CFR 1.53.

The petition is **Dismissed**.

On June 6, 2004, applicant states he originally filed application papers in the above-identified application via the electronic filing system (EFS). Petitioner acknowledges he received an acknowledgment receipt which was not opened until June 29, 2004. Upon discovery that the application did not exist in the PAIR docketing system, petitioner states he "re-filed" the above referenced provisional application. Petitioner received a second acknowledgment receipt on June 29, 2004. Petitioner contacted a member of the Electronic Business Center (EBC) Staff, where he was informed the patent application was received. Accordingly petitioner contends the above-identified application should be accorded a June 6, 2004 filing date.

The arguments and evidence supplied with the petition have been carefully considered, but are not found to be persuasive. The application's date of receipt is the date that the application is fully and successfully received at the USPTO as shown in the acknowledgment receipt. A review of the first acknowledgment receipt shows the submission was rejected due to errors in the transmission. These errors are duly noted in the acknowledgment receipt. It is apparent from the first acknowledgment receipt that the application was not fully and successfully received in

the USPTO on June 6, 2004.

Further, a review of the correspondence between the EBC staff member and petitioner shows petitioner was informed the provisional application submitted on June 6, 2004 was rejected.

Although the circumstances presented are unfortunate, Petitioner is reminded in order to take advantage of the waiver of 37 CFR 1.52 all procedures for EFS must be followed, in particular the application body must be formatted in XML/PDF standard. Provisional applications must be submitted with the same formalities of a nonprovisional application with the exception of claims pursuant to 35 U.S.C.111.

The application was first fully and successfully received on June 29, 2004. Therefore, the filing date of June 29, 2004 remains as originally accorded.

The $130.00 petition fee is being charged to deposit account 16-1885.

The application will then be returned to the Office of Initial Patent Examination retaining the filing date of **June 29, 2004**.

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

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112 BROAD STREET
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OFFICE OF PETITIONS

In re Application of :
Fabel :
Application No. 60/522,241 : ON PETITION
Filed: September 5, 2004 :
Attorney Docket No. FABEL-PROV :
For: DYNAMIC SUPPORT SYSTEM

This is a decision on the petition under 37 CFR 1.137(b), filed November 1, 2005, to revive the above-identified application.

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

This application became abandoned for failure to timely reply to the Notice to File Missing Parts of Provisional Application mailed October 25, 2004, which set a two month shortened statutory period for reply. No extensions of time having been obtained pursuant to 37 CFR 1.136(a) and no reply being received in the Office, this application became abandoned on December 26, 2004. A Notice of Abandonment was mailed on September 9, 2005.

Applicant has submitted a proper reply in the form of the basic filing fee and surcharge, an acceptable statement of the unintentional nature of the delay in responding to the October 25, 2004 Notice, and the petition fee. Accordingly, the petition under 37 CFR 1.137(b) is granted

After the mailing of this decision, the file will be returned to the Office of Initial Patent Examination for further processing.

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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P.O. BOX 902
STURTEVANT WI 53177-0902

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OFFICE OF PETITIONS

In re Application of
Rein J. Janmaat et al.
Application No. 60/522,363
Date of Deposit: September 21, 2004
Attorney Docket No. JD-338
Title: EMULSION COMPOSITIONS FOR USE IN PRINTING INKS

DECISION ON PETITION

This is a decision on the petition filed November 3, 2004, requesting that the above-identified application be accorded a filing date of September 21, 2004, with Figures 1-3 as a part of the original disclosure of the application.

The application was filed electronically on September 21, 2004. However, on October 19, 2004, 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, that the application was deposited without drawings, and that a filing date would be accorded upon the depositing of the same. The notice set a two-month period for response.

With the instant petition, Petitioner has included the petition fee. Petitioner alleges that Figures 1-3 were filed electronically on September 21, 2004 through the ePave Electronic Business Center as a Portable Document Format (PDF) file. Petitioner asserts that the " USPTO system failed in some manner[1]," and that an error occurred during transmission. Petitioner has included a copy of her Acknowledgment Receipt, so as to establish that the drawings were indeed received. Petitioner has further included an affidavit from Ms. Sally Pray-Ayers, the "Electronic Filing Coordinator" for Petitioner's company who filed this application. The affiant has set forth that she prepared the application using the procedures set forth in the EFX-ABX user guide, ran a validation process to ensure that no errors were encountered, submitted the file electronically, and

1 Petition, page 2.

read the Acknowledgment Receipt. Ms. Pray-Ayers has noted that this was the first file which she had transmitted not as a Tagged Image File (TIF), but rather as a PDF[2].

A review of the electronic submission shows that on page 62 of the specification, an icon for an Adobe® PDF file appears. It appears that the Affiant inserted a short-cut icon, instead of the information represented by the icon. In other words, applicant filed the icon which represented a link to the drawings, but only the pointer and not the drawings themselves were included. Petitioner should note the following entry on the EFS Frequently Asked Questions webpage, which may be viewed at http://www.uspto.gov/ebc/efs/faq/efsabxn_s.htm#objects02.[3]

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(Emphasis added)

It appears that the Affiant attempted to insert the file, but merely inserted the icon, and failed to review the PDF file prior to submission to ensure that the information in the file actually made it into the program.

The Affiant then reviewed the Acknowledgment Receipt, which confirms that the document drawings-pdf and the corresponding file name ABX-draw.pdf were received by the Office. Unfortunately, this document is not what either the Petitioner or the Affiant apparently believes it to be. What was received was not the pdf file itself, but rather a document that consists of a page which contains an Adobe® icon with the text "Adobe Acrobat Document" underneath it, and the text "Page 62 of 62" at the bottom of the page[4]. What was received is akin to a "screen shot" taken of a computer desktop which contains short-cut icons: the screen shot will contain the icons, but not the files which the icons represent.

As such, no drawings were filed with the Office on September 21, 2004.

However, it is noted that drawings are not required for the instant application. 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:

---

2 Affidavit, paragraph 3.

3 The entry appears under the header "objects."

4 A copy of this page has been included with this decision.

(B) at least one composition claim including the term composition," "compound," "mixture" or "pharmaceutical" in its introductory phrase.

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 the claims contain both composition and method 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 originally filed, is entitled to a filing date of September 21, 2004.

Regarding the two sets of drawings submitted with the instant petition, these drawings will not be entered, as they were not present on filing, and no amendments can be made to provisional applications subsequent to the filing date[5]. If Petitioner wishes to have these drawings eventually made a part of a non-provisional application, Petitioner might wish to consider filing either a non-provisional application or another provisional application, and including these drawings on filing.

For these reasons, the petition is **GRANTED-IN-PART**.

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 OIPE for further processing with a filing date of September 21, 2004, using only the pages filed on that date. OIPE will then mail a filing receipt. Figures 1-3 will not be entered.

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

Encl. Page 62 of the specification

5 37 C.F.R. §1.53(c).

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Attorney Docket No. 9342-151PR PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Martin Wedel
Serial No.: 60/523,080
Filed: November 18, 2003 Confirmation No.: 4937
For: INJECTION MOULD FOR IN-MOULD DECORATION AND A PLASTICS ARTICLE

February 6, 2004

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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 November 18, 2003 rather than November 19, 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 November 18, 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 5:31 p.m. on November 18, 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 November 19, 2003 instead of the Express Mail date of November 18, 2003.

This petition is being filed promptly after Applicant became aware of the improperly accorded filing date. Accordingly, Applicant respectfully requests the granting of November 18, 2003 as the filing date pursuant to 37 CFR § 1.10.

OIPE JC56
FEB 09 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 6, 2004.

Lindsay L. Huey
Date of Signature: February 6, 2004

OIPE JC59
FEB 09 2004
PATENT & TRADEMARK OFFICE

Attorney Docket No. **9342-151PR**

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: November 18, 2003

This is a request for filing a PROVISIONAL PATENT APPLICATION under 37 C.F.R §1.53(c).

Docket No.	**9342-151PR**
Type a plus sign (+) inside this box ☐	+

INVENTOR(s)/APPLICANT(s)

Name: Martin Wedel
Address: Katrinelundsgatan 4b
SE-212 16 Malmö
SWEDEN

TITLE OF THE INVENTION *(280 characters maximum)*

AN INJECTION MOULD FOR IN-MOULD DECORATION AND A PLASTICS ARTICLE

ENCLOSED APPLICATION PARTS *(check all that apply)*

☒ Specification (Number of Pages 8)

☒ Drawing(s) (Number of Sheets 1)

☐ 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:

OIPE JC39
FEB 09 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 318416758 US
Date of Deposit: November 18, 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 318416758 US

Customer Copy
Label 11-F June 2002

EXPRESS MAIL
UNITED STATES POSTAL SERVICE®

Post Office To Address

ORIGIN (POSTAL USE ONLY)

PO ZIP Code: 27602	Day of Delivery: ☒ Next ☐ Second	Flat Rate Envelope ☐
Date In: Mo. Day Year	☒ 12 Noon ☐ 3 PM	Postage $ 1365
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: [illegible]	Total Postage & Fees $ 1365

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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

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METHOD OF PAYMENT:
Express Mail Corporate Acct. No. X276061

Federal Agency Acct. No. or Postal Service Acct. No.

FROM: (PLEASE PRINT) PHONE (919) 354 1400

MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH NC 27627-7428

1.1(9342-1STPR) RWCT

TO: (PLEASE PRINT) PHONE ( )

Mail Stop Provisional Application
Commissioner for Patents
PO Box 1450
Alexandria Va 22313-1450

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FEB 09 2004
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JC56

UNITED STATES POSTAL SERVICE

Track & Confirm

Shipment Details

You entered EV31 8416 758U S

Your item was delivered at 9:40 am on November 19, 2003 in ALEXANDRIA, VA 22313 to PATENT OFFICE. The item was signed for by J STEAJEL.

Here is what happened earlier:

- ARRIVAL AT UNIT, November 19, 2003, 8:29 am, DULLES, VA 20102
- ENROUTE, November 18, 2003, 7:14 pm, RALEIGH, NC 27623
- ACCEPTANCE, November 18, 2003, 5:31 pm, RALEIGH, NC 27612

Track & Confirm

Enter label number:

Track & Confirm FAQ

Notification Options

- **Track & Confirm by email** What is this? Go>
- **Request Proof of Delivery** What is this? Go>

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OIPE JC56
FEB 09 2004
PATENT & TRADEMARK OFFICE

M.S. Patent Application RUG/CG Date: 11-18-03

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450 11-28-03 A09:53

Doc. No. 9342-151PR
Serial No. TBA
Inventor: Wacel

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/ 1 sheets
- ___ Associate Power of Attorney
- ✓ Exp. Mail ___ 1st Class Mail
- ___ Other: ____

- ✓ Check $ 160.00
- ___ IDS & PTO-1449 & ___ refs.
- ___ Amendment & Amend. Transmittal
- ___ Preliminary Amendment
- ___ Issue Fee
- ___ Brief
- ___ Appeal
- ___ Submittal of Priority Doc.

22241 U.S.PTO 60/523080 111903

Respectfully submitted,
MYERS BIGEL SIBLEY & SAJOVEC, P.A.
Attorneys for Applicant

FEB 0 9 2004
PATENT & TRADEMARK OFFICE

RWG

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
60/523,080	~~11/19/2003~~ 11/18/2003		160	9342-151PR	1		

CONFIRMATION NO. 4937

20792
MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

MYERS BIGEL
RECEIVED
JAN 14 2004
U.S. DOCKET

FILING RECEIPT

OC000000011651965

Date Mailed: 01/08/2004

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)

Martin Wedel, Malmo, SWEDEN;

If Required, Foreign Filing License Granted: 01/08/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Injection mould for in-mould decoration and a plastics article

---

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

01-12-04 A07:32 IN

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
60/523,129	11/18/2003		160	2003P17593US	1		

CONFIRMATION NO. 5124

CORRECTED FILING RECEIPT

OC000000012256447

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

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)

Kazunori Okada, Plainsboro, NJ;
Dorin Comaniciu, Princeton Jct., NJ;
Arun Krishnan, Exton, PA;

If Required, Foreign Filing License Granted: 01/28/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Scale selection for anisotropic scale-space: application to volumetric tumor characterization

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
60/523,296	11/17/2003		160	046891.0305277			

CONFIRMATION NO. 7771

CORRECTED FILING RECEIPT

OC000000012317031

Pillsbury Winthrop LLP
Intellectual Property Group
Suite 200
11682 El Camino Real
San Diego, CA 92130

Date Mailed: 04/08/2004

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)

Antonella Vitiello, La Jolla, CA;
Yi Zhang, San Diego, CA;

If Required, Foreign Filing License Granted: 02/04/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Animal models for the systemic inflammatory response to infection

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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
60/523,522	11/19/2003		80	NEXTIO.0106	1		

CONFIRMATION NO. 7859

James Huffman
Huffman Law Group, P.C.
1832 N. Cascade Avenue
Colorado Springs, CO 80907

CORRECTED FILING RECEIPT

OC000000012054840

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)

Asif Khan, Austin, TX;
Annette Pagan, Austin, TX;
Richard Pekkala, Austin, TX;
Christopher J. Pettey, Cedar Park, TX;
Robert Utley, Round Rock, TX;

If Required, Foreign Filing License Granted: 02/09/2004

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Switch for shared I/O fabric

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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Joel D. Voelzke, Esq.
Fulwider Patton Lee & Utecht, LLP
Tenth Floor
6060 Center Drive
Los Angeles CA 90045

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AUG 1 6 2004

OFFICE OF PETITIONS

In re Application of	:	
Menache et al.	:	DECISION GRANTING
Application No. 60/523,658	:	PETITION
Filed: November 7, 2003	:	
Attorney Docket No. MENAH-66169	:	

This is a decision on the petition under 37 CFR 1.10(c), filed December 31, 2003, requesting that the above-identified application be accorded a filing date of November 7, 2003, rather than the filing date of November 12, 2003. The petition was recently forwarded to the Office of Petitions for a decision on the merits. The Office apologizes for any inconvenience.

The United States Patent and Trademark Office records indicate that the presently accorded filing date of the above-identified application is November 7, 2003. Therefore, the petition involves a moot issue.

Accordingly, the petition is dismissed.

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

Enclosure: Corrected filing receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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OFFICE OF PETITIONS

In re Application of :
Hubbard : ON PETITION
Application No. 60/523,680 :
Filed: November 21, 2003 :
Attorney Docket No. 85191-102 :
For: WATER TREATMENT SYSTEM :

This is a decision on the petition filed December 24, 2003, requesting that the above-identified application be accorded a July 7, 2003 filing date. The petition will be treated under 37 CFR 1.53(e).

The above-identified application was filed on November 21, 2003 because petitioner had not received a returned date stamped postcard receipt or a filing receipt for an application filed on July 7, 2003. In essence, the above-identified application, which is a copy of the application filed on July 7, 2003, was filed as a safeguard against loss of the July 7, 2003 application.

Since the filing of the instant petition, the July 7, 2003 application has been processed by the Office as application no. 60/484,663, as indicated on the filing receipt mailed on January 22, 2004. Therefore, in a letter filed February 2, 2004, petitioner requested that the December 24, 2003 petition be dismissed and that no action be taken on the petition.

According to petitioner's request, the December 24, 2003 petition under 37 CFR 1.53(e) is **DISMISSED**. No petition fee has been or will be charged in connection with this matter.

After the mailing of this decision, the application file will be returned to the Office of Initial Patent Examination.

Telephone inquiries concerning this decision should 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

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
60/523,793	11/20/2003		80	058501-9001-00	5		

CONFIRMATION NO. 8519

23409
MICHAEL BEST & FRIEDRICH, LLP
100 E WISCONSIN AVENUE
MILWAUKEE, WI 53202

CORRECTED FILING RECEIPT

OC000000012313547

Date Mailed: 04/08/2004

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)

Sonja O'Brien, Greendale, WI;

If Required, Foreign Filing License Granted: 01/09/2004

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Device for cutting and spreading butter

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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- ARRIVAL AT UNIT, November 21, 2003, 8:13 am, DULLES, VA 20102
- ENROUTE, November 20, 2003, 6:51 pm, MILWAUKEE, WI 53203
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OFFICE OF PETITIONS

In re Application of :
Jawahar Jain :
Application No. 60/523,902 :
Filed: November 20, 2003 : DECISION ON PETITION
Attorney Docket No. 073338.0155 :
Title: CIRCUIT VERIFICATION :

This is a decision on the petition filed March 17, 2004, requesting that a filing date be accorded to the above-identified application.

On November 20, 2003, the above-identified application was deposited. On February 12, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Provisional Application - Filing Date Not Granted (notice)", advising applicant that the application was deposited without drawings, and that a filing date would be accorded upon the submission of drawings.

On March 17, 2004, Petitioner submitted the instant petition, along with an assertion that the drawings are not necessary for an understanding of the subject matter sought to be patented.

The attorney of record has stated, over his registration number, that the text and the drawings within the specification are sufficient for an understanding of the subject matter sought to be patented. Petitioner has properly submitted the petition fee, along with an amendment which he states cancels all references to any figures.

Based solely on the Attorney's affirmation, 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 (OIPE) for further processing with a **filing date of November 20, 2003,** the date of deposit of the application, using only the original application papers filed on that date. OIPE will then **mail an updated filing receipt.**

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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ROCKVILLE MD 20850

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OFFICE OF PETITIONS

In re Application of	
Wadhwani	
Application No. 60/524,024	DECISION GRANTING
Deposited: November 24, 2003	PETITION
Attorney Docket No. 2305.0001P	
For: REQUEST FOR QUOTATION (RFQ) SHOPPING CART	

This is a decision on the petition, filed February 27, 2004, requesting that the Notice of Incomplete Provisional Application (Notice), mailed February 12, 2004 be withdrawn and the above-identified application be accorded a filing date of November 24, 2003.

The application was deposited on November 24, 2003. On February 12, 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 November 24, 2003 because no drawings were present, as is required by 35 USC 113. It is noted that the specification references a Figure 1.

In response to the Notice, petitioner timely filed the present petition. Petitioner requests that the above-identified application be accorded a filing date of November 24, 2003 on the basis that Figure 1 was received in the Patent and Trademark Office (PTO) on November 24, 2003. Petitioner points out that Figure 1 appears on page 6/7 in the specification.

However, petitioner did not follow Office regulations. Drawings should follow the specification 37 CFR 1.77. In the instant application, Figure 1 is located in the midst of the specification. In addition, the drawing on page 6/7 in the specification is not labeled. Reference characters (numerals are preferred), sheet numbers, and view numbers must be plain and legible. 37 CFR 1.84(p).

Despite petitioner's filing errors, a drawing figure **was** present. Accordingly, the request to accord the above-identified application a filing date of November 24, 2003 is granted.

The petition fee will not be refunded because the February 12, 2004 Notice was not mailed in error --Figure 1 appeared to be missing because it was not labeled – and it was petitioner's error that necessitated the filing of the instant petition.

The application is being returned to Office of Initial Patent Examination for further processing with a filing date of **November 24, 2003** and the mailing of a filing receipt showing the application's filing date as November 24, 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

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Sudhir K. Sinha
ReliaGene Technologies, Inc.
Suite 101
5525 Mounes St.
New Orleans LA 70123

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OFFICE OF PETITIONS

In re Application of :
Sinha et al. :
Application No. 60/524,037 : ON PETITION
Filed: November 24, 2003 :
Title of Invention: Assay For :
Species Sources :
:

This is a decision on the petition filed April 12, 2004 requesting that the above-identified application be accorded a filing date of November 24, 2003.

The above-referenced application was deposited November 24, 2003. A Notice of Incomplete Provisional Application ("Notice") was mailed February 12, 2004. The Notice indicated the application had not been accorded a filing date because the application was deposited without drawings in accordance with 35 USC 113. The Notice indicated the filing date would be the date of receipt of the required drawings. Any assertion that the drawings were in fact submitted or are unnecessary for a filing date must be by way of petition.

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 November 24, 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 USC 113 (first sentence).

A review of the official file reveals that the application includes a process claim. In view of the above, the "Notice" mailed February 12, 2004 was mailed in error and is hereby **withdrawn**. Accordingly, the petition is **Granted**. Deposit account 02-4943 will be credited the $130.00 petition fee.

The application will be processed with only the papers present on

filing and is hereby accorded a filing date of **November 24, 2003**, without drawings as part of the original disclosure.

The Substitute Power of Attorney submitted with the instant petition will not be entered because a review of the record shows a 37 CFR 3.73(b) statement has not been filed. A power of attorney by the assignee of the entire interest revokes all powers given by the applicant and prior assignees if the assignee establishes their right to take action as provided in 37 CFR 3.73(b). See MPEP § 324.

Accordingly, all correspondence will continue to be mailed to the correspondence address of record until a 3.73(b) statement is submitted. However, a courtesy copy of this decision is being sent.

The application is being returned to the Office of Initial Patent Examination for reprocessing with a filing date of **November 24, 2003**, using the application papers filed on that date, and an indication in PTO records to show that zero (0) sheets of drawings were present on filing.

Telephone inquiries related to this decision may be directed to the undersigned at (703) 306-0251.

Charlema R. Grant
Petition Attorney
Office of Petitions

cc: Robert E. Bushnell
Suite 300, 1500 K Street, N.W.
Washington, D.C. 20005

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APR 21 2004

OFFICE OF PETITIONS

In re Application of
Carlos Quesada Saborio
Application No. 60/524,043
Filed: November 24, 2003
Attorney Docket No. N/A
For: COMPREHENSIVE TRANSPORT REFRIGERATION SYSTEM

: DECISION GRANTING
: PETITION

This is a decision on the petition filed January 28, 2004 requesting, in effect, withdrawal of the Notice of Omitted Item(s) in a Provisional Application (Notice), mailed December 29, 2003. The petition will be treated under 37 CFR 1.53(e).

The application was deposited on November 24, 2003. On December 29, 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 November 24, 2003 on the basis that 64 sheets of drawing figures, including drawing figure 26, were received in the Patent and Trademark Office (PTO) on November 24, 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 November 24, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included 64 sheets of drawings. A review of the application file reveals that only 63 sheets of drawing figures are present.

The return postcard constitutes *prima facie* evidence that 64 sheets of drawing figures, including drawing figure 26, were filed on November 24, 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 **November 24, 2003**, using the copy of Figure 26 submitted with the instant petition. Office records will be corrected to show that 64 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

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APR 2 1 2004

OFFICE OF PETITIONS

In re Application of
Makowski, et al.
Application No. 60/524,093
Filed: November 21, 2003
Attorney Docket No. 1875V1
FOR: COATINGS WITH IMPROVED CHIP RESISTANCE AND METHODS OF MAKING THE SAME

: DECISION GRANTING PETITION

This is a decision on the petition filed February 19, 2004 to accord a filing date of November 21, 2003 to the above-identified application.

The application was deposited on November 21, 2003. However, on February 13, 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 November 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 composition claims. Therefore, the application should have been accorded a filing date.

In view of the above, the Notice of February 13, 2004 was mailed in error and is hereby withdrawn. The application is entitled to a filing date of November 21, 2003. The petition is **granted**.

Pursuant to petitioners' authorization, deposit account no. 16-2025 will be credited the $130.00 petition fee submitted on February 19, 2004.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of **November 21, 2003** and the mailing of a filing receipt reflecting the November 21, 2003 filing date. The drawing figures submitted with the instant petition will be retained in the application file, but will not be processed as original application papers.

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

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MILPITAS CA 95035

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OFFICE OF PETITIONS

In re Application of	:	DECISION ON PETITION
Bulent M. Basol	:	
Application No. 60/524,119	:	
Filed: November 21, 2003	:	
Attorney Docket No. : NT-307-P	:	
Title: METHOD AND SYSTEM FOR MATERIAL REMOVAL AND PLANARIZATION	:	

This is a decision on the petition filed February 20, 2004, requesting that a filing date be accorded to the above-identified application. Petitioner has also requested that the petition fee be refunded.

On November 21, 2003, the above-identified application was deposited. On February 13, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Provisional Application - Filing Date Not Granted (notice)", advising applicant that the application was deposited without drawings, and that a filing date would be accorded upon the submission of drawings.

On February 20, 2004, Petitioner submitted the instant petition, along with a copy of Figures 1-7 and an assertion that the drawings are not necessary for an understanding of the subject matter sought to be patented.

The attorney of record has stated, over his registration number, that "the drawings are not necessary for the understanding of the subject matter as set out under 35 U.S.C. §113[1]."

1 Petition, page 2.

Based solely on the Attorney's affirmation, the petition is **GRANTED-IN-PART.**

Petitioner will receive the filing date he seeks, however 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 (OIPE) for further processing with a **filing date of November 21, 2003**, the date of deposit of the application, using only the original application papers filed on that date. OIPE will then **mail an updated filing receipt.**

Receipt of Figures 1-7 is acknowledged, however they will not be entered.

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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Ivor R. Elrifi, Ph.D.
MINTZ, LEVIN, COHN,
FERRIS, GLOVSKY AND POPEO, P.C.
666 Third Avenue-24th Floor
New York NY 10017

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MAY 10 2004
OFFICE OF PETITIONS

In re Application of
Erlandsson, et al.
Application No. 60/524,169
Filed: November 21, 2003
Attorney Docket No. 21882-518 PRO A
For: THERAPEUTIC USE OF ENDOTHELINS AND ITS RECEPTORS AND OTHER ENDOTHELIN PROCESSING ENZYMES IN RELATION TO ADULT NEURAL STEM OR PROGENITOR CELLS

: ON PETITION

This is a decision on the petition, filed March 15, 2004, requesting that the Notice of Incomplete Provisional Application (Notice), mailed February 17, 2004 be withdrawn and the above-identified application be accorded a filing date of November 21, 2003.

The application was deposited on November 21, 2003. On February 17, 2004, the Office of Initial Patent Examination mailed a Notice informing petitioners that no filing date had been accorded to the application papers deposited on November 21, 2003 because no drawing was present, as is required by 35 USC 113. It is noted that the specification references a Figure 1.

Petitioners filed the present petition on March 15, 2004, arguing that the November 21, 2003 filing contained a drawing.

Prior to the consideration of the present petition, the Office of Initial Patent Examination mailed a Withdrawal of Previously Sent Notice on April 5, 2004. This Notice admits that the February 17, 2004 was mailed in error and that the application filed on November 21, 2003 was complete upon initial filing.

Therefore, the March 15, 2004 petition is **dismissed as moot** because the Office of Initial Patent Examination *sua sponte* withdrew the February 17, 2004 Notice and processed the application as complete.

The application, filed November 21, 2003, is being returned to Office of Initial Patent Examination.

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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OFFICE OF PETITIONS

In re Application of :
Bartel M. Van Sluis :
Application No. 60/524,280 :
Filed: November 21, 2003 : DECISION ON PETITION
Attorney Docket No.: :
US030457 :

This is a decision on the Petition to Accord Patent Application a Filing Date of November 21, 2003 Under 37 CFR §1.181, filed April 13, 2004, which is properly treated under 37 CFR 1.53(e).

Background

The application was filed on November 21, 2003. However, on January 21, 2004, the Office of Initial Patent Examination mailed a Notice of Omitted Items in a Provisional Application (hereinafter ("Notice"), stating that the application had been accorded a filing date; however, Figure 2 described in the specification appeared to have been omitted from the application.

Applicant responded to the Notice on March 5, 2004 by filing Figure 2 with the assertion that Figure 2 contains no new matter.

Upon receipt of the response to the Notice, the Office mailed an Updated Filing Receipt, wherein the filing date of the application was changed to the date of receipt of the response to the Notice - March 5, 2004.

The Instant Petition

Applicant files the instant Petition to Correct the Filing Date of the application to November 21, 2003. Applicant asserts that Figure 2 is not necessary for an understanding of the invention

Applicant is advised that, in a provisional application filed without drawings, Applicant has only two options: 1) file a petition asserting that the drawings are not necessary under 35 U.S.C. § 113 for a filing date, or submit drawings accompanied by an oath or declaration referring to the drawings and accept

the date of such submission as the application filing date. There is no option of filing drawing Figures in a provisional application while simultaneously receiving the filing date of the original deposit of the application that was filed without drawing figures.

Accordingly, the petition is granted to the extent that the Application will be accorded as a filing date November 21, 2003. However, the Notice, mailed January 8, 2004, was correct in stating that Figure 2 described in the specification appeared to have been omitted. Therefore, the Notice was properly mailed and will not be withdrawn.

The Updated Filing Receipt is hereby withdrawn.

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 will be accorded the original application filing date of November 21, 2003, using the application papers filed on that date, and an indication that no drawing Figure 2 was present on filing and that no drawing Figure 2 is part of the application disclosure.

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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OFFICE OF PETITIONS

In re Application of
David Kirk
Application No. 60/524,328
Filed: November 21, 2003
Atty's Docket No. 62912-4USPL

DECISION GRANTING PETITION

This is a decision on the petition filed January 26, 2004 under 37 CFR 1.53, requesting that the Notice of Omitted Items mailed on January 9, 2004, be withdrawn.

The petition is **GRANTED**.

On November 21, 2003, the application was filed.

On January 9, 2004, 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 November 21, 2003, but that Figures 7-11 described in the specification appeared to have been omitted.

In response, on January 26, 2004, the present petition was filed. Petitioner argues that Figures 7-11 were included within Attachment "A" as sheets 7-10 of the drawings filed with the application papers deposited on 29 March, 2001.

A review of the file reveals that the attachment and drawing Figures 7-11 are among the application papers filed on November 21, 2003. It is obvious therefore that no drawings figures were actually missing on November 21, 2003. However, as Figures 7-11 were not located among the six (6) sheets of drawings itemized on applicant's postcard, but rather was comprised by a series of pages separate from the drawings filed with the application, it is applicant's filing error and the Notice of Omitted Items correctly stated that Figures 7-11 appeared to have been omitted.

Petitioner's attention is directed to 37 CFR 1.84 (t-u), which states:

> (t) Numbering of sheets of drawings. The sheets of drawings should be numbered in consecutive Arabic numerals, starting with 1, within the sight as defined in paragraph (g) of this section. These numbers, if present, must be placed in the middle of the top of the sheet, but not in the margin. The numbers can be placed on the right-hand side if the drawing extends too close to the middle of the top edge of the usable surface. The drawing sheet numbering must be clear and larger than the numbers used as reference characters to avoid confusion. The number of each sheet should be shown by two Arabic numerals placed on either side of an oblique line, with the first being the sheet number and the second being the total number of sheets of drawings, with no other marking.

> (u) Numbering of views.(1) The different views must be numbered in consecutive Arabic numerals, starting with 1, independent of the numbering of the sheets and, if possible, in the order in which they appear on the drawing sheet(s). Partial views intended to form one complete view, on one or several sheets, must be identified by the same number followed by a capital letter. View numbers must be preceded by the abbreviation "FIG." Where only a single view is used in an application to illustrate the claimed invention, it must not be numbered and the abbreviation "FIG." must not appear. (2) Numbers and letters identifying the views must be simple and clear and must not be used in association with brackets, circles, or inverted commas. The view numbers must be larger than the numbers used for reference characters. that partial views intended to form one complete view, on one or several sheets, must be identified by the same number followed by a capital letter.

It appears that $50 of the check, in the amount of $130.00, submitted with the petition was credited towards the provisional application processing fee, and $80 was used to replenish the deposit account. A petition fee in the amount of $130.00, as was originally intended is still due and so, petitioner's deposit account no. 10-0447 will be charged in the amount of $130.00 as authorized in the petition.

The application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of November 21, 2003, using the application papers filed on that date.

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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OFFICE OF PETITIONS

In re Application of :
Abizer M. Khairullah et al :
Application No. 60/524,741 :
Filed: November 25, 2003 :
Attorney Docket No. 66218 :

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 undersigned at (571) 272-3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH NC 27627

In re Application of:
SELPH et al.
Application No.: 60/524,775
Filed: November 25, 2003
Attorney Docket No.: 9399-4PR2

DECISION GRANTING PETITION

This is a decision on the petition, filed March 5, 2004, requesting that the above-identified application be accorded a filing date of November 25, 2003, rather than the presently accorded date of November 26, 2003. The petition is properly treated as a petition under 37 CFR 1.10(c).

Petitioner alleges that the application was deposited with the United States Postal Service (USPS) on November 25, 2003 as an Express Mail Post Office To Addressee mailing bearing Express Mail label No. EV 318418643 US. The petition was accompanied, inter alia, by a copy of the Customer Copy of Express Mail label No. EV 318418643 US. The evidence is convincing that the application was deposited with the USPS as an Express Mail mailing on November 25, 2003 in accordance with the provisions of 37 CFR 1.10. Accordingly, it is appropriate to accord this provisional application a filing date of November 25, 2003.

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

This application file is being referred to the Office of Patent Application Processing (OPAP) for correction of the filing date to **November 25, 2003** and for issuance of a corrected filing receipt.

Telephone inquiries relating to this decision should be directed Brian W. Brown at (571) 272-5338.

Telephone inquiries related to OPAP processing should be directed to their hotline at (571) 272-4100.

Brian W. Brown
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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
60/524,783	11/25/2003		80	9411-3PR	1		

CONFIRMATION NO. 6660

20792
MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

CORRECTED FILING RECEIPT

OC000000011990032

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)

Timothy J. Throndson, Raleigh, NC;
Thomas Field, Redding, CT;

If Required, Foreign Filing License Granted: 12/20/2003

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Methods, systems, and computer program products for processing tax returns using a self-serve tax 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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Paper No.

MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

COPY MAILED

NOV 16 2004

OFFICE OF PETITIONS

In re Application of :
Klein et al. :
Application No. 60/524,784 :
Filed: November 25, 2003 : ON PETITION
Attorney Docket No. :
9399-3PR2 :

This is a decision in response to the Petition to Accord the Proper Filing Date, filed June 30, 2004, requesting the application be accorded a filing date of November 25, 2003, instead of the presently accorded filing date of November 26, 2003.

This Petition is hereby **granted**.

Applicant alleges that the application was deposited in Express Mail service on November 25, 2003. In support of the allegation, the petition is accompanied by a copy of Express Mail Label No. EV318418630US which includes a date stamp by the United States Postal Service ("USPS") showing acceptance of Express Mail Label No. EV318418630US by the USPS on November 25, 2003. Although the "Date In" indicated on the Express Mail label is blank, the Express Mail Label is properly addressed to the Commissioner for Patents, and the Express Mail label contains a United States Postal Service (USPS) stamp of November 25, 2003. The same Express Mail label number was placed on the original application papers located in the official file.

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

Telephone inquiries concerning this matter should be directed to Petitions Attorney Derek L. Woods at (703) 305-0014.

Derek L. Woods
Petitions Attorney
Office of Petitions

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	
Habib, et al.	)	
	)	
Serial No.: 60/524,827	)	
	)	Examiner: N/A
Filed: November 24, 2003	)	
	)	Group Art Unit: N/A
For: SOOTBLOWER NOZZLE ASSEMBLY WITH NOZZLES HAVING DIFFERENT GEOMETRIES	)	Attorney Docket No. 10577-136

PETITION TO CORRECT FILING DATE UNDER 37 C.F.R. § 1.10(c)

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

Sir:

By and through his attorney, the applicant herein petitions the Commissioner to correct a discrepancy between the filing date accorded by the Office to the above-referenced patent application. The filing date that was accorded to this application, November 25, 2003, as shown on the enclosed copy of the Return Post Card, is not that date on which the application was deposited under the provisions of 37 C.F.R. § 1.10 in the "Express Mail Post Office to Address" service of the U.S. Postal Service (USPS).

As provided by 37 C.F.R. § 1.10(c)(1), it is clearly indicated by the enclosed official USPS notation (a true copy of the USPS Pickup Service Statement Express Mail) the Express Mail package bearing label number EV155783305US was picked up by the USPS (and therefore deposited with the USPS on November 24, 2003) from the offices of Brinks Hofer Gilson & Lione.

As provided by 37 C.F.R. §1.10(d)(2), it is submitted that the number of the "Express Mail" mailing label (EV155783305US) was properly placed on the patent application filed on November 24, 2003. A copy of the transmittal bearing that label number is enclosed herewith.

Pursuant to 37 C.F.R. § 1.10(c)(1), this petition is being promptly filed after the applicant

became aware that the U.S. Patent and Trademark Office accorded an incorrect entry.

In view of the above, it is therefore requested that the Official Filing Date be corrected from November 25, 2003 to November 24, 2003. Applicant also accordingly requests the issuance of a corrected Official Filing Receipt to this effect.

Respectfully submitted,

Date: Feb. 13, 2004

John M. Card
Reg. No. 48,423
Attorney for Applicant

Brinks Hofer Gilson & Lione
P.O. Box 10395
Chicago, IL 60610
(734) 302-6000

CIPE JC26 FEB 12 2004 PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of:	Habib, et al.	
Appln. No.:	60/524,827	Examiner: N/A
Filed:	November 24, 2003	Art Unit: N/A
For:	SOOTBLOWER NOZZLE ASSEMBLY WITH NOZZLES HAVING DIFFERENT GEOMETRIES	
Attorney Docket No:	10577-136	

Commissioner for Patents
U.S. Patent and Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

☒ Petition to Correct Filing Date

☒ Return Receipt Postcard

Fee calculation and payment:

☒ No additional fee is required.

☐ An extension fee in an amount of $_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).

☐ A petition or processing fee in an amount of $_____ under 37 C.F.R. § 1.17(_____).

☐ An additional filing fee has been calculated as shown below:

	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Small Entity Rate	Small Entity Add'l Fee	or	Other Than Small Entity Rate	Other Than Small Entity Add'l Fee
Total		Minus			x $9=			x $18=	
Indep.		Minus			x 43=			x $86=	
First Presentation of Multiple Dep. Claim					+$145=			+ $290=	
					Total	$		Total	$

Fee calculation and payment:

☐ A check in the amount of $_____ to cover the above-identified fee(s) is enclosed.

☐ Please charge Deposit Account No. 23-1925 in the amount of $. A copy of this Transmittal is enclosed for this purpose.

☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925. A copy of this Transmittal is enclosed for this purpose.

Respectfully submitted,

February 10, 2004
Date

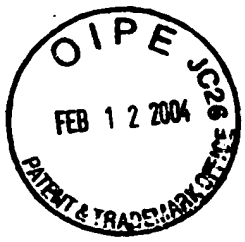
John M. Card (Reg. No. 48,423)
Attorney/Agent for Applicant

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, U.S. Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: February 10, 2004 Name: Terry Wand Signature: Terry Wand

BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, IL 60610



SERIAL NO. _____ CASE NO. 17548 U.S. PTO 60/524827

FILED: _____ CLIENT CASE NO. 112503

APPLICANT(S)

THI
HEI

☐ _
☐ Di
☐ De
☐ As
☐ Sr
☐ Ce
☐ Ar
☐ De
☐ Fe
☐ Other_____

Applicant: **Habib et al.**
Serial No:
Client/Matter: **10577-136**
Items Mailed: **Provisional Patent Application and Cover Sheet; Transmittal Letter; Fourteen Sheets of Drawings; Check in the Amount of $160.00; Return Postcard.**

BRINKS HOFER GILSON & LIONE
By: Steven L. Oberholtzer, Esq.

Date of Mailing: **November 24, 2003**

STAMP ITEMS:

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ficate
Affidavit
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ansmittal

Mailed _____ Atty _____ Secretary_____

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PO ZIP Code: 22313	Day of Delivery: ☐ Next ☑ Second	Flat Rate Envelope: ☐
Date In: Mo. 12 Day 24 Year 03	☐ 12 Noon ☑ 3 PM	Postage: $
Time In: ☐ AM ☐ PM	Military: ☐ 2nd Day ☐ 3rd Day	Return Receipt Fee
Weight: lbs. 11 ozs.	Int'l Alpha Country Code	COD Fee / Insurance Fee
No Delivery: ☐ Weekend ☐ Holiday	Acceptance Clerk Initials	Total Postage & Fees: $

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

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Customer Signature

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Express Mail Corporate Acct. No. X481-154

Federal Agency Acct. No. or Postal Service Acct. No.

FROM: (PLEASE PRINT) PHONE ( ) 734 302 6000

BRINKS HOFER GILSON & LIONE
524 E MAIN ST
ANN ARBOR MI 48104-2921

Docket # 13-97-136
Mail to Attorney address

TO: (PLEASE PRINT) PHONE ( )

Commissioner for Patents
US Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

MS Reexamination Patent Appeals

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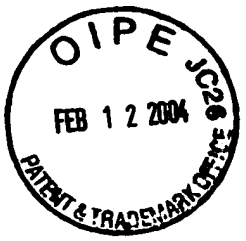
"Express Mail" mailing label number EV155783305US

Date of Deposit: November 24, 2003



BRINKS HOFER GILSON & LIONE

PROVISIONAL APPLICATION COVER SHEET

MS Provisional Patent Application
Commissioner for Patents
U.S. Patent and Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a request for filing a PROVISIONAL APPLICATION under 37 CFR 1.53(c):

Atty Docket Number: - 10577-136

INVENTOR(S)/APPLICANT(S)

Last Name	First Name	M.I.	Residence (City, State/Foreign Country)
Habib	Tony	F.	130 Briarwood Ct., Lancaster, Ohio 43130
Keller	David	L.	5841 Penwood Drive, Wadsworth, Ohio 44281
Fortner	Steven	R.	1660 East Main St., Lot #111, Lancaster, Ohio 43130

☐ Additional inventors are being named on separately numbered sheets attached hereto.

TITLE OF INVENTION (280 characters max)

SOOTBLOWER NOZZLE ASSEMBLY WITH NOZZLES HAVING DIFFERENT GEOMETRIES

CORRESPONDENCE ADDRESS

Steven L. Oberholtzer, Esq.
BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, IL 60610 USA
(734) 302-6000

ENCLOSED APPLICATION PARTS (check all that apply)

X Specification: 29 pages	☐ Small Entity Assertion
X Drawing(s): 14 sheets	☐ Other (specify):

METHOD OF PAYMENT (check one)

☒ A check or money order is enclosed to cover the filing fee. ☐ The Director is hereby authorized to charge the filing fee to Deposit Account Number **23-1925**	PROVISIONAL FILING FEE AMOUNT(S)	$160.00 Lg E

Was the invention made by, or under a contract with, an Agency of the United States Government?

X No.

☐ Yes. U.S. government agency: _____; Government Contract No.:_____.

Respectfully submitted,

November 24, 2003
Date

Steven L. Oberholtzer, Esq. (Reg. No. 30,670)
X Attorney/Agent Of Record
☐ 37 C.F.R. 1.34(a)

CERTIFICATE OF EXPRESS MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service via Express Mail, Express Mail Label EV155783305US, in an envelope addressed to: MS Provisional Patent Application, Commissioner for Patents, U.S. Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: November 24, 2003 Name: M. Collins Signature:

PROVISIONAL APPLICATION FILING ONLY

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
60/524,827	11/24/2003		160	10577-136	14		

CONFIRMATION NO. 6347

CORRECTED FILING RECEIPT

Steven L. Oberholtzer, Esq.
BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, IL 60610

OC000000011959167

Date Mailed: 02/24/2004

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)

Tony F. Habib, Lancaster, OH;
David L. Keller, Wadsworth, OH;
Steven R. Fortner, Lancaster, OH;

If Required, Foreign Filing License Granted: 02/23/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Sootblower nozzle assembly with nozzles having different geometries

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.

FULBRIGHT & JAWORSKI L.L.P.
Suite 2400
600 Congress Avenue
Austin, TX 78701

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OFFICE OF PETITIONS

In re Application of :
Kroenke et al. :
Application No. 60/524,988 :
Deposited: November 25, 2003 : ON PETITION
Title of Invention: COMPOSITIONS :
AND METHODS RELATED TO A DIMERIC :
MHC CLASS I AND II-LIKE MOLECULE :
(dsMHC I AND dsMHC II :

This is in response to the Petition Under 37 CFR 1.53(a)(2) to Accord a Filing Date, filed June 3, 2003

The above-identified application was deposited on November 25, 2003. In response, on March 30, 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, Figures 5d and 7 appeared to have been omitted from the application.

Applicant files the instant petition and a revised set of drawing Figures relabeled to correspond with the specification as filed. Applicant's request that the application be accorded a filing date of November 25, 2003, and that Figure 1 be omitted and Figures 1-6 previously submitted be replaced with the revised Figures filed with the instant petition. Applicant also requests a refund of the petition fee.

A review of the March 30, 2003 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).

A further review of the Notice and of Office records reveal that the application was accorded a filing date of November 25, 2003.

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 November 25, 2003, using the application papers filed on that date, and an indication that drawing Figures 5d and 7 were NOT present on filing and that no drawing Figures 5d and 7 are part of the provisional application disclosure.

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
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MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

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MAY 25 2004

OFFICE OF PETITIONS

In re Application of
Selph et al.
Application No. 60/525,075
Filed: November 25, 2003
Attorney Docket No. 9399-6PR

ON PETITION

This is a decision on the petition filed March 5, 2004, to accord the above-identified application a filing date of November 25, 2003, instead of November 26, 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 November 14, 2003.

In the future, petitioner should take steps to receive a legible express mail label with a clear date-in.[1] If the Office receives a label with an omitted or illegible date-in, the Office will give the application a filing date of the date the package is received, unless a petition is filed. A petition

---

[1] Paragraph (b) of 37 CFR 1.10 provides,

> 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.

involves additional work by petitioner and the Office, and also delays prosecution of the application into a patent.

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
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Yale University
Office of Cooperative Research
433 Temple Street
New Haven, CT 06511

COPY MAILED

OCT 0 6 2004

OFFICE OF PETITIONS

In re Application of :
Mor : DECISION ON PETITION
Application No. 60/525,220 :
Filed: November 26, 2003 :
Atty. Dkt. No.: 1599 :

This decision is in response to the "PETITION UNDER 37 C.F.R. § 1.183", filed July 30, 2004.

The petition under 37 CFR 1.183 is **DISMISSED AS MOOT**.

The instant petition under 37 CFR 1.183 requests waiver of the requirements of 37 CFR 1.53(e)(2). The provisions of 37 CFR 1.53(e)(2) only apply when an application is not entitled to a filing date. The instant application as submitted was entitled to a filing date of March 16, 2004.

The omitted items language on the OIPE notice mailed March 4, 2004 for a **provisional** application did not give applicant the option of submitting the missing figure and accepting a later filing date in a **provisional** application. Furthermore, the MPEP makes it clear that the Office will not change the filing date of a provisional application to the date a missing page or figure is submitted. MPEP 601.01(d), page 600-13, states, in part:

> "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 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."

Thus, OIPE erroneously changed the filing date to the later date. The filing date of the application has been changed to November 26, 2003. Further, the figure submitted April 8, 2004

has not been entered and is not part of the original disclosure of the application. As a provisional application cannot be amended, the missing figure submitted April 8, 2004 was not made part of the application, but was merely placed in the application file.

No fee is due in connection with this matter. Petitioner may request a refund of the $130.00 petition fee by writing to the Finance Office, Refund Section. A copy of this decision should accompany any request for refund.

The requested change of correspondence address has not been entered because there is no indication that petitioner herein was ever empowered to prosecute the instant application. If petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation and renewed request for 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.

This application is being forwarded to the Office of Initial Patent Examination with a filing date of November 26, 2003 and **without** Fig. 3 as part of the disclosure of the application.

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

Alesia M. Brown
Senior Petitions Attorney
Office of Petitions

CC: ANNE J. COLLINS
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

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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
60/525,299	11/25/2003		80	16592-022P01			

CONFIRMATION NO. 8139

CORRECTED FILING RECEIPT

OC000000012262016

26181
FISH & RICHARDSON P.C.
3300 DAIN RAUSCHER PLAZA
MINNEAPOLIS, MN 55402

Date Mailed: 04/02/2004

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)

Randall W. Yatscoff, Edmonton, CANADA;
Bruce Fenske, Edmonton, CANADA;
Mark Abel, Edmonton, CANADA;
Seetharaman Jayaraman, Edmonton, CANADA;
Daniel Trepanier, Edmonton, CANADA;
Daren Ure, Edmonton, CANADA;

If Required, Foreign Filing License Granted: 02/19/2004

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Novel immunosuppressive compounds and methods for their synthesis and use

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
60/525,332	11/26/2003		80	SYNC-1100	17		

CONFIRMATION NO. 7925

CORRECTED FILING RECEIPT

OC000000011913868

STALLMAN & POLLOCK LLP
Attn: Kathleen A. Frost
Suite 290
121 Spear Street
San Francisco, CA 94105

Date Mailed: 02/17/2004

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)

Michael S. Williams, Santa Rosa, CA;
William L. Athas, Durham, NC;
Terrance Ransbury, Pleasanton, CA;
Richard A. Glenn, Chapel Hill, NC;

If Required, Foreign Filing License Granted: 01/06/2004

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Devices and methods for implanting and/or retrieving implantable intravascular systems and/or for replacing system components

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LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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NOT GRANTED

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Paper No. None

MARGER JOHNSON & MCCOLLOM PC
1030 SW MORRISON STREET
PORTLAND OR 97205

COPY MAILED

MAR 0 5 2004

OFFICE OF PETITIONS

In re Application of	:	
Rex A. Lucas	:	
Application No. 60/525,817	:	DECISION ON PETITION
Filing Date: November 28, 2003	:	37 C.F.R. §1.10
Attorney Docket No. 5773-002	:	
Title: BOARD GAME	:	

This is a decision on the "Petition for Correction of Filing Receipt" which is properly treated as a petition under 37 C.F.R. §1.10, filed February 6, 2004, requesting that application number 60/525,817 be accorded a filing date of November 28, 2003.

The application was deposited on December 1, 2003. On January 12, 2004, the Office of Initial Patent Examination (OIPE) mailed the filing receipt which Petitioner has included with the instant petition, indicating that the application had been accorded a filing date of November 26, 2003.

On February 6, 2004, applicant filed the instant petition, where it was alleged that the application was deposited on November 28, 2003, and OIPE assigned the wrong filing date to this application. Petitioner has included a copy of Express Mail number EL982136174US.

A check of the Office's USPS Express Mail Finder Database computer program was inconclusive. However, a check of the United States Postal Service's website (http://www.usps.com/shipping/trackandconfirm.htm) shows that the package was accepted on November 28, 2003. A copy of the later search result is enclosed.

Hence, the website tracking results, provided by the USPS, indicates that the package was deposited on November 28, 2003.

37 C.F.R. §1.10(a) sets forth, in part:

(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

2) The date of deposit with USPS is shown by the "date in" on the "Express Mail" label or other official USPS notation.

It is noted that this Express Mail label bears a "date in" of November 28, 2003.

Although the application received a filing date of November 26, 2003, the evidence is convincing that the application papers were filed on November 28, 2003, and the incorrect filing date was subsequently assigned to this application.

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 November 28, 2003, as well as the mailing of a corrected filing receipt.

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. Printout of the USPS online tracking results

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DIW Dec-06

THE DOW CHEMICAL COMPANY
INTELLECTUAL PROPERTY
P. O. BOX 1967
MIDLAND MI 48641-1967

COPY MAILED
DEC 18 2006
OFFICE OF PETITIONS

In re Application of	:	
Lada Rasochova	:	DECISION ON PETITION TO
Application No. 60/525,982	:	WITHDRAW HOLDING OF
Filed: 1 December, 2003	:	ABANDONMENT
Attny Docket No. 62601	:	

This is a decision on the petition to revive the above identified application, filed on 27 September, 2006, which, in view of petitioner's assertion that the Notice mailed on 2 March, 2005, was mailed in error, is treated as a petition to withdraw the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

The application was held abandoned for failure to timely respond to the Notice to File Missing Parts of Provisional Application mailed on 2 March, 2005, which set a two (2) month shortened period for reply. No reply have been received, Notice of Abandonment was mailed on 3 November, 2005.

Petitioner asserts that the application should not have been held abandoned because the Notice to File Missing Parts of Provisional Application was mailed in error. Specifically, asserts petitioner, a properly completed provisional application cover sheet was present on filing.

A review of the record reveals the following:

On 1 December, 2003, the above-identified provisional application was filed. The original application papers included a Provisional Application Cover Sheet specifying the residence (city and either state or foreign country) of the sole inventor as San Diego, CA, USA.

On 2 March, 2005, a Notice to File Missing Parts of Provisional Application was mailed, stating that the provisional application cover sheet was required, identifying the city and sate or city and foreign country of the residence of the inventor.

As such, petitioner is correct that the Provisional Application Cover Sheet present on filing did in fact recite the city and state or city and foreign country of the residence of the inventor. As such, the Notice to File Missing Parts mailed on 2 March, 2005, was mailed in error.

The Notice mailed on 2 March, 2005, is vacated.

Consequently, there is no abandonment in fact. The holding of abandonment is withdrawn, and the Notice of Abandonment is vacated.

The petition to revive fee will be credited to counsel's deposit account, as authorized in the present petition.

The address in the petition is different than the correspondence address. A 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 returned to the Office of Initial Patent Examination for further processing.

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

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Cc: The Dow Chemical Co.
9330 Zionsville Road
Indianapolis IN 46268

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JJGJr: 07-04

Paper No: __

NOVO NORDISK
PHARMACEUTICALS, INC
100 COLLEGE ROAD WEST
PRINCETON NJ 08540

COPY MAILED
JUL 13 2004
OFFICE OF PETITIONS

In re Application of :
Stennicke, et al. :
Application No. 60/526,021 : DECISION ON PETITION
Filed: 1 December, 2003 :
Attorney Docket No. 6717.003-US :

This is a decision on the petition filed 26 January, 2004, requesting that Provisional Application No. 60/526,021 be accorded a filing date and that the drawings submitted with the petition be included in the application.

The application was deposited on 1 December, 2003 without drawings.

On 14 January, 2004, the Office mailed a Notice of Incomplete Provisional Application (Notice), stating that a filing date had not been accorded.

Petitioner filed the instant petition on 26 January, 2004, and submitted with the petition the missing three (3) drawings in an apparent effort to amend the provisional application–a transaction that is not permitted–to include the drawings.

Petitioner makes no statement to the effect that the drawings are or are not "necessary for the understanding of the subject matter sought to be patented."[1]

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:

[1] See: 35 U.S.C. §113.

> --at least one process claim including the term "process" or "method" in its introductory phrase;
>
> --at least one composition claim including the term composition," "compound," "mixture" or "pharmaceutical" in its introductory phrase;
>
> --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));
>
> --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
>
> --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 or method 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 several of the "exemplary aspects of the invention" are stated to be methods of producing the invention. Therefore, the present application is deemed to be an application which does not require a drawing for an understanding of the subject matter sought to be patented.

Accordingly, the application, as originally filed, is entitled to a filing date of 1 December, 2003, however, the prohibition as to the amendment of a provisional application bars acceptance of the drawings.

Accordingly, the petition is:

- **GRANTED in part** to the extent that the application is recognized as describing methods of producing the invention–thus, drawings are not "necessary for the understanding of the subject matter sought to be patented," and, thus, a filing date of 1 December, 2003, is accorded using only the papers deposited on that day; and

- **DISMISSED in part** to the extent that the acceptance of the drawings would constitute a prohibited amendment of a provisional application, and the drawings cannot and will not be accepted into the instant provisional application with any date.

The Notice, mailed on 14 January, 2004, was sent in error, and is hereby **VACATED**.

(If Petitioner wishes to have drawings included in a provisional application in this regard, Petitioner may/must file a new provisional application.)

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of 1 December, 2003, using only the application papers filed on that date.

Any drawing sheets that are submitted with the non-provisonal application, should one be filed, will, of course, be reviewed by the examiner for new matter.[2] The drawings are not new matter if the substance was a part of the disclosure of the specification submitted on filing. If it is determined that the drawing contains new matter, Petitioner will have to either amend the specification to delete the reference to the drawings, or forgo the priority date of 1 December, 2003.

The file is released to OIPE for processing consistent with this decision.

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

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

[2] See MPEP 608.02(a).

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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
60/526,164	12/01/2003		160	021612-002400US	1		

CONFIRMATION NO. 4273

CORRECTED FILING RECEIPT

OC000000012526536

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

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)

Visit Thaveeprungsriporn, Bangkok, THAILAND;
Szu-Han Hu, Bangkok, THAILAND;

If Required, Foreign Filing License Granted: 03/26/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Method for electro static discharge protection and noise reduction on flexible circuit by applying carbon base coating

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

GRANTED

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NOT GRANTED

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/526,189	12/01/2003		160	040050-000700US			

CONFIRMATION NO. 4238

CORRECTED FILING RECEIPT

OC000000012538352

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

Date Mailed: 05/05/2004

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)

Anantkumar G. Mistry, Aurora, CO;
Kenneth D. Weinert, Westminster, CO;

If Required, Foreign Filing License Granted: 03/17/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Page rendered electronic file processing

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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/526,192	12/02/2003		80	PROB-005 PRV	2		

Should be 12/01/2003

003897
SCHNECK & SCHNECK
P.O. BOX 2-E
SAN JOSE, CA 95109-0005

CONFIRMATION NO. 5312

FILING RECEIPT

OC000000011992474

Date Mailed: 03/02/2004

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 A. Lordemann, Los Altos, CA;
Daniel J. Robinson, Santa Clara, CA;

If Required, Foreign Filing License Granted: 02/27/2004

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 protecting objects delivered in a 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.

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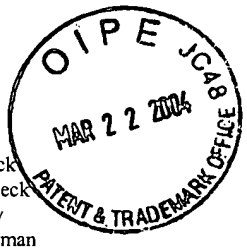
NOT GRANTED

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).



Law Offices of
SCHNECK & SCHNECK

Thomas Schneck
David M. Schneck
Gina McCarthy
Nissa M. Strottman

Of counsel:
Boris G. Tankhilevich

P.O. BOX 2-E
SAN JOSE, CALIFORNIA 95109-0005

80 S. Market Street
Third Floor
San Jose, California 95113-2303

Email: webmail@patentvalley.com

Telephone: (408) 297-9733

Facsimile: (408) 297-9748

Patents and Trademarks

March 18, 2004

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

Re: Request for Correction of Filing Receipt
Provisional Patent Application
Serial No.: 60/526,192
Filed: **December 1, 2003**
For: SYSTEM AND METHOD FOR PROTECTING OBJECTS DELIVERED IN A NETWORK
Our ref: PROB-005 PRV (D. Lordemann et al.)

Dear Sir or Madam:

The above-identified provisional patent application was filed on **December 1, 2003** as evidenced by the Provisional Application for Patent Cover Sheet, the Certificate of Mailing by Express Mail, and the Express Mail receipt, copies enclosed.

The official filing receipt, however, shows an incorrect filing date of 12/02/2003. A copy of the filing receipt is enclosed for reference. Kindly send us a filing receipt with the correct filing date of December 1, 2003.

Very truly yours,

Thomas Schneck

TS:mpg

Encl: Copy of Cover Sheet
Copy of Certificate of Mailing
Copy of Express Mail Receipt
Copy of filing receipt with correction

cc: P. Scheibe w/ copy of filing receipt

OIPE
MAR 2 2 2004
PATENT & TRADEMARK OFFICE

PTO/SB/16 (10-01)
Approved for use through10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PROVISIONAL APPLICATION FOR PATENT COVER SHEET

This is a request for filing a PROVISIONAL APPLICATION FOR PATENT under 37 CFR 1.53(c).

Express Mail Label No. EL 980275607 US

INVENTOR(S)

Given Name (first and middle [if any])	Family Name or Surname	Residence (City and either State or Foreign Country)
David A. Daniel J.	Lordemann Robinson	Los Altos, California Santa Clara, California

☐ *Additional inventors are being named on the _____ separately numbered sheets attached hereto*

TITLE OF THE INVENTION (500 characters max)

SYSTEM AND METHOD FOR PROTECTING OBJECTS DELIVERED IN A NETWORK

Direct all correspondence to: **CORRESPONDENCE ADDRESS**

☒ Customer Number 003897 → *Place Customer Number Bar Code Label here*

Type Customer Number here

OR

☒ Firm or Individual Name	Law Offices of Schneck & Schneck				
Address	P.O. Box 2-E				
Address					
City	San Jose	State	CA	ZIP	95109-0005
Country	U.S.A.	Telephone	408/297-9733	Fax	408/297-9748

ENCLOSED APPLICATION PARTS *(check all that apply)*

☒ Specification *Number of Pages* 4

☒ Drawing(s) *Number of Sheets* 2

☐ Application Data Sheet. See 37 CFR 1.76

☐ CD(s), Number

☒ Other (specify) Cert. of Mailing; Return post card

METHOD OF PAYMENT OF FILING FEES FOR THIS PROVISIONAL APPLICATION FOR PATENT

☒ Applicant claims small entity status. See 37 CFR 1.27.

☒ A check or money order is enclosed to cover the filing fees

☒ The Commissioner is hereby authorized to charge filing fees or credit any overpayment to Deposit Account Number: 19-0590

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

FILING FEE AMOUNT ($): $80.00

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,

SIGNATURE Thomas Schneck

TYPED or PRINTED NAME Thomas Schneck

TELEPHONE 408/297-9733

Date 12/01/03

REGISTRATION NO. *(if appropriate)* 24,518

Docket Number: PROB-005 PRV

USE ONLY FOR FILING A PROVISIONAL APPLICATION FOR PATENT

This collection of information is required by 37 CFR 1.51. The information is used by the public to file (and by the PTO to process) a provisional application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the complete provisional application to the PTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Box Provisional Application, Assistant Commissioner for Patents, Washington, D.C. 20231.

OIPE JC48
MAR 2 2 2004
PATENT & TRADEMARK OFFICE

PTO/SB/93 (10-96)
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PROB-005 PRV

Certificate under 37 CFR 1.10 of Mailing by "Express Mail"

EL 980275607 US	December 1, 2003
"Express Mail" label number	Date of Deposit

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 the ~~Assistant~~ Commissioner for Patents, ~~Washington, D.C. 20231.~~ Mail Stop Provisional Patent Application, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature of person mailing correspondence

Sally Azevedo

Typed or printed name of person mailing correspondence

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EL 980275607 US

Customer Copy
Label 11-F June 2002

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Date In: Mo. 12 Day 21 Year 03	☐ 12 Noon ☒ 3 PM	Postage: $ 13.65
Time In: ☐ AM ☒ PM	Military: ☐ 2nd Day ☐ 3rd Day	Return Receipt Fee
Weight: lbs. 3 ozs.	Int'l Alpha Country Code	COD Fee / Insurance Fee
No Delivery: ☐ Weekend ☐ Holiday	Acceptance Clerk Initials: FM	Total Postage & Fees: $ 13.65

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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

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Federal Agency Acct. No. or Postal Service Acct. No:

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PO BOX 22
SAN JOSE CA 95109-0005

Our ref: PROB-005 PRV

TO: (PLEASE PRINT) PHONE 800 786 9199

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ALEXANDRIA VA 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
60/526,252	12/01/2003		80	032026-0725	37		

CONFIRMATION NO. 3625

23524
FOLEY & LARDNER
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON, WI 53701-1497

CORRECTED FILING RECEIPT

OC000000012498240

Date Mailed: 04/30/2004

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)

Curtis R. Brandt, Stoughton, WI;
Hermann Bultmann, Madison, WI;

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Peptides and methods for inducing cellular resistance to 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.

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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
60/526,308	12/01/2003		210	23943-08759	6		

CONFIRMATION NO. 3103

Seth Ostrow
Brown Raysman Millstein Felder and Steiner LLP
900 Third Avenue
New York, NY 10022-4728

UPDATED FILING RECEIPT

OC000000012475127

Date Mailed: 04/28/2004

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)

John J. Thrall, Fremont, CA;

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

Title

Click-through re-ranking of images and other data

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Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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Paper No.

Kimberly O. Snead
Parker & DeStefano
300 Preston Avenue, Suite 300
Charlottesville, VA 22902

COPY MAILED

AUG 0 6 2004

OFFICE OF PETITIONS

In re Application of :
Roger M. Loria :
Application No. 60/526,427 : DECISION GRANTING
Filed: December 2, 2003 : PETITION
Attorney Docket No. 295P/L-017 :

This is a decision on the petition filed March 12, 2004, requesting that the above-identified application be accorded a filing date of December 2, 2003.

The petition is **GRANTED**.

The application was deposited on December 2, 2003. However, the Office of Initial Patent Examination mailed a "Notice of Incomplete Provisional Application" (Notice) on March 3, 2004 stating that the application was deposited without drawings.

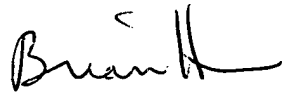
In reply to the Notice, applicant filed the instant petition stating, "The drawing referenced in the application is not necessary for the understanding of the subject matter sought to be patented."

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 December 2, 2003.

The provisional application contains disclosure directed to a method of inhibiting cell-signaling and adhesion molecules. As explained in MPEP 601.01(f), it is USPTO practice to accord a filing date to such a provisional application when drawings referred to in the specification are not supplied on filing, so long as a cognizable specification has been filed.

This application file is being referred to the Office of Initial Patent Examination Division for further **processing with a filing date of December 2, 2003.**

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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PALO ALTO CA 94306

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APR 0 6 2005

OFFICE OF PETITIONS

In re Application of :
Raghav Raman et al. :
Application No. 60/526,560 :
Filing Date: December 3, 2003 : DECISION ON PETITION
Attorney Docket Number: S02-271/PROV : UNDER 37 C.F.R. §1.10(C)
Title of Invention: METHOD OF MEASURING, IDENTIFYING AND REPORTING VESSELS AND VESSEL PARAMETERS IN MEDICAL IMAGES :

BACKGROUND

This is a decision on the petition filed December 6, 2004, requesting that the above-identified application be accorded a filing date of December 2, 2003.

On December 3, 2003, the above-identified application was received in the Office. Shortly thereafter, the Office of Initial Patent Examination mailed Petitioner's filing receipt, indicating that the application had been accorded a filing date of December 3, 2003.

Petitioner has alleged that the application was deposited on December 2, 2003, and the Patent Office has incorrectly assigned a filing date of December 3, 2003 to the instant application. Petitioner has set forth that this application was sent to the Office via the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS), and that Express Mail label EV398669311US[1] was associated with this mailing.

1 It is noted that this same Express Mail number appears on the Provisional Application for Patent Cover Sheet, which has been located in the electronic

It is noted that Petitioner has not included a copy of the Express mail label with his petition.

A check of the Office's USPS Express Mail Finder Database computer program was inconclusive. A check of the United States Postal Service's website (<http://www.usps.com/shipping/trackandconfirm.htm>) was also inconclusive, in that it stated that the information pertaining to this Express Mail label number is stored off-line. A copy of the latter search result is enclosed.

However, Petitioner has enclosed a print-out from this same website, presumably from prior to the information being taken off-line. This print-out shows an entry of "Acceptance, December 02, 2003, 4:38pm, PALO ALTO, CA 94306." Thus, it is clear that the package was deposited with the USPS on this date.

THE RELEVANT PORTION OF THE MPEP

37 C.F.R. § 1.10 Filing of correspondence by "Express Mail" sets forth, in part:

(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 Director 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.

[48 FR 2708, Jan. 20, 1983, added effective Feb. 27, 1983; 48 FR 4285, Jan. 31, 1983, paras. (a) & (c), 49 FR 552, Jan. 4, 1984, effective Apr. 1, 1984; paras. (a)-(c) revised and paras. (d) - (f) added, 61 FR 56439, Nov. 1, 1996, effective Dec. 2, 1996; paras. (d) & (e) revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (a) revised, 67 FR 36099, May 23, 2002, effective June 24, 2002; paras. (c), (d), (d)(3), (e) & (e)(4) revised, 68 FR

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file.

14332, Mar. 25, 2003, effective May 1, 2003; para. (a)(1) revised, 68 FR 48286, Aug. 13, 2003, effective Sept. 12, 2003]

ANALYSIS

37 C.F.R. §1.10(c)(3) requires that any petition under this section of the C.F.R. 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. Since it does not appear that a copy of the express mail label has been included, this petition cannot be granted.

CONCLUSION

Therefore, this petition is **DISMISSED**.

The filing date will remain December 3, 2003.

After the mailing of this decision, the application will be forwarded 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) 272-3225.

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

Encl. USPS website tracking results

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. None

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

COPY MAILED

JUN 0 2 2005

OFFICE OF PETITIONS

In re Application of :
Raghav Raman et al. :
Application No. 60/526,560 :
Filing Date: December 2, 2003 :
Attorney Docket Number: S02-271/PROV :
Title of Invention: METHOD OF MEASURING, IDENTIFYING AND REPORTING VESSELS AND VESSEL PARAMETERS IN MEDICAL IMAGES :

DECISION ON RENEWED PETITIONS UNDER 37 C.F.R. §§1.183 AND 1.10(C)

This is a decision on the renewed petition filed April 29, 2005, requesting that 37 C.F.R. §1.10(c)(3) be waived so that the above-identified application may be accorded a filing date of December 2, 2003 without the submission of a copy of the express mail label.

On December 3, 2003, the above-identified application was received in the Office. Shortly thereafter, the Office of Initial Patent Examination mailed Petitioner's filing receipt, indicating that the application had been accorded a filing date of December 3, 2003.

In a petition submitted on December 6, 2004, Petitioner alleged that the application was deposited on December 2, 2003, and the Patent Office incorrectly assigned a filing date of December 3, 2003 to the instant application. This petition was dismissed via the mailing of a decision on April 6, 2005. The decision indicated that although it was clear that the application was deposited with the USPS on December 2, 2003, the petition could not be granted as a copy of the express mail label was not supplied with the petition.

With this renewed petition, Petitioner has failed to include the petition fee. Although the petition contains a petition fee transmittal form which indicates that $130 has been included via an authorization to charge Petitioner's credit card, no credit card form has been located in the electronic file.

Furthermore, Petitioner will note that the fee associated with the filing of a petition under 37 C.F.R. §1.183 is $400.

As no petition fee has been included, the petition under 37 C.F.R. §1.183 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. §§1.10(c) and 1.183". 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[1], hand-delivery[2], or facsimile[3].

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

---

1 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
2 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
3 (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

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
60/526,690	12/02/2003		160	SNAP.01USP1	34		

CONFIRMATION NO. 5024

CORRECTED FILING RECEIPT

OC000000011968392

27479
THE LAW OFFICES OF WILLIAM W. COCHRAN, LLC
3555 STANFORD ROAD
SUITE 230
FORT COLLINS, CO 80525

Date Mailed: 02/25/2004

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)

Craig Bakken, Morrison, CO;

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

Dispensing package

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
60/526,753	12/02/2003		80	016866-011510	20		

CONFIRMATION NO. 5798

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

CORRECTED FILING RECEIPT

OC000000013102539

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)

Huw Alun Davies, Epson Downs, UNITED KINGDOM;
James McGuire, 2830 Virum, DENMARK;
Anja Hviid Simonsen, Frederiksberg, DENMARK;
Kaj Blennow, Molndal, SWEDEN;
Vladimir Podust, Fremont, CA;

If Required, Foreign Filing License Granted: 03/04/2004

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Biomarkers for Alzheimer's disease

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184

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
60/526,930	12/04/2003		160	30694/39618			

CONFIRMATION NO. 8013

CORRECTED FILING RECEIPT

04743
MARSHALL, GERSTEIN & BORUN LLP
6300 SEARS TOWER
233 S. WACKER DRIVE
CHICAGO, IL 60606

OC000000012892861

Date Mailed: 06/07/2004

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)

Julian Andreev, Rockland, MA;
Brian Healey, Rockland, MA;
Peter Blume-Jensen, Rockland, MA;

If Required, Foreign Filing License Granted: 03/19/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Methods for identifying modulators of active kit tyrosine kinase receptor

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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.

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NOT GRANTED

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ARENT FOX KINTNER PLOTKIN & KAHN
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON DC 20036

COPY MAILED

NOV 0 8 2004

OFFICE OF PETITIONS

In re Application of Devison Application No. 60/527,016 Filed: December 5, 2003 Attorney Docket No. 108320-00015	:	DECISION GRANTING PETITION

This is a decision on the petition entitled, "PETITION TO CORRECT FILING DATE," filed September 23, 2004, requesting that the above-identified application be accorded a filing date of November 3, 2003, rather than the presently accorded filing date of December 5, 2003.

Petitioner requests the earlier filing date on the basis that the application was received in the Patent and Trademark Office (PTO) on November 3, 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 of November 3, 2003.

The return postcard constitutes *prima facie* evidence that this application was filed on November 3, 2003. MPEP 503. Accordingly, the request is granted. No petition fee is required and none has been charged.

The application is being returned to Office of Initial Patent Examination for correction of Office records to show the filing date of the application as **November 3, 2003**, not December 5, 2003, and the mailing of a corrected filing receipt.

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

E. Shirene Willis
Petitions Attorney
Office of Petitions

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
60/527,069	12/04/2003		160	D/A0534 (1508/3580)	7		

CONFIRMATION NO. 6490

CORRECTED FILING RECEIPT

OC000000012045445

John Campa
Nixon Peabody LLP
Clinton Square
P.O. Box 31051
Rochester, NY 14603-1051

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)

Robert R. Buckley, Rochester, NY;

If Required, Foreign Filing License Granted: 01/08/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

System and method for processing portions of documents using variable 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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/527,110	12/03/2003		160	2003P18356US	1		

CONFIRMATION NO. 7261

CORRECTED FILING RECEIPT

OC000000014335503

Elsa Keller
Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

Date Mailed: 11/10/2004

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)

Torsten Paulsen, Feucht, GERMANY;
Heinrich Meyer, Nuernberg, GERMANY;
Farshid Arman, Lafayette, CA;

Power of Attorney:

Rosa Kim--39728

If Required, Foreign Filing License Granted: 03/18/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/527,110

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

Non-Publication Request: No

Early Publication Request: No

Title

Autarkic object positioning and locating system with MEMS-based devices

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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CALFEE HALTER & GRISWOLD, LLP
800 SUPERIOR AVENUE
SUITE 1400
CLEVELAND OH 44114

COPY MAILED

MAY 25 2004

OFFICE OF PETITIONS

In re Application of
Zan Xu et al.
Application No. 60/527,216
Filed: December 5, 2003
Attorney's Docket No. 26473/04273

: ON PETITION

This is a decision on the petition filed April 19, 2004, under 37 CFR 1.10, to have the filing date of December 5, 2003 also accorded as a date-in for the drawings purportedly filed on that same date. The petition is treated under 37 CFR 1.182.

The petition is **DISMISSED**.

The Office of Initial Patent Examination mailed a Notice of Omitted Items in a Provisional Application on March 25, 2004, indicating that while a filing date had been granted, Figures 3C, D; 4A-F; 5-7; 8A,B; 9-11; 12A-C and 13A,B described in the specification, appeared to have been omitted. A two (2)-month period for reply was set.

In response, on April 19, 2004, the present petition was filed, accompanied by eights (8) sheets of drawings containing Figures 3C, D; 4A-F; 5-7; 8A,B; 9-11; 12A-C and 13A,B and labeled as pages 62 through 69. Petitioners argue that Figures 3C, D; 4A-F; 5-7; 8A,B; 9-11; 12A-C and 13A,B were included with the other papers filed upon application.

In support of petitioner's contention that Figures 3C, D; 4A-F; 5-7; 8A,B; 9-11; 12A-C and 13A,B drawings were filed with the other application papers deposited on December 5, 2003, petitioner has provided, *inter alia*, a copy of the Express Mail Label No. EL085077334US with a date in of December 5, 2003 and a copy of the itemized official USPTO date-stamped postcard receipt filed with the application papers deposited on December 5, 2003.

At the outset, it should be noted that 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 CFR 1.10 to establish what documents and or fees were filed in the Office with such correspondence. Consideration under 37 CFR 1.10 would therefore be

inappropriate in the present case.[1] A petition under 37 CFR 1.10(c) is only appropriate where the correspondence was sent by Express Mail but nothing was received by the Office.

On the other hand however, 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 MPEP 503.[2] 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.

Petitioners have provided an itemized date-stamped return receipt postcard that was submitted with the application papers deposited on December 5, 2003 to support their contention that Figures 3C, D; 4A-F; 5-7; 8A,B; 9-11; 12A-C and 13A,B were in fact submitted on application. Petitioners request that the application be accorded a filing date of December 5, 2003, with Figures 3C, D; 4A-F; 5-7; 8A,B; 9-11; 12A-C and 13A,B as a part of the original disclosure.

The argument and evidence supplied with the petition have been carefully considered, but are not persuasive. Unfortunately, in this case, petitioners' postcard receipt fails to itemize in specific detail the papers allegedly filed in this application. The postcard receipt does not itemize the number of drawing figures filed, in fact, the postcard does not indicate that drawings were filed at all.

Since the drawings containing Figures 3C, D; 4A-F; 5-7; 8A,B; 9-11; 12A-C and 13A,B were not a part of the papers filed on December 5, 2003, the application cannot be accorded the December 5, 2003, filing date with drawing Figures 3C, D; 4A-F; 5-7; 8A,B; 9-11; 12A-C and 13A,B as a part of the original disclosure of this application. Furthermore, since petitioners have no persuasive evidence that eight (8) sheets of drawings containing Figures 3C, D; 4A-F; 5-7; 8A,B; 9-11; 12A-C and 13A,B were among the application papers received in the USPTO on December 5, 2003 the "Notice of Omitted Items in a Provisional Application" mailed March 25, 2004, was correct in stating that Figures 3C, D; 4A-F; 5-7; 8A,B; 9-11; 12A-C and 13A,B described in the specification had been omitted.

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[1] MPEP 513.

[2] 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.

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 Figures 3C, D; 4A-F; 5-7; 8A,B; 9-11; 12A-C and 13A,B considered as part of the application, petitioners should simply file a new completed provisional application, including Figures 3C, D; 4A-F; 5-7; 8A,B; 9-11; 12A-C and 13A,B .

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 Figures 3C, D; 4A-F; 5-7; 8A,B; 9-11; 12A-C and 13A,B and with the application papers present on filing on December 5, 2003. The copy of eight (8) sheets of drawings containing Figures 3C, D; 4A-F; 5-7; 8A,B; 9-11; 12A-C and 13A,B filed with the present petition, 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 December 5, 2003, using only 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

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[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.

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HARNESS, DICKEY, & PIERCE
7700 BONHOMME, STE 400
ST. LOUIS MO 63105

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JUN 10 2005

OFFICE OF PETITIONS

In re Application of :
Rogers C. Ritter et al :
Application No. 60/527,546 : DECISION GRANTING
Filed: December 3, 2003 : PETITION
Attorney Docket No. 5236-000467 :

This is a decision on the paper styled "PETITION TO CORRECT FILING RECEIPT", which is being treated under 37 CFR 1.10(d), Alternative Petition To Accord A Filing Date Of Actual Receipt Of Prior Correspondence, requesting that the above-identified application be accorded a filing date of December 5, 2003, rather than the presently accorded filing date of December 3, 2003.

Petitioner requests the later filing date on the basis that the application was purportedly deposited in Express Mail service on December 5, 2003. Petitioner indicates that the wrong date was entered on the Express Mail receipt. In support petitioner provides, inter alia, a copy of Express Mail Label No. EV282740046US showing a handwritten "date-in" of "12-03-03", a copy of the returned postcard and a copy of the US Postal Service (USPS) Track & Confirm record showing that a package bearing Express Mail label No. EV282740046US was delivered in Alexandria, VA USPS on December 8, 2003 at 9:14am.

Paragraph (a) and 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 Section 1.6(a). (Emphasis supplied).

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).

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."

In this case, petitioner has supplied a copy of Express Mail label No. EV282740046US, as well as convincing supporting evidence that Express Mail No. EV282740046US was deposited on December 5, 2003. However, the petition fails to contain any showing that the number of the Express Mail mailing label was placed on the application papers prior to mailing. Further, the application papers have been reviewed, but the Express Mail label number cannot be found on the application cover sheet, the specification, or the drawings.

Under the circumstances, the petition under 37 CFR 1.10(d) is **DISMISSED**.

Since petitioner cannot obtain the benefits of 37 CFR 1.10, then, pursuant to 37 CFR 1.6, the filing date of the application is the date of receipt in the USPTO. Therefore, the application will be accorded a filing date of December 8, 2003, the actual date of receipt in the USPTO.

Accordingly, petitioner's alternative request that the application be accorded the actual date of receipt in the USPTO is **GRANTED**.

The application is being referred to the Office of Initial Patent Examination for correction of the filing date to December 8, 2003, the actual date of receipt and for the mailing of a corrected filing receipt. Afterwards, the application will be referred to the Files Repository.

Telephone inquiries concerning this matter may be directed to Karen Creasy at (571) 272-3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Conferee: Frances Hicks

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
60/527,546	12/08/2003		80	5236-000467	8		

CONFIRMATION NO. 1247

CORRECTED FILING RECEIPT

28997
HARNESS, DICKEY, & PIERCE, P.L.C
7700 BONHOMME, STE 400
ST. LOUIS, MO 63105

OC000000016301871

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)

Rogers C. Ritter, Charlottesville, VA;
Jonathan C. Sell, Eagan, MN;
Gareth T. Munger, St. Louis, MO;
Peter R. Werp, St. Louis, MO;
Charles Wolfersberger, St. Louis, MO;

Power of Attorney:

Bryan Wheelock--31441

If Required, Foreign Filing License Granted: 03/17/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/527,546

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Guidewire with controllable flexibility near the tip

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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1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

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OFFICE OF PETITIONS

In re Application of :
Huang et al. :
Application No. 60/527,753 : ON PETITION
Filed: December 9, 2003 :
Attorney Docket No. 023231-00008 :

This is in response to the "RESPONSE TO NOTICE OF INCOMPLETE PROVISIONAL APPLICATION," filed April 6, 2004.

On March 26, 2004, the Initial Patent Examination Division mailed applicant a "Notice of Incomplete Provisional Application," stating that the application papers deposited December 9, 2003 had not been accorded a filing date because the application was deposited without drawings.

In response, applicants filed the instant petition. Applicants state that drawings are not necessary under 35 U.S.C. 113 for understanding the subject matter sought to be patented. However, applicants enclose 6 sheets of drawings (Figs. 1-5).

RELEVANT STATUTES, REGULATIONS AND PRACTICE

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).

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.

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.

In regard to late submission of omitted drawings in a provisional application, MPEP 601.01(d) provides that:

> [I] 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.

DISCUSSION

Applicants state that drawings are not necessary for the understanding of the subject matter sought to be patented in this provisional application. The instant provisional application is for a "High-Level Expression of Fusion Polypeptides in Plant Seeds Utilizing Seed-Storage Proteins as Fusion Carriers." Based on applicants' contention and the subject matter of the invention, it is concluded that it is appropriate to treat this application as one in which drawings are not necessary to accord a filing date.

As the specification in the instant provisional application contained references to drawing figures (Figs. 1-5), 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.

The provisional application will be accorded a filing date of December 9, 2003 with no drawings as a part of the original disclosure of the application.

Pursuant to 37 CFR 1.53(c), prohibiting amendments in provisional applications, the drawings submitted on petition will not be entered in the application. If applicant desires that these drawings be a part of the disclosure of a provisional application, applicant should simply file a new completed provisional application (and, thereby, accept a later filing date for the disclosure).

CONCLUSION

The petition is **GRANTED** to the extent that the provisional application will be accorded a filing date of December 9, 2003 with no drawings as a part of the original disclosure of the application.

The petition fee for review of the Notice, pursuant to § 1.53(e), has been charged to Deposit Account No. 01-2300, as authorized. The fee is not subject to refund as the petition was not necessitated by Office mistake.

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 December 9, 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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111 EAST WAYNE STREET
SUITE 800
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OFFICE OF PETITIONS

In re Application of :
Manole et al. :
Application No. 60/527,798 :
Filed: December 8, 2003 :
For: COMPACT REFRIGERATION SYSTEMS AND HEAT EXCHANGERS : ON PETITION

This is a decision on the Petition, filed May 26, 2004, 2004, requesting the application be accorded a filing date of December 8, 2003, including drawing Figures 29, 30 and 31A described in the specification. The delay in treating this petition is regretted.

The petition is **granted**.

The application was filed on December 8, 2003. However, on July 28, 2004, the Office of Initial Patent Examination mailed a Notice to File Missing Parts of Nonprovisional Application ("Notice"), noting that a filing date had been accorded the application; however, drawing Figures 29, 30 and 31A described in the specification appeared to have been omitted from the application.

In response, Applicant files the instant petition wherein Applicant avers that drawing Figures 29, 30 and 31A described in the specification were includee among 26 sheets of drawings originally filed with the application on December 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*, 26 sheets of drawings on December 8, 2003.

A review of the return receipt postcard reveals that Petitioner is correct. The postcard acknowledges receipt of 26 sheets of drawings on December 8, 2003. Petitioner has also re-submitted

26 sheets of drawings, includinging Figures 29, 30 and 31A, 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 drawing Figures 29, 30 and 31A, supplied with the instant petition on May 26, 2004, will be used for examination purposes.

A refund of the petition fee has been credited to deposit account 02-0385 as authorized in the instant petition.

The application will be returned to the Office of Initial Patent Examination for further processing as a provisional application with a filing date of December 8, 2003, and an indication that 26 sheets of drawings were present on filing, drawing Figures 29, 30 and 31A, supplied with the instant petition on May 26, 2004.

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

Derek L. Woods
Attorney/Advisor
Office of Petitions

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ANDREAS GABRIEL MATSAS
1020 STOCKLEY BRIDGE DR.
CHESAPEAKE VA 23322

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APR 14 2008

OFFICE OF PETITIONS

In re Application of :
Brudny, et al. : DECISION ON PETITION
Application No. 60/528,198 :
Filed: December 10, 2003 :
Docket No.: 4161-523USPR :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed October 1, 2007.

This application became abandoned March 13, 2004 for failure to timely submit a proper reply to the Notice to File Missing Parts of Provisional Application (Notice) mailed January 12, 2004. Notice of Abandonment was September 16, 2005.

Petitioners assert that the Notice was improperly mailed and that the failure to respond to the Notice should not result in the abandonment of the application.

In accordance with 37 CFR 1.181(f), any petition not filed within two months of the mailing date of the action or notice from which relief is requested may be dismissed as untimely, except as otherwise provided. This two-month period is not extendable.

The Notice was mailed January 12, 2004. Notice of Abandonment was mailed September 16, 2005.

The instant petition was filed more than three years after the action complained of without any explanation of the cause of the delay. Accordingly, the petition is **DISMISSED AS UNTIMELY**.

Practitioner herein does not appear to have been appointed to represent applicants. The instant correspondence is being mailed to the correspondence address of record as well as to practitioner. However, all further correspondence concerning this application will be directed to the correspondence address of record until such time as appropriate instruction to the contrary is received.

Any request for reconsideration of this matter should be accompanied by statements of fact from persons having first hand knowledge of the delay in timely submitting the petition to withdraw the holding of abandonment.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

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

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

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

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

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

CC: William C. Rowland
BUCHANAN INGERSOLL & ROONEY PC
P.O. Box 1404
Alexandria, VA 22313-1404

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POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

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JUN 16 2009

OFFICE OF PETITIONS

In re Application of :
Brudny, et al. : DECISION ON PETITION
Application No. 60/528,198 :
Filed: December 10, 2003 :
Atty. Dkt. No.: 1032256-000037 :

This is a decision on the renewed petition under 37 CFR 1.181 and the petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.181(f), filed June 16, 2008, to withdraw the holding of abandonment in the above-identified application.

The petition under 37 CFR 1.183 is **DISMISSED**.

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

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR §§ 1.183 and 1.181." This is not a final agency decision.

This application became abandoned March 13, 2004 for failure to timely reply to the Notice to File Missing Parts of Provisional Application (Notice) mailed January 12, 2004. The Notice set a two month shortened statutory period of time for reply. No extensions of time in accordance with 37 CFR 1.136(a) were timely requested. Notice of Abandonment was mailed September 16, 2005. A petition under 37 CFR 1.181 was filed October 1, 2007 and dismissed April 14, 2008 as untimely.

DECISION UNDER 37 CFR 1.181

Petitioners continue to assert that the Notice was improperly mailed and that the failure to respond to the Notice should not result in the abandonment of the application.

In accordance with 37 CFR 1.181(f), any petition not filed within two months of the mailing date of the action or notice from which relief is requested may be dismissed as untimely,

except as otherwise provided. This two-month period is not extendable.

The Notice was mailed January 12, 2004. Notice of Abandonment was mailed September 16, 2005. The initial petition to withdraw the holding of abandonment was filed more than three years after the action complained. The petition is subject to dismissal as untimely submitted.

Petitioners argue that the petition under 37 CFR 1.181 was submitted within six months of applicants becoming aware that the instant application was abandoned.

Assuming applicants became aware that the application was abandoned in March of 2007, the petition is remains subject to dismissal as untimely as the petition to withdraw the holding of abandonment was nonetheless submitted more than six months from the time that applicants became aware that the application was abandoned.

Applicants further argue that the Notice to File Missing Parts of Provisional Application was improperly mailed and, thus, the failure to respond to the Notice should not have resulted in abandonment.

Petitioners arguments have been carefully considered but are not found convincing. Failure to timely respond to an Office communication results in abandonment. See, 37 CFR 1.135. While petitioners are assert that the Notice was improperly mailed, the time period for submitting such argument expired March 13, 2004, the day after the date that a reply to the Notice was required.

Petitioners further argue non-receipt of the Notice to File Missing Parts of Nonprovisional Application and the Notice of Abandonment. The declaration of Alexandra Daoud asserts that the attorney who submitted the application, C. Marc Benoit, set forth an incorrect customer number on the provisional application cover sheet. Ms. Daoud indicates she became aware that the Notices were not received when reviewing correspondence dated March 30, 2007 in related application No. 11/146,122.

It would appear that the failure to receive the Notices was a direct result of applicant's attorney providing the Office with an incorrect customer number.

Abandonment as a consequence of a failure to advise the Office of one's proper correspondence address is not grounds for the withdrawal of the holding of abandonment. The correspondence address was provided by applicants voluntarily chosen legal representative. The Patent and Trademark Office must rely on the actions or inactions of duly authorized and voluntarily chosen representatives of an applicant, and an applicant is bound by the consequences of those actions or inactions. Link v. Wabash, 370 U.S. 626, 633-34 (1962).

In view thereof, the petition under 37 CFR 1.181 is hereby **DISMISSED**.

DECISION UNDER 37 CFR 1.183

The provisions of 37 CFR 1.183 provide that "[i]n 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. Any petition under this section must be accompanied by the petition fee set forth in § 1.17(f)."

The required fee of $400.00 has been charged to petitioners' deposit account, as authorized.

In accordance with 37 CFR 1.181(f), "[a]ny petition under this part not filed within two months of the mailing date of the action or notice from which relief is requested may be dismissed as untimely, except as otherwise provided. This two-month period is not extendable."

Petitioners request waiver of the requirements of 37 CFR 1.181(f). The petition to withdraw the holding of abandonment was filed more than three years after the date of abandonment, more than two years after the mailing of the Notice of Abandonment, and more than six months after petitioners assert awareness of the application's abandoned status.

Petitioners have failed to set forth an "extraordinary situation" which caused the delay in timely submission of the petition to withdraw the holding of abandonment. Instead, petitioners assert that the petition was timely filed because it was filed within six months of the due date for a reply to an Office action in a different application. The nexus between the

two events is not clearly articulated given the time period for action in the two applications remained distinct and separate.

Even assuming applicants became aware on or about March of 2007 that the application became abandoned for failure to respond to the Notice mailed January 12, 2004, applicants delayed, without explanation, more than six months before filing a petition.

After careful review of the petition and accompanying declaration, it cannot be found that "extraordinary" circumstances have been established.

In view thereof, the petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.181(f) is hereby **DISMISSED**.

ALTERNATE VENUE

Petitioner may wish to consider filing a petition stating that the delay was unintentional. Petitioners' attention is directed to 37 CFR 1.137(b) which provides for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of an issue fee was "unavoidable". An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required petition fee and reply.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

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

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

By facsimile: (571) 273-8300

By hand delivery: U.S. Patent and Trademark Office

Customer Window, **Mail Stop Petition**
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The requested revocation/power of attorney has been entered into the record.

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
60/528,198	12/10/2003	Jean-Francois Brudny	4161-523USPR

CONFIRMATION NO. 6414

POWER OF ATTORNEY NOTICE

29088
ANDREAS GABRIEL MATSAS
1020 STOCKLEY BRIDGE DR.
CHESAPEAKE, VA 23322

Date Mailed: 06/15/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/16/2008.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/ambrown/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

COPY MAILED
MAR 05 2010

In re Application of :
Brudny, et al. :
Application No. 60/528,198 : ON PETITION
Filed: December 10, 2003 :
Attorney Docket No. 4161-523USPR :

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

The petition is GRANTED.

The application became abandoned March 13, 2004 for failure to timely submit a proper reply to the Notice to File Missing Parts of Provisional Application (Notice) mailed January 12, 2004. The Notice set a two month shortened statutory period of time for reply. No petition for extension of time under 37 CFR 1.136(a) was submitted. Notice of Abandonment was mailed September 16, 2005. A petition under 37 CFR 1.181 was filed October 1, 2007 and dismissed April 14, 2008. A petition under 37 CFR 1.181 and 1.183 was filed June 16, 2008 and dismissed June 16, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the required reply (petitioners' arguments that an English language translation of the non-English specification is not necessary per 37 CFR 1.52(d)(2)), (2) the required petition fee, and (3) a satisfactory statement of unintentional delay.

A provisional application abandoned prior to 12 months from its filing date for failure to reply to an Office requirement (e.g., failure to submit the filing fee and/or cover sheet) may be revived for a period of no longer than 12 months from the filing date of the provisional application where the delay was unavoidable or unintentional. It is permissible to file a petition for revival later than 12 months from the filing date of the provisional application but only to revive the application for the 12-month period following the filing of the provisional application. Thus, while the instant petition is granted to establish the pendency up to the end of the 12-month period, the provisional application is not to be considered pending after 12 months from its filing date.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ST. ONGE STEWARD JOHNSTON & REENS, LLC
986 BEDFORD STREET
STAMFORD, CT 06905-5619

COPY MAILED

MAY 2 4 2004

OFFICE OF PETITIONS

In re Application of
David Goldman
Application No. 60/528,232
Filed: December 9, 2003
Attorney Docket No. 03885-P0003A

DECISION ON PETITION

This is a decision on the "PETITION TO ESTABLISH PRIOR RECEIPT IN THE USPTO OF ITEM(S) CONSIDERED OMITTED BY THE USPTO UNDER 37 C.F.R. 1.53(e)," filed April 6, 2004.

Application papers in the above-identified application were filed on December 9, 2003. However, on March 29, 2004, the Office mailed a Notice of Omitted Item(s) in Provisional Application. Applicant was advised that the application had been accorded a filing date; however, figure 4 described in the specification appeared to have been omitted from the application.

In response, applicant timely filed the instant petition (and petition fee). Applicant asserts that figure 4 was in fact deposited on December 9, 2003. In support thereof, applicant submitted a copy of their return postcard from the USPTO. Petitioner also submitted a copy of the 4 sheets of drawings as it is maintained they were 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 petitioner's postcard receipt reveals that: 1) it was date stamped as received in the USPTO on December 9, 2003, and the items filed therewith were assigned Application No. 60/528,232; 2) it specifically identifies the items being filed, including "4 Sheets of Drawings" and 3) it lacks any annotation of non-receipt of any item denoted on the postcard. Thus, petitioners have shown that the items denoted, including 4 sheets of drawings, were deposited on December 9, 2003.

The sheets of drawings already considered received in the Office on December 9, 2003, were reviewed along with figure 4 submitted on petition. These papers together constitute the item described on the postcard receipt as "4 Sheets of Drawings." It is noted that instead of sheet 4/4 containing figure 4 being present among the drawings shown in the record to have been originally filed in this application a blank sheet is present in the application.

This is inconsistent with petitioner's postcard evidence. Had the Office received 4 drawing sheets, including a fourth one that was blank, it should have been denoted on the postcard that sheet 4 of the drawings was missing. It is concluded that petitioner has shown that figure 4 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. 12-1216, as authorized.

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

- reprocessing with a filing date of December 9, 2003 using the application papers received in the Office and presently accorded that date; and figure 4 re-supplied on petition filed April 6, 2004; and
- indication in Office records that 4 sheets of drawings were present in this application on filing.

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

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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
60/528,243	12/09/2003		80	8106	4		

CONFIRMATION NO. 5623

CORRECTED FILING RECEIPT

OC000000011966440

22922
REINHART BOERNER VAN DEUREN S.C.
ATTN: LINDA GABRIEL, DOCKET COORDINATOR
1000 NORTH WATER STREET
SUITE 2100
MILWAUKEE, WI 53202

Date Mailed: 02/25/2004

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)

Dennis P. Tronca, Mequon, WI;

If Required, Foreign Filing License Granted: 01/15/2004

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 advancing thermoplastic adhesive disc dispensing tape

---

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
60/528,295	12/10/2003		80	22561.PROV	4		

CONFIRMATION NO. 7236

Steve M. Perry
THORPE NORTH & WESTERN, LLP
P.O. BOX 1219
SANDY, UT 84091-1219

CORRECTED FILING RECEIPT

OC000000012104695

Date Mailed: 03/17/2004

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)

L. Derek Green, Morgan, UT;
Todd Anderson, Morgan, UT;

If Required, Foreign Filing License Granted: 01/12/2004

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Mirror and monitor 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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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. None

DOBRUSIN & THENNISCH PC
401 S OLD WOODWARD AVE
SUITE 311
BIRMINGHAM MI 48009

COPY MAILED

AUG 3 0 2004

OFFICE OF PETITIONS

In re Application of :
Christopher Hable et al. :
Application No. 60/528,562 :
Filed: December 10, 2003 : DECISION ON PETITION
Attorney Docket No. 1001-020P1 :
Title: METHOD FOR BALANCING A :
MOVABLE MEMBER AND MEMBER FORMED :
THEREBY :

This is a decision on the petition filed July 28, 2004.

On December 10, 2003, the above-identified application was deposited. On July 22, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Provisional Application - Filing Date Not Granted (notice)", stating that the application had not been accorded a filing date, and advising applicants that a filing date would be accorded upon the receipt of drawings. The Notice set a two-month period for response.

On July 28, 2004, Petitioner submitted a "Petition to Establish Prior receipt in the P.T.O. of Item(s) Considered as Omitted by the P.T.O. - Response to 'Notice of Incomplete Application' Provisional Application." The petition is further accompanied by a copy of Figures 1-3, along with a copy of applicants' postcard receipt acknowledging receipt of "3 sheets of drawings (Figs. 1-3)" in the United States Patent and Trademark Office (Office) on December 10, 2003. Applicants request that the application, including Figures 1-3, be accorded a filing date of December 10, 2003.

Upon review of the electronic record, the above-mentioned figures have not been located among the application papers. However, the evidence is convincing that the application papers deposited on December 10, 2003 included three drawing sheets containing Figures 1-3, and the sheets containing these figures were subsequently misplaced in the Office.

Therefore, the application, including Figures 1-3, was complete on filing and entitled to a filing date of December 10, 2003 as part of the original disclosure.

Accordingly, the petition is **GRANTED**.

The notice mailed July 22, 2004 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 December 10, 2003, using the original application papers filed on that date, as well as Figures 1-3 submitted on July 28, 2004. OIPE will then mail a corrected filing receipt.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0011. 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

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
60/528,604	12/11/2003		80	03-015 (065274.0113)	5		

CONFIRMATION NO. 9362

CORRECTED FILING RECEIPT

37270
BAKER BOTTS L.L.P.
2001 ROSS AVENUE, 6TH FLOOR
DALLAS, TX 75201-2980

OC000000012227547

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)

Terry D. Daglow, Allen, TX;
Robert E. Jones, McKinney, TX;

If Required, Foreign Filing License Granted: 01/09/2004

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Electrical stimulation system and associated apparatus for securing an electrical stimulation lead in position in a person's brain

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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
60/528,799	12/11/2003		160	208.6173PR	4		

CONFIRMATION NO. 7909

20792
MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

CORRECTED FILING RECEIPT

OC000000012096685

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)

Vijay Mehta, Gastonia, NC;

If Required, Foreign Filing License Granted: 01/12/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Lithium containing bleach compositions and methods of making 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.

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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).

UNITED STATES PATENT AND TRADEMARK OFFICE

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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
60/528,867	12/12/2003		160	P69447US0	28		

CONFIRMATION NO. 9258

JACOBSON HOLMAN PLLC
400 Seventh Street, N.W.
Washington, DC 20004

CORRECTED FILING RECEIPT

OC000000011917514

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)

David R. Hammonds, York, PA;
David E. Whitesel, York, PA;

If Required, Foreign Filing License Granted: 01/09/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Self-contained flush-mount bulkhead air conditioning unit with novel evaporator/blower assembly housing

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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

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

Walter Mills
Site 217, RR 2
Box 6
Carvel AB T0E-0H0
CANADA

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JUL 0 1 2009

OFFICE OF PETITIONS

In re Application of
Mills
Application No. 60/528,902
Filed: December 12, 2003
Attorney Docket No. N/A
For: FLAT PUNCH - A.K.A.- FLAT PUNCH VENEER CUTTER

: DECISION ON PETITION

This is a decision on the petition under the unavoidable standard of 37 CFR 1.137(a), filed June 3, 2009, to revive the above-identified application.

The petition is **DISMISSED.**

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

The above-identified application was filed on December 12, 2003. The application became abandoned at midnight on December 12, 2004 by operation of law. A 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. 35 U.S.C. 111 (b)(5).

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d).

The instant petition lacks items (1) and (3).

As to item (1), as discussed below, it is impossible to revive an abandoned provisional application after 12 months. Therefore, there is and can be no acceptable "reply."

As to item (3), decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

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

In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

Petitioner argues that the entire delay in (presumably) filing a nonprovisional application claiming benefit of the present provisional application from the due date for the filing until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable. Petitioner asserts that an invention promotion company that he had hired to handle his invention did not take any action beyond filing the present provisional application and that the Federal Trade Commission advised him that the company was making false claims about their invention promotion operations.

While the Office is not unsympathetic to petitioner's plight, the fact remains that a provisional application only has a "life" of 12 months. It is not possible to extend the period. This rule is by statute. 35 U.S.C. 111(b)(5) states in pertinent part, "...A 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." 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, then 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). The Office has no discretion in this situation. It is simply not possible to revive an abandoned provisional application after 12 months of its filing.

Petitioner is reminded that the U.S. Patent and Trademark Office is not the proper forum for resolving disputes between applicants and their representatives. *See* Ray v. Lehman, 55 F.3d 606, 34 USPQ2d 1786 (Fed. Cir. 1995).

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

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

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

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

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

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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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JGJr: 09-04

Paper No: __

PERKINS, SMITH & COHEN LLP
ONE BEACON STREET
30TH FLOOR
BOSTON MA 02108

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SEP 14 2004

OFFICE OF PETITIONS

In re Application of:
Barratt, et al.
Filed: 11 December, 2003
Application No. 60/528,938
Docket No. 10845-158PROV

DECISION ON PETITION

This is a decision on the petition, filed on 20 May, 2004, under 37 C.F.R. §1.53, to obtain a filing date of 11 December, 2003, for pages numbered 40 - 44 (specification) of the application.

The petition under 37 C.F.R. §1.53 is **GRANTED**.

BACKGROUND

This nonprovisional application was deposited on 11 December, 2003.

On 30 March, 2004, the Office mailed a "Notice of Omitted Items in a Provisional Application," and indicated that, while a filing date had been granted, "Page(s) 40 - 44 of the specification (description . . .)" appeared to have been omitted from the application.

Petitioner responded with a petition on 20 May, 2004, along with, *inter alia*, a copy of the application as Petitioner contended it was filed, including "Page(s) 40 - 44 of the specification," and a copy of the date-stamped (11 December, 2003) receipt card indicating, *inter alia*, that the following items had been received by the Office:

* * *

Transmittal 2 copies (1 page)
Check- $80.00
Application Specification and Drawings (134 pages)
Receipt postcard

* * *

As is clear from the foregoing, the receipt card (see: MPEP §503[1]) did not specify the pages containing the Specification and those containing Drawings, but rather included them all as pages 1 - 134, and there are no duplicate pages.

Because the return postcard receipt properly itemizes the contents of the application package in accordance with MPEP §503, the Office concludes that the pages 40 - 44 the specification of the application was submitted on 11 December, 2003, and subsequently was misplaced in the Office.

Accordingly, the petition under 37 C.F.R. §1.53 is **granted**; the petition fee is waived; and the Notice mailed on 30 March, 2004, hereby is withdrawn as to pages 40 - 44 of the specification of

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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 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.)

the application.

This application is released to the Office of Initial Patent Examination for further processing with a filing date of 11 December, 2003, using:

1. pages 1 - 39 and 46 - 134 (Specification and Drawings) on 11 December, 2003; and

2. pages 40 - 44 (Specification), deposited on 20 May, 2004;

3. with direction to OIPE to correct Office records to reflect that 134 pages of specification (including drawings) were present on filing on 11 December, 2003, and forward to Petitioner a corrected filing receipt setting forth a filing date of 11 December, 2003, reflecting therein that 134 pages of specification (including drawings) were present on filing.

Thereafter, the application will be considered by the examiner in due course.

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
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
60/528,959	12/11/2003		160	QUA 093 MA	1		

CONFIRMATION NO. 8332

29673
STEVENS & SHOWALTER LLP
7019 CORPORATE WAY
DAYTON, OH 45459-4238

CORRECTED FILING RECEIPT

OC000000013009735

Date Mailed: 06/21/2004

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)

John E. Rosenstengel, Beavercreek, OH;
Martin P. DeSimio, Fairborn, OH;

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

Non-Publication Request: No

Early Publication Request: No

Title

Method for assessing structural integrity from vibrational responses

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

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

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OCT 2 8 2008

OFFICE OF PETITIONS

In re Application of :
BURNS, JAMES :
Application No. 60/529,035 : DECISION ON PETITION
Filed: 12/12/2003 :
Attorney Docket No. ENDO 202P :

This is a decision on the petition filed June 9, 2008, to withdraw the holding of abandonment in the above-identified application.

The petition is DISMISSED.

This application became abandoned for failure to file a timely and proper reply to the Notice to File Missing Parts of Provisional Application, which set a two-month extendable period to reply. On May 28, 2008, the Office mailed a Notice of Abandonment.

On June 9, 2008, petitioners filed the present petition. Petitioners assert that they filed a proper and timely response to the Notice to File Missing Parts of Provisional Application and request that the Office withdraw the holding of abandonment.

The response of May 14, 2004, has been located. Therefore, it is undisputed that petitioners filed a timely reply to the Notice to File Missing Parts of Provisional Application. However, the reply of May 14, 2004, was not proper.

Pursuant to 37 CFR 1.52(e):

(1) The following documents may be submitted to the Office on a compact disc in compliance with this paragraph:

(i) A computer program listing (see § 1.96);
(ii) A "Sequence Listing" (submitted under § 1.821(c)); or
(iii) Any individual table (see § 1.58) if the table is more than 50 pages in length, or if the total number of pages of all of the tables in an application exceeds 100 pages in length, where a table page is a page printed on paper in conformance with paragraph (b) of this section and § 1.58(c).

After consulting with the Office of Patent Application Processing (OPAP), OPAP indicated that applicants submitted a computer program on compact disc, not a computer program listing. See 37 CFR 1.52(e)(1)(i). Accordingly, the subject matter provided by petitioners on the compact disc is not one of the documents listed in 37 CFR 1.52(e)(1) that may be submitted on a compact disc.[1] Therefore, petitioners have failed to comply with the Notice to File Missing Parts of Provisional Application because they still have not submitted the material in an appropriate medium.

In view of the above, the application was properly held abandoned. Accordingly, the petition is **dismissed**.

Any request for reconsideration must be submitted within TWO MONTHS of the mailing date of this decision. No extensions of this time period are available. See 37 CFR 1.181(f). The request for reconsideration of this decision should be entitled "Renewed Petition Under 37 CFR 1.181."

In the alternative, the petitioner may wish to file a petition under 37 CFR 1.137(b) on the basis of unintentional delay. A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice;

(2) The petition fee as set forth in § 1.17(m);

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

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

The application will remain in its abandoned state until petitioners file a petition to revive the application, a petition fee, and a proper reply.

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[1] While the Office attempts to notify applicants of deficiencies in their responses in a manner permitting a timely correction, the Office has no obligation to do so. In re Colombo, Inc., 33 USPQ2d 1530, 1532 (Comm'r Pat. 1994).

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

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

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

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

Correspondence may also be submitted via the Electronic Filing System of the USPTO.

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

C-T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

PTO/SB/64 (09-08)
Approved for use through 10/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)

First named inventor:

Application No.: Art Unit:

Filed: Examiner:

Title:

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____(identify type of reply):

☐ has been filed previously on _____.
☐ is enclosed herewith.

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

☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

_____ Signature

_____ Date

_____ Typed or printed name

_____ Registration Number, if applicable

_____ Address

_____ Telephone Number

_____ Address

Enclosures: ☐ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

_____ Date

_____ Signature

_____ Typed or printed name of person signing certificate

Privacy Act Statement

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

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

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

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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
60/529,262	12/12/2003		80	08407-017P01	9		

CONFIRMATION NO. 1442

26181
FISH & RICHARDSON P.C.
3300 DAIN RAUSCHER PLAZA
MINNEAPOLIS, MN 55402

CORRECTED FILING RECEIPT

OC000000014381564

Date Mailed: 11/17/2004

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)

William Pat Price, Santa Ana, CA;
Roy Lewis, Westminister, CA;

Power of Attorney:

John Phillips--35322

If Required, Foreign Filing License Granted: 01/09/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/529,262

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Management of content across multiple domains

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
60/529,453	12/12/2003		80	9476	4		

CONFIRMATION NO. 2370

CORRECTED FILING RECEIPT

OC000000011902623

21905
CONNORS ASSOCIATES
1600 DOVE ST
SUITE 220
NEWPORT BEACH, CA 92660

Date Mailed: 02/13/2004

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)

Gregory S. Beck, Yorba Linda, CA;

If Required, Foreign Filing License Granted: 01/09/2004

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Safety helmet with shock detector & helmet attachment device with shock 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.

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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

REISING, ETHINGTON, BARNES, KISSELLE, P.C.
P O BOX 4390
TROY MI 48099-4390

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APR 0 2 2004

OFFICE OF PETITIONS

In re Application of :
Alvin D. McCauley et al. :
Application No. 60/529,555 :
Filed: January 16, 2004 : DECISION ON PETITION
Attorney Docket No. :
0736.3044.001 :
Title: WINDSHIELD GLARE :
REDUCTION METHOD AND ASSEMBLY :

This is a decision on the petition filed January 16, 2004.

On December 15, 2003, the above-identified application was deposited. On January 12, 2004, 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 January 16, 2004, Petitioner submitted a "Response to Notice of Incomplete Provisional Application," along with Figures 1 and 2 (one and two) and payment of the petition fee. No arguments were made, no evidence was presented, and no mention was made of the desired filing date. As such, Petitioner has not explicitly stated what resolution he seeks.

Since the Petitioner has not stated that the missing drawings were included on filing, in the absence of any discussion of an entitlement to the according of December 15, 2003 as the filing date, the Office must presume that the Petitioner accepts the date of deposit of the drawings as the filing date.

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 January 16, 2004, the date of receipt of the formerly omitted items, Figures 1 and 2 (one and two), using the original application papers filed December 15, 2003, and two Figures submitted with the instant petition on January 16, 2004.

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

for D Wood

Jay Lucas
Interim Supervisory Petitions Examiner
Office of Petitions
United States Patent and Trademark Office

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P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

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FEB 28 2005

OFFICE OF PETITIONS

In re Application of :
Adrianus J.S.M. De Vaan :
Application No. 60/529,586 :
Filed: December 15, 2003 : ON PETITION
Attorney Docket No. US 030505 :

This is a decision on the Petition Under 37 CFR § 1.10(c), filed December 1, 2004, requesting that the above-identified application be accorded a filing date of December 15, 2003, rather than the presently accorded filing date of December 16, 2003. The petition is being treated under 37 CFR 1.10(d).

Petitioner alleges that the application was deposited in Express Mail service on December 15, 2003. In support of this assertion, Petitioner files a copy of Express Mail Label EV312068652, that allegedly contains a "Date In" of December 15, 2003. Petitioner also files a copy of an Express Mail Log with an entry date of December 15, 2003 indicating that the above-identified docket number, US 030505, was mailed with Express Mail Label No. EV312068652. While the "Date In" on Express Mail Label EV312068652 is illegible, Petitioner has filed the appropriate documentary and corroborating evidence demonstrating that December 15, 2003 was the date the correspondence was deposited Express Mail Post Office to Addressee.

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

This application file will be forwarded to the Office of Initial Patent Examination for correction of the filing date to December 15, 2003.

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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BARNES & THORNBURG
600 One Summit Square
Fort Wayne IN 46802

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AUG 1 8 2004

OFFICE OF PETITIONS

In re Application of :
Morr et al. :
Application No. 60/529,707 : ON PETITION
Filed: December 15, 2003 :
Attorney Docket No.: 614359/82665 :
Title: Needle Cylinder Actuator Assembly

This is a decision on the petition filed June 24, 2004 under 37 CFR 1.53, requesting in effect, that a Notice of Omitted Item(s) in a Provisional Application ("Notice") mailed June 3, 2004 be withdrawn.

The application was filed on December 15, 2003. However, on June 3, 2004, the Office of Initial Patent Examination mailed a Notice stating that the application had been accorded a filing date of December 15, 2003 but figure 13 as described in the specification appeared to have been omitted.

In response, figure 13 as described in the specification and the present petition were filed on June 24, 2004. In support, the petition is accompanied by a copy of applicant's return postcard which lists 16 pages of informal drawings. The petition is further accompanied by figure 13 located on page 13 of 16.

Applicant's postcard receipt is prima facie evidence that 16 pages of drawings including figure 13 were received on December 15, 2003, but 1 page including figure 13 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 16 pages of drawings including figure 13 were received on December 15, 2003, as shown in counsel's file, and later misplaced in the office.

The petition is Granted. The $130.00 petition fee will be credited to deposit account 02-1010.

Since original figure 13 cannot be located in the Office, figure 13 supplied on June 24, 2004, will be used for processing and

examination purposes.

The application is being returned to the Office of Initial Patent Examination for further processing with a **filing date of December 15, 2003** using the 15 sheets of drawings received on December 15, 2003 and the 1 substitute sheet of figure 13 received on June 24, 2004 for a total of 16 sheets of drawings.

Telephone inquiries related to this decision may be directed to the undersigned at (703) 306-0251 until September 24, 2004, thereafter (571)272-3215.

Charlema R. Grant
Petition Attorney
Office of Petitions

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CALIFORNIA INSTITUTE OF TECHNOLOGY
1200 E.CALIFORNIA BLVD.
M/C 201-85
PASADENA, CA 91125

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SEP 0 2 2004

OFFICE OF PETITIONS

In re Application of :
Andre DeHon, et al. :
Application No. 60/529,874 : ON PETITION
Filed: December 16, 2003 :
Attorney Docket No. CIT-3921-P3 :

This is a decision on the petition filed July 28, 2004, requesting that the above-identified provisional application be accorded a filing date of December 16, 2003, including page 36 of the specification.

The provisional application was submitted on December 16, 2003. However, on June 3, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice" that stated the provisional application had been accorded a filing date, and that page 36 of the specification appears to have been omitted.

In response, on July 28, 2004, the present petition was filed wherein petitioner contends page 36 of the specification was filed on December 16, 2003. The papers were accompanied by a copy of applicant's postcard receipt that acknowledges receipt of thirty-seven (37) pages of specification on December 16, 2003. A review of the application file indicates the presence of thirty-six (36) pages of specification. It is assumed that the missing page (page 36) of specification was misplaced by the Office.

In view of the above, the petition is granted.

The $130.00 petition fee will be refunded to deposit account no. 12-0415.

This provisional application will be returned to OIPE for further processing with a filing date of December 16, 2003, using the copy of page 36 of the specification, supplied on July 28, 2004.

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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/529,988	12/15/2003		80	286638.125			

CONFIRMATION NO. 7617

23483
WILMER CUTLER PICKERING HALE AND DORR LLP
60 STATE STREET
BOSTON, MA 02109

CORRECTED FILING RECEIPT

OC000000014675744

Date Mailed: 12/06/2004

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)

David F. Kronholm, Boston, MA;

Power of Attorney: The patent practitioners associated with Customer Number **23483**.

If Required, Foreign Filing License Granted: 03/30/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/529,988

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Fullerene derivatives useful as radical scavengers/antioxidants

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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.

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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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/530,038	12/15/2003		160	15436.333	3		

CONFIRMATION NO. 6497

CORRECTED FILING RECEIPT

OC000000012041256

022913
WORKMAN NYDEGGER (F/K/A WORKMAN NYDEGGER & SEELEY)
60 EAST SOUTH TEMPLE
1000 EAGLE GATE TOWER
SALT LAKE CITY, UT 84111

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)

Daniel Case, Gilroy, CA;
Gerald L. Dybsetter, Scotts Valley, CA;
Jayne C. Hahin, Cupertino, CA;

If Required, Foreign Filing License Granted: 01/14/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Microcode driven adjustment of analog-to-digital converter

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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/530,042	12/15/2003		80	WIBL-P61-015	2		

CONFIRMATION NO. 6460

CORRECTED FILING RECEIPT

OC000000016210887

28120
FISH & NEAVE IP GROUP
ROPES & GRAY LLP
ONE INTERNATIONAL PLACE
BOSTON, MA 02110-2624

Date Mailed: 06/07/2005

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)

Rudolf Jaenisch, Brookline, MA;
Konrad Hochedlinger, Cambridge, MA;

Power of Attorney:

Weishi Li--53217

If Required, Foreign Filing License Granted: 03/30/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/530,042

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 reprogramming somatic cells

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

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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
60/530,058	12/16/2003		80	00066.01P	5		

IP DEPARTMENT (ALEXA MDC)
1001 EAST MEADOW CIRCLE
PALO ALTO, CA 94303

CONFIRMATION NO. 5912

CORRECTED FILING RECEIPT

OC000000016537575

Date Mailed: 07/15/2005

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)

Joshua D. Rabinowitz, Mountain View, CA;
William W. Shen, Stanford, CA;
Martin J. Wensley, San Francisco, CA;

Power of Attorney: None

If Required, Foreign Filing License Granted: 03/30/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/530,058

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Treatment of breakthrough pain by drug aerosol inhalation

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

GRANTED

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NOT GRANTED

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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

IP DEPARTMENT ALEXZA MDC
1001 EAST MEADOW CIRCLE
POLA ALTO CA 94303

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APR 0 6 2005

OFFICE OF PETITIONS

In re Application of :
Joshua D. Rabinowitz et al. :
Application No. 60/530,059 :
Filing Date: December 16, 2003 :
Attorney Docket No. 00069.01P :
Title: METHODS FOR MONITORING :
SEVERITY OF PANIC ATTACKS AND :
OTHER RAPIDLY EVOLVING MEDICAL :
EVENTS IN REAL TIME :

DECISION ON PETITION UNDER
37 C.F.R. §1.10(c)

This is a decision on the petition under 37 C.F.R. §1.10(c), filed November 29, 2004, requesting the according of a filing date of December 16, 2003 to application number 60/530,059.

The application was deposited on December 16, 2003. Shortly thereafter, the Office mailed a filing receipt, indicating that application number 60/530,059 had been accorded a filing date of December 15, 2003.

With the instant petition, Petitioner has included a copy of the Express Mail label number ER447856454US[1].

Petitioner has alleged that the application was deposited on December 16, 2003, and the Patent Office has incorrectly assigned a filing date of December 15, 2003 to the instant application. Petitioner has included a copy of the Express Mail label, and it is noted that it bears a "date-in" of December 16, 2003.

A check of the Office's USPS Express Mail Finder Database computer program was inconclusive. A check of the United States Postal Service's website

1 It is noted that the specification for the current application contains this same Express Mail label number.

(http://www.usps.com/shipping/trackandconfirm.htm) was also inconclusive, in that it stated that the information pertaining to this Express Mail label number is stored off-line. A copy of the latter search result is enclosed.

Although the application received a filing date of December 15, 2003, the evidence is convincing that the application papers were filed on December 16, 2003, and the Patent Office assigned the incorrect date to the application. Therefore, the application was entitled to a filing date of December 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 December 16, 2003, as well as the mailing of a corrected filing receipt.

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

Encl. Printout of the USPS tracking results

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Paper No.

HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET NY 11791

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MAY 18 2004

OFFICE OF PETITIONS

In re Application of :
Kwolek :
Application No. 60/530,121 : DECISION GRANTING PETITION
Filed: December 16, 2003 :
Attorney Docket No. 1387-4 :

In re Application of :
Kwolek :
Application No. 10/470,615 :
Filed: December 16, 2003 :
Attorney Docket No. 1387-4 :

This is a decision on the petition under 37 CFR 1.182 filed January 20, 2004, to convert the above-identified provisional application to a nonprovisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b)(1).

On December 16, 2003, petitioner filed the above-identified application. The USPTO processed the papers as a provisional application and assigned the application, No. 60/530,121.

On January 20, 2004, petitioner filed the present petition. Petitioner asserts that he mailed a nonprovisional patent application by Express Mail to the USPTO on December 16, 2003. Petitioner states that the USPTO incorrectly entered the application as a provisional application. Petitioner argue that the application papers filed on December 16, 2003, are complete for filing date purposes under 35 U.S.C. 111(a) and 37 CFR 1.53(b)(1).

A review of the application papers filed on December 16, 2003, confirms that petitioner submitted a Nonprovisional Patent Application Transmittal, indicating that the present application is a nonprovisional application. Moreover, the papers are complete for filing date purposes under 35 U.S.C. 111(a) and 37 CFR 1.53(b)(1).

Accordingly, it appears that the USPTO erred in processing the application as a provisional application instead of a nonprovisional application. Thus, the petition is granted. No petition fee is necessary.

The nonprovisional application under 37 CFR 1.53(b) filed on December 16, 2003, has been assigned application No. 10/470,615. The application papers have been transferred from the file of application No. 60/530,121, and have been placed in application No. 10/470,615. A copy of the present petition will be retained in application No. 60/530,121 to complete the record therein. All further correspondence concerning the nonprovisional application should be directed to application No. 10/470,615, not application No. 60/530,121.

The Office finance records will be corrected to show that the $80.00 fees for recording an assignment paid on December 17, 2003, were paid in application No. 10/470,615. Additionally, the $80.00 provisional filing fee will be refunded to Deposit Account No. 08-2461. However, a review of the transmittal letter indicates that petitioner did not authorize the USPTO to charge the Deposit Account for the nonprovisional statutory basic filing fee. Therefore, petitioner must pay the $385.00 filing fee and a $65.00 surcharge for the late payment within TWO MONTHS of the date of this decision. Extensions of time under 37 CFR 1.136 are available.

Application No. 10/470,615 will be forwarded to the Office of Initial Patent Examination for reprocessing as a **NONPROVISIONAL** application under 35 U.S.C. 111(a) and 37 CFR 1.53(b)(1), with a filing date of December 16, 2003.

Any inquiries related 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

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150 INDUSTRIAL ROAD
SAN CARLOS CA 94070

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DEC 0 3 2004

OFFICE OF PETITIONS

In re Application of :
Bentley, et al. :
Application No. 60/530,122 :
Filed: December 17, 2003 :
Attorney Docket No. SHE0078.PRO :
For: SELECTIVE BARRIER TRANSPORT OF CHEMICALLY-MODIFIED SMALL MOLECULES

DECISION GRANTING PETITION

This is a decision on the petition under 37 CFR 1.10(c), filed November 2, 2004, requesting that the above-identified application be accorded a filing date of December 16, 2003, rather than the presently accorded filing date of December 17, 2003.

Petitioner contends that the above-identified application was deposited in the United States Postal Service (USPS) Express Mail service on December 16, 2003. In support of this contention, petitioner has supplied with the present petition a copy of Express Mail label no. ER212310040US bearing a "date-in" of December 16, 2003. The original Patent Application for Patent Cover Sheet found in the application file has transcribed on its front page the following Express Mail label no. ER212310040US.

In view of the above, it is apparent that the application was filed as Express Mail with the USPS on December 16, 2003. The petition is **granted**.

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

This application file is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of **December 16, 2003** and the mailing of a filing receipt reflecting this change.

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

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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MERCK AND CO INC
P O BOX 2000
RAHWAY NJ 07065-0907

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NOV 0 5 2004

OFFICE OF PETITIONS

In re Application of
Christian Beaulieu et al.
Application No. 60/530,298
Filed: December 15, 2003
Attorney Docket No. MC094PV

ON PETITION

This is a decision on the petition under 37 CFR 1.10 (c) filed July 26, 2004 to correct the filing date to December 15, 2003, rather than the presently accorded filing date of December 16, 2003.

Petitioner alleges that the application was deposited in Express Mail service on December 15, 2003. In support, on July 26, 2004, petitioner supplied a copy of Express Mail Label No. EV321984011US (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 December 15, 2003.

In view of the above, the petition is **GRANTED** and no petition fee is due.

The application is being forwarded to the Office of Initial Patent Examination for correction of the **filing date to December 15, 2003** and for issuance of a corrected filing receipt.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/530,344	12/17/2003		160	17310-295565	1		

CONFIRMATION NO. 8114

Walter C. Linder
Faegre & Benson LLP
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402-3901

CORRECTED FILING RECEIPT

OC000000011895719

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)

Paul D. Borscheid, Hutchinson, MN;
Lee R. Thunstrom, Hutchinson, MN;
Michael W. Davis, Rockford, MN;

If Required, Foreign Filing License Granted: 01/12/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Apparatus and method for applying photoresist to round and/or tubular stock

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

GRANTED

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NOT GRANTED

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18569 Decatur Road
Monte Sereno CA 95030

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OCT 0 4 2004

OFFICE OF PETITIONS

In re Application of
McDonald
Application No. 60/530,819
Filed: December 18, 2003
Attorney Docket No. N/A
For: WIRELESS DISPLAY TAG (WDT)
USING AMPLIFIED BACKSCATTER

: DECISION DISMISSING
: PETITION

This is a decision on the petition, filed April 23, 2004, requesting that the Office accord a filing date of December 18, 2003 to the above-identified application with pages 1 and 4 included among the original application papers. 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 December 18, 2003. On March 31, 2004, the Office of Initial Patent Examination mailed a " Notice of Omitted Item(s) in a Provisional Application" (Notice) informing petitioner that pages 1 and 4 of the specification appeared to have been omitted.

In response to the Notice, petitioner timely filed the present petition. Petitioner requests that the Office accept replacement pages 1 and 4 of the specification as filed on December 18, 2003 on the basis that the allegedly omitted pages were received in the Patent and Trademark Office (PTO) on December 18, 2003. In support, the petition signed by Inventor Mark D. McDonald states that page 1 was definitely sent because it was the first page of a stack of 21 provisional applications mailed on that day and as the first page, it must have been there or he would have noticed it. With respect to page 4, he states that the document was printed on the front and back of each piece of paper (except for the last page). Petitioner reasons that since page 3 was received, page 4 must have been received since it was on the flip side of the page.

Petitioner is informed that a review of the application papers reveals that page 1 **is** present, but that page 4 **is not** present on the flip side of page 3 or any other page in the application file. Therefore, the March 31, 2004 Notice is incorrect with respect to the allegation that page 1 was omitted, but the March 31, 2004 Notice is correct with respect to the omission of page 4.

In the future, petitioner must submit patent applications only **one** side of a sheet of paper. 37 CFR 1.52(a)(1)(iii).

The Office file is the official record of what was filed on December 18, 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 statements supplied on April 23, 2004, were 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).

To reiterate, 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.

Petitioner is urged to submit his date stamped itemized postcard receipt.

Since page 4 was not among the papers filed on December 18, 2003, the application cannot be accorded a December 18, 2003 filing date with page 4 as part of the original disclosure of this application.

The petition with respect to page 4 is **DISMISSED**. As stated above, page 1 has been located and is considered part of the original application papers.

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

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

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
60/531,125	12/18/2003		80	BION-P60-001	12		

CONFIRMATION NO. 3023

CORRECTED FILING RECEIPT

OC000000017313631

28120
FISH & NEAVE IP GROUP
ROPES & GRAY LLP
ONE INTERNATIONAL PLACE
BOSTON, MA 02110-2624

Date Mailed: 10/24/2005

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)

Mehran Khodadoust, Brookline, MA;

Power of Attorney:

John Quisel--47874

If Required, Foreign Filing License Granted: 03/30/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/531,125

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Anti-neoplastic agents, combination therapies and related methods

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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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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PAUL J. FARRELL, ESQ.
DILWORTH & BARRESE, LLP
333 EARLE OVINGTON BLVD.
UNIONDALE NY 11553

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APR 13 2004

OFFICE OF PETITIONS

In re Application of :
Boehm et al. :
Application No. 60/531,389 : DECISION GRANTING PETITION
Filed: 19 December, 2003 :
Attorney Docket No. 1199-11 :

This is a decision on the petition filed on 20 February, 2004, requesting that the above-identified provisional application be accorded a filing date of 19 December, 2003.

The petition is **GRANTED**.

The application was filed on 19 December, 2003, without drawings. Accordingly, on 14 January, 2004, Initial Patent Examination Division mailed a "Notice of Incomplete Provisional Application" stating that the application had been deposited without drawings.

On 20 February, 2004, the present petition was filed. Petitioner argues 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 19 December, 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 14 January, 2004, was mailed in error and is hereby withdrawn.

The application is accorded a filing date of 19 December, 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. 04-1121, 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 19 December, 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

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request: 4/9/04

2 Serial/Patent # 60/531389

	3 Please refund the following fee(s):	4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing			$
	Amendment			$
	Extension of Time			$
	Notice of Appeal/Appeal			$
1460	Petition		2/20/04	$ 130
	Issue			$
	Cert of Correction/Terminal Disc.			$
	Maintenance			$
	Assignment			$
	Other			$

7 TOTAL AMOUNT OF REFUND $ 130

8 TO BE REFUNDED BY:

- [ ] Treasury Check
- [ ] Credit Deposit A/C #:

9 0 4 -- 1 1 2 1

10 REASON:

- [ ] Overpayment
- [ ] Duplicate Payment
- [X] No Fee Due (Explanation):

PET DUE TO PTO ERROR

11 REFUND REQUESTED BY:

TYPED/PRINTED NAME: D WOOD TITLE: SR ATTY

SIGNATURE: [signature] PHONE: 308 6918

OFFICE: OP

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APPROVED: [signature] DATE: 4-13

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Crystal Park One, Room 802B

FORM PTO 1577
(01/90)

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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
60/531,394	12/19/2003		80	27821-503 PRO	2		

CONFIRMATION NO. 7387

CORRECTED FILING RECEIPT

OC000000012690494

MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY AND POPEO, P.C.
Chrysler Center, 24th Floor
666 Third Avenue
New York, NY 10017

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)

George W. Godfrey, Clearwater, FL;

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Duel-mode retractable anti-collision systems

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
60/531,564	12/19/2003		80	N03.4001P			

CONFIRMATION NO. 5418

Patent Department
Neurogen Corporation
35 Northeast Industrial Road
Branford, CT 06405

CORRECTED FILING RECEIPT

OC000000012391213

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)

George D. Maynard, Clinton, CT;
Jun Yuan, Guilford, CT;
John M. Peterson, Durham, CT;

If Required, Foreign Filing License Granted: 04/01/2004

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Neurokinin-3 receptor modulators: diaryl pyrazole derivatives

---

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.

Annie W. Flowers
6892 Hwy 306 S.
Grantsboro, NC 28529

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MAY 14 2004

OFFICE OF PETITIONS

In re Application of :
Annie Flowers :
Application No. 60/531,650 : DECISION ON
Received: December 23, 2003 : PETITION
Title: EZ DRY - A.K.A. - HAND WIPE :
FOR FISHERMAN :

This is in response to the communication received from applicant on March 25, 2004, questioning the Office's sending of a Notice of Incomplete Provisional Application.

Application papers in the above-identified provisional application were received in the Office on December 23, 2003. Those papers included a 2-page Provisional Application Cover Sheet and 2 sheets of drawings. Accordingly, on March 18, 2004, the Initial Patent Examination Division mailed a "Notice of Incomplete Provisional Application," stating that the application had not been accorded a filing date because it was filed without a specification. This Notice set a two-month period for reply.

Applicant responded with the instant communication. On a copy of the Notice *pro se* applicant Flowers wrote "Don't you think you should check your records to see if this had not been [found] Annie"

A review of this Notice is by way of petition directed to the attention of the Office of Petitions accompanied by the $130.00 petition fee. *Pro se* applicant has not submitted this fee. Nonetheless, the filing comments are warranted:

Applicant is advised that the mailing of the Notice reflects a determination by the Office that the specification was not among the papers received in the Office on December 23, 2003. Furthermore, a review of the application file reveals that the PTO employee who received in the papers noted on the transmittal that "The PTO did not receive the following listed item(s): 6 of the specification."

The burden is on applicant to file a petition establishing that a 6 page specification was among the papers received in the Office on December 23, 2003. For this purpose, the best evidence of what was filed in the application is an itemized return postcard receipt bearing a USPTO date-stamp.

In view thereof, the petition is **DISMISSED**.

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

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

By hand: CUSTOMER SERVICE WINDOW
2011 South Clark Place
Crystal Plaza Two Lobby
Arlington, VA 22202

Papers required for a filing date cannot be submitted via facsimile.

Telephone inquiries specific to this decision may be directed to the undersigned at (703) 305-0309. Applicant is further advised that information on filing patent applications may be obtained by speaking with someone at the Inventors Assistance Program at 1-800-786-9199.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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Paper No.

Annie W. Flowers
6892 Hwy 306 S.
Grantsboro, NC 28529

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MAY 14 2004

OFFICE OF PETITIONS

In re Application of :
Annie Flowers :
Application No. 60/531,650 : DECISION ON
Received: December 23, 2003 : PETITION
Title: EZ DRY - A.K.A. - HAND WIPE FOR FISHERMAN :

This is in response to the communication received from applicant on March 25, 2004, questioning the Office's sending of a Notice of Incomplete Provisional Application.

Application papers in the above-identified provisional application were received in the Office on December 23, 2003. Those papers included a 2-page Provisional Application Cover Sheet and 2 sheets of drawings. Accordingly, on March 18, 2004, the Initial Patent Examination Division mailed a "Notice of Incomplete Provisional Application," stating that the application had not been accorded a filing date because it was filed without a specification. This Notice set a two-month period for reply.

Applicant responded with the instant communication. On a copy of the Notice *pro se* applicant Flowers wrote "Don't you think you should check your records to see if this had not been [found] Annie"

A review of this Notice is by way of petition directed to the attention of the Office of Petitions accompanied by the $ 130.00 petition fee. *Pro se* applicant has not submitted this fee. Nonetheless, the filing comments are warranted:

Applicant is advised that the mailing of the Notice reflects a determination by the Office that the specification was not among the papers received in the Office on December 23, 2003. Furthermore, a review of the application file reveals that the PTO employee who received in the papers noted on the transmittal that "The PTO did not receive the following listed item(s): 6 of the specification."

The burden is on applicant to file a petition establishing that a 6 page specification was among the papers received in the Office on December 23, 2003. For this purpose, the best evidence of what was filed in the application is an itemized return postcard receipt bearing a USPTO date-stamp.

Why don't you check your record & see if there is a Check been sent. Here is a copy of the cancelled Check. Thank you.

In view thereof, the petition is **DISMISSED**.

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

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

By hand: CUSTOMER SERVICE WINDOW
2011 South Clark Place
Crystal Plaza Two Lobby
Arlington, VA 22202

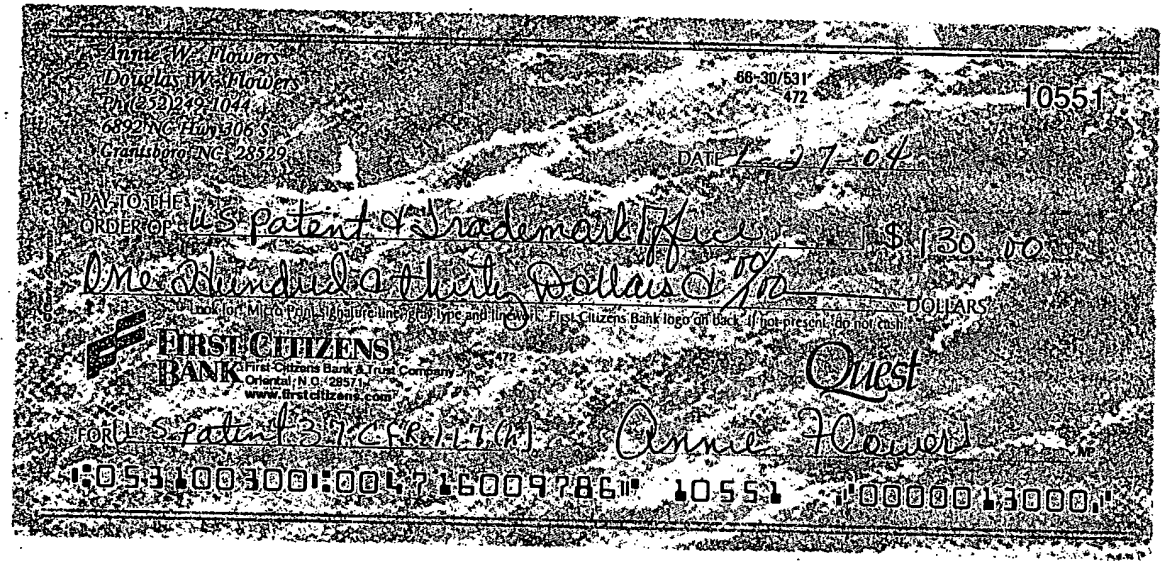
Papers required for a filing date cannot be submitted via facsimile.

Telephone inquiries specific to this decision may be directed to the undersigned at (703) 305-0309. Applicant is further advised that information on filing patent applications may be obtained by speaking with someone at the Inventors Assistance Program at 1-800-786-9199.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

How many times do you have to send $130.00 one is what you paid the patent cost

However the patent was in both names Douglas W Flowers Dawson took Annie W Flowers Care of that



Annie W. Flowers
Douglas W. Flowers
Ph (252) 249-1044
6892 NC Hwy 306 S
Grantsboro, NC 28529

66-30/531
472

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DATE 1-27-04

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FOR US Patent 37 CFR 1.17(h) Annie Flowers

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PATRICK E. GARRETT
STERNE KESSLER GOLDSTEIN & FOX PLLC
1100 NEW YORK AVENUE, N.W.
WASHINGTON, D.C. 20005-3934

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JUN 14 2004

OFFICE OF PETITIONS

In re Application of :
Stephan Brunner et al :
Application No. 60/531,687 : NOTICE
Filed: December 23, 2003 :
Attorney Docket No. 1866.0510000

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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United States Patent and Trademark Office
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HOWISON & ARNOTT, L.L.P
P.O. BOX 741715
DALLAS TX 75374-1715

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JUN 2 3 2004

OFFICE OF PETITIONS

In re Application of :
David Howard Stark :
Application No. 60/531,882 : DECISION GRANTING
Filed: 22 December, 2003 : PETITION
Attorney's Docket No. STRK-26,564 :

This is a decision in reference to the petition filed on 9 April, 2004, which is treated as a petition under 37 CFR 1.53 to accord the above-identified application a filing date of 22 December, 2003, with Figure 6 described in the specification as a part of the original disclosure.

The petition is **GRANTED**.

On 22 December, 2003, the application was filed. On 5 March, 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 22 December, 2003, but that Figure 6 described in the specification appeared to have been omitted from the application. A two (2)-month period for reply was set.

In response, on 9 April, 2004, the present petition was filed. Petitioner asserts that Figure 6 was filed with the other application papers deposited in the USPTO on 22 December, 2003. In support, petitioners supplied with the present petition, a copy of a postcard receipt bearing a USPTO Office date stamp of 22 December, 2003, and the above-identified application number and itemizing the filing of, *inter alia*, "Drawings (6)".

A review of the record reveals that five (5) sheets of drawings, containing Figures 1-5 are located among the application papers deposited on 22 December, 2003. However, the evidence is convincing that the application papers deposited on 22 December, 2003, included six (6) sheets of drawings containing six (6) drawing figures and that the sheet of drawings containing Figure

6 was subsequently misplaced in the Office. Therefore, the application, including one (1) sheet of drawings containing Figure 6 described in the specification, is entitled to a filing date of 22 December, 2003.

The "Notice" mailed on 5 March, 2004, is vacated.

In view of the above, the petition is granted. The petition fee of $130.00 will be credited to counsel's deposit account, No. 20-0780.

The application will be processed using the application papers filed on 22 December, 2003, and the copy of Figure 6 of the drawings supplied on 9 April, 2004. The copies of the other drawing sheets supplied on 9 April, 2004, 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 22 December, 2003, using the application papers filed on that date, and the copy of one 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 inquiries concerning this matter may be directed to the undersigned at (703)308-6918.

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

LOWE HAUPTMAN & BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA, VA 22314

COPY MAILED

MAR 17 2005

OFFICE OF PETITIONS

In re Application of :
Michael Ovadia :
Application No. 60/531,985 :
Filed: December 24, 2003 : ON PETITION
For: ANTIVIRAL PREPARATIONS :
OBTAINED FROM A NATURAL EXTRACT :

This is a decision on the Petition to the Commissioner for Patents, filed January 3, 2005, requesting the above-identified application be accorded a filing date of December 24, 2003, including drawing Figures 7-12C described in the specification.

The application was filed on December 24, 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 drawing Figures 7-12C described in the specification were included among 18 drawing sheets originally filed with the application on December 24, 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*, 18 drawing sheets in the above-identified application by this Office on December 24, 2003.

A review of the return-receipt postcard reveals that Applicant is correct. The postcard acknowledges receipt of, *inter alia*, 18 drawing sheets in the above-identified application by this Office on December 24, 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 drawing sheets 9-18, filed with the instant petition on January 3, 2005, will be used for examination purposes.

No fee has been charged and none is due.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of December 24, 2003, and an indication that 18 drawing sheets were present on filing, including pages 9-18 containing Figures 7-12C, using pages 9-18 of drawings filed with the instant petition on January 3, 2005.

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

Derek L. Woods
Attorney/Advisor
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
60/532,261	12/22/2003		80	RFG.025PR	11		

CONFIRMATION NO. 9721

CORRECTED FILING RECEIPT

OC000000012994221

Gazdzinski & Associates
Attn: Robert F. Gazdzinski, Esq.
Suite 375
11440 West Bernardo Court
San Diego, CA 92127

Date Mailed: 06/18/2004

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)

Robert F. Gazdzinski, San Diego, CA;

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Apparatus and methods for personnel protection

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
60/532,323	12/23/2003		160	068354.1412	5		

CONFIRMATION NO. 9617

CORRECTED FILING RECEIPT

023640
BAKER BOTTS, LLP
910 LOUISIANA
HOUSTON, TX 77002-4995

OC000000013633265

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)

Hartono Darmawaskita, Chandler, AZ;
Layton W. Eagar, Chandler, AZ;
Ryan Scott Ellison, Chandler, AZ;
Vivien Delport, Chandler, AZ;

If Required, Foreign Filing License Granted: 05/21/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Wake-up reset circuit

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
60/532,468	12/24/2003		80	JTP-233p	8		

CONFIRMATION NO. 3822

24119
SHERMAN D PERNIA, ESQ., PC
1110 NASA ROAD ONE
SUITE 450
HOUSTON, TX 77058-3310

CORRECTED FILING RECEIPT

OC000000012037405

Date Mailed: 03/05/2004

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)

James T. Prescott, McPherson, KS;

If Required, Foreign Filing License Granted: 01/24/2004

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Otoscope with fiberoptic speculum

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 P. O'BANION
O'BANION & RITCHEY LLP
400 CAPITOL MALL SUITE 1550
SACRAMENTO CA 95814

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OCT 26 2009

OFFICE OF PETITIONS

In re Application of :
Butz :
Application No. 60/532,607 : REQUEST FOR INFORMATION
Filed: December 24, 2003 :
Attorney Docket No. BUTZ-001P :

This letter is in response to the petition to revive under 37 CFR 1.137(b), filed April 24, 2009.

Prior to a decision on the merits of the petition under 37 CFR 1.137(b), further information is required. Petitioner references "FEE DEFICIENCY IN RESPONSE TO MISSING PARTS NOTICE," however, the petition does not include a copy of said Notice. Accordingly, petitioner is required to submit a copy of the Notice prior to a decision on the merits of the petition to revive.

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

The 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. See, enclosed.

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

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

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building

401 Dulany Street
Alexandria, VA 22314

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

Enclosure

CC: Bernadette E. Butz
P.O. Box 993573
Redding CA 96099

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. BOX 1450
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JOHN P. O'BANION
O'BANION & RITCHEY LLP
400 CAPITOL MALL SUITE 1550
SACRAMENTO CA 95814

MAILED

JUN 17 2010

OFFICE OF PETITIONS

In re Application of :
Butz :
Application No. 60/532,607 : ON PETITION
Filed: December 24, 2003 :
Attorney Docket No. BUTZ-001P :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 29, 2009, to revive the above-identified application.

The application became abandoned March 24, 2005 for failure to timely submit a proper reply to the Notice Under 37 CFR 1.251 (Notice) mailed December 23, 2004. The Notice requested a copy of an Office communication mailed June 15, 2004. The Notice set a three month shortened statutory period of time for reply. This decision precedes Notice of Abandonment.

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

The instant petition has been carefully reviewed and found in compliance with the requirements set forth above.

Petitioner is reminded that a provisional application may be abandoned prior to 12 months from its filing date for failure to reply to an Office requirement (e.g., failure to submit the filing fee and/or cover sheet). Applicant may petition to have an abandoned provisional application revived as a pending provisional application for a period of no longer than 12 months from the filing date of the provisional application where the delay was unavoidable or unintentional. It would be permissible to file a petition for revival later than 12 months from the filing date of the provisional application but only to revive the application for the 12-month period following the filing of the provisional application. Thus, even if the petition were granted to establish the

pendency up to the end of the 12-month period, the provisional application would not be considered pending after 12 months from its filing date

In view thereof, the petition to revive is hereby GRANTED.

This application is being directed to the Office of Patent Application Processing for further processing.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Alex Andrus
Gilead Sciences, Inc.
333 Lakeside Drive
Foster City, CA 94404

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AUG 1 1 2004

OFFICE OF PETITIONS

In re Application of :
Hesselgesser and Shibata :
Application No. 60/532,754 :
Filed: December 23, 2003 :
Attorney Docket No. 586.P :

DECISION GRANTING PETITION

This is a decision on the petition under 37 CFR 1.182 filed June 1, 2004, to accord the above-identified application a filing date.

On December 23, 2003, the application was deposited.

On April 2, 2004, the Office of Initial Patent Examination mailed a Notice stating that the application had not been accorded a filing date because drawings were not present with the application papers. The Notice allowed a two-month period for reply. The instant petition was filed on June 1, 2004, in which petitioner maintains that drawings are not necessary for the understanding of the invention.

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). The same practice has been followed in composition applications. Other situations in which drawings are usually not considered necessary for the understanding of the invention under 35 U.S.C. 113 (first sentence) are: . . .
>
> (B) *Articles made from a particular material or composition*: where the invention consist of making an article of a particular material or composition unless significant details of structure or arrangement are involved in the article claims.

Section 601.01(f) further 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, not describing drawing figures in the specification, and filed without drawings will simply be processed for examination, so long as the application contains something that can be construed as a written description.

A review of the record reveals that the subject matter of the provisional application relates to pharmaceutical compositions. It is, therefore, highly probable that at least one claim so as to make drawings unnecessary for the understanding of the invention. 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 December 23, 2003. The drawing filed on June 1, 2004, will not be considered part of the original disclosure as it was not received with the original application papers.

Any inquiries related to this decision should be directed to the undersigned at (703) 305-0010

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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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
60/532,796	12/24/2003		80	0249-0001	4		

CONFIRMATION NO. 3364

33297
BEEM PATENT LAW FIRM
53 W. JACKSON BLVD., SUITE 1352
CHICAGO, IL 60604-3787

CORRECTED FILING RECEIPT

OC000000011931977

Date Mailed: 02/19/2004

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)

Sean O'Donoghue, Montreal, CANADA;
Po K. Lau, Montreal, CANADA;

If Required, Foreign Filing License Granted: 01/28/2004

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Modular flexible solar cell system integratable to textile

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
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Alexandria, VA 22313-1450
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STRADLING YOCCA CARLSON & RAUTH
SUITE 1600
660 NEWPORT CENTER DRIVE
P.O. BOX 7680
NEWPORT BEACH CA 92660

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AUG 26 2008

OFFICE OF PETITIONS

In re Application of :
Lowery et al. :
Application No. 60/533095 : ON PETITION
Filing or 371(c) Date: 12/29/2003 :
Attorney Docket Number: 14358-0017 :

This is a decision on the Petition to Revive Application Under 37 C.F.R. 1.137(b), filed June 10, 2008.

The Petition is **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Provisional Application ("Notice"), mailed April 5, 2004. The Notice set a two (2) month period for reply. No complete and proper reply having been received, the application became abandoned on June 6, 2004[1]. A Notice of Abandonment was mailed June 3, 2008.

Applicant files the present petition and response to the Notice. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that the petition includes (1) the reply; (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being referred to the Office of Patent Application Processing ("OPAP") for processing of the reply to the Notice in due course.

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

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

[1] Applicant filed an incomplete reply on June 1, 2004, and was so notified in a Notice of Incomplete Reply (Provisional), mailed June 16, 2004.

UNITED STATES PATENT AND TRADEMARK OFFICE

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PATREA L. PABST
PABST PATENT GROUP LLP
400 COLONY SQUARE
SUITE 1200
ATLANTA, GA 30361

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JUL 0 7 2004

OFFICE OF PETITIONS

In re Application of	:	ON PETITION
Gibson et al.	:	
Application No. 60/533,301	:	
Filed: December 30, 2003	:	
Attorney Docket No. SBS 103	:	

This is a decision on the petition filed April 22, 2004, to accord the above-identified application a filing date of December 30, 2003.

On December 30, 2003, the application was filed.

On April 5, 2004, 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 drawings are not "necessary for the understanding of the subject matter sought to be patented" within the meaning of 35 USC 113.

MPEP § 601.01(f) 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 contains at least some disclosure of a process or method 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 above, the petition is **granted**.

The Notice mailed April 5, 2004, is hereby vacated.

Upon receipt of the petition, the Office properly charged the $130 petition fee to petitioner's deposit account. However, an Office employee subsequently erred and refunded the $130 and charged the incorrect amount of $50 to the account for the fee. The $50 fee will be credited back to the deposit account.

The amendment filed as part of the petition will not be entered. One may not amend a provisional application.

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 request to change the address of record should be filed. 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 returned to the Office of Initial Patent Examination for further processing with a filing date of December 30, 2003 using the application papers filed on December 30, 2003.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

cc: Holland & Knight LLP
2000 One Atlantic Center
1201 West Peachtree Street, N.E.
Atlanta, GA 30309-3400

UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Application of :
Tomasz M. Beer, et al. :
Application No. 60/533,693 : ON PETITION
Filed: December 31, 2003 :
Attorney Docket No. 899-67061 :

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**.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3229.

Retta Williams

Retta Williams
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
60/533,901	12/30/2003		160	05882.0064.PZUS01	21		

CONFIRMATION NO. 2878

CORRECTED FILING RECEIPT

OC000000012864933

27194
HOWREY SIMON ARNOLD & WHITE, LLP
BOX 34
301 RAVENSWOOD AVE.
MENLO PARK, CA 94025

Date Mailed: 06/03/2004

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)

Nicolas F. Landolfi, Menlo Park, CA;

If Required, Foreign Filing License Granted: 04/07/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Amphiregulin antibodies and their use to treat cancer and psoriasis

---

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

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HOWREY SIMON ARNOLD & WHITE, LLP
C/O M.P. DROSOS, DIRECTOR OF IP ADMINISTRATION
2941 FAIRVIEW PK
BOX 7
FALLS CHURCH, VA 22042

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AUG 1 6 2004

OFFICE OF PETITIONS

In re Application of :
Landolfi :
Application No. 60/533,901 : ON PETITION
Filed: December 30, 2003 :
Attorney Docket No. 05882.0064.PZUS01 :

This is a decision on the petition filed May 18, 2004, to accord the above-identified application a filing date of December 30, 2003, instead of December 31, 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 has been accorded a filing date of December 30, 2003.

Telephone inquiries may be directed to Petitions Attorney Steven Brantley at (703) 306-5683 prior to September 27, 2004, and (571) 272-3203 thereafter.

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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LINDON & LINDON
1250 LINDA STREET
ROCKY RIVER, OH 44116

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JUL 2 7 2004

OFFICE OF PETITIONS

In re Application of :
Norman Garland :
Application No. 60/533,998 : ON PETITION
Filed: January 5, 2004 :
Attorney Docket No. 1096PaT :

This is a decision on the paper filed June 21, 2004, which has been treated as a petition under 37 CFR 1.53, requesting the that the above-identified provisional application be accorded a filing date of January 5, 2004, including Figure 9, as described in the specification.

The above-identified provisional application was filed on January 5, 2004. However, on May 21, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Omitted Item(s)" (Notice) stating that the provisional application had been accorded a filing date of January 5, 2004, and advising applicants that Figure 9 as described in the specification appeared to have been omitted.

In response, on June 21, 2004, one (1) sheet of drawings, that contains Figure 9 as described in the specification, was filed.

The Notice states: "Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the provisional application papers, a copy of this Notice and a petition (and $130.00 petition fee (37 CFR 1.17(h)), which will be refunded if it is determined that the item was in fact received by the USPTO), with evidence of such deposit must be filed within TWO MONTHS of the date of this Notice."

The required "evidence of deposit" has not been submitted.

The Patent and Trademark Office (Office) file is the official record of the papers originally filed in this provisional application. A review of the official file reveals that three (3) pages of drawings were filed on January 5, 2004. The page containing Figure 9, was not filed on January 5, 2004, since no such page is 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. Petitioner has not submitted any evidence that supports the filing of Figure 9 on January 5, 2004.

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 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.

A copy of a postcard receipt that would indicate receipt of the omitted figure has not been submitted. If petitioner has a postcard receipt date stamped by the Office that indicates receipt of Figure 9 (or additional pages of drawings), on January 5, 2004, then the postcard receipt or a copy thereof should be supplied.

At the present time, the petition must be dismissed. However, this decision is made without prejudice to reconsideration. If petitioner has a postcard receipt acknowledging receipt of Figure 9 (or additional pages of drawings), on January 5, 2004, the postcard receipt or a copy thereof should be supplied, accompanied by a letter requesting reconsideration of this decision. No additional petition fee is required for such a request.

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
Box 1450
Alexandria, VA 22313

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

By hand: Customer Service Window
2011 South Clark Place
Crystal Plaza Two (left side entrance of building)
Arlington, VA

The application will maintain the January 5, 2004 filing date, and the application papers (i.e. the original disclosure of the invention) will include only those application papers present in the USPTO on the filing date.

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

Commissioner for Patents
United States Patent and Trademark Office
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THE ECLIPSE GROUP
10453 RAINTREE LANE
NORTHRIDGE, CA 91326

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JAN 3 1 2005

OFFICE OF PETITIONS

In re Application of :
Lindstrom, et al. :
Application No. 60/534,176 : ON PETITION
Filed: December 31, 2003 :
Attorney Docket No. :
CX03020USV(02CXT0071)

This is a decision on the papers styled, "Petition To Obtain Filing Date," filed September 18, 2004, 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 December 31, 2003, including fifteen (15) sheets of drawings.

The provisional application was submitted on December 31, 2003. However, on July 19, 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.

In response, on September 18, 2004, the instant petition was submitted. Petitioner argues that fifteen (15) sheets of drawings were filed on December 31, 2003. In support, the instant petition is accompanied by a copy of applicant's postcard receipt that acknowledges receipt of "Drawings (15 pages)" on December 31, 2003.

It is noted by petitioner that the serial number placed on the postcard receipt is incorrect. A review of the record of the above-identified provisional application and of nonprovisional application no. 10/751,013 (the serial number found on the postcard receipt) does indicate this to be the incorrect serial number as the items on the postcard do not correspond to the items found as submitted on that date in application number 10/751,013. However, though the serial number may be incorrect, the date stamp of the items received on that date may be considered correct as 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. *See* MPEP 503.

Accordingly, the review of the application file of 60/534,176 indicates the presence of zero (0) sheets of drawings filed on December 31, 2003. It is assumed that missing sheets of drawings were misplaced by the Office.

In view of the above, the petition is granted.

The $130.00 petition fee will be refunded by treasury check.

This application will be returned to OIPE for further processing with a filing date of December 31, 2003, using the fifteen (15) sheets of drawings, supplied on September 18, 2004.

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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/534,519	01/06/2004		160	402710	2		

CONFIRMATION NO. 4098

CORRECTED FILING RECEIPT

OC000000012514755

23460
LEYDIG VOIT & MAYER, LTD
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO, IL 60601-6780

Date Mailed: 05/03/2004

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 C. Moschel, Frederick, MD;
Michael E. Nelson, Derwood, MD;
Anthony E. Pegg, Hershey, PA;
Natalia Loktionova, Hershey, PA;

If Required, Foreign Filing License Granted: 04/05/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

2-Amino-O4-substituted pteridines and their use as inactivators of O6-alkylguanine-DNA alkyltransferase

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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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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
60/534,586	01/05/2004		80	I000-P03241US	1		

CONFIRMATION NO. 4175

33356
SOCAL IP LAW GROUP
310 N. WESTLAKE BLVD. STE 120
WESTLAKE VILLAGE, CA 91362

CORRECTED FILING RECEIPT

OC000000012979524

Date Mailed: 06/17/2004

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)

Heath Stewart, Santa Barbara, CA;
Mike de la Garrigue, Agoura Hills, CA;
Chris Haywood, Thousand Oaks, CA;

If Required, Foreign Filing License Granted: 01/30/2004

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

PCI Express switch with broadcast and/or multicast capability

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

GRANTED

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NOT GRANTED

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/534,658	01/06/2004		80	CER-001P	1		

CONFIRMATION NO. 5409

25962
SLATER & MATSIL, L.L.P.
17950 PRESTON RD, SUITE 1000
DALLAS, TX 75252-5793

CORRECTED FILING RECEIPT

OC000000012400494

Date Mailed: 04/20/2004

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)

Will A. Egner, Plano, TX;
Vinay Mallapu, Richardson, TX;

If Required, Foreign Filing License Granted: 04/05/2004

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Systems and methods for making strategic capital investments for wireless network

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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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/534,919	01/08/2004		160	5051-642PR	7		

CONFIRMATION NO. 7186

20792
MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

CORRECTED FILING RECEIPT

OC000000012924187

Date Mailed: 06/14/2004

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)

M. K. Ramasubramanian, Cary, NC;

If Required, Foreign Filing License Granted: 04/07/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Methods and devices for microencapsulation of cells

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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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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/535,042	01/07/2004		105	225393	4		

CONFIRMATION NO. 6309

23460
LEYDIG VOIT & MAYER, LTD
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO, IL 60601-6780

UPDATED FILING RECEIPT

OC000000012899589

Date Mailed: 06/10/2004

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)

Moghis U. Ahmad, Wadsworth, IL;
Saifuddin Sheikh, Waukegan, IL;
Shoukath M. Ali, Beach Park, IL;
Pei-Yu Chien, Highland Park, IL;
Haris Jamil, Libertyville, IL;
Jia-Ai Zhang, Vernon Hills, IL;
Sydney Ugwu, Gurnee, IL;
Zhi-Yi Zhang, Gurnee, IL;
Jinkang Wang, San Francisco, CA;
Shastri Bhamidipati, Buffalo Grove, IL;
Zafeer Ahmad, Wadsworth, IL;
Imran Ahmad, Wadsworth, IL;

If Required, Foreign Filing License Granted: 03/19/2004

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Lipid compositions and use thereof

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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Track & Confirm

Shipment Details

You entered EV32 9750 065U S

Your item was delivered at 10:41 am on January 09, 2004 in ALEXANDRIA, VA 22313 to PATENT OFFICE. The item was signed for by A TAITANO.

Here is what happened earlier:

- ARRIVAL AT UNIT, January 09, 2004, 8:17 am, DULLES, VA 20102
- ENROUTE, January 08, 2004, 3:31 pm, AMF OHARE, IL 60666
- ENROUTE, January 07, 2004, 11:09 pm, CHICAGO, IL 60610
- ACCEPTANCE, January 07, 2004, 9:49 pm, CHICAGO, IL 60607

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Enter label number:

Track & Confirm FAQs

Notification Options

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Robert C. Ryan
Nath & Associates PLLC
5th Floor
1030 15th Street NW
Washington, DC 20005

COPY MAILED

JUN 2 9 2004

OFFICE OF PETITIONS

In re Application of :
Abts et al. :
Application No. 60/535,124 : ON PETITION
Filed: January 7, 2004 :
Attorney Docket No. 40127 :

This is a decision on the petition filed April 27, 2004, requesting, in effect, that Figures 40-50 filed on April 27, 2004, be entered as part of the original disclosure.

The petition is **dismissed**.

On April 9, 2004, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s)" stating that the application had been accorded a filing date of January 7, 2004, and advising applicants that Figures 40-50 appeared to have been omitted.

In response, the present petition was filed. Petitioner alleges Figures 40-50 were filed with the original application.

All the evidence present in the file has been carefully considered, but is not persuasive that Figures 40-50 were submitted with the original application.

An applicant alleging that a paper was filed in the USPTO and later misplaced has the burden of proving the allegation by a preponderance of the evidence.

A postcard receipt is prima facie evidence that the items listed were received. However, such evidence is not conclusive and can be rebutted. In this particular case, the postcard states that the application includes "35 Sheets of Figures 1 thorough 60."

A review of the file verifies the accuracy of the postcard to the extent the postcard states 35 sheets of drawings have been filed.

The 35 sheets of drawings found in the file include the following content:

Sheet	Figure(s) on Sheet
1	1
2	2
3	3
4	4,5,6
5	7
6	8,9
7	10
8	11,12

Sheet	Figure(s) on Sheet
9	13,14
10	15
11	16
12	17
13	18
14	19
15	20
16	21,22
17	23,24
18	25
19	26
20	27
21	28
22	29
23	30
24	31
25	32
26	33
27	34
28	35
29	36
30	37
31	38
32	39
33	51,52
34	53-59
35	60

The file contains the number of sheets listed on the postcard receipt. The file also contains Figure 1 and Figure 60. Since Figures can be labeled with legends such as Figure 1a, 1b, etc., the Office does not normally verify the presence of Figures other than those explicitly listed - in this case Figures 1 and 60. However, even if the portion of the postcard listing 60 Figures were treated as evidence of the filing of Figures 40-50, such evidence would be insufficient. Proving that Figures 40-50 were present results in proving that the that the postcard is erroneous in so far as the number of drawing sheets listed on the postcard is incorrect. Since the postcard contradicts itself, the postcard will not serve as prima facie evidence of the filing of Figures 40-50.

The official file maintained by the Office contains 35 sheets of drawings. The postcard states that 35 sheets of drawings were submitted. The transmittal sheet states that the application included 35 sheets of drawings. All the facts have been considered and the evidence is unpersuasive that Figures 40-50 were filed with the application and subsequently misplaced by the Office.

Petitioner argues that the content of the drawings is included in the data on a CD Rom submitted with the original application. When one seeks to add matter to an application and contends the matter is not "new matter," the matter must be added by amendment and not by petition. In this case, a formal amendment has not been filed. However, an amendment may not be filed since this is a provisional application. Petitioner may wish to note that the future ability to claim priority based on the instant application will be based on the substance of the instant provisional application and not the exact place where the substance is found. Therefore, the inability to amend a provisional application to add information which is not "new matter" does not harm an applicant.

Further correspondence with respect 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
Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

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.

The file will be returned to the Office of Initial Patent Examination for further processing with a filing date of January 7, 2004, 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

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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
60/535,126	01/06/2004		160	8371-183	7		

CONFIRMATION NO. 6258

20575
MARGER JOHNSON & MCCOLLOM PC
1030 SW MORRISON STREET
PORTLAND, OR 97205

CORRECTED FILING RECEIPT

OC000000012538494

Date Mailed: 05/05/2004

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)

Sachin Deshpande, Vancouver, WA;

If Required, Foreign Filing License Granted: 01/28/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Universal plug and play remote audio mixer

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

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NOT GRANTED

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/535,127	01/06/2004		160	8371-175	5		

CONFIRMATION NO. 6259

CORRECTED FILING RECEIPT

OC000000015079232

20575
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PORTLAND, OR 97205

Date Mailed: 02/01/2005

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)

Jon A. Fairhurst, Camas, WA;
Henry Y. Fang, Cerritos, CA;
Bryan S. Hallberg, Vancouver, WA;
Mark G. Hanley, Skamania, WA;
Vishnu Kumar, Vancouver, WA;
Jeffrey B. Sampsell, Vancouver, WA;

Power of Attorney:

Scott Schaffer–38610

If Required, Foreign Filing License Granted: 01/28/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/535,127

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

Non-Publication Request: No

Early Publication Request: No

Title

Actuating selected java applets on a TV using a remote control

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Title 37, Code of Federal Regulations, 5.11 & 5.15

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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
60/535,187	01/06/2004		160	8371-180	2		

CONFIRMATION NO. 7302

CORRECTED FILING RECEIPT

20575
MARGER JOHNSON & MCCOLLOM PC
1030 SW MORRISON STREET
PORTLAND, OR 97205

OC000000012534966

Date Mailed: 05/05/2004

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)

Sachin Deshpande, Vancouver, WA;

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

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

Non-Publication Request: No

Early Publication Request: No

Title

System for remote share access

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Title 37, Code of Federal Regulations, 5.11 & 5.15

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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
60/535,188	01/06/2004		160	8371-174	4		

CONFIRMATION NO. 7301

CORRECTED FILING RECEIPT

20575
MARGER JOHNSON & MCCOLLOM, P.C.
1030 SW MORRISON STREET
PORTLAND, OR 97205

OC000000015142072

Date Mailed: 02/09/2005

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)

Jon A. Fairhurst, Camas, WA;

Power of Attorney:

Scott Schaffer–38610

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

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/535,188

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

Non-Publication Request: No

Early Publication Request: No

Title

Single touch launch of remote applications over video

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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John L. Crimmins
Faegre & Benson LLp
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402-3901

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JUN 2 9 2004

OFFICE OF PETITIONS

In re Application of :
Huang et al. :
Application No. 60/535,311 : ON PETITION
Filed: January 9, 2004 :
Attorney Docket No. 58575-281105 :

This is a decision on the petition filed April 29, 2004, to accord the above-identified application a filing date of January 9, 2004.

On January 9, 2004, the application was filed.

On April 6, 2004, 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 drawings are not "necessary for the understanding of the subject matter sought to be patented" within the meaning of 35 USC 113.

MPEP § 601.01(f) 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 contains at least some disclosure of a process or method 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 above, the petition is **granted**.

The Notice mailed April 6, 2004, is hereby vacated.

The $50 fee which was charged to petitioner's credit card upon receipt of the petition will be credited back to the credit card.

The Application is being returned to the Office of Initial Patent Examination for further processing with a filing date of January 9, 2004, using the application papers filed on January 9, 2004.

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
60/535,576	01/08/2004		160	SMAR-034PRV2			

CONFIRMATION NO. 7387

CORRECTED FILING RECEIPT

OC000000012317495

24353
BOZICEVIC, FIELD & FRANCIS LLP
200 MIDDLEFIELD RD
SUITE 200
MENLO PARK, CA 94025

Date Mailed: 04/08/2004

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)

James W. Kronstad, Vancouver, CANADA;
Marco Marra, Vancouver, CANADA;
Steven Jones, Vancouver, CANADA;
Robert Holt, Vancouver, CANADA;

If Required, Foreign Filing License Granted: 02/04/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Cryptococcal sequences 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.

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
60/535,616	01/09/2004		160	CU60653P			

CONFIRMATION NO. 8083

GLAXOSMITHKLINE
Corporate Intellectual Property - UW2220
709 Swedeland Road
King of Prussia, PA 19406-0939

CORRECTED FILING RECEIPT

OC000000012704713

Date Mailed: 05/18/2004

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 W. Stanier, Warrington, UNITED KINGDOM;
Ian P. McKeown, Warrington, UNITED KINGDOM;
Abraham Araya, Warrington, UNITED KINGDOM;
Jonathan E. Creeth, Brentford, UNITED KINGDOM;

If Required, Foreign Filing License Granted: 04/06/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Dentifrice compositions

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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DEC 0 3 2004

OFFICE OF PETITIONS

In re Application of
Joseph M. Desimone et al.
Application No. 60/535,765
Filed: January 12, 2004
Attorney Docket No. 9362-7PR

: DECISION GRANTING PETITION

This is a decision on the "Petition to Accord the Proper Filing Date" filed April 20, 2004, under 37 CFR 1.10 (c), which is treated under 37 CFR 1.10(d), requesting that the above-identified application be accorded a filing date of January 12, 2004, rather than the presently accorded filing date of January 13, 2004.

Petitioner alleges that the application was deposited in Express Mail service on January 12, 2004. Amongst the evidence provided is the Express Mail Customer label with a USPS postmark of January 12, 2004 and a copy of the USPS Track and Confirm information from the USPS website that indicates express mail package EV353593082US (the same Express Mail number found on the itemized transmittal sheet accompanying the original application papers located in the official file) was accepted in Raleigh, NC on January 12, 2004.

In view of the evidence present in the file, it is concluded that the correct date of deposit in Express Mail service was January 12, 2004 and therein, the application is entitled to a filing date of January 12, 2004.

It should be noted however that this application is being treated as a petition under 37 CFR 1.10(d) and not 37 CFR 1.10(c) because the copy of the express mail label does not in fact indicate a "date-in" of January 12, 2004. In fact, the "date-in" section is blank and thus, the package was received by the USPTO on January 13, 2004 and properly given a filing date of January 13, 2004. The error in the filing date was not occasioned by the USPTO and instead it was postal service error. However, in view of the evidence presented, (postmark and track and confirm details) the petition is **GRANTED**.

The undersigned would also advise that on more than one occasion, petitioners have filed petitions on behalf of their clients under 37 CFR 1.10 (c) because the Post Office in Raleigh is leaving the date-in blank. While the petitions are grantable, in the interest of providing the best service to the firms clients, they would be better served if the firm would insure that the Express Mail label is properly completed and thus the need for filing date petitions could be eliminated.

No fees are due and none will be charged.

The application is being returned to Office of Initial Patent Examination for reprocessing with a filing date of January 12, 2004, not January 13, 2004.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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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
60/535,768	01/12/2004		160	9342-158PR	1		

CONFIRMATION NO. 1013

20792
MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

CORRECTED FILING RECEIPT

OC000000012415478

Date Mailed: 04/22/2004

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)

Mats Olsson, Malmo, SWEDEN;

If Required, Foreign Filing License Granted: 02/04/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Shield for circuit board and method of manufacturing 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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/535,769	01/12/2004		160	9342-159PR	3		

CONFIRMATION NO. 1012

20792
MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

CORRECTED FILING RECEIPT

OC000000012441003

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)

Per Ogren, Malmo, SWEDEN;

If Required, Foreign Filing License Granted: 02/04/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Storing data items with a position parameter

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
60/535,770	01/12/2004		160	9342-160PR	3		

CONFIRMATION NO. 1011

CORRECTED FILING RECEIPT

OC000000012615755

20792
MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

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)

Thomas Bolin, Lund, SWEDEN;
Anders Dahlstrom, Vellinge, SWEDEN;

If Required, Foreign Filing License Granted: 04/06/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Arrangement of a component in an antenna volume of an electronic communications 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.

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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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DYKEMA GOSSETT, PLLC
THIRD FLOOR WEST
1300 I STREET, N.W.
WASHINGTON, DC 20020

COPY MAILED

AUG 2 4 2004

OFFICE OF PETITIONS

In re Application of :
Evans, Gregg S. :
Application No. 60/535,815 : ON PETITION
Filed: January 13, 2004 :
Attorney Docket No. 077706-0039 :

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) 306-0482. Any telephone inquiries after approximately **September 24, 2004** should be directed to (571) 272-3206.

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
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Shaw Pittman
IP Group
1650 Tysons Boulevard, Suite 1300
McLean, VA 22102

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JUL 14 2004

OFFICE OF PETITIONS

In re Application of :
Alec H. Peterson, et al. :
Application No. 60/535,817 :
Filed: January 13, 2004 :
Attorney Docket No. CNI-101-CIP-PRO :

DECISION GRANTING PETITION

This is a decision on the petition filed April 22, 2004, requesting that the above-identified application be accorded a filing date of January 13, 2004.

The petition is **GRANTED**.

The application was deposited on January 13, 2004. However, the Office of Initial Patent Examination mailed a "Notice of Incomplete Provisional Application" (Notice) on March 3, 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 present invention.

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 January 13, 2004.

Petitioner also asserts that this provisional application contains disclosure directed to methods for monitoring a computer network. As explained in MPEP 601.01(f), it is USPTO practice to accord a filing date to such a provisional application when drawings referred to in the specification are not supplied on filing, so long as a cognizable specification has been filed.

This application file is being referred to the Office of Initial Patent Examination Division for further **processing with a filing date of January 13, 2004.** 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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FAEGRE & BENSON LLP
PATENT DOCKETING
2200 WELLS FARGO CENTER
MINNEAPOLIS, MN 55402

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AUG 14 2006

OFFICE OF PETITIONS

In re Application of :
Wong : DECISION ON PETITION
Application No. 60/536,020 :
Filed: January 12, 2004 :
Atty. Dkt. No.: 73893-311878 :

This decision is in response to the petition filed September 20, 2005 in U.S. App. No. 11/034,203. This matter is *sua sponte* also considered a petition under 37 CFR 1.10(c) to accord the instant application a filing date of January 12, 2004, rather than January 11, 2004.

Petitioner asserts that the instant application was deposited in Express Mail Service on January 12, 2004. In support, the petition is accompanied by a copy of Express Mail receipt No. EV314493697US (the same Express Mail number found on the original application papers located in the official file) showing a "date in" of January 12, 2004.

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 January 12, 2004.

In view thereof, the petition is **GRANTED**.

Enclosed please find a corrected filing receipt reflecting a filing date to **January 12, 2004** and for issuance of a corrected filing receipt.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

Enclosure: Corrected Filing Receipt

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
60/536,022	01/13/2004		80	STRE.0101	5		

CONFIRMATION NO. 2442

23669
JAMES W HUFFMAN
1832 N. CASCADE AVE.
COLORADO SPRINGS, CO 80907-7449

CORRECTED FILING RECEIPT

OC000000012036755

Date Mailed: 03/05/2004

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)

Randy C. Willig, Ft. Collins, CO;
Matthew B. O'kelley, Niwot, CO;
Robert M. Di Scipio, Niwot, CO;

If Required, Foreign Filing License Granted: 02/04/2004

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Electronic lease circuit

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

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CHICAGO, IL 60601-6780

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MAR 0 5 2004

OFFICE OF PETITIONS

In re Application of :
Ingrid Geuens :
Application No. 60/536,030 : DECISION ON PETITION
Filing Date: January 13, 2004 : 37 C.F.R. §1.10
Attorney Docket No. 225959 :
Title: STABILIZERS FOR USE IN :
THERMOGRAPHIC RECORDING :
MATERIALS :

This is a decision on the "Petition to Correct Filing Date" which is properly treated as a petition under 37 C.F.R. §1.10, filed February 6, 2004, requesting that application number 60/536,030 be accorded a filing date of January 13, 2004.

The application was deposited on January 14, 2004. Shortly thereafter, the Office of Initial Patent Examination (OIPE) mailed Applicant's postcard receipt, a copy of which Petitioner has included with the instant petition, which indicates that the application had been accorded a filing date of January 14, 2004.

On February 6, 2004, applicant filed the instant petition, where it was alleged that the application was deposited on January 13, 2004, and OIPE assigned the wrong filing date to this application. Petitioner has included a copy of Express Mail number EV329736228US.

A check of the Office's USPS Express Mail Finder Database computer program was inconclusive. However, a check of the United States Postal Service's website (http://www.usps.com/shipping/trackandconfirm.htm) shows that the

package was accepted on January 13, 2004. A copy of the latter search result is enclosed.

Hence, the website tracking results, provided by the USPS, indicates that the package was deposited on January 13, 2004.

37 C.F.R. §1.10(a) sets forth, in part:

(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

2) The date of deposit with USPS is shown by the "date in" on the "Express Mail" label or other official USPS notation.

It is noted that this Express Mail label bears a "date in" of January 13, 2004.

Although the application received a filing date of January 14, 2004, the evidence is convincing that the application papers were filed on January 13, 2004, and the incorrect filing date was subsequently assigned to this application.

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 January 13, 2004, as well as the mailing of a corrected filing receipt.

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. Printout of the USPS online tracking results

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Paper No.

VOLPE AND KOENIG, P.C.
DEPT. ICC
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

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MAY 20 2004

OFFICE OF PETITIONS

In re Application of :
John Erich Hoffman :
Application No. 60/536,144 :
Filed: January 13, 2004 : ON PETITION
Attorney Docket No. 1-2-0706US :

This is a decision on the Petition Requesting Withdrawal of Notice of Incomplete Provisional Application and Accord a Filing Date Pursuant to 37 CFR 1.53(e), filed April 8, 2004, requesting the above-identified application be accorded a filing date of January 13, 2004.

The application was filed on January 13, 2004. On February 5, 2004, the Office of Initial Patent Examination mailed a Notice of Incomplete Provisional 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 the drawings are not necessary for an understanding of the invention, and are not required under 35 U.S.C. § 113.

Accordingly, the petition is granted.

No fee has been charged and none is due.

The application will be accorded the original application filing date of January 13, 2004, using the application papers filed on that date, and an indication that no drawing Figures were present on filing and that no drawing Figures are part of the application disclosure.

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 Patent and Trademark Office
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SUITE B-6
ENGLEWOOD, CO 80111

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JUL 2 6 2004

OFFICE OF PETITIONS

In re Application of :
Korzeniowski, et al. :
Application No. 60/536,164 : ON PETITION
Filed: January 13, 2004 :
Attorney Docket No. CTC008 :

This is a decision on the papers styled, "Response To Notice Of Omitted Item In A Provisional Application," filed on April 16, 2004, 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 13, 2004, including Figure 240 as described in the specification.

The provisional application was filed on January 13, 2004. However, on April 12, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice Of Omitted Item(s) In A Provisional Application" (Notice) that stated the provisional application had been accorded a filing date, but Figure 240 as described in the specification appears to have been omitted.

In response, on April 16, 2004 the instant petition was submitted. Petitioner states, "The drawing, FIG. 240, referred to in the above mentioned application was intentionally omitted from the application. The reference to FIG. 240 in the Brief Description of the Drawings was errant. Therefore, applicants accept the deposited application."

The petition is dismissed.

The mailing of a "Notice Of Omitted Item(s) In A Provisional Application" permits the applicant to either: (1) promptly establish prior receipt in the USPTO of the items at issue (generally by way of a date-stamped postcard receipt (MPEP 503)), or (2) not file a petition and constructively accept the provisional application as deposited in the USPTO.

In this case, petitioners do not assert that the missing Figure was actually deposited in the PTO on January 13, 2004, rather petitioner states the mention of the Figure was "errant" and the Figure was "intentionally omitted from the application." Furthermore, petitioner states, "applicants accept the deposited appliciation." However, as stated in the Notice, no petition is necessary for that purpose. As such, the petition is inappropriate and is subject to dismissal.

Accordingly, no figures are missing from the application as filed and applicants accept the application as deposited on January 13, 2004.

This application will be returned to OIPE for processing with a filing date of January 13, 2004, using the application papers submitted on that date.

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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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
60/536,171	01/13/2004		160	M135	7		

CONFIRMATION NO. 3694

CORRECTED FILING RECEIPT

James E. Maslow, Esq.
Sionex Corporation
300 Second Avenue
Waltham, MA 02451

OC000000012785853

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)

Raanan A. Miller, Chestnut Hill, MA;
C. James Morris, Norfolk, MA;
Erkinjon G. Nazarov, Lexington, MA;
Douglas B. Cameron, Wellesley, MA;
John A. Wright, Arlington, MA;
Stephen D. Kendig, Marblehead, MA;

If Required, Foreign Filing License Granted: 04/10/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

DMS with alternating processing regions

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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/536,182	01/13/2004		160	M070CP2	5		

CONFIRMATION NO. 3699

CORRECTED FILING RECEIPT

James E. Maslow, Esq.
Sionex Corporation
300 Second Avenue
Waltham, MA 02451

OC000000012785904

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)

Raanan A. Miller, Chestnut Hill, MA;
Lawrence A. Kaufman, Boston, MA;
Erkinjon G. Nazarov, Lexington, MA;
Evgeny Krylov, Las Cruces, NM;
Gary A. Eiceman, Las Cruces, NM;

If Required, Foreign Filing License Granted: 04/10/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

DMS - IMS chemical identification 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

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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CHICAGO IL 60601-6780

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OFFICE OF PETITIONS

In re Application of	:
Marc Van Damme	: DECISION DISMISSING
Application No. 60/536,185	: PETITION AS MOOT
Filed: 13 January, 2004	:
Attorney Dkt No. 225943	:

This is a decision on the petition, filed under 37 CFR 1.10(c) on 5 February, 2004, requesting that the above-identified application be accorded a filing date of 13 January, 2004.

A review of the Office PALM records reveals that this application has been accorded a filing date of 13 January, 2004.

As the application has been accorded a filing date of 13 January, 2004, the present petition is unnecessary and will be dismissed as involving a moot issue.

A replacement Filing Receipt is enclosed for petitioner's reference.

No petition fee is due and none has been charged.

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

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

cf: Filing Receipt

OIPE
MAY 7 2004
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: RABON, Jr., C. CONFIRMATION NO.: 4435
SERIAL NO: 60/536,300
FILED: January 9, 2004

DOCKET NO: 225/1
CUSTOMER NO: 36829

PETITION TO CORRECT FILING RECEIPT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Upon review of the filing receipt for patent application Serial No. 60/536,300, the undersigned attorney notes that an error appears on the filing receipt with respect to the filing date. The undersigned attorney deposited the above-referenced patent application with the United States Postal Service as express mail in an envelope addressed to : Mail Stop Provisional Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandira, VA 22313-1450 on January 9, 2004 as is evidenced by the enclosed copy of the Express Mail filing receipt for this application (No. ER 419457561 US).

It is respectfully requested that the filing date be changed to January 9, 2004. In addition, the undersigned attorney requests that any fees charged in connection with this petition be waived.

Respectfully submitted,

Jeffrey J. Schwartz
Attorney for Applicant
Reg. No. 37,532

Schwartz Law Firm, P.C.
SouthPark Towers
6100 Fairview Road, Suite 530
Charlotte, North Carolina 28210
Telephone: 704/552-1889
Facsimile: 704/552-1866
E-mail: jjs@schwartz-iplaw.com

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on May 4, 2004.

Kristen Bryant — May 4, 2004
Kristen Bryant — Date

OIPE
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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
60/536,300	~~01/15/2004~~ 1·9·2004		80	255/1	1		

CONFIRMATION NO. 4435

Schwartz Law Firm, P.C.
South Park Towers
Suite 530
6100 Fairview Road
Charlotte, NC 28210

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FEB 09 2004
BY:

FILING RECEIPT

OC000000011831319

Date Mailed: 02/05/2004

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)

Charles Rabon JR., Charlotte, NC;

If Required, Foreign Filing License Granted: 02/04/2004

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Advertising system for displaying images

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Title 37, Code of Federal Regulations, 5.11 & 5.15

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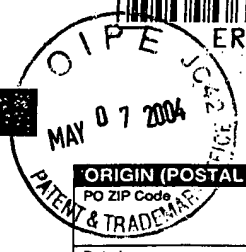

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Charlotte, NC 28210

01/09/04:225/1 (Rabon, Charles)

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

MAIL STOP: Provisional Patent Application
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Paper No.

CALFEE HALTER & GRISWOLD, LLP
800 SUPERIOR AVENUE
SUITE 1400
CLEVELAND OH 44114

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SEP 22 2004

OFFICE OF PETITIONS

In re Application of :
Kuret et al. :
Application No. 60/536,324 :
Filed: January 13, 2004 :
For: INHIBITION OF TAU FILAMENT :
FORMATION : ON PETITION

This is a decision on the Petition Under 37 CFR 1.53(c) Regarding Notice of Omitted Item(s) in a Nonprovisional Application, filed July 30, 2004, requesting the application be accorded a filing date of January 13, 2004, including Figures 4-8 described in the specification.

The petition is **granted**.

The application was filed on January 13, 2004. However, on June 3, 2004, the Office of Initial Patent Examination mailed a Notice of Omitted Item(s) in a Nonprovisional Application ("Notice"), noting that a filing date had been accorded the application; however, Figures 4-8 described in the specification appeared to have been omitted from the application.

In response, Petitioner files the instant petition wherein Petitioner avers that 8 pages of drawings, including Figures 4-8, were originally filed with the application on January 13, 2004, 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*, 8 pages of drawings by this Office on January 13, 2004.

A review of the return receipt postcard reveals that Petitioner is correct. The postcard acknowledges receipt of 8 pages of drawings by this Office on January 13, 2004. Petitioner has also re-submitted the drawing Figures 4-8 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 drawing Figures 4-8 supplied with the instant petition on July 30, 2004, will be used for examination purposes.

No fee has been charged and none is due.

The application will be returned to the Office of Initial Patent Examination for further processing as a provisional application with a filing date of January 13, 2004, and an indication that 8 sheets of drawings, including Figures 4-8, were present on filing, using Figures 4-8 filed on July 30, 2004.

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

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
60/536,327	01/13/2004		160	9501-74000	15		

CONFIRMATION NO. 4785

23643
BARNES & THORNBURG
11 SOUTH MERIDIAN
INDIANAPOLIS, IN 46204

CORRECTED FILING RECEIPT

OC000000014259243

Date Mailed: 11/01/2004

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)

Wilbur H. Crawley, Columbus, IN;
Randall J. Johnson, Seymour, IN;

Power of Attorney:

Shawn Bauer--41603

If Required, Foreign Filing License Granted: 02/04/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/536,327

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

Non-Publication Request: No

Early Publication Request: No

Title

Emission abatement assembly and associated method operation

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
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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
60/536,352	01/14/2004		160	225581	13		

CONFIRMATION NO. 4279

CORRECTED FILING RECEIPT

OC000000012382367

23460
LEYDIG VOIT & MAYER, LTD
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO, IL 60601-6780

Date Mailed: 04/16/2004

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 D. Robinson, Laguna Niguel, CA;

If Required, Foreign Filing License Granted: 03/23/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Preformed artificial nails and tips having flared free edge

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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Clarence Johnson
13840 Johnson St. NE
Ham Lake, MN 55304

COPY MAILED

JUN 2 9 2004

OFFICE OF PETITIONS

In re Application of :
John A. St. Cyr :
Application No. 60/536,460 :
Filed: January 14, 2004 :
Attorney Docket No. BP.O24PRV :

ON PETITION

This is a decision on the petition filed April 29, 2004, to accord the above-identified application a filing date of January 14, 2004.

On January 14, 2004, the application was filed.

On April 16, 2004, 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 drawings are not "necessary for the understanding of the subject matter sought to be patented" within the meaning of 35 USC 113.

MPEP § 601.01(f) 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 this application contains at least some disclosure of a process or method 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 above, the petition is **granted**.

The Notice mailed April 16, 2004, is hereby vacated.

In the future, the merits of a petition will not be considered without the submission of a $130 petition fee. A petitioner may request a refund of the fee should the Office grant the petition and vacate the Notice.

The Application is being returned to the Office of Initial Patent Examination for further processing with a filing date of January 14, 2004, using the application papers filed on January 14, 2004.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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G. E. EHRLICH (1995) LTD.
c/o ANTHONY CASTORINA
SUITE 207
2001 JEFFERSON DAVIS HIGHWAY
ARLINGTON, VA 22202

COPY MAILED

JAN 14 2005

OFFICE OF PETITIONS

In re Application of	:	
Zak Alexander, et al.	:	
Application No. 60/536,523	:	NOTICE
Filed: January 15, 2003	:	
Attorney Docket No. 26980	:	

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 (571) 272-3201.

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

JOHN P. O'BANION
O'BANION & RITCHEY
400 CAPITOL MALL SUITE 1550
SACRAMENTO, CA 95814

COPY MAILED

JAN 0 6 2005

OFFICE OF PETITIONS

In re Application of :
Peidong Yang et al :
Application No. 60/536,569 : ON PETITION
Filed: January 14, 2004 :
Attorney Docket No. B04-034-1 :

This is a decision on the petition under 37 CFR 1.137(b), filed December 23, 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 April 8, 2004. 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 June 9, 2004.

Pursuant to petitioner's authorization, Deposit Account No. 07-1137 was charged a total of $775.00 – $750.00 for the petition to revive an unintentionally abandoned application and $25.00 for the surcharge.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (703) 305-9282.

This matter is being referred to the Office of Initial Patent Examination.

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
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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
60/536,605	01/13/2004		160	INFMN-014(PRV)	10		

CONFIRMATION NO. 5232

CORRECTED FILING RECEIPT

OC000000012555228

022888
BEVER HOFFMAN & HARMS, LLP
TRI-VALLEY OFFICE
1432 CONCANNON BLVD., BLDG. G
LIVERMORE, CA 94550

Date Mailed: 05/06/2004

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)

Gunther Steinle, Munchen, GERMANY;

If Required, Foreign Filing License Granted: 04/07/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Optisches sendemodul

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).

60/536605

UNITED STATES POSTAL SERVICE®

Track & Confirm

Shipment Details

Track & Confirm
Enter label number:

You entered EV30 2354 123U S

Your item was delivered at 11:22 am on January 16, 2004 in ALEXANDRIA, VA 22313 to PATENT OFFICE. The item was signed for by M BOSTON.

Track & Confirm FAQs Go>

Here is what happened earlier:

- ARRIVAL AT PICK-UP-POINT, January 16, 2004, 10:57 am, ALEXANDRIA, VA 22313
- ARRIVAL AT UNIT, January 16, 2004, 6:40 am, DULLES, VA 20102
- ENROUTE, January 15, 2004, 3:14 pm, DULLES, VA 20102
- ENROUTE, January 13, 2004, 7:08 pm, SAN JOSE, CA 95101
- ACCEPTANCE, January 13, 2004, 6:52 pm, SAN JOSE, CA 95101

Notification Options

▸ Track & Confirm by email What is this? Go>

▸ Request Proof of Delivery What is this? Go>

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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
60/536,742	01/14/2004		160	39867-8001.US00	6		

CONFIRMATION NO. 5472

CORRECTED FILING RECEIPT

OC000000012168257

22918
PERKINS COIE LLP
P.O. BOX 2168
MENLO PARK, CA 94026

Date Mailed: 03/23/2004

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)

Nicolas M. Bonnet, Palo Alto, CA;
Michel Adar, Palo Alto, CA;
Sergey A. Prigogin, Foster City, CA;

If Required, Foreign Filing License Granted: 02/05/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Profiling of underserved populations

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.

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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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COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
www.uspto.gov

Myers Bigel Sibley & Sajovec
Post Office Box 37428
Raleigh, NC 27627

COPY MAILED

DEC 0 8 2004

OFFICE OF PETITIONS

In re Application of	:	
Gregg E. Trahey	:	
Application No. 60/536,782	:	DECISION DISMISSING
Filed: January 16, 2004	:	PETITION
Attorney Docket No. 5405-321PR	:	

This is a decision on the petition filed April 23, 2004 (and supplemented on May 24, 2004 and October 1, 2004), requesting that the above-identified application be accorded a filing date of January 15, 2004, rather than the presently accorded date of January 16, 2004. The petition is properly treated as a petition under 37 CFR 1.10(c).

The petition is **DISMISSED**.

Applicant requests the earlier filing date on the basis that the application was purportedly deposited with Express Mail Service on January 15, 2004 pursuant to 37 CFR 1.10. Petitioner has provided a copy of an Express Mail label bearing receipt no. EV381447766US, which shows a USPS receipt date stamp of January 15, 2004. Petitioner has also provided a copy of the "USPS Track and Confirm" from the USPS internet site, showing Express Mail receipt No. EV381447766US was accepted at the USPS on January 15, 2004. However, a review of the file shows the Express Mail receipt number on the original application papers as EV381447770US, which differs from the Express Mail label number presented with the petition.

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. Accordingly, petitioner must provide a copy of Express Mail label no. EV381447770US to establish the actual filing date of the application. The application file will retain the filing date of January 16, 2004 until it is proven otherwise.

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

Effective December 1, 2003, the Office of Petitions can no longer receive hand-carried correspondence, or facsimile transmissions of correspondence. The centralized location for hand-carried correspondence is the Customer Window located at:

U. S. Patent and Trademark Office
220 20th Street South
Customer Window, Mail Stop PETITIONS
Crystal Plaza Two Lobby, Room 1B03
Arlington, VA 22202

The centralized facsimile number is **(703) 872-9306.**

Telephone inquiries should be directed to Marianne Jenkins at (571) 272-3223.

Brian Hearn
Senior 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
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/536,783	01/15/2004		160	5405-322PR	1		

CONFIRMATION NO. 5351

20792
MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

CORRECTED FILING RECEIPT

OC000000012555940

Date Mailed: 05/06/2004

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)

Gregg E. Trahey, Hillsborough, NC;

If Required, Foreign Filing License Granted: 04/07/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

ARFI imaging of therapeutic procedures such as tissue ablation procedures

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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).

DHC #

PATENT
Attorney Docket No. 58982.000028

FEB 09 2004 JC34 PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Ulf HOULBERG, et al.

Application Number: 60/536,832

Filed: January 16, 2004

For: METHOD AND SYSTEM FOR COLORIMETRIC DETERMINATION OF A CHEMICAL OR PHYSICAL PROPERTY OF A TURBID MEDIUM

Group Art Unit: To Be Assigned

Examiner: To Be Assigned

RECEIVED
MAR -9 2004
LICENSING & REVIEW

EXPEDITED PETITION FOR LICENSE FOR FOREIGN FILING
(37 C.F.R. § 5.12(b))

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

Sir:

The undersigned respectfully petitions for expedited consideration of its request for a foreign filing license pursuant to 37 C.F.R. § 5.12(b). It is respectfully requested that a telephone report to the undersigned, along with hard copy of a decision on this petition and the license, be forwarded to the undersigned.

This petition is hereby made in duplicate for a license under 37 CFR § 5.12(b) for the foreign filing of the subject matter included in the above-identified U.S. patent application. It is requested that the duplicate copy of this petition be returned with the license or other action on the petition.

The PTO did not receive the following listed item(s) Check # 130.

It is believed that this invention is clearly of no interest from a security standpoint, as it relates to:

A method and a system where a chemical and/or physical property or characteristic of a turbid medium can be determined by a quantitative translation of a digital image of its color.

EXPEDITED HANDLING

Expedited handling of this petition for license is requested. A check in the amount of $130.00 is enclosed as required by 37 C.F.R. § 1.17(h).

TELEPHONE NOTIFICATION OF ISSUANCE OF LICENSE

Please notify petitioner of the issuance of the license, by telephone, at the number shown below.

Respectfully submitted,

HUNTON & WILLIAMS

Dated: February 9, 2004

By: Thomas D. Bradshaw

Thomas D. Bradshaw
Registration No. 51,492

for Stanislaus Aksman
Registration No. 28,562

Hunton & Williams LLP
1900 K Street, N.W., Suite 1200
Washington, D.C. 20006-1109
(202) 955-1966

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SERIAL NUMBER	REQUEST DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
60/536,832	3/9/04	ULF HOULBERG, ET AL.	58982.000028

Title:
METHOD AND SYSTEM FOR COLORIMETRIC DETERMINATION OF A CHEMICAL OR PHYSICAL PROPERTY OF A TURBID MEDIUM

Art Unit	Paper Number

Correspondence Address:
THOMAS D. BRADSHAW
HUNTON & WILLIAMS LLP.
1900 K. STREET N.W. SUITE 1200
WASHINGTON, D.C. 20006

Licensee under 35 U.S.C. 184 is hereby granted to file in any foreign country a patent application and any amendments thereto corresponding to the subject matter of this U.S. application identified above and/or any material accompanying the petition. This license is conditioned upon modification of any applicable secrecy order and is subject to revocation without notice.

License Number: 532,137

Grant Date: 12-Mar-04

Approved
for Commissioner of Patents and Trademarks

This license empowers the filing, the causation and the authorization of the filing of a foreign application or applications on the subject matter identified above, subsequent forwarding of all duplicate and formal papers and the prosecution of such aplication or applications.

This license is granted under 37 CFR 5.15(a).

This license is to be retained by the licensee and may be used at anytime on or after the date thereof. This license is not retroactive unless specifically indicated.

The grant of this license does not in any way lesson the responsibility of the 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 respecct to certain countries, of other agencies, particularly the Department of the Treasury; Office of Munitions Control, Department of State (with respect to Arms, Munitions and Implements of War); the Bureau of Trade Regulation, Office of Export Adminstration, Department of Commerce; and the Department of Energy.

LICENSE FOR FOREIGN FILING

[Title 35, United States Code (1952) Sections 184, 185, 186]

HUNTON& WILLIAMS

HUNTON & WILLIAMS LLP
1900 K STREET, N.W.
WASHINGTON, D.C. 20006-1109

TEL 202 • 955 • 1500
FAX 202 • 778 • 2201

FAX

TO	NAME:	Nicole
	FIRM:	United States Patent and Trademark Office
	FAX NO.:	703-305-7658
	PHONE NO.:	
	PAGES (INCLUDING COVER):	1
	ORIGINAL TO FOLLOW IN MAIL:	☐ Yes ☒ No
FROM	NAME:	Thomas D. Bradshaw
	FLOOR:	9th
	DIRECT DIAL:	(202) 955-1603

60/536,832

MESSAGE

In re Application of Ulf HOULBERG, et al.
U.S. Patent Application No. 60/536,832
Filed: January 16, 2004

Per your request of March 11, 2004, Applicants representative hereby authorizes the U.S. Patent and Trademark Office to debit Deposit Account No. 50-0206 for the Expedited Petition for License for Foreign Filing Under 37 C.F.R. § 5.12(b) filed on February 9, 2004.

RECEIVED
MAR 11 2004
LICENSING & REVIEW

Respectfully Submitted
Hunton & Williams LLP

By: Thomas D. Bradshaw
Thomas D. Bradshaw
Reg. No. 51,492
Phone No. 202-955-1603
Fax No. 202-828-3759

IF PROBLEM WITH TRANSMISSION, PLEASE CONTACT OPERATOR AT 202 • 955 • 1500 .

03/11/2004 DAM OPERATOR 00000206 60536832
01 FC:1460 $20.00 DA

DATE:	March 11, 2004
CLIENT/MATTER NAME:	Chr. Hansen A/S
CLIENT/MATTER NO.:	58982.000028

This communication is confidential and is intended to be privileged pursuant to the attorney-client privilege and the work-product doctrine. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and return the original message to us at the above address via the U.S. Postal Service.

I hereby certify that this paper was faxed to the U.S. Patent and Trademark Office on the date indicated below.

Date March 11, 2004 Signature: Carlsten D. Holmes

UNITED STATES PATENT AND TRADEMARK OFFICE

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

RALPH W. SELITTO, JR.
C/O MCCARTER & ENGLISH
GATEWAY CENTER FOUR
100 MULBERRY STREET
NEWARK, NJ 07102

COPY MAILED

DEC 0 3 2004

OFFICE OF PETITIONS

In re Application of :
Charles J. Kowalski et al :
Application No. 60/536,866 : NOTICE
Filed: January 16, 2004 :
Attorney Docket No. 67895/40096 :

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 Laymon
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
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THE LAW OFFICES OF COE F. MILES, P.C.
15150 MIDDLEBROOK DRIVE
HOUSTON, TX 77058

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SEP 0 1 2004

OFFICE OF PETITIONS

In re Application of :
Spaulding et al. :
Application No. 60/536,936 : ON PETITION
Filed: January 15, 2004 :
Attorney Docket No. 010-PV-005 :

This is a decision on the petition filed May 20, 2004, requesting that the above-identified application be accorded a filing date of January 16, 2004, rather than the presently accorded date of January 15, 2004. The petition is properly treated as a petition under 37 CFR 1.10(d).

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. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.10." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

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 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.

As to (3), the true copy of the "Express Mail" mailing label which petitioner submitted shows the "date-in" as January 15, 2004. Petitioner has failed to include any evidence from the USPS that the

correspondence was deposited in the "Express Mail Post Office to Addressee" service on January 16, 2004.

A petition under 37 CFR 1.10 does not require a petition fee. On June 14, 2004, $80.00 of the $130.00 petition fee was refunded via treasury check to the petitioner. Accordingly, the remaining $50 will be credited to petitioner's deposit account as authorized.

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

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

By hand: Customer Window located at:

U.S. Patent and Trademark Office
220 20th Street S
Customer Window, Mail Stop Petitions
Crystal Plaza Two Lobby, Room 1B03
Arlington, VA 22202

By fax: (703) 872-9306
ATTN: Office of Petitions

Telephone inquiries concerning this matter may be directed Paralegal Liana Chase at (703) 306-0482 or at (571) 272-3206 after September 28, 2004.

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
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Gazdzinski & Associates
Attn: Robert F. Gazdzinski, Esq.
Suite 375
11440 West Bernardo Court
San Diego CA 92127

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FEB 15 2005

OFFICE OF PETITIONS

In re Application of
Gadzinzinski, et al.
Application No. 60/537,166
Filed: July 12, 2004
Attorney Docket No. HOLOWAVE.008PR
For: APPARATUS AND METHODS FOR COMMAND, CONTROL, COMMUNICATIONS, AND INTELLIGENCE

: DECISION GRANTING
: PETITION

This is a decision on the petition entitled, "PETITION TO CORRECT FILING DATE UNDER 37 CFR 1.53 AND MPEP 601.01(D) AND AMENDMENT TO SPECIFICATION," filed January 3, 2005 (certificate of mailing date December 28, 2004), requesting that the above-identified application be accorded a filing date of January 15, 2004, instead of the presently accorded filing date of July 12, 2004. The petition will be treated under 37 CFR 1.182.

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

The application was deposited on January 15, 2004. On June 21, 2004, the Office of Initial Patent Examination mailed a Notice of Omitted Items in a Provisional Application ("Notice") stating that the application had been accorded a filing date of January 15, 2004 and informing applicants that Figure 2b listed in the specification appeared to have been omitted.

On July 12, 2004, petitioners filed a response to the Notice and Figure 2b. The Office mailed an Update Filing Receipt on July 30, 2004 that states the filing date of the application is July 12, 2004.

In response to the Updated Filing Receipt, petitioners filed a Request for Correction of Filing Receipt on August 10, 2004. Petitioners desired reinstatement of the January 15, 2004 filing date for the above-identified application. The Office refused to correct the filing date in a Response to Request for Corrected Filing Receipt mailed on August 10, 2004.

Petitioner filed the instant petition on January 3, 2005 (certificate of mailing date December 28, 2004), requesting again that the Office reinstate the January 15, 2004 filing date for the above-identified application.

The mailing of a "Notice of Omitted Items in a Provisional Application" permits applicants to either: (1) promptly establish prior receipt in the PTO of the item at issue (generally by way of a date-stamped postcard receipt (MPEP 503)), or (2) accept the application as filed. Applicants 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 the instant case, petitioners did not select option (1) or (2). Instead, petitioners just filed Figure 2b. However, **it is not possible to amend a provisional application**. 37 CFR 1.53(c). Therefore, Figure 2b should not have been submitted absent a petition and the January 15, 2004 filing date should not have been changed.

The Updated Filing Receipt was incorrect. The application is entitled to a filing date of January 15, 2004 without Figure 2b. The petition is **granted**. Pursuant to petitioners' authorization, deposit account no. 50-1423 will be credited the $400.00 petition fee that was charged on January 4, 2005.

The application is being returned to Office of Initial Patent Examination for further processing with a filing date of **January 15, 2004** and the mailing of a corrected filing receipt. Figure 2b is **not** considered part of the original application papers.

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

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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DYKEMA GOSSETT PLLC
FRANKLIN SQUARE, THIRD FLOOR WEST
1300 I STREET, N.W.
WASHINGTON, DC 20005

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SEP 0 1 2004

OFFICE OF PETITIONS

In re Application of :
Gregg S. Evans :
Application No. 60/538,477 :
Filed: January 26, 2004 :
Attorney Docket No. 77706-037-8 :

ON PETITION

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

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

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

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 306-5594.

Retta Williams

Retta Williams
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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P.O. BOX 1450
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Clifford A. Ulrich, Esq.
KENYON & KENYON
One Broadway
New York, NY 10004

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DEC 21 2005

OFFICE OF PETITIONS

In re Application of :
Howard Moskowitz, et. al. :
Application No. 60/538,787 : DECISION GRANTING
Filed: January 23, 2004 : PETITION
Attorney Docket No. 11671/6 :

This is a decision on the petition filed August 10, 2005, requesting that the above-identified application be accorded a filing date of January 23, 2004, rather than the presently accorded date of January 24, 2004. 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 January 23, 2004. In support, the petition is accompanied by a copy of Express Mail receipt No. EV 332518333 US, which bears a handwritten "date-in" of January 23, 2004, and includes a USPS receipt date stamp of January 23, 2004. It is noted that the above Express Mail number appears on the Provisional Cover Sheet, which references forty-six (46) sheets of a specification.

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 January 23, 2004.

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

This application file is being forwarded to the Office of Initial Patent Examination (OIPE) for correction of the filing date to **January 23, 2004** and for issuance of a corrected filing receipt.

Telephone inquiries relating to this decision should be directed to Andrea Smith at (571) 272-3226. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4000.

Frances Hicks for
Brian Hearn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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DRW 04-04

FISH & RICHARDSON PC
225 FRANKLIN ST
BOSTON MA 02110

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APR 14 2004

OFFICE OF PETITIONS

In re Application of	:	
Peters et al.	:	DECISION DISMISSING
Application No. 60/538,831	:	PETITION AS MOOT
Filed: 23 January, 2004	:	
Attorney Docket No. 14851-005P02	:	

This is a decision on the petition under 37 CFR 1.10(e) filed on 5 April, 2004, requesting that the application papers filed with the present petition be assigned an application number and be accorded a filing date of 23 January, 2004.

The petition is **DISMISSED AS MOOT**.

A search of USPTO records indicates that the application papers filed with the instant petition were in fact received on and properly accorded a filing date of 23 January, 2004. Application No. 60/538,831 has been assigned to the papers for identification purposes.

A review of the official file reveals that the correspondence address contained in the Office PALM database is different than the address contained on the Provisional Application for Patent Cover Sheet filed with the present petition. As such, petitioners may not have been provided notice of the application's filing. Furthermore, Office PALM records indicates that an Office communication was mailed on 12 April, 2004. However, a review of the official file, indicates that no Provisional Application Cover Sheet was located among the application papers received on 23 January, 2004. As such, the Office did not err in using the address contained on Page 1 of the specification as the correspondence address. Therefore, the failure of petitioners to receive the Office communication mailed on 12 April, 2004, was not due to any error on the part of the Office, and the period for reply to the Office communication will not be reset.

The Provisional Application Cover Sheet will be treated as a change of correspondence address, and the correspondence address updated accordingly.

The application papers filed with the present petition will not be used for processing, but will be retained in the application file.

As the Office of Petitions is unable at present to access the Office communication mailed on 12 April, 2004, petitioners should contact the Office of Initial Patent Examination at 703-308-1202 to request a courtesy copy of the Office communication mailed on 12 April, 2004.

A Corrected Filing Receipt is enclosed for petitioners' reference.

This application is being returned to the Office of Initial Patent Examination for further processing with a filing date of 23 January, 2004, using 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

Encl: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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DIW 08-04

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225 FRANKLIN ST
BOSTON MA 02110

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JUN 2 1 2004

OFFICE OF PETITIONS

In re Application of	:	
Peters et al.	:	DECISION GRANTING
Application No. 60/538,831	:	PETITION
Filed: 23 January, 2004	:	
Attorney Docket No. 14851-005P02	:	

This is a decision on the petition filed on 21 May, 2004, to withdraw the Notice to File Missing Parts mailed on 12 April, 2004, which is treated as a petition under 37 CFR 1.53 to accord the above-identified application a filing date of 23 January, 2004, with Figure 17 as a part of the original disclosure.

The petition is **GRANTED**.

On 23 January, 2004, the application was filed.

On 12 April, 2004, Initial Patent Examination Division mailed a Notice stating, *inter alia*, that Figure 17 described in the specification appeared to have been omitted.

In response, on 21 May, 2004, the present petition was filed. Petitioners assert that Figure 17 was among the application papers filed on 23 January, 2004. In support, petitioners have provided an itemized postcard receipt listing the filing of 23 sheets of drawings.

Figure 17 filed on 23 January, 2004, has now been located in the official file. The drawing sheets were not placed in the proper order in the official file, making it appear that Figure 17 was omitted.

The Notice mailed on 12 April, 2004, is vacated to the extent that it stated that Figure 17 of the specification appeared to have been omitted.

The application will be processed and examined using only those application papers present on filing. The copy of the drawings filed with the present petition will not be used for processing or examination, but will be retained in the application file.

As the petition did not result from any error on the part of petitioners, the petition fee will be credited to counsel's deposit account, No. 06-1050.

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

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

HEDMAN & COSTIGAN P.C.
1185 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

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FEB 10 2005

OFFICE OF PETITIONS

In re Application of :
Peter J. Dronzek Jr. :
Application No. 60/538,919 : NOTICE
Filed: January 24, 2004 :
Attorney Docket No. 181-046 :

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 Wan Laymon at (571) 272-3220.

This matter is being referred to the Office of Initial Patent Examination.

Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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NOV 0 1 2004

OFFICE OF PETITIONS

In re Application of :
Daniel V. Palanker et al :
Application No. 60/538,947 :
Filed: January 22, 2004 :
Attorney Docket No. S04-004/PROV :

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 undersigned at (571) 272-3208.

Karen Creasy

Karen Creasy
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
60/539,283	01/25/2004		80	F140.V1.US	32		

CONFIRMATION NO. 4123

35341
FLUIDIGM CORPORATION
7100 SHORELINE COURT
SOUTH SAN FRANCISCO, CA 94080

CORRECTED FILING RECEIPT

OC000000015141193

Date Mailed: 02/09/2005

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)

Marc Unger, South San Francisco, CA;
Robert Grossman, Sunnyvale, CA;
Phillip Lam, San Mateo, CA;

Power of Attorney:

Gregory Heinkel--44755

If Required, Foreign Filing License Granted: 04/10/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/539,283

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Microfluidic devices and systems and methods for 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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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
60/539,472	01/27/2004		80	082.27.122	9		

CONFIRMATION NO. 1018

CORRECTED FILING RECEIPT

23483
WILMER CUTLER PICKERING HALE AND DORR LLP
60 STATE STREET
BOSTON, MA 02109

OC000000016856132

Date Mailed: 08/24/2005

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)

Michel MRF Struys, Belsele, BELGIUM;
Tom De Smet, Temse, BELGIUM;
Steven L. Shafer, Mountain View, CA;

Power of Attorney: The patent practitioners associated with Customer Number **23483**.

If Required, Foreign Filing License Granted: 04/12/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/539,472

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 adaptive drug delivery

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

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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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BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON, DC 20001-5303

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JUN 2 9 2004

OFFICE OF PETITIONS

In re Application of :
Fogh et al. :
Application No. 60/540,061 : ON PETITION
Filed: January 30, 2004 :
Attorney Docket No. FOGH=5 :

This is a decision on the petition filed April 21, 2004, to establish that Figure 16 was part of the originally filed application.

The petition is **dismissed**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.53."

On January 30, 2004, the application was filed.

On April 13, 2004, the Office of Initial Patent Examination mailed a Notice stating that the application had been accorded a filing date of January 30, 2004, and advising applicants that Figure 16 described in the specification could not be located in the file.

In response, the present petition was filed alleging that Figure 16 was deposited on January 30, 2004. In support, petitioner has submitted a postcard receipt which acknowledges receipt of 16 sheets of drawings on April 21, 2004.[1] The file only contains 15 sheets of drawings. Upon review of the record, Figure 16, deposited on January 30, 2004, has not been located. However, the evidence is convincing that the application papers deposited on January 30, 2004, included Figure 16, and that Figure 16 was subsequently misplaced in the PTO.

In view of the above, the petition would normally be granted. However, a copy of missing Figure 16 was not submitted with the petition and the Office does not have a copy of Figure 16 to use for examination purposes. Petitioner should submit a copy of Figure 16.

The petition fee of $130 will be credited to petitioner's deposit account.

The Notice mailed April 13, 2004, was sent in error and is hereby vacated.

---

[1] Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self addressed post card properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the post card in the outgoing mail. "A post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." M.P.E.P. § 503.

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

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

By hand: U.S. Patent and Trademark Office
220 20th Street S.
Customer Window, Mail Stop Petitions
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

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.

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

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SUITE 300
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OCT 19 2004

OFFICE OF PETITIONS

In re Application of :
Fogh et al. :
Application No. 60/540,061 :
Filed: January 30, 2004 :
Attorney Docket No. FOGH=5 :

ON PETITION

This is a decision on the renewed petition filed July 7, 2004, to establish that Figure 16 was part of the originally filed application.

The petition is **granted**.

On January 30, 2004, the application was filed.

On April 13, 2004, the Office of Initial Patent Examination mailed a Notice stating that the application had been accorded a filing date of January 30, 2004, and advising applicants that Figure 16 described in the specification could not be located in the file.

In response, the prior petition was filed alleging that Figure 16 was deposited on January 30, 2004. In support, petitioner submitted a postcard receipt which acknowledged receipt of 16 sheets of drawings on April 21, 2004.[1] The file only contained 15 sheets of drawings. Upon review of the record, Figure 16, deposited on January 30, 2004, was not located. However, the evidence was convincing that the application papers deposited on January 30, 2004, included Figure 16, and that Figure 16 was subsequently misplaced in the PTO. However, the prior petition was dismissed because a copy of missing Figure 16 was not submitted with the petition and the Office did not have a copy of Figure 16 to use for examination purposes.

The Application is being returned to the Office of Initial Patent Examination for further processing with a filing date of January 30, 2004, using the application papers filed on January 30, 2004, and the copy of sheet 16 of the drawings consisting of Figure 16 filed on July 7, 2004.

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

Charles Steven Brantley
Petitions Attorney
Office of Petitions

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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.

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DYKEMA GOSSETT, PLLC
THIRD FLOOR WEST
1300 I STREET N.W.
WASHINGTON, DC 20020

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AUG 0 9 2004

OFFICE OF PETITIONS

In re Application of :
Gregg S. Evans :
Application No. 60/540,071 : NOTICE
Filed: January 30, 2004 :
Attorney Docket No. 077706-0041 :

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 matter is being referred to the Office of Initial Patent Examination.

Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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PHARMACIA & UPJOHN
301 HENRIETTA ST
0228-32-LAW
KALAMAZOO MI 49007

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JUN 13 2005

OFFICE OF PETITIONS

In re Application of	:	
Gordeev et al.	:	
Application No. 60/540,217	:	DECISION GRANTING PETITION
Filed: 28 January, 2004	:	
Atty Dckt No. PC 32062	:	

This is a decision in reference to the petition filed on 13 April, 2005, which is treated as a petition filed under 37 CFR 1.10(c), requesting that the above-identified application be accorded a filing date of 28 January, 2004, rather than the currently-accorded filing date of 18 January, 2004.

The petition is **granted**.

Petitioners assert that the application was deposited in Express Mail Service on 28 January, 2004. In support, petitioners have provided a copy of a printout from the USPS's Intranet Track/Confirm database showing that Express Mail Item EV292620520US (the same Express Mail number found on the Provisional Application for Patent Cover Sheet accompanying the original application papers located in the official file) was accepted by the USPS on 28 January, 2004.

As such, the showing of record is that the correct date of deposit in Express Mail is 28 January, 2004.

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

The application is being referred to the Office of Initial Patent Examination (OIPE) for correction of the filing date to 28 January, 2004, and for issuance of a corrected Filing Receipt.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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G. E. EHRLICH (1995) LTD.
c/o ANTHONY CASTORINA
SUITE 207
2001 JEFFERSON DAVIS HIGHWAY
ARLINGTON, VA 22002

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JAN 0 7 2005

OFFICE OF PETITIONS

In re Application of :
Baasov, et al. :
Application No. 60/540,359 : DECISION GRANTING PETITION
Filed: February 2, 2004 :
Attorney Docket No. 27240 :

This is a decision on the petition filed October 29, 2004, to vacate the "Notice of Omitted Items in Provisional Application" mailed September 22, 2004, in the above-cited application.

The petition is **granted**.

On February 2, 2004, the above-identified application was filed. However, on September 22, 2004, the Office of Initial Patent Examination mailed a "Notice of Omitted Items in Nonprovisional Application" stating that application had been accorded a filing date, but that page 39 of the specification appear to have been omitted.

In response, on October 29, 2004, applicant filed the present petition , a copy of page 39 of the specification, and a copy of an Office date-stamped postcard acknowledging receipt of 110 pages of specification, abstract, and claims, among other items.

Upon review of the record, page 39 of the specification was not located among the application papers. However, the evidence is convincing that the application papers deposited February 2, 2004, included page 39 of the specification, which was subsequently misplaced by the Office. Therefore, the application, including page 39 of the specification, was complete on filing and entitled to a filing date of February 2, 2004.

Accordingly, the petition is granted; the Notice is vacated, accordingly. The petition fee of $130.00 will be refunded, in due course.

Petitioner is cautioned to provide a clear itemization of documents and fees with future filings. It is noted that the postcard for the above-cited application contains several scratch-outs and does not sufficiently indicate the number of pages that comprise the specification, abstract, and claims individually, i.e., 100 pages of specification, 9 pages of claims, and 1 page of the abstract. Where there is a dispute as to what is filed and when it was filed, the postcard serves as *prima facie* evidence of the Office's receipt or non-receipt of the subject document. Petitioner is, therefore, cautioned to use more care in completing the postcard as the failure to do so may be a detriment to petitioner in future disputes relative to the filing date of documents.

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

with a filing date of February 2, 2004, using the 100 pages of specification, 9 pages of claims, and one page of abstract filed on that date.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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NATH & ASSOCIATES
1030 15th STREET
6TH FLOOR
WASHINGTON DC 20005

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JUN 2 2 2004

OFFICE OF PETITIONS

In re Application of
Levy, et al.
Application No. 60/540,558
Filed: February 2, 2004
Attorney Docket No. 25967
FOR: ACTIVE MATERIALS FOR TIME TEMPERATURE INDICATORS

: DECISION DISMISSING PETITION
: AS MOOT

This is a decision on the petition filed April 22, 2004 requesting, in effect, that the Office withdraw a Notice of Incomplete Provisional Application, mailed April 14, 2004.

The application was deposited on February 2, 2004. On April 14, 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 of the application would be the date of receipt of the omitted drawings. It is noted that the specification filed on February 2, 2004 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, 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 April 14, 2004 was mailed in error. The Office of Initial Patent Examination withdrew the April 14, 2004 Notice and informed petitioners that the application was complete upon filing in a "Withdrawal of Previously Sent Notice," mailed May 10, 2004. In addition, the $130.00 petition fee was credited to petitioners' deposit account on May 7, 2004.

Therefore, the instant petition is **dismissed as moot**. Petitioners have already obtained their requested relief.

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

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

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COMMISSIONER FOR PATENTS
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SAN DIEGO CA 92131

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JUL 2 0 2004

OFFICE OF PETITIONS

In re Application of
James Gharib
Application No. 60/540,625
Filed: January 29, 2004
Attorney Docket No. 085PRV

DECISION GRANTING PETITION

This is a decision on the petition filed June 14, 2004, requesting, in effect, that a "Notice of Omitted Item(s)" mailed April 14, 2004, in the above-identified application be withdrawn.

The application was filed on January 29, 2004. However, on April 14, 2004, the Initial Patent Examination Division mailed the "Notice" advising applicants that the January 29, 2004 filing date had been accorded the application, but that a drawing containing Figure 11 appeared to be missing.

In response, on June 14, 2004, the present petition was filed. Petitioners argue that the "Notice" was mailed in error, since the drawing containing Figure 11 was filed on January 29, 2004, and appears on the same sheet of drawings containing Figure 12. Petitioner submits a copy of a postcard receipt evidencing, *inter alia*, receipt of 6 sheets of drawings containing Figures 1-12 on January 29, 2004. Receipt is also acknowledged of the replacement drawings containing Figures 1-12 filed June 14, 2004.

A review of the five (5) sheets of drawings filed January 29, 2004, confirms that a drawing of Figure 11 does appear on the same sheet with a drawings of Figure 12.

The petition is granted. The $130.00 petition fee is being refunded to counsel's deposit account No. 50-2040.

The "Notice" mailed April 14, 2004, is hereby withdrawn.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of January 29, 2004.

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

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
60/540,774	01/31/2004		80	023542-0149	4		

CONFIRMATION NO. 7201

CORRECTED FILING RECEIPT

61495
ERAGEN BIOSCIENCES, INC. C/O FOLEY & LARDNER LLP
P.O. BOX 1497
150 E. GILMAN STREET
MADISON, WI 53701

OC000000019056068

Date Mailed: 06/01/2006

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)

Michael J. Moser, Madison, WI;
James Prudent, Madison, WI;

Power of Attorney:

Timothy Markison--33534

If Required, Foreign Filing License Granted: 04/14/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/540,774

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

Materials and methods for the detection of SARS

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.

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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

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Paper No.

PEACOCK MYERS AND ADAMS P C
P O BOX 26927
ALBUQUERQUE, NM 87125-6927

COPY MAILED

MAR 2 9 2005

OFFICE OF PETITIONS

In re Application of :
Stuart Buffington : DECISION ON
Application No. 60/540,908 : PETITION
Filed: January 30, 2004 :
Attorney Docket No. 31056-CIP :

This is a decision on the "PETITION UNDER 37 CFR 1.181, RELATING TO THE FILING DATE OF A PROVISIONAL APPLICATION," filed October 28, 2004, requesting that the filing date of the referenced provisional patent application be corrected to January 30, 2004.

Application papers in the above-identified provisional application were deposited on January 30, 2004. However, on March 9, 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 11A-11D described in the specification appeared to be omitted from the application. This Notice set a two-month period for reply.

Applicant acknowledges that the drawing sheet containing figures 11A-11D was inadvertently omitted from the application. Yet, in response to the Notice, applicant requested that the omitted drawings be placed in the application file, and explained that no new matter was believed to be inserted. In response, the Office changed the filing date of the application from January 30, 2004 to May 7, 2004, the date of filing of the later filed drawing sheet.

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 applicant's 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 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 applicant did not have the option of amending this provisional application to include the inadvertently omitted figures nor could applicant submit the omitted figures and accept a later filing date.

In view thereof, the Office should not have changed the filing date to May 7, 2004, the date of filing of the drawing sheet.

The petition to correct the filing date to January 30, 2004, is **GRANTED**.

The drawing sheet containing figures 11A-D is not part of the original application disclosure and will not be entered in this provisional application.

The petition fee will not be refunded as the petition was necessitated by petitioner's filing error.

The Office of Initial Patent Examination (OIPE) has been advised of this decision. This provisional application has, thereby, been forwarded to OIPE for **correction of the filing date to January 30, 2004**, using the application papers deposited on that date.

Telephone inquiries specific 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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Commissioner for Patents
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WOOD HERRON & EVANS L.L.P.
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OH 45202

COPY MAILED

APR 0 6 2004

OFFICE OF PETITIONS

In re Application of :
David J. Wojtowicz et al :
Application No. 60/540,935 : NOTICE
Filed: January 30, 2004 :
Attorney Docket No. SCA-12

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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/541,194	02/02/2004		160	9342-165PR	2		

CONFIRMATION NO. 9305

20792
MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

CORRECTED FILING RECEIPT

OC000000012393580

Date Mailed: 04/20/2004

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)

Ying Zhinong, Lund, SWEDEN;
Wanqing Shi, Hjarup, SWEDEN;

If Required, Foreign Filing License Granted: 03/12/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Portable communication device equipped with two flat panel speakers

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

GRANTED

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NOT GRANTED

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/541,341	02/03/2004		160	5405-320PR	2		

CONFIRMATION NO. 1183

20792
MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

CORRECTED FILING RECEIPT

OC000000012615328

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)

Scott D. Wolter, Durham, NC;
Charles B. Parker, Durham, NC;
Jeffrey T. Glass, Durham, NC;

If Required, Foreign Filing License Granted: 04/14/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Tetrahedral carbon for hydrogen storage in fuel cell applications

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
60/541,404	02/02/2004		105	WASC1868	7		

CONFIRMATION NO. 2503

PENINSULA IP GROUP
A Professional Law Corporation
2290 North First Street, Suite 101
San Jose, CA 95131

UPDATED FILING RECEIPT

OC000000012993988

Date Mailed: 06/18/2004

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)

Thomas E. Waschura, Menlo Park, CA;

If Required, Foreign Filing License Granted: 04/14/2004

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 to measure and display data dependent eye diagrams

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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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60/541,573	02/04/2004		80	9455	6		

CONFIRMATION NO. 3159

Bruce H. Johnsonbaugh
Eckhoff & Hoppe
333 Sacramento Street
San Francisco, CA 94111

CORRECTED FILING RECEIPT

OC000000013013336

Date Mailed: 06/23/2004

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)

Curtis A. Ray, Alamo, CA;
Eric B. Grann, San Ramon, CA;
Brian C. Peters, Alamo, CA;

If Required, Foreign Filing License Granted: 04/14/2004

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Micro-optical combiner device

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
60/541,671	02/04/2004		80	MCC-24/Prov	2		

CONFIRMATION NO. 3684

007265
MICHAELSON AND WALLACE
PARKWAY 109 OFFICE CENTER
328 NEWMAN SPRINGS RD
P O BOX 8489
RED BANK, NJ 07701

CORRECTED FILING RECEIPT

OC000000012555404

Date Mailed: 05/06/2004

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)

Nikolay N. Barashkov, Hercules, CA;
Tamara S. Novikova, Moscow, RUSSIAN FEDERATION;

If Required, Foreign Filing License Granted: 04/07/2004

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Fluorescent converter for blue light-emitting diodes and methods of its photostabilization

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

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JUN 2 5 2004

OFFICE OF PETITIONS

In re Application of	:	
HongMei Zang et al	:	
Application No. 60/541,797	:	DECISION DISMISSING
Filed: February 4, 2004	:	PETITION
Attorney Docket No. 07783.0115.PZUS00	:	

This is a decision on the petition, filed April 15, 2004, which is being treated under 37 CFR 1.10(c), requesting that the above-identified application be accorded a filing date of February 3, 2004, rather than the presently accorded filing date of February 4, 2004.

Applicants request the earlier filing date on the basis that the application was purportedly deposited in Express Mail service on February 3, 2004, pursuant to the requirements of 37 CFR 1.10. In support, the petition is accompanied by a copy of Express Mail receipt No. EL615430983US. It is noted that, while the "date-in" on the copy of the Express Mail receipt was left blank, it includes a "San Francisco, CA" receipt stamp dated February 3, 2004.

Paragraph (c) 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 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.

In this case, the petition fails to show that Express Mail label No. EL615430983US was placed on the provisional application papers prior to the original mailing. The only Express Mail label number found on the provisional application papers is EL615430970US.

In view of the above, the petition is dismissed.

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

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

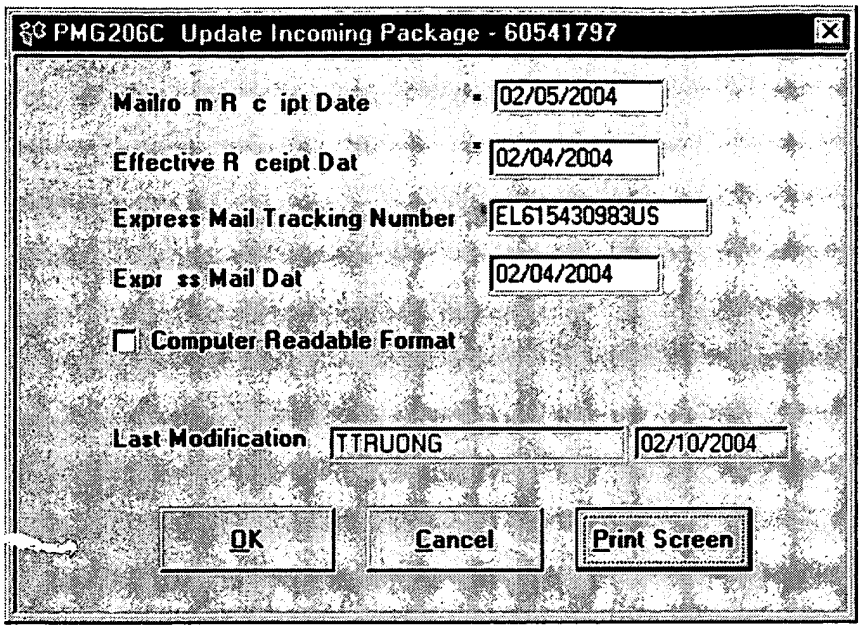
By hand: Crystal Plaza Two, Lobby
2011 South Clark Place
Room 1B03
Arlington, VA 22202

By fax: (703) 872-9306

The application file is referred to the Office of Initial Patent Examination with the presently accorded filing date of February 4, 2004.

Telephone inquiries 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



Express mail label # to records match
However, Express mail mailing no on
Provisional cover sheet differs.

17224 U.S.PTO 020404

EXRPESS MAIL NO.: EL615430970US

Please type a plus sign (+) inside this box →

PTO/SB/16 (8-00)
Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PROVISIONAL APPLICATION FOR PATENT COVER SHEET

This is a request for filing a PROVISIONAL APPLICATION FOR PATENT under 37 CFR 1.53(c).

31355 U.S.PTO 60/541797 020404

INVENTOR(S)		
Given Name (first and middle [if any])	Family Name or Surname	Residence (City and either State or Foreign Country)
HongMei	ZANG	Sunnyvale, California, USA
Fei	WANG	San Jose, California, USA
Haiyan	GU	Davis, California, USA
Rong-Chang	LIANG	Cupertino, California, USA

☐ *Additional inventors are being named on the separately numbered sheets attached hereto*

TITLE OF THE INVENTION (280 characters max)

POLYMERS AND COMPOSITION FOR IN-MOLD DECORATION

Direct all correspondence to: **CORRESPONDENCE ADDRESS**

☒ Customer Number **27194** →

OR *Type Customer Number here*

Place Customer Number Bar Code Label here

☐ Firm or Individual Name	**Howrey Simon Arnold & White, LLP**				
Address	**301 Ravenswood Avenue**				
Address	**Box 34**				
City	**Menlo Park**	State	**CA**	ZIP	**94025**
Country	**USA**	Telephone	**650-463-8100**	Fax	**650-463-8400**

ENCLOSED APPLICATION PARTS *(check all that apply)*

☒ Specification *Number of Pages* **26** CD(s), Number

☒ Drawing(s *Number of Sheets* **1** Other (specify) **Return Receipt Postcard**

☐ Application Data Sheet. See 37 CFR 1.76

METHOD OF PAYMENT OF FILING FEES FOR THIS PROVISIONAL APPLICATION FOR PATENT

		FILING FEE AMOUNT ($)
☒	Applicant claims small entity status. See 37 CFR 1.27.	
☒	A check or money order is enclosed to cover the filing fees	**80.00**
☒	The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment to Deposit Account No **08-3038**	
☐	Payment by credit card. Form PTO-2038 is attached.	

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, Date **February 3, 2004**

SIGNATURE _____

TYPED or PRINTED NAME **Albert P. Hallum /Viola T. Kung** REGISTRATION NO. *(if appropriate)* **25,227/41,131**

TELEPHONE **650-463-8109** Docket Number. **07783.0115.PZUS00**

USE ONLY FOR FILING A PROVISIONAL APPLICATION FOR PATENT

This collection of information is required by 37 CFR 1.51. The information is used by the public to file (and by the PTO to process) a Provisional application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the complete provisional application to the PTO. Time will vary depending upon the individual case. Any comments on the amount of time you are required to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Box Provisional Application, Assistant Commissioner for Patents, Washington, DC 20231.

UNITED STATES POSTAL SERVICE

Track & Confirm

Shipment Details

You entered EL61 5430 983U S

Your item was delivered at 10:06 am on February 05, 2004 in ALEXANDRIA, VA 22313 to PATENT OFFICE. The item was signed for by V REGISTER.

Here is what happened earlier:

- ARRIVAL AT UNIT, February 05, 2004, 8:58 am, DULLES, VA 20102
- ENROUTE, February 04, 2004, 2:21 am, SAN FRANCISCO, CA 94125
- ACCEPTANCE, February 04, 2004, 12:23 am, SAN FRANCISCO, CA 94125

Notification Options

- Track & Confirm by email What is this? Go>
- Request Proof of Delivery What is this? Go>

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HOWREY SIMON ARNOLD & WHITE
C/O IP DOCKETING DEPARTMENT
2941 FAIRVIEW PARK DRIVE
SUITE 200
FALLS CHURCH, VA 22042-2924

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MAY 0 5 2005

OFFICE OF PETITIONS

In re Application of :
Taymar Hartman : DECISION GRANTING
Application No. 60/541,865 : PETITION
Filed: February 3, 2004 :
Attorney Docket No. 05882.0222.PZUS00 :

This is a decision on petition filed December 29, 2004, requesting that the above-identified application be accorded a filing date of February 3, 2004, rather than the presently accorded filing date of February 4, 2004.

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 February 3, 2004, pursuant to the requirements of 37 CFR 1.10. In support, the petition is accompanied by, *inter alia*, a copy of the Express Mail receipt No. EL615430983US, which is the same Express Mail number found on the original itemized transmittal accompanying the original application papers located in the official file. It is noted that, while the "date-in" on the copy of the Express Mail receipt was left blank, it includes a "San Francisco, CA" receipt stamp dated "February 3, 2004".

In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on February 3, 2004. Accordingly, the instant application is entitled to a filing date of February 3, 2004, and has been so accorded.

The petition is granted. The $400.00 petition fee submitted is unnecessary and will be credited to petitioner's deposit account in due course.

Telephone inquires specific to this matter should be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to the Office of Initial Patent Examination.

Frances Hicks
Lead Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy n

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
Washington, D.C. 20231
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Paper No.

PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE, WA 98111-1247

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OCT 2 8 2004

OFFICE OF PETITIONS

In re Application of :
Falvey et al. :
Application No. 60/542,253 : DECISION ON PETITION
Filed: February 5, 2004 :
Attorney Docket No. 386168020US :

This is a decision on the "PETITION IN RESPONSE TO NOTICE OF INCOMPLETE PROVISIONAL APPLICATION," filed September 16, 2004. Petitioners request that the above-identified provisional application has been accorded a filing date of February 5, 2004.

Application papers in the above-identified application were deposited on February 5, 2004. However, on July 27, 2004, the Office of Initial Patent Examination (OIPE) advised applicants that the application had not been accorded a filing date because the application was deposited without drawings.

On August 3, 2004, applicants supplied four sheets of drawings. However, no petition accompanied this submission. Accordingly, the Office accorded the application a filing date of August 3, 2004, the date of receipt of the drawings.

On September 16, 2004, applicants filed the application was deposited with the required drawings and thus, the application is entitled to a filing date of February 5, 2004. In support thereof, applicants submitted a copy of their return postcard from the USPTO.

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 February 5, 2004, and the items filed therewith were assigned Application No. 60/542253; 2) it specifically identifies the items being filed, including "4 Sheets Drawings (Figs. 1-4)" 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 4 sheets of drawings, were deposited on February 5, 2004.

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.

The Office of Initial Patent Examination (OIPE) has been advised of this decision. The application is, thereby, forwarded to OIPE for:

- **correction of the filing date to February 5, 2004** using the application papers received in the Office on that date; and the 4 sheets of drawings re-supplied on August 3, 2004.

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

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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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
60/542,261	02/05/2004		160	2550/198			

CONFIRMATION NO. 5005

Steven G. Saunders
Bromberg & Sunstein LLP
125 Summer Street
Boston, MA 02110-1618

CORRECTED FILING RECEIPT

OC000000013065056

Date Mailed: 06/28/2004

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)

Susan A. Alie, Stoneham, MA;
Bruce K. Wachtmann, Concord, MA;
Lawrence E. Felton, Hopkinton, MA;
Changhan Yun, Boston, MA;

If Required, Foreign Filing License Granted: 04/14/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Conductive bond for through-wafer interconnect

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).

FILE COPY

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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
60/542,373	02/06/2004		80	55382-13	13		

CONFIRMATION NO. 6523

CORRECTED FILING RECEIPT

OC000000012384222

22504
DAVIS WRIGHT TREMAINE, LLP
2600 CENTURY SQUARE
1501 FOURTH AVENUE
SEATTLE, WA 98101-1688

Date Mailed: 04/16/2004

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)

Shawn P. Iadonato, Seattle, WA;
Charles L. Magness, Seattle, WA;
Gary Rosenberg, Bothell, WA;
Christina A. Scherer, Seattle, WA;

If Required, Foreign Filing License Granted: 03/22/2004

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 mutations in a gene associated with resistance to viral infection, OAS1

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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Jaeckle Fleischmann & Mugel, LLP
39 State Street, Suite 200
Rochester, NY 14614-1310

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SEP 10 2004

OFFICE OF PETITIONS

In re Application of :
Robert Alan Colwell :
Application No. 60/542,386 : NOTICE
Filed: February 6, 2004 :
Attorney Docket No. 91194.059903 :

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

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

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

The 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.

This file is being referred 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

CC: Jaeckle Fleischmann & Mugel, LLP
190 Linden Oaks
Rochester, NY 14625-2810

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ONE MELLON CENTER 50TH FLOOR
500 GRANT STREET
PITTSBURGH PA 15219

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JUL 16 2004

OFFICE OF PETITIONS

In re Application of
Edwin S. Grosvenor
Application No. 60/542,429
Filed: February 6, 2004
Attorney Docket No. 128033.0200

DECISION ON PETITION

This is a decision on the petition filed June 14, 2004, to accord the above-identified application a filing date of February 6, 2004.

The petition is **GRANTED**.

The application was deposited on February 6, 2004. However, on April 15, 2004, 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.

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. 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 April 15, 2004 was mailed in error and is hereby **withdrawn**.

As the instant petition was due to USPTO error, the petition fee of $130 will be refunded to petitioner under separate cover.

The application is being forwarded to the Office of Initial Patent Examination for further processing as a provisional application with a filing date of February 6, 2004, 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.

Patricia Faison-Ball for

Charles Pearson
Director
Office of Petitions

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DECHERT LLP (WASHINGTON, DC OFFICE)
1775 I STREET, NW
WASHINGTON, DC 20006

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JUN 2 9 2004

OFFICE OF PETITIONS

In re Application of :
Gorny :
Application No. 60/542,857 : ON PETITION
Filed: February 10, 2004 :
Attorney Docket No. 371739-344516 :

This is a decision on the petition filed April 27, 2004, to accord the above-identified application a filing date of February 10, 2004.

The petition is **granted**.

On April 20, 2004, 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. The present petition alleges that drawings are not "necessary for the understanding of the subject matter sought to be patented" within the meaning of 35 USC 113.

MPEP § 601.01(f) 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 contains at least some disclosure of a process or method for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

The Notice mailed April 20, 2004, is hereby vacated. The petition fee of $130 will be credited to petitioner's deposit account.

The Application is being returned to the Office of Initial Patent Examination for further processing with a filing date of February 10, 2004, using the application papers filed on February 10, 2004.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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ROLANDO J. TONG
STE. #400
5850 CANOGA AVE.
WOODLAND HILLS, CA 91367

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JUL 12 2004

OFFICE OF PETITIONS

In re Application of :
Yongjun Zhoa :
Application No. 60/542,977 : ON PETITION
Filed: February 10, 2004 :
Attorney Docket No. 203-027 :

This is a decision on the petition under 37 CFR 1.10(c), filed June 16, 2004, requesting that the above-identified application be accorded a filing date of February 6, 2004, rather than the presently accorded filing date of February 10, 2004.

The petition is **dismissed**.

Petitioners allege that the application was deposited in USPS Express Mail service on February 6, 2004. In support, the petition is accompanied by, "a copy of a printout from the USPS tracking service that indicates the package with Express mail reference number ER620752575US was processed and left the Santa Clarita, CA facility on February 6, 2004."

Paragraph (c) of 37 CFR 1.10 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.**" (Emphasis supplied)

A grantable petition under 37 CFR 1.10(c) must 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 petition filed June 16, 2004, is not accompanied by the required true copy of the "Express Mail" receipt.

Accordingly, as the petition filed June 16, 2004, does not contain a true copy of the "Express Mail" mailing label showing the "date-in" as required by the rule, the instant petition is, therefore, dismissed.

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.

Telephone inquiries should 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

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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
60/542,990	02/09/2004		160	9336-12PR	27		

CONFIRMATION NO. 9803

20792
MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

CORRECTED FILING RECEIPT

OC000000012741187

Date Mailed: 05/21/2004

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)

Jeffrey Warden, Raleigh, NC;

If Required, Foreign Filing License Granted: 03/24/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Inhalers with extendable/retractable forward member and associated methods of dispensing inhalant substances

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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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Paper No.

MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

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SEP 3 0 2004

OFFICE OF PETITIONS

In re Application of :
Thomas E. Whittlesey :
Application No. 60/542,991 :
Filed: February 9, 2004 : ON PETITION
Attorney Docket No. :
9389-12PR :

This is a decision in response to the Petition to Accord the Proper Filing Date, filed July 26, 2004, requesting the application be accorded a filing date of February 9, 2004, instead of the presently accorded filing date of February 10, 2004.

This Petition is hereby **granted**.

Applicant alleges that the application was deposited in Express Mail service on February 9, 2004. In support of the allegation, the petition is accompanied by a copy of the United States Postal Service ("USPS") "Track and Confirm" for Express Mail Label No. EV353611435US showing acceptance of Express Mail Label No. EV353611435US by the USPS on February 9, 2004. The same Express Mail label number was placed on the original application papers located in the official file.

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

Telephone inquiries concerning this matter should be directed to Petitions Attorney Derek L. Woods 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
60/542,991	02/09/2004		160	9389-12PR	19		

CONFIRMATION NO. 9831

CORRECTED FILING RECEIPT

OC00000001 4011452

20792
MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

Date Mailed: 10/06/2004

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)

Thomas E. Whittlesey, Apex, NC;

Power of Attorney:

Julie Richardson--40142

If Required, Foreign Filing License Granted: 03/24/2004

The number of your priority application, to be used for filing abroad under the Paris Convention is,

US60/542,991

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

Non-Publication Request: No

Early Publication Request: No

Title

Tape seal modules for producing casings and related systems, methods, computer program products and devices

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
60/543,036	02/09/2004		160	9342-169PR	1		

CONFIRMATION NO. 9262

20792
MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

CORRECTED FILING RECEIPT

OC000000013259426

Date Mailed: 07/16/2004

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)

Gustav Wingren, Lund, SWEDEN;

If Required, Foreign Filing License Granted: 06/01/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Audio processing in communication terminals

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
60/543,037	02/09/2004		80	5218-110PR	14		

CONFIRMATION NO. 9263

20792
MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

CORRECTED FILING RECEIPT

OC000000012961744

Date Mailed: 06/16/2004

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 W. Pravica, Greenville, NC;
Orville W. Day JR., Greenville, NC;
Robert Scott Brock, Greenville, NC;

If Required, Foreign Filing License Granted: 04/16/2004

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Methods, system and computer program products for analyzing cardiac sounds using eigen functions

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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Paper No.

Ablation Industries, Inc.
Ste. 300
12565 Research Pkwy
Orlando FL 32826

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AUG 1 9 2004

OFFICE OF PETITIONS

In re Application of :
Bullington et al. :
Application No. 60/543,086 :
Filed: February 9, 2004 : ON PETITION
Attorney Docket Number: :
ABI-33 :

This is a decision on the Petition, filed May 18, 2004, requesting the application be accorded a filing date of February 9, 2004, including drawing Figures 21 - 24 described in the specification.

The petition is **granted**.

The application was filed on February 9, 2004. However, on April 19, 2004, 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 drawing figures 1 described in the specification was originally filed with the application on February 9, 2004, and was 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*, 1 drawing figure and 1 drawing sheet February 9, 2004.

A review of the return receipt postcard reveals that Petitioner is correct. The postcard acknowledges receipt of 1 drawing figure and 1 drawing sheet February 9, 2004. Petitioner has also re-submitted drawing figure 1 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 drawing figure 1 supplied with the instant petition on May 18, 2004, will be used for examination purposes.

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 February 9, 2004, and an indication that drawing figure 1 was present on filing, using drawing figures 1 filed on May 18, 2004.

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
60/543,482	02/09/2004		160	3433-1	14		

CONFIRMATION NO. 2688

CORRECTED FILING RECEIPT

OC000000016284513

Woodard, Emhardt, Moriarty,
McNett & Henry LLP
Bank One Center/Tower, Suite 3700
111 Monument Circle
Indianapolis, IN 46204-5137

Date Mailed: 06/15/2005

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)

Clay D. Fette, Lebanon, IN;

Power of Attorney:

Kenneth Gandy–33386

If Required, Foreign Filing License Granted: 04/19/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/543,482

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

Non-Publication Request: No

Early Publication Request: No

Title

Stent graft devices and methods

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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MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD
SUITE 1400
ARLINGTON, VA 22201

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APR 0 5 2005

OFFICE OF PETITIONS

In re Application of	:	
Matheus et al.	:	
Application No. 60/543,549	:	DECISION
Filed: February 12, 2004	:	ON PETITION
Atty Docket No. MERCK-2850v1	:	

This is a decision on the "REQUEST FOR CORRECTION OF ERROR IN CAPTURED APPLICANT INFORMATION UNDER MPEP § 601.05(D)(4)," filed November 18, 2004. This petition is properly treated as a PETITION UNDER 37 CFR § 1.182, to correct the name of the first-named inventor.

The petition includes payment of the petition fee. Petitioner requests that the misspelled name of the first inventor, Susanne Mahler, be changed to the correct name, Susanne Matheus, in the above-identified provisional application. (On the provisional cover sheet, both inventors were identified by the family name of Mahler). Petitioner asserts that at no time was an inventor named Susanne Mahler associated with the application. Moreover, applicants state that this occurred by mistake with no deceptive intent. Petitioner supplies an application data sheet (37 CFR 1.76) identifying the first-named inventor as Susanne Matheus.

In view thereof, the petition under § 1.182 is **GRANTED**.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: CORRECTED FILING RECEIPT

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/543,702	02/10/2004		160	758.1641USP1	11		

CONFIRMATION NO. 2558

Attention of Julie R. Daulton
MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903

CORRECTED FILING RECEIPT

OC000000012383752

Date Mailed: 04/16/2004

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)

Bruce Boehrs, Minneapolis, MN;
Ben Nelson, Minneapolis, MN;
Robert Rogers, Minneapolis, MN;
William Juliar, Coon Rapids, MN;
Steve Gieseke, Richfield, MN;

If Required, Foreign Filing License Granted: 03/25/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Media arrangement; filter constructions; and, methods

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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/543,740	02/11/2004 02/10/2004		160	FWM0054	6		

OIPE
APR 30 2004
PATENT & TRADEMARK OFFICE

CONFIRMATION NO. 2920

FILING RECEIPT

OC000000012388152

00832
BAKER & DANIELS
111 E. WAYNE STREET
SUITE 800
FORT WAYNE, IN 46802

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)

Mark S. Michael, Corunna, IN;
Hans-Juergen Wachter, Roedermark, GERMANY;
Robert J. Myers, Fort Wayne, IN;

RECEIVED
APR 2 8 2004
BAKER & DANIELS

If Required, Foreign Filing License Granted: 04/16/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Drawn strand filled tubing wire

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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1. Attach Meter Strip or Stamps Here

2. Customer Name and Address (No., Street, Suite No., City, and State)
BAKER & DANIELS
111 E WAYNE ST # 800
FORT WAYNE IN 46802-2603

ZIP + 4 4 6 8 0 2 - 2 6 0 3

3.

Express Mail	Quantity
Priority Mail	Quantity
Parcel Post	Quantity

1549/ 2

4. Custom Design Agreement

CDA No.

5. Method of Payment
☒ Corporate Account No. X468154
☐ Federal Agency Account No.
☐ Meter Strip or Stamps (Apply fee in Item 1 above)

6. Express Mail Label Numbers

Item No.	Express Mail Label Number	Item No.	Express Mail Label Number	Item No.	Express Mail Label Number
1	EL 905876757US	6		11	
2		7		12	
3		8		13	
4		9		14	
5		10		15	

7. Customer Signature	8a. USPS Signature	8b. Date of Pickup	8c. Time of Pickup
M Lewis	A Walker	1-10-04	1540

PS Form 5541-C, August 1991

3 - Customer Copy

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10) Applicant(s): Mark S. Michael et al.			Docket No. FWM0054
Serial No.	Filing Date	Examiner	Group Art Unit

Invention: DRAWN STRAND FILLED TUBING WIRE

OIPE
APR 30 2004
PATENT & TRADEMARK OFFICE
JC11

I hereby certify that the following correspondence:

PROVISIONAL PATENT APPLICATION

(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

FEBRUARY 10, 2004
(Date)

MICHELLE L. DAVIS
(Typed or Printed Name of Person Mailing Correspondence)

Michelle L Davis
(Signature of Person Mailing Correspondence)

EL 905876757 US
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EL905876757US

Note: Each paper must have its own certificate of mailing.

OIPE JC11
APR 30 2004
PATENT & TRADEMARK OFFICE

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: FWM0054

Applicant: Mark S. Michael et al.

Invention: DRAWN STRAND FILLED TUBING WIRE

Serial No: 60/543,740

Filed: February 10, 2004

Certificate Under 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on April 27, 2004

Anthony Niewyk

REQUEST FOR CORRECTION OF FILING RECEIPT

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

Sir:

It is requested that the filing receipt be corrected as indicated in red on the enclosed copy thereof. Specifically, the filing date is incorrect and should be **February 10, 2004**.

A copy of the Pickup Service Statement (U.S. Postal Service Form 5541-C) is included which indicates the date of pick up for Express Mail Label Number EL905876757US as February 10, 2004. Also enclosed is a copy of the Certificate of Mailing by Express Mail which also indicates a February 10, 2004, mailing date for Express Mail Label Number EL905876757US.

It is requested that a corrected filing receipt be forwarded to the undersigned.

Respectfully submitted,

Anthony Niewyk, Reg. No. 24,871
Attorney for Applicant

AN/mld/334734
Baker & Daniels
111 East Wayne Street, Suite 800
Fort Wayne, IN 46802
Telephone: 260-424-8000
Facsimile: 260-460-1700

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
60/543,813	~~02/09/2004~~ 02/10/2004		160	758.1576USP1	7		

Attention of Julie R. Daulton
MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903

RAH

MAY 03 2004
PATENT & TRADEMARK OFFICE

CONFIRMATION NO. 3636

FILING RECEIPT

OC000000012389386

Date Mailed: 04/20/2004

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)

Steven A. Carter, Eagan, MN;
Gary Rocklitz, Minneapolis, MN;
Robert Rogers, Minneapolis, MN;

If Required, Foreign Filing License Granted: 04/19/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Corrugated media; methods and applications

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).

MAY 0 3 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Carter, et al.	Examiner:	
Serial No.:	60/543,813	Group Art Unit:	
Filed:	February 10, 2004	Docket:	758.1576USP1
Confirmation No.:	3636	Notice of Allow. Date:	
Due Date:			
Title:	Corrugated Media; Methods and Applications		

CERTIFICATE UNDER 37 CFR 1.8:
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Corrected Filing Receipt, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 29, 2004.

By: Sharon Trent
Name: Sharon Trent

Mail Stop Corrected Filing Receipt
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

23552
PATENT TRADEMARK OFFICE

Sir:

We are transmitting herewith the attached:

☒ Transmittal Sheet in duplicate containing Certificate of Mailing
☒ Other: Request for Corrected Filing Receipt
☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT & GOULD P.C.
P.O. Box 2903, Minneapolis, MN 55402-0903
612.332.5300

By: Julie R. Daulton
Name: Julie R. Daulton
Reg. No.: 36,414
JRD/strent

OIPE JC112
MAY 0 3 2004
PATENT & TRADEMARK OFFICE

S/N 60/543,813 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Carter et al.	Examiner:	Unknown
Serial No.:	60/543,813	Group Art Unit:	_____
Filed:	02/10/2004	Docket No.:	758.1576USP1
Title:	CORRUGATED MEDIA; METHODS AND APPLICATIONS		

CERTIFICATE UNDER 37 CFR 1.8:
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By: Sharon Trent
Name: Sharon Trent

REQUEST FOR CORRECTED FILING RECEIPT

Mail Stop Corrected Filing Receipt
Commissioner for Patents
Office of Initial Patent Examination
Filing Receipt Corrections
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed is a photocopy of the filing receipt from the United States Patent and Trademark Office in the above-identified application showing requested corrections. The filing receipt is erroneous in the following respects as reflected in the papers originally filed: The filing date of 02/09/2004 is incorrect.

The correction should read: 02/10/2004.

The application was filed by Express Mail No. EV 347838648 US on February 10, 2004. The Post Office correctly date stamped the Express Mail receipt as Feb. 10, 2004 but incorrectly wrote by hand the date of "2/9/4". A copy of the Express Mail receipt showing the date stamp and the handwritten date is enclosed.

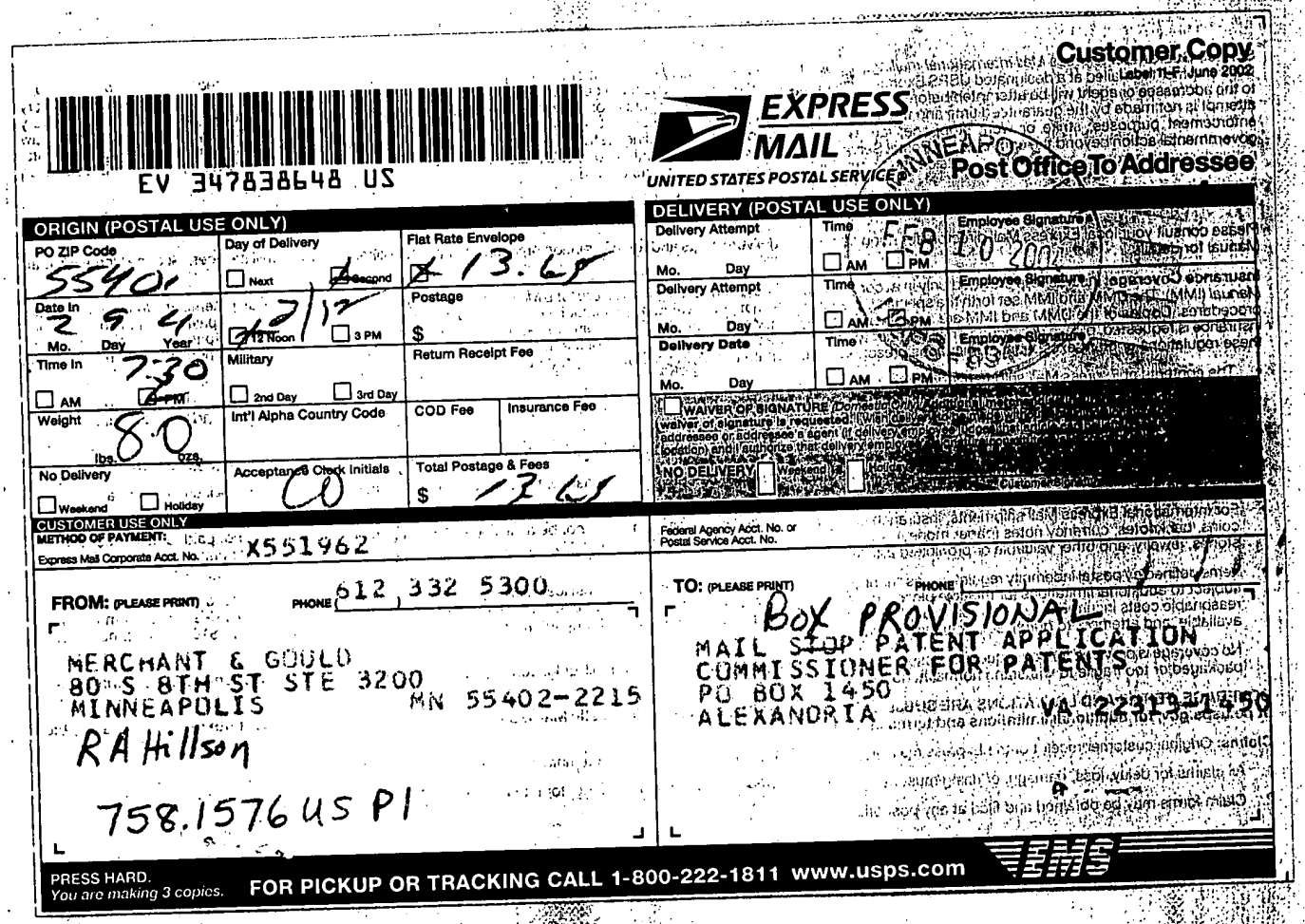
Correction of the records of the United States Patent and Trademark Office and issuance of a corrected filing receipt are respectfully solicited.

Respectfully submitted,
MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: 29-April 2004

Julie R. Daulton
Reg. No. 36,414
JRD:st

23552
PATENT TRADEMARK OFFICE



EV 347838648 US

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UNITED STATES POSTAL SERVICE

Customer Copy
Label 11-F, June 2002

MINNEAPOLIS
Post Office To Addressee

ORIGIN (POSTAL USE ONLY)

PO ZIP Code: 55402
Day of Delivery: ☐ Next ☒ Second
Flat Rate Envelope: $ 13.65
Date In: Mo. 2 Day 9 Year 4
12 Noon: ☒ 3 PM: ☐
Postage: $
Time In: 7:30 ☐ AM ☒ PM
Military: ☐ 2nd Day ☐ 3rd Day
Return Receipt Fee:
Weight: 8.0 lbs. oz.
Int'l Alpha Country Code:
COD Fee:
Insurance Fee:
No Delivery: ☐ Weekend ☐ Holiday
Acceptance Clerk Initials: CO
Total Postage & Fees: $ 13.65

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☐ WAIVER OF SIGNATURE (Domestic Only) I wish to waive my right to receive a signature upon delivery. A waiver of signature is requested. I will accept responsibility for any subsequent claim that may arise from the addressee or addressee's agent (if delivery employee's signature is obtained) as a result of my decision to waive the addressee's signature upon delivery. I authorize that delivery employee to sign for any mail addressed to me.
NO DELIVERY: ☐ Weekend ☐ Holiday

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Federal Agency Acct. No. or Postal Service Acct. No.

FROM: (PLEASE PRINT) PHONE 612 332 5300
MERCHANT & GOULD
80 S 8TH ST STE 3200
MINNEAPOLIS MN 55402-2215
RA Hillson
758.1576 US PI

TO: (PLEASE PRINT) PHONE
BOX PROVISIONAL
MAIL STOP PATENT APPLICATION
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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
60/543,818	02/10/2004		160	10451.0092.PZUS00	1		

CONFIRMATION NO. 4509

HOWREY SIMON ARNOLD & WHITE, LLP
301 Ravenswood Avenue
Menlo Park, CA 94025

CORRECTED FILING RECEIPT

OC000000012511494

Date Mailed: 05/03/2004

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)

Keith G. Lintott, Bognor Regis, UNITED KINGDOM;

If Required, Foreign Filing License Granted: 03/26/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Chrysanthemum plant named 'starstruck pink'

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).

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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DYKAS, SHAVER & NIPPER, LLP
P.O. BOX 877
802 WEST BANNOCK STREET, SUITE 405
BOISE, ID 83701

COPY MAILED

NOV 24 2004

OFFICE OF PETITIONS

In re Application of :
Lowe :
Application No. 60/544,006 : ON PETITION
Filed: February 11, 2004 :
Attorney Docket No. LOWM111 :

This is a decision on the petition filed September 21, 2004, to accord the above-identified application a filing date of February 11, 2004, instead of February 10, 2004.

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 February 11, 2004.

A petition fee is unnecessary for a petition under 37 CFR 1.10. Therefore, a refund of the $130 fee will be scheduled.

Office of Initial Patent Examination will be informed of the instant decision and will accord the application a filing date of February 11, 2004.

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
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DFW May-05

DEERE & COMPANY
ONE JOHN DEERE PLACE
MOLINE IL 61265

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MAY 2 4 2005

OFFICE OF PETITIONS

In re Application of :
Brian James Hitt :
Application No. 60/544,281 : ON PETITION
Filed: 12 February, 2004 :
Atty Dckt No. 16773-US :

This is a decision on the petition filed on 25 October, 2004, requesting that the above-identified provisional application be converted to a nonprovisional application, and be accorded a filing date of 12 February, 2004.

The petition is granted.

The application was originally deposited on 12 February, 2004, accompanied by a provisional application cover sheet. The application as filed consisted seven (7) pages of specification, including four (4) pages of written description and three (3) pages containing 20 claims and two (2) sheets of drawings. The present petition, filed on 27 April, 2000, is accompanied by one page containing one claim.

The application as filed contains at least one (1) claim as required by 37 CFR 1.53(c)(3). The application is therefore entitled to a filing date of 12 February, 2004.

Receipt of the petition fee is acknowledged.

Receipt is also acknowledged of the petitions under 37 CFR 1.48(d) and 1.47(a) filed on 25 October, 2004.

The application file will be referred to the Office of Initial Patent Examination for a decision on the petition under 37 CFR 1.48(d).

As no oath or declaration under 37 CFR 1.63 is required in a provisional application, the petition under 37 CFR 1.47(a) will be held in abeyance until the application has been reprocessed as a nonprovisional application and assigned a new nonprovisional application number.

The application is being referred to the Office of Initial Patent Examination (OIPE) for reprocessing as a nonprovisional application with a filing date of 12 February, 2004, including assignment of a new nonprovisional application number, in due course. The application is also forwarded to OIPE for a decision on the petition under 37 CFR 1.48(d).

Telephone inquiries specific to this matter should be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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JJGJr: 08-06

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.
1300 I STREET, N.W.
WASHINGTON DC 20005

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AUG 2 0 2007

OFFICE OF PETITIONS

In re Application of :
Scopton, et al. :
Application No. 60/544,348 : ON PETITION
Receipt/Filed: 17 February, 2004 :
Attorney Docket No. 0666530.6014 :

This is a decision on the request considered as a petition filed on 5 April, 2005, to obtain a filing date of 17 February, 2004, for the instant application, rather than the presently accorded date of 30 November, 2004, and properly considered here under 37 C.F.R. §1.53.

The papers submitted also seeks additional relief as to a power of attorney, however, no documentation has been submitted in support of such relief, and the Office will take no action in that regard

The Office regrets the delay in addressing this matter, however, it is noted that the decision this matter, however, the petition was presented to the attorneys in the Office of Petitions only at this writing.[1]

For the reasons set forth below, the petition is **GRANTED**.

BACKGROUND

The record reflects that:

- the instant application was deposited on 17 February, 2004;

[1] NOTE: **Monitoring of the status of applications on PAIR can inform one's management of application responses and provide an indication when mailings of Office actions should be expected. Status Inquiries filed at three (3) or four (4) month intervals provide a demonstration of diligence and attention in supporting a petition seeking relief under 37 C.F.R. §1.181.**

- on 30 November, 2004, Petitioner appears to have filed the only Status Inquiry filed of record, and thereafter, the record indicates that on 30 March, 2005, the Office mailed a Filing Receipt reflecting a 30 November, 2004, filing date, rather than that of initial deposit;

- for whatever reason, rather than properly filing a petition under 37 C.F.R. §1.53 (or 37 C.F.R. §1.82 and §1.53) to accord a filing date, on 5 April, 2005, Petitioner instead filed a "Request for a Corrected Filing Receipt–notably, Petitioner also requested therein a correction as to Power of Attorney, however Petitioner provided no support (in the form of a copy of the original and/or supplemental Power of Attorney) for this request.

Petitioner did provide a copy of the date-stamped ("021704") receipt card (see: MPEP §503[2]) in the form of the Transmittal that set forth the component parts of the application deposited, with number of papers thereof and the number of sheets of drawing with the enumeration of the figures thereon).

---

[2] 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 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.)

ANALYSIS

A search of the official file reveals a history of events as set forth above, to wit:

- the instant application was deposited on 17 February, 2004;

- on 30 November, 2004, Petitioner appears to have filed the only Status Inquiry filed of record, and thereafter, the record indicates that on 30 March, 2005, the Office mailed a Filing Receipt reflecting a 30 November, 2004, filing date, rather than that of initial deposit;

- on 5 April, 2005, Petitioner filed a "Request for a Corrected Filing Receipt with a copy of the date-stamped ("021704") receipt card in the form of the Transmittal that set forth the component parts of the application deposited, with number of papers thereof and the number of sheets of drawing with the enumeration of the figures thereon).

CONCLUSION

The petition is **granted**; no fee is due and none is charged.

It is noted that no action has been taken by the Office as to Petitioner's request regarding Power of Attorney–moreover, should Petitioner wish the Office to act in this regard, Petitioner should file with such a request the proper supporting documentation as discussed hereinabove.

The instant application is released to OIPE for further processing as necessary consistent with this decision–to wit: further processing with a filing date of 17 February, 2004, for the entire application with pages: unnumbered cover sheet/first page, and 2 - 29 of the specification (description, claims, abstract), and 8 sheets of drawings, as described in the specification, using:

- **pages: unnumbered cover sheet/first page, and 2 - 29 of the specification (description, claims, abstract) and 8 sheets of drawings, as described in the specification, deposited on 17 February, 2004; and further**

- **with direction to OIPE to correct Office records and provide to Petitioner a corrected filing receipt setting forth a filing date of 17 February, 2004, and reflecting therein that 29 pages of specification (description, claims, abstract) and 8 sheets of drawings were present on filing.**

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[3]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

[3] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing.The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation,or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

NEKTAR THERAPEUTICS
150 INDUSTRIAL ROAD
SAN CARLOS CA 94070

In re Application of :
David Gong, et al. :
Application No. 60,544,528 : DECISION GRANTING PETITION
Filed: February 12, 2004 :
Attorney Docket No. 0183.PRO :

This is a decision on the petition filed March 17, 2004, requesting that the above-identified application be accorded a filing date of February 12, 2004, instead of the presently accorded date of February 13, 2004.

Petitioner alleges that the application was deposited in "Express Mail" Service with the U. S. Postal Service (USPS) on February 12, 2004. In support, petitioner provides, *inter alia*, a copy of the "Express Mail" mailing label receipt No. ER 212310345 US. The same Express Mail receipt number was referred to in the original provisional application transmittal letter found in the file.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date In" on the Express Mail label, MPEP 513. 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 USPS on February 12, 2004.

The petition is granted.

The application is being referred to Initial Patent Examination Division for correction of the filing date to **February 12, 2004**.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Corporate Intellectual Property - UW2220
709 Swedeland Road
King of Prussia PA 19406-0939

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OFFICE OF PETITIONS

In re Application of

Williams, et al.

Application No. 60/544,758

Filed: February 14, 2005

Attorney Docket No.: PB60747P

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.10 filed, March 21, 2005.

The petition is **dismissed.**

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

The instant petition was filed to correct what petitioner believed was an incorrect filing date accorded the above-cited application. Petitioner maintains that the correct filing date for the application should be February 13, 2004, not the currently accorded date of February 14, 2004. In support thereof, petitioner filed a copy of copy of the United Postal Service (USPS) Express Mail Service receipt EL964434812US reflecting a "date-in" of February 14, 2004, but a USPS date-stamp of February 13, 2004.

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. The date of deposit with the USPS is determined by the "date-in" on the Express Mail label or other official USPS notation. In this case, the "date-in" as noted by the USPS conflicts with the date-stamp also noted by the USPS. Petitioner should note 37 CFR 1.10(d), which provides 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 Director to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:

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

(2) The number of the "Express Mail" mailing label was placed on the 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 established, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in the "Express mail Post Office to Addressee" service prior to the last scheduled pick-up 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 on business day of the 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 USPTO did not err in according the application a filing date of February 14, 2004, as this is the "date-in" found on the Express Mail label. Since petitioner believes that the correct filing date is February 13, 2004, it is incumbent on petitioner to make this argument by way of a petition under 37 CFR 1.10(d) and supply appropriate evidence in support thereof. Such evidence may include a copy of the "Track and Confirm" sheet from the USPS website confirming that Express Mail package EL964434812US was deposited on February13, 2004.

Petitioner is advised that an incorrect application serial number was cited on the petition. In order to avoid processing delays, petitioner is cautioned to be sure future correspondence cites the correct application serial number.

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

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

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

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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OFFICE OF PETITIONS

GLAXOSMITHKLINE
Corporate Intellectual Property - UW2220
709 Swedeland Road
King of Prussia PA 19406-0939

In re Application of :
Williams, et al. :
Application No. 60/544,758 : DECISION GRANTING PETITION
Filed: February 13, 2005 :
Attorney Docket No. PB60747P :

This is a decision on the petition filed August 11, 2005, under 37 CFR 1.10 requesting that the above-cited application be accorded a filing date of February 13, 2005, rather than the presently accorded filing date of February 14, 2005.

Petitioner alleges that the application was deposited with the Express Mail Service on February 13, 2005, but that the date-in on the Express Mail label was incorrectly entered as February 14, 2005. In support of the allegation, the petition is accompanied by a copy of the Express Mail postcard with a tracking number EL964434812USUS showing a "date-in" of February 14, 2005, but a postal service date-stamp of February 13, 2005, and a copy of the "Track and Confirm" sheet with reflecting the same tracking number showing the package was received on February 13, 2005. The evidence is convincing that the application papers were deposited on February 13, 2005, but that the "date-in" was incorrectly entered as February 14, 2005.

In view of the above, the petition is granted. The new filing date for the above-cited application is February 14, 2005.

The Office of Initial Patent Examination will further process the application with a filing date of February 13, 2005, and issue a corrected filing receipt.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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SEP 0 8 2005

OFFICE OF PETITIONS

In re Application of :
Williams, et al. :
Application No. 60/544,758 : DECISION GRANTING PETITION
Filed: February 13, 2004 :
Attorney Docket No. PB60747P :

This is a decision on the petition filed August 11, 2005, under 37 CFR 1.10 requesting that the above-cited application be accorded a filing date of February 13, 2004, rather than the presently accorded filing date of February 14, 2004.

The decision mailed August 29, 2005, is **vacated**.

The petition is **granted**.

Petitioner alleges that the application was deposited with the Express Mail Service on February 13, 2004, but that the date-in on the Express Mail label was incorrectly entered as February 14, 2004. In support of the allegation, the petition is accompanied by a copy of the Express Mail postcard with a tracking number EL964434812USUS showing a "date-in" of February 14, 2004, but a postal service date-stamp of February 13, 2004, and a copy of the "Track and Confirm" sheet with reflecting the same tracking number showing the package was received on February 13, 2004. The evidence is convincing that the application papers were deposited on February 13, 2004, but that the "date-in" was incorrectly entered as February 14, 2004

In view of the above, the petition is granted. The new filing date for the above-cited application is February 14, 2004.

The Office of Initial Patent Examination will further process the application with a filing date of February 13, 2004, and issue a corrected filing receipt.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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
60/545,298	02/17/2004		160	9342-173PR	4		

CONFIRMATION NO. 8807

20792
MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

CORRECTED FILING RECEIPT

OC000000012889720

Date Mailed: 06/07/2004

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)

Eral Foxenland, Helsingborg, SWEDEN;

If Required, Foreign Filing License Granted: 04/23/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Method and apparatus for position dependent settings

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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DAVID R PRESTON & ASSOCIATES
12625 HIGH BLUFF DRIVE
SUITE 205
SAN DIEGO, CA 92130

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JUL 23 2004

OFFICE OF PETITIONS

In re Application of :
Turner, et al. :
Application No. 60/545,419 : ON PETITION
Filed: February 17, 2004 :
Attorney Docket No. BX/TF-105.P.1 :

This is a decision on the papers styled, "Petition under 37 CFR 1.181 To Accord An Original Filing Date Under 37 CFR 1.53(c)," filed May 5, 2004, 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 February 17, 2004, including one (1) sheet of drawings.

The provisional application was submitted on February 17, 2004. However, on April 26, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice Of Incomplete Provisional Application" that stated the application had not been accorded a filing date, and that the application was deposited without drawings.

In response, on May 5, 2004, the present petition and one (1) sheet of drawings were filed. Petitioner argues that one (1) sheet of drawings was filed on February 17, 2004. The papers were accompanied by a copy of applicant's postcard receipt that acknowledges receipt of "[1] sheets of figures," on February 17, 2004. A review of the application file indicates the presence of zero (0) sheets of drawings. It is assumed that missing sheet of drawings was misplaced by the Office.

In view of the above, the petition is granted.

The petition fee has not been charged.

This provisional application will be returned to OIPE for further processing with a filing date of February 17, 2004, using the one (1) sheet of drawings, supplied on May 5, 2004.

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

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ALAN REINNAGEL
174 HIGH STONE CIRCLE
PITTSFORD NY 14534

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JUL 2 0 2004

OFFICE OF PETITIONS

In re Application of :
Reinnagel, et al. :
Application No. 60/545,547 : DECISION ON PETITION
Filed: February 19, 2004 :
Title: Method and Apparatus for :
Mixing a Medication Within a Vial

This is in response to the paper titled "Transmittal of Original Drawings and Specification", filed June 9, 2004, which is being treated as a petition under 37 CFR 1.53 to accord the above identified application a filing date of February 19, 2004.

The petition is **GRANTED**.

Application papers in the above-identified application were deposited on February 19, 2004. However, on April 27, 2004, the Initial Patent Examination Division mailed applicants a "Notice of Incomplete Provisional Application." Applicants were notified that the application papers had not been accorded a filing date because the specification was missing and the application was deposited without drawings.

In response, applicants filed the instant petition. Accompanying the petition was a copy of 7 pages of specification (including 1 page of claims) and 1 sheet of drawings. Applicants maintain that the application as originally filed included these pages. In support thereof, applicants submitted a postcard receipt identifying this application, itemizing "Provisional Application: 1 Drawing Sheet, 7 Specification pages" as enclosed, bearing a United States Patent and Trademark Office date-stamp of February 19, 2004, and lacking any notation of non receipt of any item listed.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503.

Given the basis for granting this petition, no petition fee was required.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of February 19, 2004, using the 7 pages of specification and the 1 sheet of drawings as resupplied on petition filed June 9, 2004.

Telephone inquiries related to this decision should be directed to Petitions Attorney Cliff Congo at 703-305-0272.

Patricia Faison-Ball
for

Charles Pearson
Director
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
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Chief Patent Counsel
U.S. Surgical
A Division of Tyco Healthcare Group, LP
150 Glover Avenue
Norwalk, CT 06856

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AUG 2 6 2004

OFFICE OF PETITIONS

In re Application of :
Scirica :
Filed: February 17, 2004 : ON PETITION
Application No. 60/545,620 :
Dkt. No.: 2940 PRO (203-3821) :

This decision is in response to the "PETITION IN RESPONSE TO NOTICE OF OMITTED ITEM(S) IN A PROVISIONAL APPLICATION," filed May 10, 2004. This response is being treated as a petition for withdrawal of Notice and accordance of a filing date of February 17, 2004.

The application was filed February 17, 2004. The Notice mailed April 26, 2004 by the Office of Initial Patent Examination indicated that the application had been accorded a filing date but that Figures 12-13 described in the specification appeared to have been omitted from the application as filed.

In response, the present petition was filed wherein petitioner argues that the application as deposited included fifteen (15) sheets of drawings, including Figures 12-13. Petitioner has included as proof of mailing and proof of receipt of the figures in question a return postcard date stamped by the Office on February 17, 2004. A copy of Figures 12-13 purportedly filed with the application on February 17, 2004 was also supplied.

The original Figures 12-13 have not been located. However, in view of the evidence presented, the petition for withdrawal of the Notice and accordance of a filing date of February 17, 2004 is GRANTED.

Since the original drawing sheet containing Figures 12-13 cannot be located in the Office, the copy of Figures 12-13 supplied with the instant petition will be used for examination purposes.

No petition fee is due in connection with this matter. Petitioner may request a refund of the $130.00 petition fee

submitted herewith by writing to the Finance Office, Refund Section. A copy of this decision should accompany any request for refund.

This application will be returned to the Office of Initial Patent Examination for further processing with a filing date of February 17, 2004.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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DIW 08-04

GTC BIOTHERAPEUTICS, INC.
175 CROSSING BOULEVARD, SUITE 410
FRAMINGHAM MA 01702

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AUG 2 4 2004

OFFICE OF PETITIONS

In re Application of	:	
Byron V. Olsen	:	
Application No. 60/545,790	:	DECISION DISMISSING
Filed: 19 February, 2004	:	PETITION
Attorney Docket No. GTC-223P	:	

This is a decision on the petition filed on 6 May, 2004, requesting that the above-identified application be accorded a filing date of 19 February, 2004, with Figure 2 described in the specification as a part of the original disclosure.

On 19 February, 2004, the application was filed.

On 26 April, 2004, the Office of Initial Patent Examination (OIPE) mailed a Notice of Omitted Items in a Nonprovisional Application stating that the application had been accorded a filing date of 19 February, 2004, but that Figure 2 described in the specification appeared to have been omitted from the application.

In response, on 6 May, 2004, the present petition was filed, accompanied by a copy of one (1) sheet of drawings containing Figure 2. Petitioner states that a copy of his postcard receipt showing receipt of 2 sheets of drawings is enclosed with the petition.

The petition must be dismissed, however, because no copy of petitioner's return receipt postcard showing that two (2) sheets of drawings were filed on 19 February, 2004, has been located among the papers filed with the present petition on 6 May, 2004. The petition is therefore dismissed without prejudice to reconsideration pending submission of a copy of petitioner's postcard receipt showing receipt of two (2) sheets of drawings with the present application on 19 February, 2004.

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. The application will be retained in the Office of Petitions for **TWO (2) MONTHS** to await petitioner's reply to this decision. If no response is received within two (2) months, the application will be forwarded to the Office of Initial Patent Examination for further processing with a filing date of 19 February, 2004, using only the application papers filed on that 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 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

As petitioners have not shown that this petition was necessitated by an error on the part of the Office, the petition fee will be charged to counsel's deposit account, No. 50-2092.

Telephone inquiries concerning this matter may be directed to the undersigned at (703)308-6918.

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
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C/O WOLF, GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON MA 02210-2206

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MAY 0 5 2008

OFFICE OF PETITIONS

In re Application of :
Byron V. Olsen :
Application Number: 60/545790 : DECISION ON PETITION
Filing Date: 02/19/2004 :
Attorney Docket Number: :
G0744.70023US00 :

This is a decision on the renewed petition filed on August 25, 2004, requesting that the above-identified application be accorded a filing date of February 19, 2004, with Figure 2 described in the specification as a part of the original disclosure.

The Office apologizes for the delay in responding to the present petition.

The petition is granted.

On February 19, 2004, the application was filed.

Accordingly, on April 26, 2004, the Office of Patent Application Processing (OPAP) mailed a Notice of Omitted Item(s) in a Provisional Application, stating that the application had been accorded a filing date of February 19, 2004, but that Figure 2 described in the specification appeared to have been omitted from the application.

The petition filed on May 6, 2004, was dismissed on August 24, 2004.

On August 25, 2004, the subject renewed petition was filed, accompanied by a copy of petitioner's postcard receipt. Petitioner again argues that Figure 2 was filed with the other application papers on February 19, 2004, but was subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioner's postcard receipt was supplied with the present petition. The postcard receipt shows an "Office date" stamp of "021904" and the above-identified application

number, and identifies the application by the inventor's name, attorney docket number and invention title, and acknowledges receipt of, *inter alia*, 2 sheets of drawings. Petitioner requests that the application, including one (1) sheet of drawings containing Figure 2, be accorded a filing date of February 19, 2004.

A review of the record reveals that one (1) sheet of drawings containing Figure 1 described in the specification and claims was received on February 19, 2004. No sheets of drawings containing Figure 2 are located among the drawing sheet(s) received on that date. However, the evidence is convincing that the application papers deposited on February 19, 2004, included one (1) sheet of drawings containing Figure 2, which were subsequently misplaced in the Office. Therefore, the application, including one (1) sheet of drawings containing Figure 2, is entitled to a filing date of February 19, 2004.

The "Notice" mailed on April 26, 2004, is vacated.

In view of the above, the petition is granted. The petition fee will be refunded as the petition was necessitated by Office error.

The application will be processed with the copy of one (1) sheet of drawings containing Figure 2 described in the specification and supplied on August 25, 2004, as a part of the original disclosure.

The application is being returned to the Office of Patent Application Processing for further processing with a filing date of February 19, 2004, using the application papers filed on that date and the copy of one (1) sheet of drawings containing Figure 2 described in the specification as a part of the original disclosure, including an indication in Office records that two (2) sheets of drawings were present on filing and issuance of a corrected Filing Receipt.

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JJGJr: 06-05

Paper No: __

A. JOHN PATE
PATE PIERCE & BAIRD
PARKSIDE TOWER
215 SOUTH STATE STREET, SUITE 550
SALT LAKE CITY UT 84111

COPY MAILED

JUN 16 2005

OFFICE OF PETITIONS

In re Application of :
Ferguson, et al. :
Application No. 60/545,806 : NOTICE
Filed: 19 February, 2004 :
Attorney Docket No. 3282.2.39 :

This is a notice regarding the request for acceptance of a fee deficiency submission (properly considered under 37 C.F.R. §1.28) filed 16 July, 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
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PATE PIERCE & BAIRD
PARKSIDE TOWER, SUITE 550
215 SOUTH STATE STREET
SALT LAKE CITY, UT 84111

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NOV 0 8 2004

OFFICE OF PETITIONS

In re Application of	:	
Ferguson, et al.	:	NOTIFICATION UNDER
Application No. 60/546,112	:	37 CFR 1.28(c)
Filed: February 19, 2004	:	
Attorney Docket No. 3282.2.2p	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28(c), filed July 16, 2004.

37 CFR 1.28(c) states: "The deficiency is based on the amount of the fee, for other than a small entity, in effect at the time the deficiency is paid in full." Accordingly, the fee deficiency submission under 37 CFR 1.28 is hereby accepted.

The change of status to a large entity has been entered and made of record.

This application will be returned to the Office of Initial Patent Examination.

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

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
60/546,305	02/20/2004		80	1819/100640	5		

CONFIRMATION NO. 6022

Gunnar G. Leinberg, Esq.
Nixon Peabody LLP
Clinton Square
P.O. Box 31051
Rochester, NY 14603-1051

CORRECTED FILING RECEIPT

OC000000013164883

Date Mailed: 07/07/2004

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)

Michael J. Parthum SR., Rochester, NY;

If Required, Foreign Filing License Granted: 04/27/2004

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Method to control residual stress in a film structure and a system 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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/546,335	02/20/2004		160	9342-176PR	4		

CONFIRMATION NO. 5787

20792
MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

CORRECTED FILING RECEIPT

OC000000012899536

Date Mailed: 06/10/2004

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)

Rolph Hey, Nacka, SWEDEN;

If Required, Foreign Filing License Granted: 04/27/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Luminance driving

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

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OCT 27 2004

OFFICE OF PETITIONS

In re Application of :
Theodore Leng, et al. :
Application No. 60/546,392 :
Filed: February 20, 2004 :
Attorney Docket No. S03-267/PROV :

ON PETITION

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

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

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3229.

Retta Williams

Retta Williams
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

FILE COPY

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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
60/546,605	02/20/2004		160	035718/271747	2		

CONFIRMATION NO. 6192

CORRECTED FILING RECEIPT

OC000000012614708

29122
ALSTON & BIRD LLP
PIONEER HI-BRED INTERNATIONAL, INC.
BANK OF AMERICA PLAZA
101 SOUTH TYRON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

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)

Cao Guo, Urbandale, IA;
Andre R. Abad, W. Des Moines, IA;
Billy F. McCutchen, Clive, IA;
James F. Wong, Johnston, IA;

If Required, Foreign Filing License Granted: 04/21/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Lipases 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

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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Here is what happened earlier:

- ARRIVAL AT PICK-UP-POINT, February 21, 2004, 11:55 am, ALEXANDRIA, VA 22313
- ARRIVAL AT UNIT, February 21, 2004, 11:45 am, DULLES, VA 20102
- ENROUTE, February 20, 2004, 7:17 pm, RALEIGH, NC 27623
- ACCEPTANCE, February 20, 2004, 5:26 pm, RALEIGH, NC 27612

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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
60/547,124	02/24/2004		80	21578-019PROB	7		

CONFIRMATION NO. 9568

Ingrid A. Beattie, Ph.D., J.D.
MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY AND POPEO, P.C.
One Financial Center
Boston, MA 02111

CORRECTED FILING RECEIPT

OC000000013112868

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)

Nathan H. Sloane, Germantown, TN;
Kathleen M. Hehir, Grafton, MA;
Alexander Baguisi, Grafton, MA;
Paul A. DiTullio, Northboro, MA;

If Required, Foreign Filing License Granted: 04/28/2004

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Anticancer peptide compositions

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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DANIEL M. GURFINKEL
WALSH & KATZ, LTD.
120 SOUTH RIVERSIDE PLAZA
22ND FLOOR
CHICAGO, IL 60606

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JUL 0 2 2004

OFFICE OF PETITIONS

In re Application of :
Jack Perlman :
Application No. 60/547,247 : NOTICE
Filed: February 24, 2004 :
Attorney Docket No. 9244-91494

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

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
60/547,317	02/23/2004		80	07783.0139.PZUS00	2		

CONFIRMATION NO. 2595

27194
HOWREY SIMON ARNOLD & WHITE, LLP
BOX 34
301 RAVENSWOOD AVE.
MENLO PARK, CA 94025

CORRECTED FILING RECEIPT

OC000000013009982

Date Mailed: 06/21/2004

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)

Xin Weng, San Jose, CA;
Yajuan Chen, San Jose, CA;
Scott C. J. Tseng, San Jose, CA;
Jack Hou, Fremont, CA;

If Required, Foreign Filing License Granted: 04/28/2004

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Modification of electrical properties of display cells for improving electrophoretic display performance

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, VA 22313-1450
www.uspto.gov

Michael Best & Friedrich LLP
100 East Wisconsin Avenue
Milwaukee, WI 53202-4108

COPY MAILED

MAY 25 2004

OFFICE OF PETITIONS

In re Application of :
Petit et al. :
Application No. 60/547,370 : ON PETITION
Filed: February 24, 2004 :
For: Aeration Diffuser Membrane Slitting Pattern :

This is a decision on the petition filed March 25, 2004, to accord the above-identified application a filing date of February 24, 2004, instead of February 25, 2004.

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 February 24, 2004.

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

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
60/547,493	02/24/2004		80	22741.PROV	1		

CONFIRMATION NO. 3315

Steve M. Perry
THORPE NORTH & WESTERN, LLP
P.O. BOX 1219
SANDY, UT 84091-1219

CORRECTED FILING RECEIPT

OC000000013325096

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)

Paul E. Nagel, Sandy, UT;

If Required, Foreign Filing License Granted: 05/01/2004

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

RF tranceiver shielded by recess in yoke plate

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

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OCT 2 1 2004

OFFICE OF PETITIONS

In re Application of :
Carol A. Delavergne :
Application No. 60/547,531 : DECISION GRANTING PETITION
Filed: February 25, 2004 :
Attorney Docket No. DLV0005/P1 :

This is a decision on the petition, filed May 10, 2004,[1] and resubmitted on September 10, 2004, requesting that the above-identified application be accorded a filing date of February 25, 2004, with Figure 73 described in the specification as part of the original disclosure.

On February 25, 2004, applicant filed the above-identified application. On April 29, 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 February 25, 2004, and advising applicant that Figure 73 appeared to have been omitted.

In response, on May 10, 2004, and again on September 10, 2004, applicant filed the present petition and a copy of applicant's postcard receipt acknowledging receipt of "Sixty-Five (65) sheets of Drawings including Figures 1-74" on February 25, 2004. Additionally, applicant submitted one sheet of drawings, containing Figure 73 with the present petition.

Upon review of the record, Figure 73, deposited on February 25, 2004, has not been located among the application papers. However, the evidence is convincing that the application papers deposited on February 25, 2004, included Figure 73, which was subsequently misplaced in the United States Patent and Trademark Office. Therefore, the application, including Figure 73, was

[1]Applicant submitted a date-stamped postcard acknowledging receipt of the original petition by the USPTO on May 10, 2004.

complete on filing and will be granted a filing date of February 25, 2004.

Accordingly, the petition is granted and the application will be accorded a filing date of February 25, 2004, with Figure 73 as part of the original disclosure.

The Notice of Omitted Item(s) was sent in error and is hereby vacated. No petition fee is necessary. Therefore, the $130.00 petition fee will be refunded to Deposit Account No. 50-1775.

The Office of Initial Patent Examination is directed **to accord the application a filing date of February 25, 2004**, using Figures 1-72 and 74 submitted on that date, and Figure 73 submitted with the present petition.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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
60/547,651	02/24/2004		160	020375-044600US	25		

CONFIRMATION NO. 3193

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

CORRECTED FILING RECEIPT

OC000000013034175

Date Mailed: 06/22/2004

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)

Michael B. Grear, Omaha, NE;

If Required, Foreign Filing License Granted: 05/19/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

System and method for transaction processing

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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14301 FNB PARKWAY
SUITE 220
OMAHA, NE 68154

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NOV 0 5 2004

OFFICE OF PETITIONS

In re Application of :
Smith, John C. :
Application No. 60/547,735 : ON PETITION
Filed: December 24, 2003 :
Attorney Docket No. DEL 03-14-1 :

This is a decision on the petition filed May 14, 2004, requesting that the above-identified application be accorded a filing date of December 24, 2003, rather than the presently accorded date of February 24, 2004. The petition is properly treated as a petition under 37 CFR 1.10(e).

Petitioner alleges that the original application papers were deposited with the U.S. Postal Service (USPS) as Express Mail on December 24, 2003, in accordance with the procedures set forth in 37 CFR 1.10 and that the application is entitled to the date of deposit in Express Mail service as the filing date. In support, petitioner has supplied a copy of the original application papers showing Express Mail label No. EV380206463US thereon. Petitioner also submitted a copy of Express Mail label No. EV380206463US showing a handwritten "date-in" of "December 24, 2003" as well as a "December 24, 2003" Boys Town, NE USPS date stamp. The Express Mail label number also appears on the Certificate of Mailing by "Express Mail" and includes a statement of express mailing dated December 24, 2003 on the cover page for the application papers. Additionally, applicant has submitted a copy of a postal service sales receipt which shows Express Mail label No. EV380206463US and having a receipt date of December 24, 2003.

37 CFR 1.10(e), effective December 2, 1996, sets forth procedures for filing a petition to the Commissioner to accord a filing date as of the date of deposit with the USPS, where correspondence deposited as Express Mail is never received by the Patent and Trademark Office (Office). Such a petition should: (1) be filed promptly after the person becomes aware that the Office has no evidence of receipt of the correspondence; (2) include a showing that the number of the Express Mail mailing label was placed on each piece of correspondence prior to the original mailing; (3) include a true copy of the originally deposited 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" or other official notation entered by the USPS; and (4) include 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.

The petition is accompanied by a statement by Penny L. Flint, the person who deposited the documents as Express Mail with the USPS, establishing the original deposit of the correspondence, and that the copies of the correspondence and the copy of the Express Mail mailing label supplied with the petition are true copies of the originally mailed correspondence and original Express Mail mailing label.

Therefore, in view of all the evidence, it is concluded that the application was deposited in Express Mail service on December 24, 2003. Accordingly, the instant application is entitled to a filing date of December 24, 2003, and has so been accorded.

The petition is **GRANTED**.

Since the original application papers cannot be located in the Office, the duplicate papers received on February 24, 2004, will be used for examination purposes.

A petition under 37 CFR 1.10(c) does not require payment of a petition fee. Accordingly, the $50.00 submitted will be credited to the petitioner's deposit account as authorized.

This matter is being referred to the Office of Initial Patent Examination Division for further **processing with a filing date of December 24, 2003.**

Telephone inquiries concerning this matter may be directed Paralegal Liana Chase at (571) 272-3282.

Charles Steven Brantley
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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MINTZ, LEVIN, COHN, FERRIS, GLOVSKY
AND POPEO, P.C.
ONE FINANCIAL CENTER
BOSTON MA 02111

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AUG 19 2004

OFFICE OF PETITIONS

In re Application of :
Rottman et al. : DECISION GRANTING
Application No. 60/547,747 : PETITION
Deposited: February 25, 2004 :
Attorney Docket No. 23239-576B(Arc-76B) :
Title of Invention:Aptamer Therapeutics Useful In The Treatment of Complement-Related Disorders :

This is a decision on the petition filed June 29, 2004, requesting that the above-identified provisional application be accorded a filing date of February 25, 2004.

The application was deposited on February 25, 2004. However, on April 30, 2004, 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 June 29, 2004, 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 February 25, 2004.

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 USC 113 (first sentence). The same practice has been followed in composition applications.

A review of the official file reveals that the application includes a composition claim. In view of the above, the "Notice" mailed April 30, 2004 was mailed in error and is hereby **withdrawn**. Accordingly, the petition is **Granted**. Deposit account 50-0311 will be credited the $130.00 petition fee.

The application will be processed with only the papers present on filing and is hereby accorded a filing date of **February 25, 2004**, with (0) drawings as part of the original disclosure

Telephone inquiries related to this decision may be directed to the undersigned at (703) 306-0251.

Charlema R. Grant

Charlema R. Grant
Petition 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
60/547,828	02/26/2004		160	0026283/0520431	9		

CONFIRMATION NO. 4109

CORRECTED FILING RECEIPT

OC000000012799253

Ralph J. Skinkiss
Frost Brown Todd LLC
2200 PNC Center
201 East Fifth Street
Cincinnati, OH 45202-4182

Date Mailed: 05/27/2004

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)

Gene Toennisson, Ross, OH;

If Required, Foreign Filing License Granted: 04/29/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Escalator hand rail monitor

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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/547,927	02/26/2004		80	5218-129PR	14		

CONFIRMATION NO. 4133

20792
MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

CORRECTED FILING RECEIPT

OC000000012870979

Date Mailed: 06/04/2004

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)

Stacey Renee Gatt, Greenville, NC;

If Required, Foreign Filing License Granted: 04/30/2004

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Light fixtures and associated craft kits and methods of custom decorating a light fixture

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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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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
60/548,356	02/28/2004		160	064-04	14		

CONFIRMATION NO. 8052

CORRECTED FILING RECEIPT

Paul & Paul
2900 Two Thousand Market Street
Philadelphia, PA 19103

OC000000012899512

Date Mailed: 06/10/2004

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)

Nicholas Paul Bennett, Worcestershire, UNITED KINGDOM;

If Required, Foreign Filing License Granted: 04/30/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Articulating hinge

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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TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P.
SUITE 1111
526 SUPERIOR AVENUE
CLEVELAND OH 44114-1400

COPY MAILED

SEP 26 2005

OFFICE OF PETITIONS

In re Application of
Navia, et al.
Application No. 60/548,416
Filed: February 26, 2004
Attorney Docket No. CCF-6594PV2
For: PERCUTANEOUS MITRAL AND SELF-SUPPORTED MITRAL AND TRICUSPID VALVE ANNULOPLASTY RINGS AND METHODS OF IMPLANTING

: DECISION ON
: PETITION

This is a decision on the petition filed September 15, 2005 (certificate of mailing date September 12, 2005) requesting, in effect, withdrawal of the Notice of Omitted Item(s) in a Provisional Application (Notice), mailed September 1, 2005. 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 February 26, 2004. On September 1, 2005, the Office of Initial Patent Examination mailed a Notice informing petitioners that Figures 9, 21, 22, 24, 33 and 38, as described in the specification, appeared to have been omitted.

Petitioners request that Figures 9, 21, 22, 24, 33 and 38 be accorded a filing date of February 26, 2004 on the basis that 44 sheets of drawing figures, including Figures 9, 21, 22, 24, 33 and 38, were received in the Patent and Trademark Office (PTO) on February 26, 2004. 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 Febraury 26, 2004 as the date of receipt. The postcard lists, *inter alia*, that the filing included 44 sheets of drawings.

The return postcard constitutes *prima facie* evidence that 44 sheets of drawing figures were filed on February 26, 2004. MPEP 503.

However, this petition cannot be granted at this time because **the Office erred in not including Figure 4 as an omitted figure in the September 1, 2005 Notice**. A review of the original

application papers reveals that Figure 4 is missing, in addition to Figures 9, 21, 22, 24, 33 and 38. The Office will not process the application until a copy of Figure 4 is submitted. Then the application will be complete. Once a copy of Figure 4 is submitted, the petition will be granted and the $400.00 petition fee will be refunded. The Office apologizes for this error.

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

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

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

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

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

E. Shirene Willis
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
60/548,761	02/26/2004		160	54-001010US	5		

CONFIRMATION NO. 7670

CORRECTED FILING RECEIPT

22798
QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.
P O BOX 458
ALAMEDA, CA 94501

OC000000013164799

Date Mailed: 07/07/2004

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)

Zhiwen Zhang, San Diego, CA;
Lital Alfonta, San Diego, CA;
Peter Schultz, La Jolla, CA;

If Required, Foreign Filing License Granted: 05/19/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Selective incorporation of 5-hyroxytryptophan into proteins in mammalian cells

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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
60/548,772	02/27/2004		80	RassMorse-Feeder	5		

CONFIRMATION NO. 8719

27119
ALBERT W. WATKINS
30844 NE 1ST AVENUE
ST. JOSEPH, MN 56374

CORRECTED FILING RECEIPT

OC000000013498288

Date Mailed: 08/10/2004

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)

Leif Rasmussen, Whitehall, WI;
Ty Morse, Melrose, MN;

If Required, Foreign Filing License Granted: 05/22/2004

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Mobile feeder

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.

CONNOLLY BOVE LODGE & HUTZ LLP
SUITE 800
1990 M STREET NW
WASHINGTON, DC 20036-3425

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NOV 29 2005

OFFICE OF PETITIONS

In re Application of :
Gregor et al. : DECISION ON PETITION
Application No. 60/548,852 :
Filed: March 2, 2004 :
Atty Docket No. 22222-00007-US:

This is a decision on the "Petition under 37 CFR 1.53(c)" filed July 22, 2004. Petitioner requests, in essence, that the above-identified application be accorded a filing date of March 2, 2004, with pages 44 and 136 of the specification considered a part of the original application disclosure. The petition was recently forwarded to the undersigned for consideration.

Application papers in the above-identified application were filed on March 2, 2004. However, on May 20, 2004, the Office mailed a "Notice of Omitted Item(s) in a Provisional Application," advising applicants that the application papers had been accorded a filing date; however, pages 44 and 136 of the specification appeared to have been omitted.

In response, applicants timely filed the instant petition (with authorization to charge the petition fee). Applicants assert that pages 44 and 136 were in fact deposited in the PTO with the application papers. In support thereof, applicants submitted a copy of their return postcard from the USPTO. Petitioner also submitted "omitted" pages 44 and 136.

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 by OIPE on March 2, 2004; 2) it specifically identifies the items being filed, including "Specification (148 pages)" and 3) it lacks any annotation of non-receipt of any item denoted on the postcard. Thus, petitioners have shown that the items denoted were filed on March 2, 2004.

The application papers already considered received in the Office on March 2, 2004, were reviewed along with pages 44 and 136 of the specification submitted on petition. The pages are numbered 1-148, including the abstract. These papers together constitute the items described on the postcard receipt as "Specification (148 pages)." It is concluded that petitioner has shown that pages 44 and 136 of the specification were 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 subject to refund. Accordingly, although authorized, no petition fee has been charged to petitioner's Deposit Account.

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

- reprocessing with a filing date of March 2, 2004. using the application papers received in the Office and presently accorded that date; and pages 44 and 136 of the specification re-supplied on petition filed July 22, 2004.

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

Telephone inquiries specific 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
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Alexandria, VA 22313-1450
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DIW 08-04

FITCH EVEN TABIN AND FLANNERY
120 SOUTH LA SALLE STREET
SUITE 1600
CHICAGO IL 60603-3406

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AUG 1 8 2004

OFFICE OF PETITIONS

In re Application of	:	
Cogley et al.	:	
Application No. 60/549,120	:	ON PETITION
Filed: 1 March, 2004	:	
Attorney's Docket No. 77130	:	

Receipt is acknowledged of the petition filed on 24 June, 2004, which is treated as a petition under 37 CFR 1.53 concerning the U.S. Patent and Trademark Office's handling of the above-identified application.

The petition is dismissed.

The application was filed on 1 March, 2004. However, on 5 May, 2004, Initial Patent Examination Division mailed a "Notice of Omitted Item(s) in a Nonprovisional Application" stating that the application had been accorded a filing date of 1 March, 2004, and advising applicant that Figures 10-11 described in the specification appeared to have been omitted.

In response, the present petition was filed on 24 June, 2004. Petitioners explain that Figures 10 and 11 were not missing on 1 March, 2004. Instead, Figures 10 and 11 were present on the sheet of drawings containing Figures 9 and 12. A duplicate copy of the sheet containing Figures 9-12 has been submitted with the present petition.

Upon review of the petition, it is obvious that Figures 10 and 11 were not missing, but that the labels "Fig. 10" and "Fig. 11" are partially obscured due to the dark contrast of the drawing figures filed on 1 March, 2004. 37 CFR 1.84(p)(1) states that drawing reference characters must be plain and legible. However, the legends for Figures 10 and 11 are not plain and legible. As such, the "Notice" mailed on 10 April, 2002, was correct in

stating that Figures 10 and 11 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 not be refunded.

The application will be processed using the application papers filed on 1 March, 2004. The copy 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 1 March, 2004, 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

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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EPSTEIN & GERKEN
1901 RESEARCH BOULEVARD, SUITE 340
ROCKVILLE, MA 20850

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SEP 0 8 2004

OFFICE OF PETITIONS

In re Provisional Application of
van Breems
Provisional Application No. 60/549,166
Filed: March 3, 2004
Attorney Docket No. 2201.108P

ON PETITION

This decision concerns the May 17, 2004 correspondence captioned "Petition" 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 March 3, 2004.

The petition is **GRANTED.**

The provisional application was deposited on March 3, 2004. On May 5, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Provisional Application" (5/5/04 Notice"), stating that a filing date had not been accorded this provisional application because it was deposited without drawings. The petition then followed, asserting that drawings were indeed filed with the other application papers on March 3, 2004.

The Office has located 5 drawings (Figures 1-5) in the provisional application file. These drawings were overlooked because they were included in a component characterized as "Appendix."

The instant provisional application is hereby accorded the requested March 3, 2004 filing date. The petition is thus **granted**.

The 5/5/04 Notice was mailed in error and is hereby withdrawn.

However, the $130 petition fee has been charged to a credit card as authorized, and will not be refunded since the March 3, 2004 provisional application cover sheet failed to indicate filing of drawings on that day.

The provisional application file is being returned to OIPE for further processing with a filing date of March 3, 2004, using the papers filed on that date; for indicating in the USPTO record that 5 drawings (Figures 1-5) were present on filing; and for mailing a Filing Receipt.

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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Paper No.

WOMBLE CARLYLE SANDRIDGE & RICE
P.O. BOX 7037
ATLANTA GA 30357-0037

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MAY 28 2004

OFFICE OF PETITIONS

In re Application of :
Ritchie et al. : DECISION ON PETITION
Application No. 60/549,589 :
Filed: March 3, 2004 :
Attorney Docket No. U022 1130.P1 :

This is a decision on the "PETITION FOR FILING DATE UNDER 37 C.F.R. § 1.53(e)," filed May 10, 2004, requesting that the above-identified provisional application be accorded a filing date of March 3, 2004. 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 March 3, 2004. However, on May 4, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Provisional Application," notifying applicants that the application papers had not been accorded a filing date because the application was deposited without drawings.

In reply, applicants filed the instant petition. Petitioner asserts that the drawings purported to be missing from the application as filed are not necessary for the understanding of the subject matter, as presented in M.P.E.P. 601.01(f). Specifically, the invention as described in the present provisional application is for methods of use of a composition "for which drawings are not necessary for an understanding of the invention under 35 U.S.C. § 113(first sentence)."

Petitioner's assertions are well-taken.

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). 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 May 4, 2004, was mailed in error and is hereby **withdrawn**.

It is further noted that a review of the application as filed reveals no reference to drawings being present in the application.

Given the basis for granting this petition, the petition fee is subject to refund. Although authorized, the petition fee will not be charged to petitioner's Deposit Account.

The Office of Initial Patent Examination (OIPE) has been advised of this decision. OIPE will **correct the filing date to March 3, 2004**, 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
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON, VA 22201

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OCT 0 7 2004

OFFICE OF PETITIONS

In re Application of
Seimeister
Application No. 60/549,914
Filed: March 5, 2004
Attorney Docket No. SCH-2004-V01

ON PETITION

This is a decision on the petition filed June 29, 2004, to accord the above-identified application a filing date of March 5, 2004.

On March 5, 2004, the application was filed.

On May 5, 2004, 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 drawings are not "necessary for the understanding of the subject matter sought to be patented" within the meaning of 35 USC 113.

MPEP § 601.01(f) 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 contains at least some disclosure of a process or method 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 above, the petition is **granted**.

The Notice mailed May 5, 2004, is hereby vacated.

The Office of Initial Patent Examination will be notified to further process the application with a filing date of March 5, 2004 using the application papers filed on March 5, 2004.

Telephone inquiries may be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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KREMBLAS FOSTER PHILLIPS & POLLICK
7632 SLATE RIDGE BOULEVARD
REYNOLDSBURG OH 43068

COPY MAILED

JUL 1 4 2004

OFFICE OF PETITIONS

In re Application of :
Thomas Hochanadel :
Application No. 60/550,199 : DECISION ON PETITION
Filed: March 4, 2004 :
Attorney Docket No. FRYTX110 :

This is a decision on the "Petition in Reply to the Notice of Omitted Item(s) in a Provisional Application", filed June 7, 2004, which is being treated as a petition under 37 CFR 1.53 to accord the above-identified application a filing date of March 4, 2004, with Figure 5 of the drawings as a part of the original disclosure.

The petition is **GRANTED**.

Application papers in the above-identified application were filed on March 4, 2004. However, on May 6, 2004, 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, Figure 5 of the drawings appeared to have been omitted.

In response, applicant filed the instant petition. Accompanying the petition was a copy of Figure 5 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 "6 sheets of informal drawings" as enclosed, bearing a United States Patent and Trademark Office date-stamp of March 4, 2004, and lacking any notation of non receipt of any item listed.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503.

Given the basis for granting the petition, the petition fee of $130 has been refunded to Deposit Account No. 13-3393.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of March 4, 2004, using the application papers received in the Office on that date and Figure 5 of the drawings as resupplied on petition filed June 7, 2004.

Telephone inquiries related to this decision should be directed to Petitions Attorney Cliff Congo at 703-305-0272.

Patricia Faison-Ball
for

Charles Pearson
Director
Office of Petitions

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
60/550,246	03/03/2004		80	019934-005000US	11		

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

CONFIRMATION NO. 6218

CORRECTED FILING RECEIPT

OC000000015566037

Date Mailed: 03/25/2005

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 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 M.K. Pennell, San Francisco, CA;
James B. Aggen, Burlingame, CA;
J.J. Kim Wright, Redwood City, CA;
Subhabrata Sen, Sunnyvale, CA;
Wei Chen, Fremont, CA;
Daniel Joseph Dairaghi, Palo Alto, CA;

Power of Attorney:

William Smith--30223
William Kezer--37369

If Required, Foreign Filing License Granted: 05/06/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/550,246

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

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Bicyclic and bridged nitrogen heterocycles

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 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
60/550,425	03/04/2004		80	33960/AJT	5		

CONFIRMATION NO. 7805

Aldo J. Test
DORSEY & WHITNEY LLP
Suite 3400
4 Embarcadero Center
San Francisco, CA 94111

CORRECTED FILING RECEIPT

OC000000013414311

Date Mailed: 08/02/2004

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)

Young S. Kim, Los Altos, CA;

If Required, Foreign Filing License Granted: 05/06/2004

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Combined cell phone and rotatable camera

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
60/550,595	03/04/2004		160	33957/WPC/M742			

CONFIRMATION NO. 7831

CHRISTIE, PARKER & HALE, LLP
P.O. Box 7068
Pasadena, CA 91109-7068

CORRECTED FILING RECEIPT

OC000000012811407

Date Mailed: 06/01/2004

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)

Matthew L. Marrocco III, Fontana, CA;
Mark S. Trimmer, Monrovia, CA;
Ying Wang, Diamond Bar, CA;

If Required, Foreign Filing License Granted: 05/04/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Branched polyphenylene polymers

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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BLANK ROME LLP
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON DC 20037

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AUG 2 7 2004

OFFICE OF PETITIONS

In re Application of
Webber, et al.
Application No. 60/551,012
Filed: March 9, 2004
Attorney Docket No. 116710-00102
For: LABORATORY INFORMATION MANAGEMENT SYSTEM FOR PHARMACEUTICAL APPLICATIONS

ON PETITION

This is a decision on the petition filed July 19, 2004, requesting, in effect, withdrawal of a Notice of Omitted Item(s) in a Provisional Application (Notice), mailed July 8, 2004. The petition will be treated under 37 CFR 1.53(e).

The application was filed on March 9, 2004. On July 8, 2004, the Office of Initial Patent Examination mailed a Notice stating that the application had been accorded a filing date of March 9, 2004, and advising applicants that page 128 of the specification appeared to have been omitted.

A review of the application file reveals that the "Transmittal of New Application" indicates that the specification consists of 128 pages and that only pages numbered 1-127 were filed.

Petitioners state that the unnumbered third page of Exhibit C is the missing 128th page of the specification and that all 128 pages of the specification were duly received by the Office on March 9, 2004. However, the petition does not allege and is not accompanied by any evidence that a page numbered 128 was present in the Office on March 9, 2004. Therefore, "Notice" mailed July 8, 2004, was correct in advising applicants that page 128 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. Pursuant to petitioners' authorization, deposit account no. 23-2185 will be charged a $130.00 petition fee.

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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SOL SHEINBEIN
G. E. EHRLICH (1995) LTD.
c/o ANTHONY CASTORINA
2001 JEFFERSON DAVIS
HIGHWAY, SUITE 207
ARLINGTON VA 22202

COPY MAILED

SEP 1 5 2004

OFFICE OF PETITIONS

In re Application of :
Hizi et al. :
Application No. 60/551,333 : DECISION GRANTING PETITION
Filed: March 10, 2004 :
Attorney Docket No. 25847 :

This is a decision on the petition filed on August 10, 2004, requesting that the above-identified application be accorded a filing date of March 10, 2004, with page 7 of the specification as part of the original disclosure.

On March 10, 2004, applicants filed the above-identified application. On July 22, 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 March 10, 2004, and advising applicants that page 7 of the specification appeared to have been omitted.

In response, on August 10, 2004, applicants filed the present petition and a copy of applicants' postcard receipt, acknowledging receipt of "Provisional Application including 26 pages of specification, 5 claims, 12 sheets of drawings, Transmittal letter, authorizing charge against Deposit Account, Statement of Small Entity Status, Assignment" on March 10, 2004. Additionally, applicants submitted page 7 of the specification with the present petition.

Upon review of the record, page 7 of the specification, deposited on March 10, 2004, has not been located among the application papers. However, the evidence is convincing that the application papers deposited on March 10, 2004, included page 7 of the specification, which was subsequently misplaced in the United States Patent and Trademark Office. Therefore, the application, including page 7 of the specification, was complete on filing and will be granted a filing date of March 10, 2004.

Accordingly, the petition is granted and the application will be accorded a filing date of March 10, 2004, with page 7 of the specification as part of the original disclosure.

The requirement for the submission of omitted page 7 of the specification was sent in error and is hereby vacated. In view of the above, the $130.00 petition fee submitted is unnecessary and will be refunded to Deposit Account No. 50-1407.

The Office of Initial Patent Examination is directed to process the application with a **filing date of March 10, 2004**, using pages 1-6, and 8-26 of the specification filed on that date and page 7 of the specification filed on August 10, 2004.

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
60/551,670	03/08/2004		160	ISIS0115-001			

CONFIRMATION NO. 3105

34138
COZEN O'CONNOR, P.C.
1900 MARKET STREET
PHILADELPHIA, PA 19103-3508

CORRECTED FILING RECEIPT

OC000000018322996

Date Mailed: 03/20/2006

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)

Brenda F. Baker, Carlsbad, CA;
Bryan Kraynack, San Diego, CA;

Power of Attorney: The patent practitioners associated with Customer Number **34138**.

If Required, Foreign Filing License Granted: 05/11/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/551,670

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Constructs comprising single and double stranded regions

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.

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

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Title 37, Code of Federal Regulations, 5.11 & 5.15

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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
60/551,897	03/09/2004		210	P22181.001			

CONFIRMATION NO. 4770

CORRECTED FILING RECEIPT

OC000000016502870

27476
Chiron Corporation
Intellectual Property - R440
P.O. Box 8097
Emeryville, CA 94662-8097

Date Mailed: 07/13/2005

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)

Audino Podda, Sovicille, ITALY;
Olga Popova, Colle di Val d' Elsa, ITALY;
Francesca Piccinetti, Fano, ITALY;

Power of Attorney:

Rebecca Hale–45680

If Required, Foreign Filing License Granted: 05/18/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/551,897

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

Non-Publication Request: No

Early Publication Request: No

Title

Influenza virus vaccines

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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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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United States Patent and Trademark Office
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CLOPAY PLASTIC PRODUCTS COMPANY, INC.
8585 Duke Blvd.
MASON, OH 45040

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AUG 2 0 2004

OFFICE OF PETITIONS

In re Application of :
Shelley et al. :
Application No. 60/551,908 : ON PETITION
Filed: March 10, 2004 :
Attorney Docket No. 04-0004 :

This is a decision on the petition filed May 27, 2004, to establish that Figure 6 was part of the originally filed application.

On March 10, 2004, the application was filed.

On May 12, 2004, the Office of Initial Patent Examination mailed a Notice stating that the application had been accorded a filing date of March 10, 2004, and advising applicants that Figure 6 described in the specification appeared to have been omitted.

In response, the present petition was filed alleging that Figure 6 was deposited on March 10, 2004. In support, petitioner has submitted a postcard receipt which acknowledges receipt of five sheets of drawings on March 10, 2004.[1] Petitioner has also submitted a copy of the missing documentation- sheet five of the drawings containing Figure 6.

Upon review of the record, Figure 6, deposited on March 10, 2004, has not been located. However, the evidence is convincing that the application papers deposited on March 10, 2004 included Figure 6, and that Figure 6 was subsequently misplaced in the PTO.

In view of the above, the petition is **granted**. The copy of Figure 6 submitted with the petition will be used for examination purposes.

A refund of the $130 petition fee will be scheduled.

The Notice mailed May 12, 2004, was sent in error and is hereby vacated.

The Office of Initial Patent Examination will be notified to further process the application with a filing date of March 10, 2004, using the application papers filed on March 10, 2004, and the copy of page 5 of the drawings consisting of Figure 6 filed on May 27, 2004.

---

[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

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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CHRISTIE, PARKER & HALE, LLP
P.O. Box 7068
Pasadena CA 91109-7068

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SEP 0 5 2006

OFFICE OF PETITIONS

In re Application of :
Angel Orellana :

Application No. 60/551,942 : DECISION DISMISSING
Filed: March 10, 2004 : PETITION
Attorney Docket No. 52150/LTR/U68 :

This is in response to the petition filed on September 27, 2004 (certificate of mailing September 22,2004), requesting that the Office withdraw the Notice to File Missing Parts of Provisional Application.

Application papers in the above-identified provisional application were filed on March 10, 2004. However, on July 23, 2004, the Initial Patent Examination Office mailed a "Notice to File Missing Parts of Provisional Application," stating that the application had been accorded a filing date; however, the compact disc submitted failed to comply with 37 CFR 1.52(e). Further the information supplied on the disc contained information that may not be submitted on compact disc. This Notice set a two-month period for reply.

In response, applicant filed the instant petition stating that 37 CFR 1.52 (e) does not apply to provisional applications. Thus according to petitioner, 37 CFR 1.52(e) does not explicitly prohibit filing a compact disc in a provisional application. Petitioner further argues that the intent of 37 CFR 1.52(e) is to set standards for submitting the types of information not to restrict the types of information that can be submitted on compact disc.

Petitioner's argument has been considered but deemed unpersuasive. 37 CFR 1.52 (e) is applicable to all electronic documents that are to become part of a permanent United States and Patent and Trademark Office records in the File of a Patent Application or Reexamination. 37 CFR 1.52(e)(3)(I) clearly states that each compact disc must be in compliance with American

Standard Code for Information Interchange (ASCII). 37 CFR 1.53(e)(4) requires any compact disc must be submitted in duplicate. Petitioner failed to adhere to the requirements of 37 CFR 1.52(e). As such the mailing of the Notice of Missing Parts was correct.

The petition will be treated as a proper reply to the Notice to File Missing Parts, since the information contained on the compact disc is not the type of information that can be submitted on compact disc and applicant cannot submit compliant disc.

In view thereof, the petition is **DISMISSED**.

The petition will be treated as a proper reply to the Notice to File Missing Parts, since the information contained on the compact disc is not the type of information that can be submitted on compact disc and applicant cannot submit compliant disc.

The compact disc will not be considered as part of the application.

The petition fee will not be refunded as the petition was necessitated by the condition of the application on filing.

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 application will maintain a filing date of **March 10, 2004** using the application papers deposited on that date. The compact disc will not be considered as part of the application

Telephone inquiries specific to this decision 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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MEDLEN & CARROLL, LLP
SUITE 350
101 HOWARD STREET
SAN FRANCISCO CA 94105

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OFFICE OF PETITIONS

In re Application of	:	
Saebo et al.	:	
Application No. 60/551,983	:	DECISION GRANTING PETITION
Filed: 10 March, 2004	:	
Attorney Docket No. NATNUT-08774	:	

This is a decision on the petition filed on 9 July, 2004, requesting that the above-identified provisional application be accorded a filing date of 10 March, 2004.

The petition is **GRANTED**.

The application was filed on 10 March, 2004, without drawings. Accordingly, on 10 May, 2004, 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 9 July, 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 10 March, 2004.

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 10 May, 2004, was mailed in error and is hereby withdrawn.

The application is accorded a filing date of 10 March, 2004, without drawings as a part of the original disclosure. The petition fee of $130.00 paid with the present petition is unnecessary. The petition fee will be credited to counsel's deposit account, No. 08-1290 as authorized on the provisional application cover sheet filed on 10 March, 2004.

The application is being returned to the Office of Initial Patent Examination for correction of the filing date to 10 March, 2004.

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 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
60/552,133	03/10/2004		160	060.024700	6		

CONFIRMATION NO. 5423

CORRECTED FILING RECEIPT

OC000000012952264

023445
THE BILICKI LAW FIRM, PC
FURNITURE MART BUILDING, SUITE 1000
111 WEST SECOND STREET
JAMESTOWN, NY 14701

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)

Timothy A. DiPenti, Russel, PA;
Philip C. Roller, Ashville, NY;

If Required, Foreign Filing License Granted: 05/08/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Light emitting diode interior lamp

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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BOSTON MA 02205

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OFFICE OF PETITIONS

In re Application of	:	
Bijan Almassian	:	
Application No. 60/552,231	:	DECISION ON PETITION
Filed: March 10, 2004	:	
Attorney Docket No. 60271-P(48933)	:	

This is a decision on the petition under 37 CFR 1.53, filed November 8, 2006, to accord the above-identified application a filing date of March 10, 2004, and the petition for expedited treatment of the petition under 37 CFR 1.183, also filed November 8, 2006.

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

The petition under 37 CFR 1.183 is **DISMISSED** as moot.

The application was deposited on March 10, 2004. However, on June 14, 2004, 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 November 8, 2006, applicant filed the instant petition. Applicant states that drawings are not necessary for an understanding of the claimed subject matter, and therefore, the application should be accorded the March 10, 2004 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 1 - 18. 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 June 14, 2004, was mailed in error and is hereby **withdrawn**.[1]

As the instant petition was due to USPTO error, the petition fee of $400 for the petition under 37 CFR 1.53 will be refunded to petitioner under separate cover. In addition, as the petition to expedite was not considered, the $400 fee for the petition under 37 CFR 1.183 will also 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.

---

[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.

The application is being forwarded to the Office of Initial Patent Examination for further processing as a provisional application with a filing date of March 10, 2004, 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 (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

cc: General Counsel
Panacea Pharmaceuticals, Inc.
207 Perry Parkway, Suite 2
Gaithersburg, MD 20877

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JJGJr: 07-04

Paper No: __

ATTENTION OF GEORGE C. LEWIS
MERCHANT & GOULD P.C.
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

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JUL 14 2004

OFFICE OF PETITIONS

In re Application of :
Ding, et al. :
Application No. 60/552,340 : DECISION ON PETITION
Filed: 10 March, 2004 :
Attorney Docket No. 40281.3USP1 :

This is a decision on the petition filed 8 June, 2004, requesting that Provisional Application No. 60/552,340 be accorded a filing date, to wit: 10 March, 2004.

The application was deposited on 10 March, 2004, without drawings.

On 10 May, 2004, the Office mailed a Notice of Incomplete Provisional Application (Notice), stating that a filing date had not been accorded.

Petitioner filed the instant petition on 8 June, 2004, and submitted with the petition a statement that the drawings were unintentionally omitted from the application, however, because the application describes a method or process and composition the drawings are not "necessary for the understanding of the subject matter sought to be patented."[1]

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:
>
> > --at least one process claim including the term "process" or "method" in its introductory phrase;

[1] See: 35 U.S.C. §113.

--at least one composition claim including the term composition," "compound," "mixture" or "pharmaceutical" in its introductory phrase;

--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));

--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

--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 or method 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 several of the "examples" are stated to be methods of producing the invention and/or compositions. Therefore, the present application is deemed to be an application which does not require a drawing for an understanding of the subject matter sought to be patented.

Thus, the application, as originally filed, is entitled to a filing date of 10 March, 2004.

In view of the foregoing:

- the petition is **granted** and the petition fee ($130.00) is credited as authorized to Deposit Account 13-2725; and

- the "Notice" mailed 10 May, 2004, was mailed in error and is hereby **vacated**.

The application will be processed with only the papers present on filing on 10 March, 2004.

The provisional application is accorded a filing date of 10 March, 2004, without drawings as a part of the original disclosure.

The application file is released to the Office of Initial Patent Examination for further processing with a corrected filing date of 10 March, 2004, indicating in the Office records that "0" sheets of drawings were present on filing, and the mailing of a corrected filing receipt.

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

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

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Alexandria, VA 22313-1450
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CHRISTOPHER W. KENNERLY
BAKER BOTTS LLP
2001 ROSS AVENUE, 6TH FLOOR
DALLAS, TX 75201-2980

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APR 1 4 2004

OFFICE OF PETITIONS

In re Application of :
Dirk De Ridder :
Application No. 60/552,674 :
Filed: March 11, 2004 :
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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ARNOLD & PORTER LLP
ATTN: IP DOCKETING DEPT
555 TWELFTH ST NW
WASHINGTON DC 20004-1206

FAX RECEIVED

MAY 25 2005

OFFICE OF PETITIONS

In re Provisional Application of :
Young-Choon Moon :
Application No. 60/552,724 : DECISION ON PETITIONS
Filed: March 15, 2004 :
Attorney Docket No. 19025.010 :

This is a decision on the "PETITION UNDER 37 C.F.R. § 1.183 TO EXPUNGE PART OF ORIGINAL DISCLOSURE," filed January 10, 2005, 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. In addition, this is a decision on the petition to expedite consideration of the petition under § 1.183.

The petition to expedite is **GRANTED**.

Consideration of the petition under § 1.183 follows below.

Petitioner requests expungement of trade secret compound reference designations contained in the second column of Table 4. Petitioner states that public disclosure of this information could cause irreparable harm to assignee PTC Therapeutics, Inc. Applicant states that this internal trade secret information has no connection to the questions of patentability and scope of the present application.

It is found that the references to the compound reference designations 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 the pages containing Table 4. The substitute papers supplied on petition will replace the originally filed papers, and will constitute the archival records of the USPTO for this application. 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.

Accordingly, the petition is **GRANTED**.

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
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Paper No.

MICHAEL P. MORRIS
BOEHRINGER INGELHEIM CORPORATION
900 RIDGEBURY ROAD
P O BOX 368
RIDGEFIELD, CT 06877-0368

COPY MAILED

AUG 15 2005

OFFICE OF PETITIONS

In re Application of :
Kirrane et al. : DECISION GRANTING PETITION
Application No. 60/552,808 :
Filed: March 13, 2004 :
Atty Docket No. 9/306PV :

This is a decision on the "PETITION TO CORRECT A FILING DATE FOR A PROVISIONAL APPLICATION UNDER 37 C.F.R. § 1.10," filed May 16, 2005, requesting that the above-identified application be accorded a filing date of March 13, 2004, rather than the presently accorded filing date of March 15, 2004.

Petitioner maintains that the above-identified application was deposited with the Office by way of the "Express Mail Post Office to Addressee" service of the United States Postal Service on March 13, 2004, under Express Mail mailing label No. EV368945537US, pursuant to § 1.10(a). However, the Office incorrectly accorded the application a filing date of March 15, 2004. In support of the petition, petitioner submits inter alia a copy of the provisional application cover sheet; a copy of their return postcard receipt; and a copy of the "Express Mail" mailing label used to transmit the application. In addition, applicant submitted a copy of the USPS website track and confirm record for the Express Mail package.

Considering petitioner's arguments and the evidence of record, it is concluded that the instant petition was filed promptly within the meaning of § 1.10(c)(1). Moreover, a review of the provisional application cover sheet (identifying the items being filed) and presently accorded a filing date of March 15, 2004

reveals that the "Express Mail" mailing label No. EV368945537US is present on the cover sheet for the provisional application. Thus, it is concluded that the number was placed on the papers that constitute the correspondence prior to mailing as required by § 1.10(c)(2).

No date-in is shown on the "Express Mail" mailing label. However, a review of the USPS track/confirm record provided reveals a shipment history for the "Express Mail" package mailed under No. EV368945537US. Per this history prepared by the USPS, this package arrived at DULLES VA 20102 on 3/13/04 at 10:45 in the morning."

In view thereof, the petition is granted.

No petition fee is necessary and none has been charged.

The Office of Initial Patent Examination has been advised of this decision. The application is, thereby, being sent to OIPE for **correction of the filing date to March 13, 2004** and mailing of a corrected filing receipt.

Telephone inquiries specific 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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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
60/552,892	03/12/2004		80	313S-300800US	14		

CONFIRMATION NO. 8902

22798
QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.
P O BOX 458
ALAMEDA, CA 94501

CORRECTED FILING RECEIPT

OC000000012863517

Date Mailed: 06/03/2004

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Applicant(s)

Luke P. Lee, Orinda, CA;
Jeonggi Seo, Albany, CA;

If Required, Foreign Filing License Granted: 05/11/2004

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 patch-clamp analysis

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
60/552,909	03/12/2004		80	22727/04230	1		

CONFIRMATION NO. 9314

24024
CALFEE HALTER & GRISWOLD, LLP
800 SUPERIOR AVENUE
SUITE 1400
CLEVELAND, OH 44114

CORRECTED FILING RECEIPT

OC000000013305482

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)

Ming You, St. Louis, MO;
Wang Min, St. Louis, MO;

If Required, Foreign Filing License Granted: 06/03/2004

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Methods and compositions for lung cancer resistance genes

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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Intellectual Property Group
Bose McKinney & Evans, LLP
135 North Pennsylvania Street
2700 First Indiana Plaza
Indianapolis, IN 46204

COPY MAILED

DEC 3 0 2004

OFFICE OF PETITIONS

In re Application of :
Mike Meadway, et al. :
Application No. 60/553,377 : DECISION DISMISSING
Filed: March 17, 2004 : PETITION
Attorney Docket No. 15574-0004 :

This is a decision on the petitions filed under 37 CFR 1.10(d), July 12, 2004 and September 21, 2004, requesting that the above-identified application be accorded a filing date of March 16, 2004, rather than the presently accorded date of March 17, 2004, which latter date appears on the copy of the Express Mail label submitted with the instant petition.

The petition is **DISMISSED**.

Applicant requests the earlier filing date on the basis that the application was purportedly deposited with Express Mail Service on March 16, 2004 pursuant to 37 CFR 1.10. In support, petitioner has supplied a copy of his USPS receipt showing a date-in of March 17, 2004, which bears, *inter alia*, Express Mail label No. EV331400783US and an Express Mail Corporate Account Statement, which contains the same Express Mail number, showing a pick-up date of March 16, 2004. Nevertheless, the aforementioned Express Mail label number is not the same as the Express Mail number listed on the "Provisional Application for Patent Cover Sheet" (Provisional Application) or the specification.

Paragraph (d) of 37 CFR 1.10 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, 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 number of the Express Mail mailing label in question, EV331400783US, does not appear on the Provisional Application as required by 37 CFR 1.10(d)(2) or the specification. Petitioner noted that the Express Mail label number on the Provisional Application was inadvertently listed as EL591992735US. However, a review of the file discloses that the Express Mail label number written on the specification is EL591992721US, which differs from both of the aforementioned Express Mail label numbers.

The placement of the Express Mail label number on a paper ties the paper to a single, identifiable Express Mail receipt. Where questions are later raised concerning the filing date of the paper, the USPTO may require the applicant to supply a copy of the Express Mail receipt identified on the paper in order to verify the mailing date. Where an incorrect Express Mail label number is identified on a paper, the USPTO has no way of independently associating the paper with any particular Express Mail receipt. In this case, there is nothing in the file which binds this application to Express Mail receipt No. EV331400783US.

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). MPEP 513.

This application file is being referred to the Office of Initial Patent Examination Division for **continued processing with the presently accorded filing date of March 17, 2004.**

Telephone inquiries concerning this matter may be directed to Marianne Jenkins at (571) 272-3223.

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

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Intellectual Property Group
Bose McKinney & Evans, LLP
135 North Pennsylvania Street
2700 First Indiana Plaza
Indianapolis, IN 46204

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DEC 3 0 2004

OFFICE OF PETITIONS

In re Application of :
Mike Meadway, et al. :
Application No. 60/553,378 : DECISION DISMISSING
Filed: March 17, 2004 : PETITION
Attorney Docket No. 15574-0002 :

This is a decision on the petitions filed under 37 CFR 1.10(d), July 12, 2004 and September 21, 2004, requesting that the above-identified application be accorded a filing date of March 16, 2004, rather than the presently accorded date of March 17, 2004, which latter date appears on the copy of the Express Mail label submitted with the instant petition.

The petition is **DISMISSED**.

Applicant requests the earlier filing date on the basis that the application was purportedly deposited with Express Mail Service on March 16, 2004 pursuant to 37 CFR 1.10. In support, petitioner has supplied a copy of his USPS receipt showing a date-in of March 17, 2004, which bears, *inter alia*, Express Mail label No. EV331401024US and an Express Mail Corporate Account Statement, which contains the same Express Mail number, showing a pick-up date of March 16, 2004. Nevertheless, the aforementioned Express Mail label number is not the same as the Express Mail number listed on the "Provisional Application for Patent Cover Sheet" (Provisional Application) or the specification.

Paragraph (d) of 37 CFR 1.10 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, 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 number of the Express Mail mailing label in question, EV331401024US, does not appear on the Provisional Application as required by 37 CFR 1.10(d)(2) or the specification. Petitioner noted that the Express Mail label number on the Provisional Application was inadvertently listed as EL591992735US. However, a review of the file discloses that the Express Mail label number written on the specification is EL591992749US, which differs from both of the aforementioned Express Mail label numbers.

The placement of the Express Mail label number on a paper ties the paper to a single, identifiable Express Mail receipt. Where questions are later raised concerning the filing date of the paper, the USPTO may require the applicant to supply a copy of the Express Mail receipt identified on the paper in order to verify the mailing date. Where an incorrect Express Mail label number is identified on a paper, the USPTO has no way of independently associating the paper with any particular Express Mail receipt. In this case, there is nothing in the file which binds this application to Express Mail receipt No. EV331401024US.

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). MPEP 513.

This application file is being referred to the Office of Initial Patent Examination Division for **continued processing with the presently accorded filing date of March 17, 2004.**

Telephone inquiries concerning this matter may be directed to Marianne Jenkins at (571) 272-3223.

Sherry Brinkley
Petitions Examiner
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
60/553,395	03/09/2004		80	937-02-PP-T	8		

CONFIRMATION NO. 3264

Klein, O'Neill & Singh
Suite 510
2 Park Plaza
Irvine, CA 92614

CORRECTED FILING RECEIPT

OC000000013045277

Date Mailed: 06/23/2004

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)

Charles J. Scalfani, Laguna Niguel, CA;
Donald L. Gaudino, Yorba Linda, CA;

If Required, Foreign Filing License Granted: 05/12/2004

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 system for collecting PLC data

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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OSTROLENK, FABER, GERB
& SOFFEN, LLP
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-8403

COPY MAILED

JUN 18 2004

OFFICE OF PETITIONS

In re Provisional Application of :
Tagge :
Application No.: 60/553,423 : ON PETITION
Filing Date: March 15, 2004 :
Attorney Docket No.: PP/4237-26 :

This decision concerns the June 14, 2004 "Petition under 37 CFR 1.10(c) and (d)" which is being properly treated as a petition under 37 CFR 1.10(c).

The petition is **GRANTED**.

The petition requests an earlier filing date of March 15, 2004 rather than the presently accorded filing date of March 16, 2004, on the basis that the application was deposited on March 15, 2004 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.

The petition is accompanied by a copy of an "Express Mail" mailing label bearing the number "EV342533940US" and containing a "date-in" of "03/16/04" penned-in by the Postal clerk. However, there is also a USPS date-stamp of March 15, 2004 on this mailing label. The same mailing label number appears on counsel's postcard receipt for this provisional application, a copy of which is enclosed with the petition, which itemizes the application papers being mailed.

In view of the above, the petition is granted.

No petition fee is owed, and none was charged to counsel's deposit account.

The application file is being forwarded to the Office of Initial Patent Examination for correcting the filing date to March 15, 2004, and for mailing a corrected filing receipt reflecting that 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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JJGJr: 09-04

Paper No: __

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SEP 16 2004

OFFICE OF PETITIONS

DAVID W. ALEXANDER
1989 KINGSTON COVE
LEAGUE CITY, TX 77573

In re Application of :
Curnock, et al.60/554,136 : ON PETITION
Filed: 18 March, 2004 :
Attorney Docket No. DWA0401 :

This is a decision on the petition filed on 13 July, 2004, nominally under 37 C.F.R. §1.182, and properly considered under 37 C.F.R. §1.53, to obtain a filing date of 18 March, 2004, for Figure 72A as described in the specification.

For the reasons set forth below, the petition is **DISMISSED**.

NOTE: Petitioner is respectfully requested to place a caption with the application serial number, filing date, inventor name, invention title, Examiner name and art unit, and Petitioner's docket number atop petitions (and as well as other papers) in order that they might be properly matched with the appropriate file.

BACKGROUND

This application was deposited on 18 March, 2004.

On 20 May, 2004, the Office mailed a Notice of Omitted Items in a Provisional Application (the 20 May Notice) indicating that, while a filing date had been accorded, it appeared that Figure 72A as described in the specification had been omitted. Further, Petitioner was reminded that the alternatives were to accept the filing date and the application in the form deposited, or submit evidence (date stamped receipt card) that the Office received the drawings in question (along

with substitute copies of the drawings).

Petitioner has elected to do neither.

Rather, Petitioner has chosen to seek to "amend" the instant provisional application.

ANALYSIS

Petitioner is reminded that there is no option of amending the provisional application. Amendments to provisional applications may not be entered. (See: 37 C.F.R. §1.121(k). Further:

> [I]n 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. (MPEP §601.01(d).)

CONCLUSION

The petition is **dismissed**.

The instant application is released to OIPE for further processing as necessary consistent with this decision, maintaining the original application filing date of 18 March, 2004, using the application papers filed on that date, and an indication that drawing Figure 72A **was not** present on filing and that no drawing Figure 72A is part of the provisional application disclosure, before being forwarded for examination in due course.

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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/554,457	03/18/2004		160	HON0006/P1	7		

CONFIRMATION NO. 9494

CORRECTED FILING RECEIPT

OC000000014450637

Matthew S. Luxton
Honeywell International, Inc.
101 Columbia Rd.
Law Dept. AB2
Morristown, NJ 07962

Date Mailed: 11/24/2004

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)

Thomas Keyser, Plymouth, MN;
Cheisan J. Yue, Roseville, MN;
Bradley J. Larsen, Mound, MN;

Power of Attorney:

Matthew Luxton–41960
Kevin Hubbard–50717

If Required, Foreign Filing License Granted: 05/19/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/554,457

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

Non-Publication Request: No

Early Publication Request: No

Title

Silicon based optical modulators 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

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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
60/554,882	03/19/2004		160	MED-0083	4		

CONFIRMATION NO. 9673

Joseph E. Maenner
Monte & McGraw, P.C.
4092 Skippack Pike
P.O. Box 650
Skippack, PA 19474

CORRECTED FILING RECEIPT

OC000000012902527

Date Mailed: 06/14/2004

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 Schweikert, Levittown, PA;

If Required, Foreign Filing License Granted: 05/21/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Luer clip

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
60/555,419	03/22/2004		80	UCAL-317PRV2	28		

CONFIRMATION NO. 3801

CORRECTED FILING RECEIPT

OC000000013142123

24353
BOZICEVIC, FIELD & FRANCIS LLP
200 MIDDLEFIELD RD
SUITE 200
MENLO PARK, CA 94025

Date Mailed: 07/06/2004

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)

Peter J. Havel, Davis, CA;
Kimber L. Stanhope, Davis, CA;
Joseph L. Evans, Palo Alto, CA;

If Required, Foreign Filing License Granted: 05/22/2004

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Method of increasing endogenous adiponectin production

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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- ARRIVAL AT UNIT, March 24, 2004, 7:43 am, DULLES, VA 20102
- ENROUTE, March 22, 2004, 10:02 pm, SAN FRANCISCO, CA 94125
- ACCEPTANCE, March 22, 2004, 4:42 pm, MENLO PARK, CA 94025

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MENLO PARK CA 94025-4003

UCAL-317PRV2 KYB:KZ

TO: (PLEASE PRINT)

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MENLO PARK CA 94025 MAR 2004 USPS

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Atty/Sec: KYB/KWZ
Atty Docket No. UCAL-317PRV2 Date Mailed: March 22, 2004
Application No.: TBA Filing Date: March 22, 2004

Inventor(s): HAVEL, PETER J.

Title: "METHOD FOR INCREASING ENDOGENOUS ADIPONECTIN PRODUCTION"

17613 U.S. PTO
60/555419
032304

Enclosure(s):

- Provisional Application Transmittal in duplicate (2 pages)
- ADS (2 pages)
- Specification, Claims and Abstract (62 pages)
- 28 Sheets of Drawings

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WORKMAN NYDEGGER
60 EAST SOUTH TEMPLE
100 ERAGLE GATE TOWER
SALT LAKE CITY, UT 84111

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SEP 22 2004

OFFICE OF PETITIONS

In re Application of :
Nye et al. :
Application No. 60/555,528 :
Filed: March 22, 2004 : ON PETITION
Attorney Docket Number: :
15499.579 :

This is a decision on the Petition in Response to Notice of Omitted Item(s) in a Provisional Application, filed July 6, 2004, requesting the application be accorded a filing date of March 22, 2004, including drawing Figures 17 - 18 described in the specification.

The petition is **granted**.

The application was filed on March 22, 2004. However, on May 17, 2004, the Office of Initial Patent Examination mailed a Notice of Omitted Item(s) in a Provisional Application ("Notice"), noting that a filing date had been accorded the application ;however, drawing Figures 17-18 described in the specification appeared to have been omitted from the application.

In response, Petitioner files the instant petition wherein Petitioner avers drawing Figures 17 - 18 described in the specification were originally filed with the application on March 22, 2004, and were received by this Office on pages 15 and 16, as evidenced by the return-receipt postcard. In support, Petitioner provides a copy of a return receipt postcard acknowledging receipt of, *inter alia*, 16 sheets of drawings on March 22, 2004. Petitioner acknowledges that Figures 8 - 18 were not labeled with their respective Figure numbers.

A review of the return receipt postcard reveals that Petitioner is correct. The postcard acknowledges receipt of 16 sheets of drawings on March 22, 2004. Petitioner has also re-submitted

pages 15 and 16 of drawings, comprising Figures 1 - 8, 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.

However, as required by 37 CFR 1.84(u)(1), each figure must be labeled consecutively.

It is obvious from the petition that no drawing Figures were actually missing on March 22, 2004. Rather, the pages were simply mislabeled as a result of Applicant's filing error. However, the Notice mailed May 17, 2004, was correct in stating that Figures 17 and 18 described in the specification appeared to have been omitted from the application. Therefore, the requirement to submit the omitted Figures set forth in the Notice will not be withdrawn.

The petition fee will not be refunded, since the petition was not necessitated by any error on the part of the USPTO.

This application is being forwarded to the Office of Initial Patent Examination, Customer Corrections, for further processing, with the filing date of March 22, 2004, using the drawing Figures filed on that date.

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0014.

Derek L. Woods
Petitions Attorney
Office of Petitions

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SALT LAKE CITY, UT 84111

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OCT 0 4 2004

OFFICE OF PETITIONS

In re Application of	:	
Nye et al.	:	
Application No. 60/555,528	:	CORRECTED DECISION
Filed: March 22, 2004	:	ON PETITION
Attorney Docket Number:	:	
15499.579	:	

This is a decision on the Petition in Response to Notice of Omitted Item(s) in a Provisional Application, filed July 6, 2004, requesting the application be accorded a filing date of March 22, 2004, including drawing Figures 17 - 18 described in the specification.

The petition is **granted**.

The application was filed on March 22, 2004. However, on May 17, 2004, the Office of Initial Patent Examination mailed a Notice of Omitted Item(s) in a Provisional Application ("Notice"), noting that a filing date had been accorded the application ;however, drawing Figures 17-18 described in the specification appeared to have been omitted from the application.

In response, Petitioner files the instant petition wherein Petitioner avers drawing Figures 17 - 18 described in the specification were originally filed with the application on March 22, 2004, and were received by this Office on pages 15 and 16, as evidenced by the return-receipt postcard. In support, Petitioner provides a copy of a return receipt postcard acknowledging receipt of, *inter alia*, 16 sheets of drawings on March 22, 2004. Petitioner acknowledges that Figures 8 - 18 were not labeled with their respective Figure numbers.

A review of the return receipt postcard reveals that Petitioner is correct. The postcard acknowledges receipt of 16 sheets of drawings on March 22, 2004. Petitioner has also re-submitted

pages 15 and 16 of drawings, comprising Figures 17 - 18, 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.

However, as required by 37 CFR 1.84(u)(1), each figure must be labeled consecutively.

It is obvious from the petition that no drawing Figures were actually missing on March 22, 2004. Rather, the pages were simply mislabeled as a result of Applicant's filing error. However, the Notice mailed May 17, 2004, was correct in stating that Figures 17 and 18 described in the specification appeared to have been omitted from the application. Therefore, the requirement to submit the omitted Figures set forth in the Notice will not be withdrawn.

The petition fee will not be refunded, since the petition was not necessitated by any error on the part of the USPTO.

This application is being forwarded to the Office of Initial Patent Examination, Customer Corrections, for further processing, with the filing date of March 22, 2004, using the drawing Figures filed on that date.

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0014.

Derek L. Woods
Petitions Attorney
Office of Petitions

PATENT APPLICATION
Docket No. 15499.579

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:		)
		)
	S. Curtis Nye, et al.	)
		)
Serial No.:	60/555,528	)
		)
Filed:	March 22, 2004	)
		)
For:	ADJUSTABLE LEGNTH BASKETBALL SUPPORT POLE	)
		)
Confirm. No.:	3584	)
		)
Customer No.:	22,913	)

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

RESPONSE TO CORRECTED DECISION ON PETITION MAILED ON OCTOBER 4, 2004

Dear Sir:

We recently received a Corrected Decision on Petition mailed on October 4, 2004, in connection with the above-identified patent application. The Corrected Decision on Petition stated that the application would be accorded a filing date of March 22, 2004, including drawing Figures 17-18 described in the specification. The Corrected Decision on Petition also stated that "[i]t is obvious from the petition that no drawing Figures were actually missing on March 22, 2004. Rather, the pages were simply mislabeled as a result of Applicant's filing error. However, the Notice mailed May 17, 2004, was correct in stating that Figures 17 and 18 described in the

specification appeared to have been omitted from the application. Therefore, the requirement to submit the omitted Figures set forth in the Notice will not be withdrawn."

Accordingly, Applicants are submitting corrected drawings, which are the same drawings as submitted with the application, but the corrected drawings include specific reference to the appropriate figure number. That is, each of the corrected drawings now includes a label with Fig. 1, Fig. 2, etc.

Thank you for your prompt attention to this matter. If you have any questions, please do not hesitate to contact me.

DATED this 12 day of January, 2005

Respectfully submitted,

RICHARD C. GILMORE
Attorney for Applicant
Registration No. 37,335,

WORKMAN NYDEGGER
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
Telephone: (801) 533-9800
Facsimile: (801) 328-1707

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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
60/555,717	03/23/2004		160	7251/91771	3		

CONFIRMATION NO. 4130

CORRECTED FILING RECEIPT

OC000000013342852

24628
WELSH & KATZ, LTD
120 S RIVERSIDE PLAZA
22ND FLOOR
CHICAGO, IL 60606

Date Mailed: 07/26/2004

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)

Hillel Solow, Beit Shemesh, ISRAEL;
Anatoly Seldin, Jerusalem, ISRAEL;
David Mail, Zur Igal, ISRAEL;

If Required, Foreign Filing License Granted: 05/15/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Digital rights management system for multimedia messages protection and tracking

---

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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MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON VA 22201

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JUN 18 2008

In re Application of :
Brian Herbert :
Application No. 60/555,951 : DECISION ON PETITION
Filed: March 25, 2004 :
Attorney Docket No. MEMORY-50V1 :

This is a decision on the petition, filed May 30, 2008, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond with a complete reply to the Notice to File Missing Parts of June 3, 2004, which set a two (2) month shortened statutory period for reply. A reply was submitted on August 3, 2004. A Notice of Incomplete Reply was mailed on August 25, 2004 indicating that the extendable time period continued to run from the original Notice. A reply was due on or before August 3, 2004.

Petitioner states that a reply was in fact timely filed. To support this assertion, petitioner has submitted a copy of a return postcard, which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on September 8, 2004 of, *inter alia,* a provisional cover sheet and a request for two-month extension of time. A copy of the previously submitted reply accompanies the petition.

The provisional cover sheet and two month extension of time acknowledged as having been received in the USPTO on September 8, 2004 is not of record in the application file and has not to date been located. However, MPEP 503 states that "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO." Accordingly, it is concluded that the provisional cover sheet was timely received in the USPTO but lost after receipt thereof.

In view of the above, the holding of abandonment is hereby withdrawn.

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 copy of the reply supplied with the petition will be accepted in place of the reply shown to have been received by the USPTO on September 8, 2004.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received with petition.

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

Charlema Grant
Petitions Attorney
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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IP GROUP
1650 TYSONS BOULEVARD
SUITE 1300
MCLEAN, VA 22102

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DEC 2 2 2004

OFFICE OF PETITIONS

In re Application of	:	
Vinay Vaidya	:	
Application No. 60/556,075	:	ON PETITION
Filed: March 25, 2004	:	
Attorney Docket No. UMB-130-PRO	:	

This is a decision on the Petition under 37 CFR 1.53, filed on October 22, 2004, requesting that the above-identified provisional application be accorded a filing date of March 25, 2004, including Figure 6 as described in the specification.

The provisional application was filed on March 25, 2004. However, on September 1, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Omitted Item(s) in a Provisional Application (Notice) that stated the provisional application had been accorded a filing date, but Figure 6 as described in the specification appears to have been omitted.

In response, on October 22, 2004 the instant petition and one (1) sheet of drawings (which include Figure 6) were submitted. The papers were accompanied by a copy of applicant's postcard receipt that acknowledges receipt of "Drawings - 6 sheets," on March 25, 2004. A review of the application file indicates the presence of only five (5) sheets of drawings originally filed on March 25, 2004, with the sheet containing Figure 6 missing. It is assumed that the missing sheet of drawings containing Figure 6 was misplaced by the Office.

In view of the above, the petition is granted.

The $130.00 petition fee submitted on October 22, 2004 will be refunded to deposit account no. 50-1390.

This provisional application will be returned to OIPE for processing with a filing date of March 25, 2004, using the one (1) sheet of drawings, containing Figure 6, that was submitted with the petition on October 22, 2004.

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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FOLEY & LARDNER
P.O. BOX 80278
SAN DIEGO, CA 92138-0278

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DEC 10 2004

OFFICE OF PETITIONS
ON PETITION

In re Application of :
Knowlton and Tsimikas :
Application No. 60/556,154 :
Filed: No Filing Date Accorded :
Attorney Docket No. 041673-0201

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.

The address as cited on the petition differs from the address of record. Although a courtesy copy of this decision is being mailed to address as cited on the petition, all future correspondence will be mailed to the address of record until appropriate written instructions to the contrary are received.

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
Petitions Attorney
Office of Petitions

cc:
Jason D. Voight
Keil & Weinkauf
1350 Connecticut Avenue, NW
Washington, DC 20036

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United States Patent and Trademark Office
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In re Application of :
Knowlton and Tsimikas :
Application No. 60/556,154 : DECISION GRANTING PETITION
Filed: March 24, 2004 :
Attorney Docket No. 041673-0201 :

This is a decision on the petition filed August 31, 2004, to accord the above-identified application a filing date. This is also a notice vacating the decision mailed on December 10, 2004.

A review of the application file revealed that a petition decision was erroneously mailed in the subject application. Although the heading for the petition was directed to the firm of Foley and Lardner, the subject of the petition decision did not address any matter raised by Foley and Lardner and should have only been sent to the firm of Keil and Weinkauf which only received a courtesy copy of the same. The petition decision mailed in the subject application on December 10, 2004, is, therefore, vacated. Any inconvenience to petitioner is regretted.

On March 24, 2004, the application was deposited.

On July 22, 2004, 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 invention claimed.

It 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 1 and 2 are either 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 of March 24, 2003.

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

The application is being returned to the Office of Initial Patent Examination were a filing date of March 24, 2004, will be accorded the application and corrected filing receipt issued.

[1]MPEP 601.01(f).

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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
60/556,162	03/24/2004		160	5341 P	29		

CONFIRMATION NO. 6455

CORRECTED FILING RECEIPT

OC000000013322901

22896
MILA KASAN, PATENT DEPT.
APPLIED BIOSYSTEMS
850 LINCOLN CENTRE DRIVE
FOSTER CITY, CA 94404

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)

Kenneth J. Livak, San Jose, CA;
Mark R. Andersen, San Mateo, CA;
Adam Broomer, Foster City, CA;
Caifu Chen, Palo Alto, CA;

If Required, Foreign Filing License Granted: 06/03/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Multiplex oligo nucleotide assay (OLA)-based universal taqman assay for single nucleotide polymorphism (SNP) genotyping

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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.
60/556,373	03/26/2004	Jenner Juliette	

CONFIRMATION NO.

OC000000016629508

JULIETTE JENNER
d/b/a JULIETTE JENNER ENTERPRISES, LLC
ROCKEFELLER CENTER STATION
PO BOX 1718
NEW YORK, NY 10185-1718

Date Mailed: 08/01/2005

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 **03/25/2005,** 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 is not accompanied by the amendment including at least one claim in compliance with 35 U.S.C. 112, second paragraph, as required by 37 CFR 1.53(c)(3).

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

STIKEMAN ELLIOTT
1600-50 O'CONNOR STREET
OTTAWA, ONTARIO, KIP LS2
CANADA

COPY MAILED

SEP 0 2 2004

OFFICE OF PETITIONS

In re Application of :
Brown, et al. :
Application No. 60/556,374 : ON PETITION
Filed: March 26, 2004 :
Attorney Docket No. 105297-1026 :

This is a decision on the petition under 37 CFR 1.53, filed July 23, 2004, requesting that the above-identified provisional application be accorded a filing date of March 26, 2004.

The application was deposited on March 26, 2004. However, on May 26, 2004, 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, 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 March 26, 2004 filing date without the 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 of March 26, 2004, without drawings.

The petition is granted.

The provisional application will be returned to the Office of Initial Patent Examination for processing with a filing date of March 26, 2004.

As the instant petition was required to accord the requested filing date, the petition fee will not be refunded.

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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PANITCH SCHWARZE
BELISARIO & NADEL LLP
ONE COMMERCE SQUARE
2005 MARKET STREET,
SUITE 2200
PHILADELPHIA PA 19103

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MAY 1 4 2008

OFFICE OF PETITIONS

In re Application of	:	
Frantz et al.	:	
Application No. 60/556394	:	
Filing or 371(c) Date: 03/24/2004	:	DECISION
Attorney Docket Number: 680316-3US	:	ON PETITION

This is a decision on the Petition to Waive or Suspend Rules Under 37 C.F.R. § 1.183, filed December 29, 2006, to allow Applicant to add a certified copy of provisional application 60/549,739 to the file of the present application, no 60/556,394.

The petition is **dismissed**.

Any reply should be entitled "Request for Reconsideration of Petition Under [insert the applicable code section]", and should only address the deficiencies noted below.

Applicant provides that the present provisional application references provisional application 60/549,739 on pages 2-3, where Applicant attempted to incorporate provisional application 60/549,739 by reference into the present provisional application. Applicant correctly notes that 37 CFR 1.57(a) does not permit the incorporation by reference of one provisional application into another provisional application[1]. Applicant provides that the omission of a copy of provisional application 60/549,739 to the file of the present application, no 60/556,394 was inadvertent. Applicant petitions for waiver of the rules to add a certified copy of provisional application 60/549,739 to the file of the present application, no 60/556,394.

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[1] 37 CFR § 1.57, Incorporation by reference, requires, in relevant part, a claim under § 1.55 for priority of a prior-filed foreign application, or a claim under § 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application.

37 CFR §§ 1.55 and 1.78 allow an applicant in a nonprovisional or intenrational application respectively, to claim the benefit of the filing date of prior filed foreign, nonprovisional or international application(s) only. (Emphasis supplied).

Applicable Law, rules and MPEP

37 CFR § 1.183, Suspension of rules, states:

> In an extraordinary situation, when justice re-quires, 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. Any petition under this section must be accompanied by the petition fee set forth in § 1.17(f). (Emphasis supplied).

The applicable statute, 35 U.S.C. 111(b)(7), NO RIGHT OF PRIORITY OR BENEFIT OF EARLIEST FILING DATE, states

> A provisional application shall not be entitled to the right of priority of any other application under section 119 or 365(a) of this title or to the benefit of an earlier filing date in the United States under section 120, 121, or 365(c) of this title.

37 CFR § 1.53(c), states:

Application filing requirements - Provisional 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. (Emphasis supplied).

37 CFR 1.53(c)(4) states, in relevant part:

> A provisional application is not entitled to the right of priority under 35 U.S.C. 119 or 365(a) or § 1.55, or to the benefit of an earlier filing date under 35 U.S.C. 120, 121 or 365(c) or § 1.78 of any other application.

Analysis

Applicant attempted to incorporate by reference prior-filed provisional application into the present provisional application. However, as Applicant notes in the petition, 37 CFR 1.57(a) does not permit the incorporation by reference of one provisional application into another provisional application. Moreover, the statute and rules do not permit a priority claim in a provisional application.

In order to waive a rule under 37 CFR 1.183, Applicant must demonstrate that this is an extraordinary situation, requiring justice. However, 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 applica-tion 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 this instance, to allow Applicant to amend a provisional application to include the contents of a prior-filed provisional application would allow applicant to circumvent the statute's clear prohibition against allowing a provisional application the benefit of an earlier filing date. In including the incorporation of the prior-filed provisional application by reference, Applicant failed to comply with, and acted contrary to, the applicable statute and rules. Such a failure is not deemed to be an extraordinary situation, where justice requires waiver of the rules.

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

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

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

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

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

Derek L. Woods
Attorney
Office of Petitions

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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
60/556,437	03/24/2004		160	5658/1016	9		

BRINKS HOFER GILSON & LIONE
P.O. BOX 1450
CHICAGO, IL 60610

CONFIRMATION NO. 7298

CORRECTED FILING RECEIPT

OC000000013649688

Date Mailed: 08/26/2004

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)

David J. Trettin, Charlotte, NC;
Richard M. Davidian, Weddington, NC;
Laverne Durfee, Harmony, NC;
Kristofor M. Hallee, Huntersville, NC;
Jon S. Holz, Huntersville, NC;
Mac McRorie, Huntersville, NC;

If Required, Foreign Filing License Granted: 05/24/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Lockset drilling guide

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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MOORE & VAN ALLEN PLLC
P.O. BOX 13706
RESEARCH TRIANGLE PARK, NC 27709

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SEP 26 2005

OFFICE OF PETITIONS

In re Application of	:	
Trettin et al.	:	
Application No. 60/556,437	:	ON PETITION
Filed: March 24, 2004	:	
Attorney Docket No. 5658-1016	:	

This is a decision on the petition filed August 16, 2004, requesting that the above-identified application be accorded a filing date of March 24, 2004, rather than the original accorded date of March 25, 2004. 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 March 24, 2004 pursuant to 37 CFR 1.10. In support, applicant has submitted a copy of Express Mail label No. EL 835292840 US showing a handwritten "date-in" of "March 24, 2004." The same Express Mail receipt number appears on the original "Provisional Application Cover Letter."

In view of the above, it is concluded that the application was deposited as "Express Mail" with the USPS on March 24, 2004.

The petition is **GRANTED**.

Telephone inquiries concerning this matter may be directed Paralegal Liana Chase at (571) 272-3206.

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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MOORE & VAN ALLEN PLLC
P.O. BOX 13706
RESEARCH TRIANGLE PARK, NC 27709

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SEP 2 6 2005

OFFICE OF PETITIONS

In re Application of	:	
Trettin et al.	:	
Application No. 60/556,437	:	ON PETITION
Filed: March 24, 2004	:	
Attorney Docket No. 5658/1016	:	

This is a decision on the petition under 37 C.F.R. § 1.182, filed November 30, 2004, to change the name of an inventor.

The petition is **GRANTED.**

The name will be changed from MAC MCRORIE to ROBERT MCRORIE.

On November 22, 2004, the petition fee increased from $130.00 to $400.00. Accordingly, a total of $400.00 will be charged to petitioner's deposit account.

Telephone inquiries regarding this decision should be directed to Paralegal Liana Chase at (571) 272-3282.

Frances Hicks
Petitions Examiner
Office of Petitions

Enclosure: Corrected Filing Receipt

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
60/556,828	03/26/2004		80	02-423-G			

CONFIRMATION NO. 8279

CORRECTED FILING RECEIPT

OC000000013269521

020306
MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO, IL 60606

Date Mailed: 07/19/2004

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)

Daniel Delorme, St. Laurent, CANADA;
Arkadii Vaisburg, Kirkland, CANADA;
Oscar Moradei, Kirkland, CANADA;
Silvana Leit, Kirkland, CANADA;
Stephane Raeppel, Pierrefonds, CANADA;
Sylvie Frechette, Montreal, CANADA;
Giliane Bouchain, Cedar Valley, CANADA;
Zhihong Zhou, Kirkland, CANADA;
Isabelle Paquin, Saint-Laurent, CANADA;
Frederic Gaudette, Ste-Dorothee, CANADA;

If Required, Foreign Filing License Granted: 05/27/2004

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Histone deacetylase inhibitors

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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DYKEMA GOSSETT PLLC
THIRD FLOOR WEST
1300 I STREET, N.W.
WASHINGTON, DC 20005

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OFFICE OF PETITIONS

In re Application of :
Gregg S. Evans, et al. :
Application No. 60/556,879 :
Filed: March 29, 2004 :
Attorney Docket No. 077706-0044 :

ON PETITION

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

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

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

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 306-5594.

Retta Williams

Retta Williams
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.

CONTINUOUS METAL TECHNOLOGY, INC.
439 W. MAIN STREET
RIDGWAY, PA 15853

In re Application of :
Smith et al. :
Application No. 60/557,587 :
Deposited: March 29, 2004 :
Title of Invention: TUNDSTEN-BRASS CONTROLLED AND VARIABLE DENSITY POWDERED METAL COMPOSITIONS :

COPY MAILED

SEP 30 2004

OFFICE OF PETITIONS

DECISION
ON PETITION

This is in response to the petition, filed June 7, 2004, to accord a filing date. The petition is properly treated under 37 CFR 1.53.

The above-identified application was deposited on March 29, 2004, without a specification. In response, this Office mailed a Notice of Incomplete Provisional Application, informing Applicant that a filing date had not been accorded the application because the application had been deposited without a specification.

Applicant files the instant petition and avers that the application as deposited on March 29, 2004, included a specification, and that the specification must have been misplaced by this Office. Applicant provides no documentary support for this assertion.

Applicant is advised that there are two methods wherein correspondence will be considered filed on the date of deposit. The first method, under 37 CFR 1.10, provides for the filing of papers and fees by "Express Mail." 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* Manual of Patent Examining Procedure ("MPEP") § 513. The date indicated on the "date-in" on the Express Mail mailing label verifies that the package was actually mailed.

Additionally, the second method, under section 503 of the MPEP, provides that

[i]f 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 items listed thereon on the date stamped thereon by the USPTO.

Applicant has not provided any evidence that would demonstrate that the specification was filed with this Office on March 29, 2004. The petition is dismissed without prejudice. If Applicant has documentary evidence, e.g. a copy of an Express Mail label, or a return receipt postcard, to support his assertion that the Application was deposited on March 29, 2004, Applicant should submit such evidence in any renewed petition.

Applicant is further advised that, in order to obtain a filing date, an application must, at a minimum, contain a specification, claims, and any drawings necessary for an understanding of the invention. Moreover, additional substantive and formal requirements exist too numerous to elaborate by the Office of Petitions, that are necessary to prosecute an application. Applicant is strongly urged to contact the Office of Independent Inventors, at 703-306-5568, for assistance in prosecuting his patent application. Alternatively, Applicant is urged to seek the services of a registered patent agent or attorney for assistance with prosecuting this application.

The application is being returned to the Office of Initial Patent Examination for further processing of the papers filed with the instant petition on June 7, 2004, and for a determination as to whether the application is eligible to receive a filing date.

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

Derek L. Woods
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.

CONTINUOUS METAL TECHNOLOGY, INC.
439 W. MAIN STREET
RIDGWAY, PA 15853

In re Application of :
Timothy George Smith :
Application No. 60/557,588 :
Deposited: March 29, 2004 :
Title of Invention: BRASS SHOT :
FOR SHOTGUNS :

COPY MAILED
JUL 15 2004
OFFICE OF PETITIONS

ON PETITION

This is in response to the Petition to accord a filing date, filed June 7, 2004. The petition is properly treated under 37 CFR 1.53.

The above-identified application was deposited on March 29, 2004, without a specification. In response, this Office mailed a Notice of Incomplete Provisional Application, informing Applicant that a filing date had not been accorded the application because the application had been deposited without a specification.

Applicant files the instant petition and avers that the application as deposited on March 29, 2004, included a specification, and that the specification must have been misplaced by this Office. Applicant provides no documentary support for this assertion.

Applicant is advised that there are two methods wherein correspondence will be considered filed on the date of deposit. The first method, under 37 CFR 1.10, provides for the filing of papers and fees by "Express Mail." 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* Manual of Patent Examining Procedure ("MPEP") §513. The date indicated on the "date-in" on the Express Mail mailing label verifies that the package was actually mailed.

Additionally, the second method, under section 503 of the MPEP, provides that

[i]f 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 items listed thereon on the date stamped thereon by the USPTO.

Applicant has not provided any evidence that would demonstrate that the specification was filed with this Office on March 29, 2004. The petition is dismissed without prejudice. If Applicant has documentary evidence, e.g. a copy of an Express Mail label, or a return receipt postcard, to support his assertion that the Application was deposited on March 29, 2004, Applicant should submit such evidence in any renewed petition.

Applicant is further advised that, in order to obtain a filing date, an application must, at a minimum contain a specification, claims, and any drawings necessary for an understanding of the invention. Moreover, additional substantive and formal requirements exist too numerous to elaborate by the Office of Petitions, that are necessary to prosecute an application. Applicant is strongly urged to contact the Office of Independent Inventors, at 703-306-5568, for assistance in prosecuting his patent application. Alternatively, Applicant is urged to seek the services of a registered patent agent or attorney for assistance with prosecuting this application.

The application is being returned to the Office of Initial Patent Examination for further processing of the papers filed with the instant petition on June 7, 2004, and for a determination as to whether the application is eligible to receive a filing date.

Telephone inquiries concerning this decision 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
P.O. Box 1450
Alexandria, VA 22313-1450
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PFIZER INC.
PATENT DEPARTMENT, MS8260-1611
EASTERN POINT ROAD
GROTON, CT 06340

COPY MAILED

NOV 0 4 2004

OFFICE OF PETITIONS

In re Application of	:	
Hashizume, et al.	:	DECISION GRANTING
Application No. 60/557,598	:	PETITION
Filed: March 29, 2004	:	
Attorney Docket No. PC32213	:	

This is a decision on the petition under 37 CFR 1.10(d), filed August 2, 2004, requesting that the above-identified provisional application be accorded a filing date of March 29, 2004, rather than the presently accorded filing date of March 30, 2004.

The petition is **GRANTED**.

Applicants request the earlier filing date on the basis that the provisional application was purportedly deposited in Express Mail service (Express Mail mailing label #EV271825001US) on March 29, 2004, pursuant to the requirements of 37 CFR 1.10. However, the Express Mail mailing label identified in the original application papers indicates a "date-in" of March 30, 2004. Applicants allege that the date of mailing indicated by the Express Mail mailing label is a U.S. Postal Service (USPS) error and the correct date of mailing is March 29, 2004.

In support, the petition is accompanied by a copy of the register receipt from the Groton, CT store of the USPS that indicates the item with Express Mail label no. EV271825001US was placed into Express Mail service on March 29, 2004.

In view of the evidence present in the file, it is concluded that the "date-in" indicated on the Express Mail mailing label is incorrect and that the correct date of deposit in Express Mail service is March 29, 2004.

Accordingly, the application is entitled to a filing date of March 29, 2004.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of March 29, 2004.

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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GOWLING, LAFLEUR HENDERSON LLP
SUITE 560, 120 KING STREET WEST
PO BOX 1045, LCD 1
HAMILTON, ONTARIO L8N 3R4
CANADA

In re Application of :
Li, et al. :
Application No. 60/558,099 : ON PETITION
Filed: April 1, 2004 :
Attorney Docket No. H310884US :

This is a decision on the petition under 37 CFR 1.53, filed July 20, 2004, requesting that the above-identified provisional application retain the filing date of April 1, 2004.

The application was deposited on April 1, 2004. However, on June 1, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Omitted Item(s) In A Provisional Application" which stated a filing date was accorded and that Figure 6 described in the specification appears to have been omitted.

In response, on July 20, 2004, the present petition was filed. Petitioner states, "Figure 5 in the specification has been amended to include the subject matter of Figure 6, which has been cancelled in the specification only as there were only 5 drawings."

As Petitioner has cancelled Figure 6 and submitted the appropriate amendment, the application may retain the April 1, 2004 filing date without Figure 6. The amendment, submitted July 20, 2004, has been placed in the provisional application's file.[1]

[1] Note, 37 CFR 1.53(c) states: *Application filing requirements - Provisional application.* ... 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.

The petition is granted.

As the instant petition was required to retain the requested filing date without Figure 6, the petition fee will not be refunded.

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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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
60/558,168	03/31/2004		160	8627/416	15		

CONFIRMATION NO. 6825

CORRECTED FILING RECEIPT

OC000000014256853

Brinks Hofer Gilson & Lione
Suite 1600
One Indiana Square
Indianapolis, IN 46204

Date Mailed: 11/01/2004

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)

James D. Purdy, Lafayette, IN;

Power of Attorney:

Dewayne Hughes--46783

If Required, Foreign Filing License Granted: 06/11/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/558,168

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

Non-Publication Request: No

Early Publication Request: No

Title

Fenestrated intraluminal stent 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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HOWREY SIMON ARNOLD & WHITE, LLP
C/O M.P. DROSOS, DIRECTOR OF IP ADMINISTRATION
2941 FAIRVIEW PK
BOX 7
FALLS CHURCH, VA 22042

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AUG 1 6 2004

OFFICE OF PETITIONS

In re Application of :
Kons, Shachar :
Application No. 60/558,539 : ON PETITION
Filed: March 31, 2004 :
Attorney Docket No. 01827.0065.PZUS00 :

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 Paralegal Liana Chase at (703) 306-0482. Any telephone inquiries after approximately **September 24, 2004** should be directed to (571) 272-3206.

Liana Chase for

Frances Hicks
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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DOWELL & DOWELL PC
SUITE 309
1215 JEFFERSON DAVIS HIGHWAY
ARLINGTON, VA 22202

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AUG 0 4 2004

OFFICE OF PETITIONS

In re Application of :
Prakash Kirgaval Bhanu et al :
Application No. 60/558,567 : NOTICE
Filed: April 2, 2004 :
Attorney Docket No. 14668PRO :

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 matter is being referred to the Office of Initial Patent Examination.

Wan Layton
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

DOCKET ADMINISTRATOR
LOWENSTEIN SANDLER PC
65 LIVINGSTON AVENUE
ROSELAND NJ 07068

COPY MAILED

OCT 25 2004

OFFICE OF PETITIONS

In re Application of :
John P. Carr et al. :
Application No. 60/558,860 : DECISION ON PETITION
Filed: April 2, 2004 : UNDER 37 C.F.R. §1.10(C)
Attorney Docket No. 13575-47 :
Title: METHODS AND DEVICES FOR :
CAVITY CREATION IN MAMMALIAN :
BONE TISSUE :

This is a decision on the petition under 37 C.F.R. §1.10(c), submitted on June 14, 2004, requesting that the application be accorded a filing date of March 31, 2004.

Shortly after March 31, 2004, the above-identified application was received in the Office. The Office of Initial Patent Examination mailed petitioner's filing receipt, which indicated that the application had been accorded a filing date of April 2, 2004.

In response, on June 14, 2004, applicants filed the present petition. Petitioners have included a copy of the Express Mail Label having a number of ER749927960US. Applicants request that the application be accorded a filing date of March 31, 2004.

On September 17, 2004 however, Petitioner submitted a subsequent petition, requesting that the previous petition be withdrawn, and the filing date of April 2, 2004 be retained.

As such, the original petition, submitted June 14, 2004, is **DISMISSED-AS-MOOT.**

Petitioner's Deposit Account has not been charged.

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

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

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
60/558,975	04/01/2004		80	2417-470-PROV	7		

CONFIRMATION NO. 1429

22442
SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER, CO 80202

CORRECTED FILING RECEIPT

OC000000013112954

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)

Eric S. Hassett, Golden, CO;

If Required, Foreign Filing License Granted: 05/28/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Entertainment device storage case adapted for interconnection to a vehicle seat

---

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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Your item was delivered at 9:04 am on April 05, 2004 in ALEXANDRIA, VA 22313 to PATENT OFFICE. The item was signed for by M BOSTON.

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- ARRIVAL AT PICK-UP-POINT, April 02, 2004, 2:34 pm, ALEXANDRIA, VA 22313
- ARRIVAL AT UNIT, April 02, 2004, 2:29 pm, DULLES, VA 20102
- ENROUTE, April 02, 2004, 1:08 pm, DULLES, VA 20102
- ENROUTE, April 01, 2004, 11:11 pm, DENVER, CO 80249
- ACCEPTANCE, April 01, 2004, 7:43 pm, DENVER, CO 80202

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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
60/559,191	04/01/2004		160	2417-468-PROV	5		

CONFIRMATION NO. 2359

22442
SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER, CO 80202

CORRECTED FILING RECEIPT

OC000000013364177

Date Mailed: 07/28/2004

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)

Eric S. Hassett, Golden, CO;

If Required, Foreign Filing License Granted: 06/14/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Device for securing items between two adjacent seats

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
60/559,275	04/01/2004		80	524593009000	3		

CONFIRMATION NO. 2057

CORRECTED FILING RECEIPT

OC000000013725986

25225
MORRISON & FOERSTER LLP
3811 VALLEY CENTRE DRIVE
SUITE 500
SAN DIEGO, CA 92130-2332

Date Mailed: 09/03/2004

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 Mah, San Diego, CA;
Andreas Braun, San Diego, CA;
Stefan M. Kammerer, San Diego, CA;
Matthew Roberts Nelson, San Marcos, CA;
Rikard Henry Reneland, San Diego, CA;
Maria L. Langdown, San Diego, CA;

Power of Attorney: The patent practitioners associated with Customer Number **25225**.

If Required, Foreign Filing License Granted: 06/04/2004

The number of your priority application, to be used for filing abroad under the Paris Convention is,
US60/559,275

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 identifying risk of osteoarthritis and treatments 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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NOV 0 2 2004

OFFICE OF PETITIONS

In re Application of :
Michael J. Detmar et al. :
Application No. 60/559,300 : ON PETITION
Filed: April 1, 2004 :
Attorney Docket No. 10287-084P01 :

This is a decision regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed October 20, 2004.

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.33d 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 and the petition is **GRANTED**.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (571) 272-3282.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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JUL 1 4 2004

OFFICE OF PETITIONS

MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

In re Application of :
Sam Carter :
Application No. 60/559,409 : DECISION GRANTING PETITION
Filed: April 2, 2004 :
Attorney Docket No. 5670-34PR

This is a decision on the petition filed June 10, 2004, under 37 CFR 1.10 requesting that the above-cited application be accorded a filing date of April 2, 2004, rather than the presently accorded filing date of April 5, 2004.

Petitioner alleges that the application was deposited with the Express Mail Service on April 2, 2004. In support of the allegation, the petition is accompanied by a copy of the "Track and Confirm" communication from the United States Postal Service showing that Express Mail package EV381442300US was deposited with the United States Postal Service, Express Mail Service on April 2, 2004. The petition was also accompanied by a true-copy of the Express Mail Receipt that indicated that the package was deposited on April 2, 2004. It should be noted, however, that the Express Mail tracking number as shown on the application transmittal sheet is "US381442300US" which is different from the identifier shown on the Express Mail label and the "Track and Confirm" Sheet. It is assumed, however, that the use of "US" rather than "EV" is a typographical error and, because the digits are the same, the petition will be granted. Taken as a whole, the evidence is convincing that the application papers were deposited on April 2, 2004.

In view of the above, the petition is granted. The new filing date for the above-cited application is April 2, 2004.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of April 2, 2004, and for issuance of a corrected filing receipt.

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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PROF. ARNON COHEN
ROTEM ST. 47
OMER,
84965
ISRAEL

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AUG 17 2005

OFFICE OF PETITIONS

In re Application of :
Arnon Cohen, et al. :
Application No. 60/559,993 : ON PETITION
Filed: April 4, 2004 :
Attorney Docket No. N/A :

This is a decision on the petition under 37 CFR 1.137(b), filed March 15, 2005, 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 mailed May 27, 2004. 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 July 28, 2004.

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

There is no indication that the person signing the 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.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3229.

This application matter is being forwarded to the Office of Initial Patent Examination for further processing.

Retta Williams

Retta Williams
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Mark M. Friedman
% Robert Sheinbein
2940 Birchtree Lane
Silver Spring, MD 20906

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Paul J. Sulton
Greenberg Traurig, LLP
885 Third Avenue
New York NY 10022

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SEP 0 3 2004

OFFICE OF PETITIONS

In re Application of :
Feldman et al. :
Application No. 60/560,445 : DECISION DISMISSING
Filed: April 8, 2004 : PETITION
Attorney Docket No. 0267-0012048PROV :

This is in response to the petition filed July 9, 2004, requesting that the Office accept omitted Figures B8 and B10,as part of the disclosure of the above-identified provisional application[1].

Application papers in the above-identified provisional application were filed on April 8, 2004. However, on June 1, 2004, the Initial Patent Examination Office mailed a "Notice of Omitted Item(s) In A Provisional Application," stating that the application had been accorded a filing date; however, Figures B8 and B10 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 indicating figures B8 and B10 located on pages 14 and 15 were submitted on April 8, 2004. However petitioner has failed to present any evidence such as a stamped post card receipt to establish B8 and B10 were received. Petitioner states in the alternative if the pages containing figures B8 and B10 are absent it was through inadvertence and mistake and request the figures be made part of provisional application.

[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.

Application papers not present in this application on filing cannot be considered part of the original application disclosure.

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 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 **April 8, 2004** using the application papers deposited on that date.

Telephone inquiries specific to this decision may be directed to the undersigned at (703) 306-0251.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/624,919	07/21/2003	Chih Chieh Yeh	MXIC 1553-1

CONFIRMATION NO.

OC000000012339076

22470
HAYNES BEFFEL & WOLFELD LLP
P O BOX 366
HALF MOON BAY, CA 94019

Date Mailed: 04/13/2004

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 **09/29/2003,** 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 **60/560,707.** 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 29 2004

WEYERHAEUSER COMPANY
INTELLECTUAL PROPERTY DEPT., CH 1J27
P.O. BOX 9777
FEDERAL WAY WA 98063

In re Application of	:	
Edwin Hirahara et al	:	
Serial No.: 10/611,211	:	CONVERSION TO PROVISIONAL
Filed: June 30, 2003	:	
Attorney Docket No.: 24871	:	

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 10611211 on 07/21/2004

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/611,211	06/30/2003	Edwin Hirahara	WEYE-1-20651/24871

CONFIRMATION NO.

OC000000012385227

28624
WEYERHAEUSER COMPANY
INTELLECTUAL PROPERTY DEPT., CH 1J27
P.O. BOX 9777
FEDERAL WAY, WA 98063

Date Mailed: 04/19/2004

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 **60/560,708.** 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 29 2004

WEYERHAEUSER COMPANY
INTELLECTUAL PROPERTY DEPT., CH 1J27
P.O. BOX 9777
FEDERAL WAY WA 98063

In re Application of	:
Brian Penttila et al	:
Serial No.: 10/611,530	: CONVERSION TO PROVISIONAL
Filed: June 30, 2003	:
Attorney Docket No.: 24929	:

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

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/611,530	06/30/2003	Brian Penttila	WEYE120649/24929

CONFIRMATION NO.

OC000000012385267

28624
WEYERHAEUSER COMPANY
INTELLECTUAL PROPERTY DEPT., CH 1J27
P.O. BOX 9777
FEDERAL WAY, WA 98063

Date Mailed: 04/19/2004

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 **60/560,709.** 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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MAR 29 2004

WEYERHAEUSER COMPANY
INTELLECTUAL PROPERTY DEPT., CH 1J27
P.O. BOX 9777
FEDERAL WAY WA 98063

In re Application of	:
Edwin Hirahara et al	:
Serial No.: 10/650,532	: CONVERSION TO PROVISIONAL
Filed: August 27, 2003	:
Attorney Docket No.: 24817	:

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

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/650,532	08/27/2003	Edwin Hirahara	WEYE119313/24817

CONFIRMATION NO.

OC000000012385306

28624
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INTELLECTUAL PROPERTY DEPT., CH 1J27
P.O. BOX 9777
FEDERAL WAY, WA 98063

Date Mailed: 04/19/2004

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 **60/560,710.** 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 29 2004

WEYERHAEUSER COMPANY
INTELLECTUAL PROPERTY DEPT., CH 1J27
P.O. BOX 9777
FEDERAL WAY WA 98063

In re Application of	:	
Edwin Hirahara et al	:	
Serial No.: 10/606,334	:	CONVERSION TO PROVISIONAL
Filed: June 24, 2003	:	
Attorney Docket No.: 24847	:	

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

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
~~10/360,947~~ 60560712	02/07/2003	Ying Sun	ENP-051

CONFIRMATION NO.

OC000000015565345

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

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 **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 **60/560,712.** 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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MAR - 4 2004

JEFFREY D. HIS
EDWARDS & ANGELL, LLP
P. O. BOX 55874
BOSTON, MA 02205

In re Application of	:
Y. Sun et al	:
Serial No.: 10/360,947	: CONVERSION TO PROVISIONAL
Filed: February 7, 2003	:
Attorney Docket No.: 60581	:

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 10360947 on 03/31/2005

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APR 16 2004

FOLEY AND LARDNER
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

In re Application of	:
Peter Bach et al	:
Serial No.: 10/698,020	: CONVERSION TO PROVISIONAL
Filed: October 31, 2003	:
Attorney Docket No.: 085747-0303	:

This is in response to applicants' request, filed April 6, 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, 703-872-9306.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600

Copied from 10698020 on 07/27/2004

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/698,020	10/31/2003	Peter Bach	085747-0303

CONFIRMATION NO.

OC000000012527108

22428
FOLEY AND LARDNER
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

Date Mailed: 05/04/2004

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 **04/06/2004,** 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 **60/560,713.** 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.
10/698,021	10/31/2003	Peter Bach	085747-0302

CONFIRMATION NO.

OC000000012527968

22428
FOLEY AND LARDNER
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

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 **04/06/2004,** 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 **60/560,714.** 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.
10/697,556	10/31/2003	Peter Bach	085747-0305

CONFIRMATION NO.

OC000000012528755

22428
FOLEY AND LARDNER
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

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 **04/06/2004,** 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 **60/560,715.** 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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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.
10/625,195	07/23/2003	Samir Mitragotri	

CONFIRMATION NO.

OC000000012943653

000167
FULBRIGHT AND JAWORSKI L L P
PATENT DOCKETING 29TH FLOOR
865 SOUTH FIGUEROA STREET
LOS ANGELES, CA 900172576

Date Mailed: 06/14/2004

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 **04/08/2004,** 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 **60/560,717.** 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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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/680,715	10/07/2003	Yousef Al-Abed	3268.1007-000

CONFIRMATION NO.

OC000000012698287

021005
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

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 **12/02/2003,** 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 **60/560,719.** 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.
09/854,135	05/11/2001	Justin T. Lin	TEAMP001

CONFIRMATION NO.

OC000000012732688

21912
VAN PELT & YI LLP
10050 N. FOOTHILL BLVD #200
CUPERTINO, CA 95014

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 **03/28/2002,** 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 **60/560,720.** 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.
10/180,707	06/26/2002	Earl Wagner	8299220/5850

CONFIRMATION NO.

OC000000012732866

26386
DAVIS, BROWN, KOEHN, SHORS & ROBERTS, P.C.
THE FINANCIAL CENTER
666 WALNUT STREET
SUITE 2500
DES MOINES, IA 50309-3993

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 **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 **60/560,721.** 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.
09/862,099	05/21/2001	Steven Wendell Archibald	P-0005-PA

CONFIRMATION NO.

KLEIN & SZEKERES, LLP
4199 Campus Drive, Sute 700
Irvine, CA 92612

OC000000012733213

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 **09/20/2001,** 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 **60/560,722.** 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.
09/880,526	06/12/2001	Stephen F. Gross	M 6705 CC/CSAP

CONFIRMATION NO.

OC000000012733177

23657
COGNIS CORPORATION
PATENT DEPARTMENT
300 BROOKSIDE AVENUE
AMBLER, PA 19002

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 **01/23/2002,** 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 **60/560,723.** 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.
10/662,273	09/15/2003	Allan Wissner	AM101464

CONFIRMATION NO.

OC000000013038837

25291
WYETH
PATENT LAW GROUP
FIVE GIRALDA FARMS
MADISON, NJ 07940

Date Mailed: 06/23/2004

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 **01/23/2004,** 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 **60/560,724.** 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
www.uspto.gov

MAY 12 2004

CRAIG G. COCHENOUR
BUCHANAN INGERSOLL, P.C.
ONE OXFORD CENTRE, 20th FLOOR
301 GRANT STREET
PITTSBURGH PA 15219

In re Application of	:	
Robert J. Haririet al	:	
Serial No.: 10/106,653	:	CONVERSION TO PROVISIONAL
Filed: March 26, 2002	:	
Attorney Docket No.: 9516-10-899	:	

This is in response to applicants' request, filed March 21, 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, 703-872-9306.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600

Copied from 10106653 on 07/27/2004

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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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.
10/106,653	03/26/2002	Robert J. Hariri	011410

CONFIRMATION NO.

OC000000013038699

CRAIG G. COCHENOUR
BUCHANAN INGERSOLL, P.C.
ONE OXFORD CENTRE, 20th FLOOR
301 GRANT STREET
PITTSBURGH, PA 15219

Date Mailed: 06/23/2004

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 **03/21/2003,** 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 **60/560,725.** 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
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/731,182	12/08/2003	Jason S. Douglas	CC-0214AA-01

CONFIRMATION NO.

Richard J. Hammond
5218 Riverbend Blvd.
Baton Rouge, LA 70820

OC000000012944671

Date Mailed: 06/14/2004

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 **05/06/2004,** 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 **60/560,726.** 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
www.uspto.gov

Winston Hsu
NAIPO
P.O. Box 506
Merrifield, VA 22116

In re Application of	:
Sheng-Jie Chen et al	: DECISION GRANTING
Application No. 60/560,727	: PETITION
Filed: June 17, 2003	:
Attorney Docket No. ACMP0078USA	:

This is a decision on the request under 37 CFR 1.53(c)(2) filed by facsimile on January 30, 2004, requesting that application No. 10/462,794 be converted to a provisional application.

The application papers filed on June 17, 2003 included, inter alia, 17 pages of specification including 15 claims, an abstract page (page number 18), a signed declaration, and 13 sheets of drawings.

On November 17, 2003, Technology Center 2600 of the U.S. Patent and Trademark Office (Office) mailed a letter to applicants stating that the 13 sheets of drawings do not appear to be consistent with the disclosure and claims.

On December 31, 2003, as stated in the present request under 37 CFR 1.53(c)(2), applicants filed a separate nonprovisional application directed to the same subject matter as application No. 10/462,794. Applicants state that the separate nonprovisional application includes the correct drawings and was assigned application No. 10/707,663.

On January 30, 2004, the present request under 37 CFR 1.53(c)(2) was filed. Applicants state that due to a clerical error, incorrect drawings were originally filed in application No. 10/462,794. Applicants request that application No. 10/462,794 be converted to a provisional application of which benefit may be claimed under 35 U.S.C. § 119(e) in a separate nonprovisional application (e.g., application No. 10/707,663).

Charging the required $50.00 processing fee to deposit account No. 50-0801 was authorized in a supplemental communication filed February 3, 2004.

A provisional application must contain a written description as prescribed by 35 U.S.C. § 112, 1st paragraph, and "a drawing where necessary for the understanding of the subject matter sought to be patented." (35 U.S.C. § 113.) Without considering or surmising what subject matter applicants may seek to patent in a later-filed nonprovisional application (including application No. 10/707,663), the request under 37 CFR 1.53(c)(2) may be granted because it is likely that a 17

Copied from 10462794 on 04/22/2005

page specification, not accompanied by any drawing, adequately describes something (e.g., a method) which applicants regard as their invention.

In view of the above, the request under 37 CFR 1.53(c)(2) is granted such that the application papers filed June 17, 2003 (Attorney Docket No. ACMP0078USA) have been converted to provisional application No. 60/560,727, having a filing date of June 17, 2003.

In view of this decision, Office records have been changed to show that application No. 10/462,794 has been inactivated.

After mailing this decision, the required $50.00 processing fee will be charged to deposit account No. 50-0801 as authorized in the supplemental communication filed February 3, 2004.

The filing receipt for the provisional application No. 60/560,727 will be mailed in due course.

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

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

Copied from 10462794 on 04/22/2005

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UNITED STATES DEPARTMENT OF COMMERCE
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/462,794	06/17/2003	Sheng-Jie Chen	ACMP0078USA

CONFIRMATION NO.

027765
NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. BOX 506
MERRIFIELD, VA 22116

OC000000012772577

Date Mailed: 05/25/2004

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 **01/30/2004,** 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 **60/560,727.** 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

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Copied from 10462794 on 04/22/2005

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/762,578	01/23/2004	Markus Hermann Heim	UNIBAS0011

CONFIRMATION NO.

OC000000012963079

24203
GRIFFIN & SZIPL, PC
SUITE PH-1
2300 NINTH STREET, SOUTH
ARLINGTON, VA 22204

Date Mailed: 06/16/2004

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 **60/560,728.** 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.
10/730,178	12/08/2003	Matthew L. Strange	CC-0214AB-01

CONFIRMATION NO.

OC000000012963524

Richard J. Hammond
5218 Riverbend Blvd.
Baton Rouge, LA 70820

Date Mailed: 06/17/2004

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 **05/06/2004,** 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 **60/560,729.** 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.
10/774,289	02/09/2004	Matthew L. Strange	CC-0214AB-CIP

CONFIRMATION NO.

OC000000012967370

Richard J. Hammond
5218 Riverbend Blvd.
Baton Rouge, LA 70820

Date Mailed: 06/16/2004

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 **05/06/2004,** 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 **60/560,730.** 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.
10/774,748	02/09/2004	Amy E. Nelson	130109.519

CONFIRMATION NO.

OC000000013035936

00500
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 6300
SEATTLE, WA 98104-7092

Date Mailed: 06/23/2004

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 **05/14/2004,** 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 **60/560,731.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/671,192	09/24/2003	Kevin S. Holle	40353.9US01

CONFIRMATION NO.

OC000000013066998

23552
MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

Date Mailed: 06/25/2004

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 **02/20/2004,** 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 **60/560,733.** 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.
10/454,997	06/05/2003	Ying Sun	ENP-061

CONFIRMATION NO.

OC000000013116329

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

Date Mailed: 06/30/2004

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 **03/26/2004,** 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 **60/560,734.** 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
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MAY - 4 2004

ENANTA PHARMACEUTICALS, INC.
ATTN: PATENT DEPT.
500 ARSENAL STREET
WATERTOWN MA 02472

In re Application of	:	
Ying Sun et al	:	
Serial No.: 10/454,997	:	CONVERSION TO PROVISIONAL
Filed: June 5, 2003	:	
Attorney Docket No.: ENP-061	:	

This is in response to applicants' request, filed March 26, 2004, to convert this application to a provisional application.

The petition fee of $50.00 for this petition will be charged to applicants' Deposit Account No. 50-2010, as directed.

In view of the Office action mailed December 16, 2003, a one month extension of time and fee therefor is also require4d and the extension of time fee of $55.00 willo also be charged to applicants' Deposit Account No. 50-2010, as directed.

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, 703-872-9306.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600

Copied from 10454997 on 07/27/2004

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/668,688	09/23/2003	Guoqiang Wang	ENP-064

CONFIRMATION NO.

OC000000013278466

000038473
ELMORE CRAIG, P.C.
209 MAIN STREET
N. CHELMSFORD, MA 01863

Date Mailed: 07/20/2004

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 **05/20/2004,** 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 **60/560,735.** 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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JUN - 9 2004

ELMORE CRAIG, P.C.
209 MAIN STREET
N. CHELMSFORD MA 01863

In re Application of	:
Guoqiang Wang et al	:
Serial No.: 10/668,688	: CONVERSION TO PROVISIONAL
Filed: September 23, 2003	:
Attorney Docket No.: ENP-064	:

This is in response to applicants' request, filed May 20, 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, 703-872-9306.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600

Copied from 10668688 on 07/27/2004

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/803,861	03/17/2004	Arnold C. Takemoto	ATAKEM-001-USA-U

CONFIRMATION NO.

OC000000013170187

Gregory Shen
4959 Lorraine Drive
San Diego, CA 92115

Date Mailed: 07/07/2004

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 **03/18/2004,** 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 **60/560,736.** 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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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/373,306	02/24/2003	Philip J. Brondsema	62424

CONFIRMATION NO.

OC000000013286999

00109
THE DOW CHEMICAL COMPANY
INTELLECTUAL PROPERTY SECTION
P. O. BOX 1967
MIDLAND, MI 48641-1967

Date Mailed: 07/21/2004

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 **01/22/2004,** 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 **60/560,737.** 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.
09/834,182	04/12/2001	John F. Wironen	RTI-110IC

CONFIRMATION NO.

OC000000013395718

29847
BEUSSE BROWNLEE WOLTER MORA & MAIRE
390 N. ORANGE AVENUE
SUITE 2500
ORLANDO, FL 32801

Date Mailed: 07/30/2004

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 **12/06/2001,** 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 **60/560,738.** 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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JAN 30 2004

td

Mailed:

In re application of :
Mark Kinkelaar et al. : DECISION ON
Serial No. 09/897,782 : PETITION
Filed: June 29, 2001 :
For: LIQUID FUEL CELL RESERVOIR FOR WATER AND/OR FUEL MANAGEMENT

This is a decision on the PETITION UNDER 37 CFR 1.53(c)(2) TO CONVERT A REGULAR APPLICATION TO A PROVISIONAL APPLICATION and the PETITION UNDER 37 CFR 1.59 TO EXPUNGE THE OFFICE ACTION mailed June 2, 2003.

DECISION

37 CFR 1.53(c)(2) states:

> 2) An application for patent filed under paragraph (b) of this section may be converted to a provisional application and be accorded the original filing date of the application filed under paragraph (b) of this section. The grant of such a request for conversion will not entitle applicant to a refund of the fees that were properly paid in the application filed under paragraph (b) of this section. Such a request for con-version must be accompanied by the processing fee set forth in § 1.17(q) and be filed prior to the earliest of:
>
> (i) Abandonment of the application filed under paragraph (b) of this section;
>
> (ii) Payment of the issue fee on the application filed under paragraph (b) of this section;
>
> (iii) Expiration of twelve months after the filing date of the application filed under paragraph (b) of this section; or
>
> (iv) The filing of a request for a statutory invention registration under § 1.293 in the application filed under paragraph (b) of this section.

The instant application was filed as a non-provisional application on June 29, 2001. The instant petition to convert was filed on June 25, 2002 which falls within one year of the filing date of the instant application. There has been no abandonment of the application and no payment of an issue fee. Lastly, the processing fee set forth in 37 CFR 1.17(q) has been submitted with the instant petition. Because the requirements set forth in 37 CFR 1.52(c)(2) have been met, conversion of the instant application to a provisional application is appropriate. Accordingly the petition is GRANTED.

Petitioner has also requested that the office action mailed June 2, 2003 be expunged from the instant application.

37 CFR 1.59 states:

> **§ 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.

The instant application is to be converted to a provisional application based on the petition filed under 37 CFR 1.53(c)(2). Said petition was originally filed on June 25, 2002. This is well before the mailing date of the office action that petitioner desires to be expunged. Therefore, said office action should not have been prepared and mailed out. In addition, the fee set forth in 37 CFR 1.17(h) has been submitted in conjunction with this request. Accordingly, the petition to expunge the office action mailed June 2, 2003 is GRANTED.

In conclusion, the instant non-provisional application is to be converted to a provisional application and the office action mailed June 2, 2003 will be expunged. The application is being forwarded to the appropriate office for the conversion of the application to provisional status.

Jacqueline M. Stone, Director
Technology Center 1700
Chemical and Materials Engineering

ARENT FOX KINTNER PLOTKIN & KAHN
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON DC 20036

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/897,782	06/29/2001	Mark R. Kinkelaar	124-770

CONFIRMATION NO.

OC000000013396109

004372
ARENT FOX KINTNER PLOTKIN & KAHN
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

Date Mailed: 07/30/2004

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 **06/25/2002,** 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 **60/560,740.** 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. 6

In re Application of:
WATKINS ET AL.
Serial No.: 10/032,233
Filed: December 20, 2001
For: BUTYRYLCHOLINESTERASE VARIANT POLYPEPTIDES WITH INCREASED CATALYTIC EFFICIENCY AND METHODS OF USE

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.53, filed December 20,2002, 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

CAMPBELL & FLORES LLP
7th Floor
4370 La Jolla Village Drive
San Diego, CA 92122

Copied from 10032233 on 08/31/2004

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AUG 24 2004

JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

In re Application of	:
Mitch Raponi	:
Serial No.: 10/611,446	: CONVERSION TO PROVISIONAL
Filed: JULY 1, 2003	:
Attorney Docket No.: ADS-5001	:

This is in response to applicants' request, filed July 1, 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 Jean F. Vollano . by letter addressed to the Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0648 or by facsimile transmission at Office facsimile number, 703-872-9306.

Jean F. Vollano
Special Program Examiner
Technology Center 1600

Copied from 10611446 on 09/29/2004

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/751,064	01/05/2004	Eugene Dennis Zagorsky	

CONFIRMATION NO.

OC000000013679898

EUGENE D. ZAGORSKY
41 HAWTHORNE AVE
Central Islip, NY 11722-2420

Date Mailed: 08/31/2004

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 **07/27/2004,** 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 **60/560,746.** 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, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
~~10/779,473~~ 60560747	02/14/2004	Herman Schmit	TBUL.P0001

CONFIRMATION NO.

OC000000015362333

48947
STATTLER, JOHANSEN, AND ADELI LLP
1875 CENTURY PARK EAST SUITE 1050
CENTURY CITY, CA 90067

Date Mailed: 03/07/2005

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 **09/16/2004,** 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 **60/560,747.** 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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SEP – 1 2004

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

In re Application of	:
Nikhilesh N. Singh et al	:
Serial No.: 10/646,659	: CONVERSION TO PROVISIONAL
Filed: August 21, 2003	:
Attorney Docket No.: 022205-000300	:

This is in response to applicants' request, filed August 9, 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, 703-872-9306.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600

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SEP - 2 2004

NIXON & VANDERHYE, PC
1100 N GLEBE ROAD
8TH FLOOR
ARLINGTON VA 22201-4714

In re Application of	:
Edward D. Hyman	:
Serial No.: 10/396,880	: CONVERSION TO PROVISIONAL
Filed: March 25, 2003	:
Attorney Docket No.: 4481-2	:

This is in response to applicants' request, filed January 2, 2004, 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, 703-872-9306.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600

Copied from 10396880 on 10/06/2004

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/665,279	09/17/2003	Brenda F. Baker	23546-08148 (RTS-0618US)

CONFIRMATION NO.

OC000000014332968

35807
FENWICK & WEST LLP
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94014

Date Mailed: 11/10/2004

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 **09/16/2004,** 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 **60/560,750.** 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 24 2004

FOLEY AND LARDNER
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

In re Application of	:	
Peter Bach et al	:	
Serial No.: 10/698,011	:	CONVERSION TO PROVISIONAL
Filed: October 31, 2003	:	
Attorney Docket No.: 085747-0303	:	

This is in response to applicants' request, filed April 6, 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 Jean F. Vollano . by letter addressed to the Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0648 or by facsimile transmission at Office facsimile number, 703-872-9306.

Jean F. Vollano
Special Program Examiner
Technology Center 1600

Copied from 10698011 on 10/06/2004

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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
60/560,800	04/07/2004		160	490963002800	4		

CONFIRMATION NO. 8853

CORRECTED FILING RECEIPT

OC000000013570151

25224
MORRISON & FOERSTER, LLP
555 WEST FIFTH STREET
SUITE 3500
LOS ANGELES, CA 90013-1024

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)

Takuo Miyagishima, Torrance, CA;
John James Galt, Glendale, CA;

If Required, Foreign Filing License Granted: 05/31/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Anamorphic three-perforation imaging 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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BARNES & THORNBURG
P.O. BOX 2786
CHICAGO, IL 60690-2786

COPY MAILED

OCT 19 2004

OFFICE OF PETITIONS

In re Application of
Seiler
Application No. 60/560,806
Filed: April 8, 2004
Attorney Docket No. 35302-94796

ON PETITION

This is a decision on the petition filed July 19, 2004, requesting, in effect, that the Notice of Omitted Item(s) mailed June 1, 2004, be withdrawn.

The petition is **dismissed**.

The application was filed on April 8, 2004.

On June 1, 2004, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s)" stating that the application had been accorded a filing date of April 8, 2004, and advising applicants that Figure 4 appeared to have been omitted.

In response, the present petition was filed. Petitioner alleges that 7 sheets of drawings were filed and the file record verifies this allegation. However, a review of the drawings indicates that Figure 4 was not filed with the original application and that the Notice of Omitted Items was correctly mailed. A drawing labeled Figure 4 is not present.

Further correspondence with respect 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
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.

The Office of Initial Patent Examination will be instructed that the petition was dismissed.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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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
60/561,043	04/09/2004		80	UTA1100	3		

CONFIRMATION NO. 2024

CORRECTED FILING RECEIPT

OC000000013395201

LISA A. HAILE
GRAY CARY WARE & FREIDENRICH
Suite 1100
4365 Executive Drive
San Diego, CA 92121-2133

Date Mailed: 07/30/2004

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)

Jason Avent, Austin, TX;
Neel Naik, Austin, TX;
Tom J. Mabry, Austin, TX;

If Required, Foreign Filing License Granted: 06/17/2004

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Betalain freshness indicator and preservative of product quality

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
60/561,044	04/09/2004		80	UTA1110			

CONFIRMATION NO. 2031

CORRECTED FILING RECEIPT

OC000000013627448

LISA A. HAILE
GRAY CARY WARE & FREIDENRICH
Suite 1100
4365 Executive Drive
San Diego, CA 92121-2133

Date Mailed: 08/24/2004

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)

Benny D. Freeman, Austin, TX;
Haiging Lin, Austin, TX;

If Required, Foreign Filing License Granted: 06/17/2004

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Solubility selective membrane materials for acid gas removal from mixtures with light gases

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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.

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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
60/561,102	04/09/2004		160	817.1026p-2	42		

CONFIRMATION NO. 1651

23280
DAVIDSON, DAVIDSON & KAPPEL, LLC
485 SEVENTH AVENUE, 14TH FLOOR
NEW YORK, NY 10018

CORRECTED FILING RECEIPT

OC000000014427740

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)

Ehud Arbit, Tarrytown, NY;
Michael Goldberg, Tarrytown, NY;
Shingai Majuru, Tarrytown, NY;

Power of Attorney:

Cary Kappel–36561

If Required, Foreign Filing License Granted: 06/10/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/561,102

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

Non-Publication Request: No

Early Publication Request: No

Title

Oral insulin therapies and protocol

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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Hedman & Costigan, P.C.
James V. Costigan
1185 Avenue of the Americas
New York NY 10036-2646

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AUG 1 3 2004
OFFICE OF PETITIONS

In re Application of :
Greenfield :
Filed: April 8, 2004 : ON PETITION
Application No. 60/561,120 :
Atty. Dkt. No.: 1361-001 :

This decision is in response to the "PETITION FOR A FILING DATE", filed July 6, 2004, requesting that the above-identified application be accorded a filing date of April 8, 2004.

The application was filed April 8, 2004. The Office of Initial Patent Examination mailed a Notice of Incomplete Provisional Application on June 14, 2004. The Notice indicated that the application had not been accorded a filing date because the application was deposited without drawings as required under 35 USC 113 (first sentence).

In response, the present petition was filed wherein petitioner argues that the application as deposited included one drawing sheet containing one figure. Petitioner has included as proof of mailing and proof of receipt of the drawing sheet in question a return postcard date stamped by the Office on April 8, 2004. A copy of the drawing sheet featuring Fig. 1 purportedly filed with the application on April 8, 2004 was also supplied.

The original drawing sheet featuring Fig. 1 has not been located. However, in view of the evidence presented, the petition to accord the instant application a filing date of April 8, 2004 is GRANTED. Furthermore, the Notice is hereby WITHDRAWN.

Since the original drawing sheet featuring Fig. 1 cannot be located in the Office, the copy of the drawing sheet featuring of Fig. 1 supplied with the instant petition will be used for examination purposes.

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 April 8, 2004.

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

Paper No. None

Yaron Mayer
21 Ahad Haam Street
Jerusalem 92151 IL ISRAEL

COPY MAILED

SEP 14 2004

OFFICE OF PETITIONS

In re Application of
Yaron Mayer
Application No. 60/561,160
Filing Date: April 9, 2004
Title: SYSTEM AND METHOD FOR SECURE COMMUNICATIONS

DECISION ON PETITION
UNDER 37 C.F.R. §1.10(C)

BACKGROUND

This is a decision on the petition filed August 20, 2004, requesting that the above-identified application be accorded a filing date of April 8, 2004.

On April 9, 2004, the above-identified application was received in the Office. The Office of Initial Patent Examination mailed Petitioner's filing receipt, indicating that the application had been accorded the date of receipt as the filing date.

In response, on August 20, 2004, applicants filed the present petition. Petitioner has included a copy of a mailing label from the Israeli Postal Authority and a print-out of the tracking results from the USPS website. Unfortunately, the quality of the photocopy is so poor that the tracking number for the mailing label cannot be discerned by the undersigned. Furthermore, it does not appear that any date is listed on the mailing label. Applicants request that the application be accorded a filing date of April 8, 2004.

THE RELEVANT PORTION OF THE MPEP

37 C.F.R. § 1.10 Filing of correspondence by "Express Mail" sets forth, in part:

(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 Director 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.

[48 FR 2708, Jan. 20, 1983, added effective Feb. 27, 1983; 48 FR 4285, Jan. 31, 1983, paras. (a) & (c), 49 FR 552, Jan. 4, 1984, effective Apr. 1, 1984; paras. (a)-(c) revised and paras. (d) - (f) added, 61 FR 56439, Nov. 1, 1996, effective Dec. 2, 1996; paras. (d) & (e) revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (a) revised, 67 FR 36099, May 23, 2002, effective June 24, 2002; paras. (c), (d), (d)(3), (e) & (e)(4) revised, 68 FR 14332, Mar. 25, 2003, effective May 1, 2003; para. (a)(1) revised, 68 FR 48286, Aug. 13, 2003, effective Sept. 12, 2003]

ANALYSIS

Unfortunately, 37 C.F.R. §1.10(c) pertains only to mailings which were delivered by the "Express Mail Post Office to Addressee" service of the USPS. Since the instant application was sent to the Office via the Israeli Postal Authority, 37 C.F.R. §1.10(c) does not apply. As such, Petitioner cannot rely on this mailing label to establish an earlier filing date.

CONCLUSION

Therefore, this petition is **DISMISSED**.

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

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0011. 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

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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S.C. JOHNSON & SON, INC.
1525 HOWE STREET
RACINE WI 53403-2236

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DEC 2 1 2007

OFFICE OF PETITIONS

In re Application of
Turvey, et al.
Application No. 60/561,497
Filed: April 13, 2004
Attorney Docket No. J-3928

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.10(d) first filed on October 15, 2007.

The petition is **dismissed.**

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

The instant petition was filed to correct what petitioner believed was an incorrect filing date accorded the above-cited application. Petitioner maintains that the correct filing date for the application should be April 12, 2004, not the currently accorded date of April 13, 2004. In support thereof, petitioner filed an a copy of Express Mail label, tracking number EV32704128US with the date-in as April 13, 2004. Petitioner maintains that "date-in" should have been April 12, 2004.

Section 1.10(d) of the Title 37 of the Code of Federal Regulations indicates if a showing is made that the "date-in" on the Express Mail label was incorrectly entered or omitted by the United States Postal Service, a petition to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the United States Postal Service, 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 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) the petition includes a showing which established, 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 instant petition does not satisfy the requirements of item (1) above.

A grantable petition under 37 CFR 1.10(d) requires that the petition be filed promptly after petitioner becomes aware that the Office will accord, or has accorded, the application an incorrect filing date. This application was filed on April 13, 2004, yet the instant petition to correct the filing date was not filed until more than three years after the filing date was accorded. Petitioner must explain when petitioner discovered that the filing date was incorrect and provide an explanation for the delay in filing the instant petition.

The address cited on the petition differs from the address of record. Although a courtesy copy of this decision is being mailed to the address cited on the petition, all future correspondence will be mailed solely to the address of record until appropriate written instructions to the contrary are received.

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

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

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

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

Kenya A. McLaughlin
Petitions Examiner
Office of Petitions

cc:
Thomas P. Riley
McCracken & Frank, LLP
200 W. Adams, Suite 2150
Chicago, IL 606060

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

DAVID J MARR
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105 W ADAMS ST
36TH FLOOR
CHICAGO IL 60603-6299

COPY MAILED

SEP 20 2004

OFFICE OF PETITIONS

In re Application of	:	
Donald L. Wade	:	
Application No. 60/561,729	:	DECISION ON PETITION
Filed: April 13, 2004	:	
Attorney Docket No. 2152/41703	:	

This is in response to the "RESPONSE TO NOTICE OF OMITTED ITEM(S) IN A PROVISIONAL APPLICATION", FILED July 2, 2004, which is being treated as a petition under 37 CFR 1.53 to accord the above identified application a filing date of April 13, 2004, with Figures 6, 6a - 6c of the drawings as part of the original disclosure.

The petition is **DISMISSED**.

The application was deposited on April 13, 2004. However, on May 28, 2004, the Initial Patent Examination Division mailed a "Notice of Omitted Item(s) in a Provisional Application". The Notice informed Applicant that the application had been accorded a filing date; however, Figures 6, 6a - 6c of the drawings appeared to have been omitted.

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 6, 6a-6c).

Applicant instead chose to file Figures 6, 6a-6c on July 2, 2004.

Applicant is advised that there is no option of amending the provisional application. Amendments to provisional applications may not be entered.[1] Furthermore:

> 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.[2]

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 April 13, 2004, using the application papers filed on that date, and an indication that Figures 6, 6a-6c were NOT present on filing and that no drawing Figures 6, 6a-6c are part of the provisional application disclosure.

Telephone inquiries concerning this decision should be directed to Petitions Attorney Cliff Congo at (703)305-0272.

for Charles Pearson
Director
Office of Petitions

---

[1] See 37 CFR 1.121(k).

[2] MPEP 601.01(d).

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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
60/561,808	04/13/2004		160	0275Y-000879	6		

CONFIRMATION NO. 4196

CORRECTED FILING RECEIPT

27572
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

OC000000014117759

Date Mailed: 10/18/2004

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)

Uday S. Deshpande, Baltimore, MD;
Bhanuprasad V. Gorti, Abingdon, MD;
Jason R. Melvin, Baltimore, MD;
Gregory A. Rice, Aberdeen, MD;
David Wikle, York, PA;

Power of Attorney:
Roland Fuller III--31160

If Required, Foreign Filing License Granted: 06/17/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/561,808

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

Non-Publication Request: No

Early Publication Request: No

Title

Low profile electric sander

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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FOLEY & LARDNER LLP
1530 PAGE MILL ROAD
PALO ALTO, CA 94304

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MAR 14 2005

OFFICE OF PETITIONS

In re Application of :
Smith et al. :
Application No. 60/562,090 : ON PETITION
Filed: April 12, 2004 :
Attorney Docket No. :
355908-0200 :

This is a decision on the Petition Under 37 CFR 1.10 to Accord Patent Application a Filing Date, filed January 28, 2005, requesting the above-identified application be accorded the filing date of April 12, 2004, using the application papers filed with the instant petition. The petition is properly treated under 37 CFR 1.10(e).

The petition is **dismissed as moot.**

Applicant alleges the application was deposited in Express Mail service with the U.S. Postal Service, on April 12, 2004. Applicant states that he has not received a Filing Receipt, nor has his filing fee check been cashed by this Office.

A review of Office records reveal that the above-identified application was filed in this Office on April 12, 2004, and received a filing date of April 12, 2004. Also, the filing fee, paid by check, was received on April 12, 2004, and bears an accounting date of April 16, 2004. Office records further reveal that the correspondence address was incorrect. A review of the Provisional Application Transmittal filed with the application on April 12, 2004 reveal that the Customer Number thereon, 37706, was invalid. The correct Customer Number, 38706, has been entered and made of record.

A Corrected Filing Receipt, indicating the correct correspondence address, accompanies this decision.

Telephone inquiries related to this decision may 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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SUITE 2400
AUSTIN TX 78701

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AUG 2 3 2005

OFFICE OF PETITIONS

In re Application of :
Sheng Xiao :
Application No. 60/562,142 :
Deposited: April 14, 2004 :
Attorney Docket No. PART:009USP1 :
Title of Invention: Use of RPL41 To Treat Infections And Inhibit Cancer :

DECISION GRANTING PETITION

This is a decision on the petition filed July 21, 2005 (certificate of mailing July 18, 2005), requesting that the above-identified provisional application be accorded a filing date of April 14, 2004.

The application was deposited on April 14, 2004. However, on May 17, 2005, the Office of Initial Patent Examination (OIPE) 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, on July 21, 2005, 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 April 14, 2004 filing date without any 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 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. Deposit account 50-1212 is being refunded the $400.00 petition fee.

Petitioner is reminded the provisional application would not be considered pending after 12 months from its filing date.

The application will be processed with only the papers present on filing and is hereby accorded a filing date of **April 14, 2004**, without drawings as part of the original disclosure

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

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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
60/562,149	04/13/2004		160	018512-010700US			

CONFIRMATION NO. 5752

CORRECTED FILING RECEIPT

OC000000015730832

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

Date Mailed: 04/14/2005

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)

Xiaodong Wang, Chapel Hill, NC;
Kerry Leigh Spear, Cambridge, MA;
Alan Bradley Fulp, Willow Spring, NC;
Darrick Seconi, Cary, NC;
Takeshi Suzuki, Ibaraki, JAPAN;
Takahiro Ishii, Ibaraki, JAPAN;
Ayako Moritomo, Ibaraki, JAPAN;

Power of Attorney: The patent practitioners associated with Customer Number **20350**.

If Required, Foreign Filing License Granted: 06/14/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/562,149

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

Non-Publication Request: No

Early Publication Request: No

Title

Pyrazinyl as potassium ion channel modulators

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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MAY 1 3 2005

OFFICE OF PETITIONS

In re Application of :
Nyles W. Harris :
Application No. 60/562,226 : DECISION ON PETITION
Filed: April 15, 2004 :
Attorney Docket No. 4626-0102PUS1 :

This is a decision on the petition filed August 6, 2004, to accord the above-identified application a filing date of April 15, 2004.

The petition is **GRANTED**.

The application was deposited on February 6, 2004. However, on June 18, 2004, 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 petition, applicant has not submitted *prima facie* evidence (i.e. an itemized USPTO date stamped postcard receipt) to establish that the drawings figures submitted on petition were also present on filing. See MPEP 503.

However, 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 a method claim - claim number 20. 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 June 18, 2004 was mailed in error and is hereby **withdrawn**.

As the instant petition was due to USPTO error, the $130 petition fee has been refunded to Deposit Account No. 02-2448.

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 15, 2004, using the application papers submitted on that date (1 transmittal page, 14 pages of specification, 4 pages of claims, and 1 abstract page) 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 (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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600 CONGRESS AVE
SUITE 2400
AUSTIN TX 78701

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OCT 17 2005

OFFICE OF PETITIONS

In re Application of :
Sutovsky, et al. :
Application No. 60/562,526 : DECISION GRANTING PETITION
Filed: April 15, 2004 :
Attorney Docket No. UVMO:033USP1 :

This is a decision on the "I. PETITION UNDER 37 C.F.R. 1.53(e)(2) TO ACCORD FILING DATE FOR INFORMATION SUBMITTED AND II. RESPONSE TO NOTICE TO FILE MISSING PARTS OF PROVISIONAL APPLICATION FILED UNDER 37 C.F.R. 1.53(C)", filed August 26, 2005, to accord the above-identified application a filing date of April 15, 2004, with a CD of the sequence listing as part of the original disclosure.

The petition is **GRANTED.**

Application papers in the above-identified application were filed on April 15, 2004. However, on June 23, 2005, the Initial Patent Examination Division mailed applicants a "Notice to File Missing Parts of Provisional Application." Applicants were instructed to submit a provisional application cover sheet identifying the residence of each inventor, together with a surcharge for its late filing. In addition, applicants were notified the application papers **had** been accorded a filing date of April 15, 2004; however, the CD of the sequence listing appeared to have been omitted.

In response, applicants filed the present petition. Applicants have submitted a CD of the sequence listing, together with a postcard receipt identifying the application, itemizing "CD w/sequence listing" as enclosed, and bearing a USPTO date stamp of April 15, 2004.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office.[1]

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

Given the basis for granting this petition, the $400 petition fee has been refunded to Deposit Account No. 50-1212.

The application is being returned to the Office of Initial Patent Examination for further processing using the papers filed on April 15, 2004 and the items supplied on August 26, 2005.

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

Cliff Congo
Petitions Attorney
Office of Petitions

[1] See MPEP 503.

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LEYDIG VOIT & MAYER, LTD.
(ROCKFORD OFFICE)
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STESTON AVENUE
CHICAGO IL 60601-6780

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OFFICE OF PETITIONS

In re Application of	:	
Edward Adkins	:	DECISION DISMISSING
Application No. 60/562,648	:	PETITION
Filed: July 6,2004	:	
Attorney Docket No. 502504	:	
Title of Invention: Adjustable	:	
Guide Rail For Circulation Saws and	:	
Jig Saw	:	

This is a decision on the petition filed April 15, 2005, requesting that the above-identified provisional application be accorded a filing date of April 15, 2004. The petition was filed under 37 CFR 1.10(c), but is properly treated under 37 CFR 1.182.

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.

The application was deposited on April 15, 2004. However, on June 15, 2004, 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 a specification.

In response, on July 6, 2004, the specification was filed and filing date of July 6, 2004 was granted.

In the present petition, petitioner states that the numerous drawing views as originally filed with the notation on each page describing the objects depicted thereon Adjustable Guide Rail For Circulation Saws and Jig Saw provide a thoroughly enabling disclosure for those having skill in the art, and meeting the requirements of 35 USC §112, first paragraph, and 37 CFR § 1.53(c).

Petitioner's argument has been considered but is not persuasive. Petitioner was provided with a two month time period to provide any assertions that the specification had been submitted or that a specification was not necessary for a filing date. Petitioner did not do so. Instead, petitioner submitted a specification on July 6, 2004 and the application was accorded that filing date. Further, the provisional application is no longer pending as the 12 month period expired on July 7, 2005.

Petitioner's contention the application was entitled to the filing date of April 15, 2004 pursuant to 37 CFR 1.10(c) is not convincing. Pursuant to 35 U.S.C. 111(b)(4) the filing date of a provisional application shall be the date on which the specification and any required drawings are received in the Patent and Trademark Office. Petitioner failed to submit the specification, nor was an argument presented that the specification was necessary and as such petitioner was not entitled to a filing date. Accordingly the use of Express Mail where a complete application is not provided does not entitle petitioner to a filing date.

Deposit account no. 12-1216 will be charged the $400.00 petition fee.

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

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

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

Charlema R. Grant
Petition Attorney
Office of Petitions

cc: Leydig, Voit & Mayer
6815 Weaver Road, Suite 300
Rockford, Illinois 61114-8018

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(ROCKFORD OFFICE)
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STESTON AVENUE
CHICAGO IL 60601-6780

In re Application of	:	
Edward Adkins	:	DECISION DISMISSING
Application No. 60/562,648	:	PETITION
Filed: July 6,2004	:	
Attorney Docket No. 502504	:	
Title of Invention: Adjustable	:	
Guide Rail For Circulation Saws and	:	
Jig Saw	:	

This is a decision on the renewed petition filed November 29, 2005, requesting that the above-identified provisional application be accorded a filing date of April 15, 2004.

The application was deposited on April 15, 2004. However, on June 15, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Provisional Application" ("Notice") advising applicants that the application papers had not been accorded a filing date because the application was deposited without a specification.

In response, on July 6, 2004, the specification was filed and filing date of July 6, 2004 was granted.

In the present petition, petitioner reasserts the previous argument that the numerous drawing views as originally filed with the notation on each page describing the objects depicted thereon Adjustable Guide Rail For Circulation Saws and Jig Saw provide a thoroughly enabling disclosure for those having skill in the art, and meeting the requirements of 35 USC §112, first paragraph, and 37 CFR § 1.53(c). Petitioner contends, applicants were compelled to submit a specification for fear of the applications termination.

Petitioner insist the Notice of Incomplete Provisional Application required a the submission of the specification within

two months to avoid termination. The Notice very clearly states:

> "Any assertions that the items required were (the specification) submitted, or are not necessary for a filing date, **must** be by way of a petition..."

In other words, if petitioner believed a specification had been submitted or that a specification was not required, a petition stating applicants position needed to be filed within the two month period of time. If petitioner did not believe a specification was required, a specification should not have been filed and a petition arguing that no specification was required would have been petitioner's reply to the Notice.

In addition to the Notice of Incomplete Provisional Application, 37 CFR 1.53 (e) and the Manual of Patent Examining Procedure ("MPEP") 506.02 clearly inform a petitioner of the proper manner to respond to a Notice indicating a specification or drawings were missing on filing.

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.

Nonetheless, since the petition contains a statement that the drawings provided meet the requirements of the first paragraph of 35 USC 112[1] and the petition is signed by a registered practitioner the application will be accorded the requested filing date.

The preliminary amendment filed on July 6, 2004 will not be entered and it will not be considered as part of the original disclosure

As to petitioner's contention that the petition fee is $130.00, petitions filed under 37 CFR 1.53(e) and 37 CFR 1.182 must be accompanied by the fee set forth in 37 CFR 1.17(f).

---

[1] 35 U.S.C. 112 (First Paragraph)
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 CFR 1.17(h) covers petitions involving:

§ 1.19 (g)—to request documents in a form other than provided in this part.
§ 1.84 —for accepting color drawings or photographs.
§ 1.91 —for entry of a model or exhibit.
§ 1.102(d)—to make an application special.
§ 1.138(c) —to expressly abandon an application to avoid publication.
§ 1.313 —to withdraw an application from issue.
§ 1.314 —to defer issuance of a patent.

The present petition does not involve any of the topics listed under 37 CFR 1.17(h)

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

The application will be processed with only the papers present on filing and is hereby accorded a filing date of **April 15, 2004**.

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

cc: Leydig, Voit & Mayer
6815 Weaver Road, Suite 300
Rockford, Illinois 61114-8018

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AUSTIN TX 78701

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SEP 2 6 2005

OFFICE OF PETITIONS

In re Application of :
Ryu et al. :
Application No. 60/562,833 : ON PETITION
Filed: April 16, 2004 :
Attorney Docket No. NBLE:013USP1 :

This is a decision on the petition filed August 31, 2005, requesting that the application be accorded a filing date of April 16, 2004, with a Compact Disc as part of the original disclosure.

On April 16, 2004, applicants filed the above-identified provisional application. However, on June 27, 2005, 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 16, 2004, and advising applicants that a Compact Disc appeared to have been omitted.

In response, on August 31, 2005, applicants submitted, *inter alia*, the present petition, a $400.00 petition fee, and a copy of a Computer Readable Form of the Sequence Listing. Additionally, applicants submitted a copy of their returned, date-stamped postcard receipt acknowledging receipt of "CD w/sequence listing and paper copy" in the USPTO on April 16, 2004.

Upon review of the record, the Compact Disc, deposited on April 16, 2004, has not been located among the application papers. However, the evidence is convincing that the application papers deposited on April 16, 2004, included the Compact Disc, which was subsequently misplaced in the USPTO.

Therefore, the provisional application, including the Compact Disc, was complete on filing and will be granted a filing date of April 16, 2004.

Accordingly, the petition is granted.

The Notice of Omitted Item(s) in a Provisional Application was sent in error and is hereby vacated. Accordingly, no petition fee is necessary. The $400.00 petition fee will be credited to Deposit Account No. 50-1212.

The Office of Initial Patent Examination is directed **to accord the above-identified application a filing date of April 16, 2004,** using the papers submitted on that date, and the Compact Disc submitted on August 31, 2005, as part of the original disclosure.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
60/562,917	04/06/2004	Sharat Chander Nagra Karamyogi	

CONFIRMATION NO.

OC000000016760153

Sharat Chander Nagra Karamyogi
903 A Arjun Nagar, Basti Mithu
Near Bhatia Shop
Jalandhar, Punjab, 144002
INDIA

Date Mailed: 08/11/2005

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 **05/27/2005,** 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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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
60/562,917	04/06/2004	Sharat Chander Nagra Karamyogi	

CONFIRMATION NO. 1087

CONVERSION REQUEST

AIR MAIL
Sharat Chander Nagra Karamyogi
903 A Arjun Nagar, Basti Mithu
Near Bhatia Shop
Jalandhar, Punjab, 144002
INDIA

Date Mailed: 12/13/2007

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 **05/31/2005,** 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 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 (571) 272-4000, or 1-800-PTO-9199.

A copy of this notice MUST be returned with the reply.

JANICE L TIPPETT
Office of Initial Patent Examination

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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GENENTECH INC
1 DNA WAY
SOUTH SAN FRANCISCO CA 94080

COPY MAILED

MAY 27 2005

OFFICE OF PETITIONS

In re Application of Paul G. Brunetta and Kathryn L. Sewell Application No. 60/563,227 Filed: April 16, 2004 Attorney Docket No. PR2102	:	DECISION GRANTING PETITIONS UNDER § 1.48(e) and § 1.183

This is a combined decision on the petitions, filed January 31, 2005, under 37 CFR 1.48(e) and § 1.183 to waive the requirement under § 1.48(e)(2) for execution of the required statement by the inventor being deleted from the application.

The above-identified application was filed on April 16, 2004. On January 31, 2005, the instant request under § 1.48(e) was filed to amend the inventorship to delete joint inventor Mitchell J. Wong. Accompanying the petition were statements in support of the petition signed by inventors Brunetta and Sewell.

37 CFR 1.48(e) requires:

> (1) A request to correct the inventorship that sets forth the desired inventorship change;
>
> (2) A statement by the person or persons whose names are being deleted that the inventorship error occurred without deceptive intention on the part of such person or persons;
>
> (3) The processing fee set forth in § 1.17(q); and

(4) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

Petitioner has satisfied requirements (1), (3), and (4) above. The petition sets forth the desired inventorship change. Petitioner has paid the processing fee. The petition includes a statement signed by attorney Janet E. Hasak, who states that the assignee of record, Genentech, Inc., consents to the change in inventorship. In addition, the petition includes a statement from Sean A. Johnston, Vice President of Intellectual Property for Genentech, authorizing Hasak to execute on behalf of Genentech, as well as a copy of the Notice of Recordation of Assignment document.

Petitioner requests waiver of the requirement that Mitchell J. Wong sign the statement that the inventorship error occurred without deceptive intent. In support thereof, petitioner has provided a statement of facts by attorney Hasak, stating: (1) that Wong made a verbal indication to Genentech that he was not an inventor; (2) that Genentech mailed letters to Wong's last known address on August 6, 2004, September 7, 2004, and October 5, 2004, requesting that Wong sign the required statement under 37 CFR 1.48(e)(2).

Under 37 C.F.R. § 1.183, any requirement of the regulations, which is not a requirement of the statutes, may be waived by the Commissioner's designee in an extraordinary situation, when justice so requires. Waiver of the requirement is appropriate in this instance. The facts of the record do not present uncertainty as to this correction of inventorship. The assignee has given consent to the requested correction. Petitioner has shown that Wong has been given the opportunity to sign the statement under 37 CFR 1.48(e)(2), but refuses to do so.

Accordingly, the petition under § 1.183 is **GRANTED**.

In view thereof, the petition under § 1.48(e) is **GRANTED**.

Pursuant to petitioner's authorization, the following fees have been charged to Deposit Account No. 07-0630: $400 fee for the petition under 37 CFR § 1.183 (37 CFR § 1.17(f)), $50 processing fee (37 C.F.R. § 1.17(q)).

As the application is a provisional application, no further examination will be undertaken. The application file is being forwarded to Files Repository.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

Enc: Corrected Filing Receipt (2 pages)

UNITED STATES PATENT AND TRADEMARK OFFICE

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STITES & HARBISON, PLLC
400 W. MARKET STREET
LOUISVILLE, KY 40202-3352

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DEC 0 8 2004

OFFICE OF PETITIONS

In re Application of :
Ben T. Loftis et al : DECISION DISMISSING
Application No. 60/563,271 : PETITION
Effective Date: April 16, 2004 :
Attorney Docket No. GL041/00GL8 :

This is a decision on the petition under 37 CFR 1.10(d) filed May 17, 2004, requesting that the above-identified application be accorded a filing date of April 15, 2004.

Petitioner alleges that the application was deposited in Express Mail drop box on April 15, 2004, under 37 CFR 1.10, and should be accorded that date as the filing date.

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 May 17, 2004, is not accompanied by the evidence required by the rule. Accordingly, the petition is dismissed.

No petition fee is required and none has been charged.

It is noted that the instant application was deposited in an Express mail drop box. Petitioner's attention is directed to 37 CFR 1.10(b), which states, in part, that:

> Correspondence should be deposited directly with an employee of the USPS to ensure that the person depositing the correspondence receives a legible copy of the "Express Mail" mailing label with the "date-in" clearly marked. Persons dealing indirectly with he 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.

It is unfortunate that petitioner chose to deposit a paper as important as a patent application in Express mail without immediately obtaining an Express Mail receipt showing the desired date of deposit.

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

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

By hand: Customer Window located at:

U.S. Patent and Trademark Office
220 20th street S
Customer Window, Mail Stop Petitions
Crystal Plaza Two Lobby, Room 1B03
Arlington, VA 22202

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

This matter is being referred to the Office of Initial Patent Examination with the presently effective filing date of April 16, 2004.

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
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Paper No.

Mark D. Swanson
Pauley Petersen & Erickson
Suite 365
2800 West Higgins Road
Hoffman Estates, IL 60195

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AUG 19 2004

OFFICE OF PETITIONS

In re Application of :
Gong et al. :
Application No. 60/563,389 :
Filed: April 19, 2004 : ON PETITION
Attorney Docket No. UMB-04-036-P :

This is a decision on the Petition to Receive Filing Date in Response to Notice of Incomplete Provisional Application, filed August 5, 2004, requesting the above-identified application be accorded a filing date of April 19, 2004.

The application was filed on April 19, 2004. On June 23, 2004, the Office of Initial Patent Examination mailed a Notice of Incomplete Provisional 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 the drawings are not necessary for an understanding of the invention, and are not required under 35 U.S.C. § 113.

Accordingly, the petition is granted.

A refund of the petition fee has been credited to deposit account 19-3550, as requested in the instant petition.

The application will be accorded the original application filing date of April 19, 2004, using the application papers filed on that date, and an indication that no drawing Figures were present on filing and that no drawing Figures are part of the application disclosure.

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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BELL & ASSOCIATES
201 WARREN DRIVE
SAN FRANCISCO CA 94131

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FEB 2 1 2008

OFFICE OF PETITIONS

In re Application of
Evan Anderson et al.
Application No. 60/563,604
Filed: April 19, 2004
Attorney Docket No: S04-047

ON PETITION

This is a decision on the petition filed November 3, 2006, under 37 CFR 1.59(b) to expunge information unintentionally submitted with the original disclosure of the application.

Petitioners seek to have text found in Appendix B to the Specification filed April 19, 2004 expunged as the text was included unintentionally and is immaterial.

Based on a review of the file and the documents filed on November 3, 2006 and pursuant to MPEP § 724.05(IV), it is determined that the information contained therein is not important to a reasonable Examiner in deciding on patentability.

It is agreed therefore that justice would be served by an expungement of those documents entitled "APPENDIX B".

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" the documents entitled "miscellaneous incoming letter" as immaterial to the instant application and confidential. 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).

Accordingly, the petition is **GRANTED**.

Petitioner's deposit account no. 50-3194 has been charged in the amount of $200, as authorized, for the petition fee.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
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Paper No.

JUDY JARECKI-BLACK; PH.D., J.D.
3239 SATELLITE BLVD.
3RD FLOOR
DULUTH, GA 30096

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AUG 1 6 2004

OFFICE OF PETITIONS

In re Application of :
Nordgren et al. :
Application No. 60/563,786 :
Filed: April 20, 2004 : DECISION ON PETITION
Attorney Docket No.: :
MER 04-025P :

This is a decision on the Petition to Respond to the Notice of Omitted Item(s) in a Nonprovisional Application Filed Under 37 CFR 1.53(c), filed June 25, 2004. The petition is properly treated under 37 CFR 1.182.

The application was filed on April 20, 2004. However, on January 21, 2004, the Office of Initial Patent Examination mailed a Notice of Omitted Item(s) in a Provisional Application (hereinafter ("Notice"), stating that the application had been accorded a filing date; however, drawing Figure 5 described in the specification appeared to have been omitted from the application.

Applicant responds with the instant petition and submits the missing drawing Figure 5 described in the specification.

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 petition is **dismissed**.

The application will be accorded the original application filing date of April 20, 2004, using the application papers filed on that date, and an indication that drawing Figure 5 was NOT present on filing and that no drawing Figure 5 is part of the provisional application disclosure.

The petition fee will not be refunded, since the petition was not necessitated by any error on the part of the USPTO.

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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JJGJr: 09-04

Paper No: __

SCULLY SCOTT
MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
GARDEN CITY NY 11530

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SEP 16 2004

OFFICE OF PETITIONS

In re Application of
Bartholomew, et al.
Application No. 60/563,837
Filed: 20 April, 2004
Attorney Docket No.: P17580

DECISION ON PETITION

This is a decision petition filed on 30 June, 2004, seeking to have accorded to the instant provisional application a filing date of 20 April, 2004--notably, however, Petitioner alleges that the drawings found to be missing from the application "are not necessary for the understanding of the subject matter to be patented."

For the reasons set forth below, the petition is **GRANTED in part** and **DISMISSED in part**, and no petition fee is charged.

The application was deposited on 20 April, 2004.

On 21 June, 2004, the Office mailed a "Notice of Incomplete Provisional Application" indicating that the application was filed without, *inter alia*, drawings as required under 35 U.S.C. §113 (first sentence) and that no filing date has been granted.

On 30 June, 2004, Petitioner replied submitting the instant petition, acknowledging that the application may have been filed without drawings (and depositing contemporaneously one sheet of drawings itemized as Fig. 1 and Fig. 2).

Petitioner response in the instant petition includes a statement that the drawings found to be

missing from the application "are not necessary for the understanding of the of the subject matter to be patented," and that "the content of the drawings is duplicated in the specification."

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 the understanding of the invention under 35 U.S.C. §113 (first sentence). (See: MPEP §601.01[1])

This application contains method claims, e.g., claims 1 - 16. 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).[2]

It appears that a "Notice of Omitted Items" should have been mailed instead of the "Notice of Incomplete Nonprovisional Application."

---

[1] The commentary at MPEP §601.01 provides in pertinent part:

* * *

601.01(f) Applications Filed Without Drawings

35 U.S.C. 111(a)(2)(B) and 35 U.S.C. 111(b)(1)(B) each provide, in part, that an "application shall include . . . a drawing as prescribed by section 113 of this title" and 35 U.S.C. 111(a)(4) and 35 U.S.C. 111(b)(4) each provide, in part, that the "filing date . . . shall be the date on which . . . any required drawing are received in the Patent and Trademark Office." 35 U.S.C. 113 (first sentence) in turn provides that an "applicant shall furnish a drawing where necessary for the understanding of the subject matter sought to be patented.

Applications filed without drawings are initially inspected to determine whether a drawing is referred to in the specification, and if not, whether a drawing is necessary for the understanding of the invention. 35 U.S.C. 113 (first sentence).

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.

* * *

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, not describing drawing figures in the specification, and filed without drawings will simply be processed for examination, so long as the application contains something that can be construed as a written description. 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. 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.

* * *

[2] The commentary at MPEP §601.01 provides in pertinent part:

* * *

601.01(g) Applications Filed Without All Figures of Drawings

The Office of Initial Patent Examination (OIPE) reviews application papers to determine whether all of the figures of the drawings that are mentioned in the specification are present in the application. If the application is filed without all of the drawing figure(s) referred to in the specification, and the application contains something that can be construed as a written description, at least one drawing, if necessary under 35 U.S.C. 113 (first sentence), and, in a nonprovisional application, at least one claim, 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 drawings described in the specification. The mailing of a "Notice of Omitted Item(s)" will permit the applicant to either: (1) promptly establish prior receipt in the USPTO of the drawing(s) at issue (generally by way of a date-stamped postcard receipt (MPEP § 503)); or (2) promptly submit the omitted drawing(s) in a nonprovisional application and accept the date of such submission as the application filing date. An applicant asserting that the drawing(s) was in fact deposited in the USPTO with the application papers must, within 2 months from the date of the "Notice of Omitted Item(s)," file a petition under 37 C.F.R. 1.53(e) with the petition fee set forth in 37 C.F.R. 1.17(h), along with evidence of such deposit (37 C.F.R. 1.181(f)). The petition fee will be refunded if it is determined that the drawing(s) was in fact received by the USPTO with the application papers deposited on filing.

* * *

Therefore, the 21 June, 2004, "Notice of Incomplete Nonprovisional Application" hereby is **vacated**.

The application is accorded a filing date of 20 April, 2004.

The petition is **granted in part**, to the extent that the application will be accorded the filing date of 20 April, 2004, without the 1 sheet of drawings containing Figures 1 - 2 as part of the original disclosure of the application; in all other respects the petition **is dismissed**.

The application file is being released to the Office of Initial Patent Examination for further processing with a corrected filing date of 20 April, 2004, indicating in the Office records that "0" sheets of drawings were present on filing, and the mailing of a corrected filing receipt.

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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/563,934	04/20/2004		160	IL-11301	1		

CONFIRMATION NO. 5938

CORRECTED FILING RECEIPT

OC000000013396973

24981
THE REGENTS OF THE UNIVERSITY OF CALIFORNIA
LAWRENCE LIVERMORE NATIONAL LABORATORY
PO BOX 808, L-703
LIVERMORE, CA 94551-0808

Date Mailed: 08/02/2004

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)

William D. Wilson, Pleasanton, CA;
Charlene M. Schaldach, Pleasanton, CA;
William L. Bourcier, Livermore, CA;
Phil Paul, Livermore, CA;

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

Non-Publication Request: No

Early Publication Request: No

Title

Computer designed nanoengineered materials for separation of dissolved species

---

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

GRANTED

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

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

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the 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
60/563,965	04/20/2004		160	5633-00400	4		

CONFIRMATION NO. 6262

35617
DAFFER MCDANEIL LLP
P.O. BOX 684908
AUSTIN, TX 78768

CORRECTED FILING RECEIPT

OC000000015161835

Date Mailed: 02/11/2005

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)

James S. McLean, Austin, TX;

Power of Attorney:

Kevin Daffer--34146

If Required, Foreign Filing License Granted: 06/19/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/563,965

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

Non-Publication Request: No

Early Publication Request: No

Title

Dual-and quad-ridged horn antenna with improved antenna pattern characteristics

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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Pillsbury Winthrop LLP
2475 Hanover Street
Palo Alto, CA 94304-1114

COPY MAILED

SEP 24 2004

OFFICE OF PETITIONS

In re Application of :
Yuster et al :
Application No. 60/564,245 : DECISION GRANTING PETITION
Filed: April 20, 2004 :
Attorney Docket No.016346/0309288 :
BrIT-001(P :
Title of Invention: SYSTEM AND :
METHOD FOR MAPPING RELATIONSHIP :
MANAGEMENT INTELLIGENCE

This is a decision on the petition filed August 27, 2004 (certificate of mailing August 23, 2004), requesting that the above-identified application be accorded a filing date of April 20, 2004, with drawings containing figures 10-12 as part of the original disclosure.

The petition is **GRANTED**.

The application was filed on April 20, 2004. However, on June 23, 2004, the Office of Initial Patent Examination (OIPE) mailed a Notice stating that the application had been accorded a filing date of April 20, 2004 but figures 10-12 described in the specification appeared to have been omitted.

In response, the present petition was filed wherein Petitioner contends figures 10-12 as described in the specification were filed on April 20, 2004. In support, the petition is accompanied by a copy of applicants' return postcard which 17 sheets of drawings. The petition is further accompanied by figures 10-12.

A review of the original application papers reveals that the drawings received in the Office on April 20, 2004 contained figures 10-12. Figures 10-12 are located on the 16th page which also contains figure 8. Accordingly, the Omitted Parts section in the Notice to File Missing Parts mailed June 23, 2004 was sent in error.

The petition fee will be refunded.

Since original figures 10-12 have been located in the Office, figures 10-12 supplied on April 20, 2004, will be used for processing and examination purposes.

Deposit account no. 50-2213 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 April 20, 2004, using the drawings, including figures 10-12 supplied on April 20, 2004.

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
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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
60/564,375	04/09/2004		80	56029/36281	2		

021888
THOMPSON COBURN, LLP
ONE US BANK PLAZA
SUITE 3500
ST LOUIS, MO 63101

CONFIRMATION NO. 7042

CORRECTED FILING RECEIPT

OC000000015111248

Date Mailed: 02/04/2005

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)

Elaine R. Mardis, Troy, IL;
Matthew T. Hickenbotham, Ballwin, MO;

Power of Attorney: The patent practitioners associated with Customer Number **021888**.

If Required, Foreign Filing License Granted: 06/22/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/564,375

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Single-step magnetic bead-based preparation of 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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/564,543	04/20/2004		80	04-02P1			

CONFIRMATION NO. 8654

36814
PAUL G. LUNN, ESQ. NASTECH PHARMACEUTICAL COMPANY INC.
3450 MONTE VILLA PARKWAY
BOTHELL, WA 98021-8906

CORRECTED FILING RECEIPT

OC000000013618122

Date Mailed: 08/23/2004

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)

Mohammad Ahmadian, Bothell, WA;
Kunyuan Cui, Bothell, WA;

If Required, Foreign Filing License Granted: 06/23/2004

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Conjugation of a cholesterol moiety to double-stranded RNA or a double-stranded hybrid nucleic acid

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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A PROFESSIONAL ASSOCIATION
PO BOX 142950
GAINESVILLE FL 32614-2950

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APR 15 2005

OFFICE OF PETITIONS

In re Application :
Paylian :
Application No. 60/564,643 : ON PETITION
Filed: April 21, 2004 :
Attorney Docket No. USF-201P :
For: DE-DIFFERENTIATION AND
STABILIZATION OF CELLS

This is a decision on the petition under 37 CFR 1.182, filed January 27, 2005 (certificate of mailing date January 24, 2005), to correct the name of the sole inventor.

The petition is **GRANTED**.

The name of the sole inventor will be changed from "Sergei Pakhlevaniants" to "Sergei Paylian". A replacement filing receipt reflecting this change is enclosed.

The current fee for filing a petition under 37 CFR 1.182 is $400.00. Deposit account no. 19-0065 was charged that amount on January 31, 2005.

The file is being returned to the Office of Initial Patent Examination.

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

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

enclosure: replacement filing receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-8403

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FEB 14 2005

OFFICE OF PETITIONS

In re Application of	:	
Mark Steers et al	:	DECISION GRANTING
Application No. 60/564,664	:	PETITION
Filing: April 21, 2004	:	
Attorney Docket No. IR-2511 PROV	:	

This is a decision on the petition under 37 CFR 1.10 (c), filed September 7, 2004, which is being treated under 37 CFR 1.10(d), requesting that the above-identified application be accorded a filing date of April 21, 2004, rather than the presently accorded filing date of April 22, 2004.

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 April 21, 2004, pursuant to the requirements of 37 CFR 1.10. Applicants are alleging that the date of mailing shown from the Track and Confirm receipt is a U.S. Postal Service (USPS) error and the correct date of mailing is April 21, 2004.

In support, the petition is accompanied by, inter alia, a declaration of Dorothy Jenkins dated August 31, 2004 and a copy of a USPS record styled "Pickup Service Statement for Express Mail, Priority Mail, or Parcel Post" showing that a package bearing Express Mail label No. EV342603504US was picked up by the USPS from counsel's Office on April 21 2004.

Since the evidence from the USPS, namely, the Express Mail Pickup Service Statement, corroborates a "pickup date" of April 21, 2004, the instant application file is entitled to a filing date of April 21, 2004, and has been so accorded.

The petition is granted. No petition fee is required and none has been charged.

Telephone inquiries specific to this matter should be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to the Office of Initial Patent Examination.

Frances Hicles for

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
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ALEXANDRIA, VA 22313-1450
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Paper No. None

OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8403

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FEB 15 2005

OFFICE OF PETITIONS

In re Application of :
Donald He et al. :
Application No. 60/564,665 :
Filed: April 21, 2004 : DECISION ON
Attorney Docket No. IR-2606PROV : PETITION UNDER
Title: SILICIDE SOURCE CONTACT : 37 C.F.R. §1.10(D)
FOR TRENCH TYPE MOSFET AND :
PROCESS FOR THE MANUFACTURE :
THEREOF

This is a decision on the petition under 37 C.F.R. §1.10(d), filed October 21, 2004, requesting that application number 60/564,665 be accorded a filing date of April 21, 2004.

The application was deposited on April 22, 2004. On June 25, 2004, a filing receipt was mailed by the Office, which indicated that the application had received a filing date of April 22, 2004.

With the instant petition, Petitioner has alleged that the application was deposited on April 21, 2004, and the incorrect date was written on the Express Mail label. With his petition, Petitioner has included a copy of a USPS "pickup service statement," a copy of express mail label EV342529361US[1] bearing a date-in of April 22, 2004, a declaration of facts, and a Pickup Service Statement from the USPS.

The Pickup Service Statement contains a list consisting of 7 Express Mail numbers, the second of which is EV342529361US. Neither the customer signature field, the USPS signature field, the date of pickup, or the time of pickup are legible. However, Petitioner has stated over his registration number that on his

1 It is noted that this same Express Mail number appears on the Patent Application Transmittal Letter which was included on filing.

copy, the date of pickup is April 21, 2004[2], and it is noted that at the top of the statement appears a stamped date which reads "APR 21 2004."

It is further noted that Petitioner has not submitted a signed declaration of facts from the individual who signed this statement, attesting that the date is in fact April 21, 2004, and that this note indicates that Express Mail label EV342529361US was picked up on that date.

Regarding the submitted declaration of facts, an employee of Petitioner's law firm has asserted that she deposited the above-identified application with a USPS employee on April 21, 2004. Her declaration of facts is dated October 19, 2004. Regarding this assertion, this memory of a routine mailing practice which occurred almost six months prior is not persuasive.

A check of the Office's USPS Express Mail Finder Database computer program was inconclusive. A check of the United States Postal Service's website (http://www.usps.com/shipping/trackandconfirm.htm) was also inconclusive, in that it stated that the information pertaining to this Express Mail label number is stored off-line. A copy of the latter search result is enclosed.

Although the application received a filing date of April 22, 2004, the evidence is convincing that the application papers were filed on April 21, 2004, and the Patent Office assigned the incorrect date to the application. Therefore, the application was entitled to a filing date of April 21, 2004.

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 April 21, 2004, as well as the mailing of a corrected filing receipt.

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.

Encl.

2 Petition, page 3.

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

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Commissioner for Patents
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APR 21 2005

OFFICE OF PETITIONS

OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-8403

In re Application of :
Timmothy D. Henson :
Application No. 60/564,666 :
Filing: April 22, 2004 :
Attorney Docket No. IR-2363PROV :

DECISION DISMISSING PETITION

This is a decision on the petition under 37 CFR 1.10(c), filed September 15, 2004, requesting that the above-identified application be accorded a filing date of April 21, 2004, rather than the presently accorded filing date of April 22, 2004.

Applicant requests the earlier filing date on the basis that the application was purportedly deposited in Express Mail service on April 21, 2004, pursuant to the requirements of 37 CFR 1.10. However, the Express Mail label identified in the original application papers shows a "date-in" of April 22, 2004. Applicant is alleging that the date of mailing shown by the Express Mail receipt is a U.S. Postal Service (USPS) error and the correct date of mailing is April 21, 2004.

In support, the petition is accompanied by a declaration of Dorothy Jenkins dated September 7, 2004, and a copy of a USPS record styled "Pickup Service Statement for Express Mail, Priority Mail, or Parcel Post" showing that a package bearing Express Mail label No. EV342529358US was picked up by the USPS from counsel's Office. Unfortunately, the date and the USPS employee's initial are illegible.

Accordingly, the petition is dismissed. No fee is required and none has been charged.

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

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

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

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

Telephone inquires specific to this matter should be directed to Wan Laymon at (571) 272-3220.

Brian Hearn
Senior 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
60/564,683	04/21/2004		160	IR-2510 PROV	3		

CONFIRMATION NO. 8242

CORRECTED FILING RECEIPT

OC000000013590010

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

Date Mailed: 08/19/2004

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)

Mark Steers, Tilgate, UNITED KINGDOM;

If Required, Foreign Filing License Granted: 06/25/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Single lead frame fro switched reluctance motor drive or inverter layout

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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.

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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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/564,761	04/23/2004		80	00983-01	2		

CONFIRMATION NO. 8966

34444
UNIVERSITY OF VIRGINIA PATENT FOUNDATION
1224 WEST MAIN STREET, SUITE 1-110
CHARLOTTESVILLE, VA 22903

CORRECTED FILING RECEIPT

OC000000013260581

Date Mailed: 07/16/2004

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)

Krishnan Srinivasan, Arlington, VA;
Supawat Likkatanowong, Charlottesville, VA;
Vikram Mehta, Charlottesville, VA;

If Required, Foreign Filing License Granted: 06/29/2004

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Cleanslate device 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.

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.

Light Sciences Corporation
Suite 200
34931 SE Douglas Street
Snoqualmie, WA 98065

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MAY 1 0 2005

OFFICE OF PETITIONS

In re Provisional Application of :
McIlroy et al. : DECISION ON
Application No. 60/564,808 : PETITION
Filed: April 22, 2004 :
Attorney Docket No. 51-2004-PROV :
:

This is a decision on the petition filed February 7, 2005, pursuant to 37 C.F.R. § 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely respond to the "Notice to File Missing Parts of Provisional Application," mailed July 2, 2004. This Notice required applicants to submit both a deficiency of $25 in payment of the late surcharge under 37 CFR 1.16(e); and the provisional application cover sheet under 37 CFR 1.51(c)(1) identifying the name(s) of the inventor(s), and either city and state or city or foreign country of the residence of each inventor. This Notice set a two month period for reply, with extensions of time obtainable under § 1.136(a).
No reply having been received and no extension of time timely obtained, the above-identified application became abandoned effective September 3, 2004. The instant petition precedes the mailing of a "Notice of Abandonment."

The petition includes a proposed reply in the form of payment of the $25 deficiency and a provisional cover sheet identifying

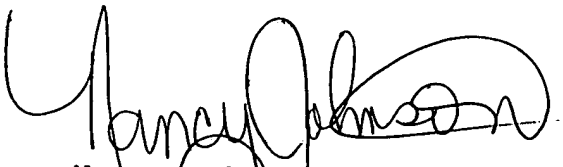
inventors by name and residence; payment of the petition fee; and the required statement of unintentional delay. In support of their showing of unintentional abandonment, petitioner submits the declaration of patent paralegal Arcelie Grapes.

Applicant is advised that, on petition to revive, no petition for extension of time (or fee) is necessary or proper. An extension of time may not be obtained outside of the maximum extendable period for reply. The maximum extendable period for reply to the Notice mailed July 2, 2004 was 5 months. That period ended on February 2, 2005. The instant request for extension of time was not filed until February 7, 2005 (certificate of mailing February 7, 2005). In view thereof, no extension of time has been entered and no extension of time fee has been charged.

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 application file is being forwarded to the Office of Initial Patent Examination for processing of the replies (fee and cover sheet) filed on petition.

Telephone inquiries specific 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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BOZICEVIC, FIELD & FRANCIS LLP
200 MIDDLEFIELD RD
SUITE 200
MENLO PARK CA 94025

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AUG 2 0 2004

OFFICE OF PETITIONS

In re Application of :
Raz, et al. :
Application No. 60/564,913 : DECISION GRANTING PETITION
Filed: April 22, 2004 :
Attorney Docket No. UCAL311 PRV2 :
FOR: IMMUNOGENIC COMPOSITIONS AND METHODS OF USE THEREOF :

This is a decision on the petition filed July 13, 2004 to accord a filing date of April 22, 2004 to the above-identified application.

The application was deposited on April 22, 2004. However, on July 2, 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 April 22, 2004 describes drawing figures.

While some drawing figures labeled 1-7 are found in an appendix to the application papers, it is unclear that drawing figures 1-7 in the appendix correspond to drawing figures 1-4 as described in the specification filed on April 22, 2004. Because another basis for the granting of the requested relief is present, applicants' arguments regarding the figures in the appendix need not be addressed.

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 July 2, 2004 was mailed in error and is hereby withdrawn. The application is entitled to a filing date of April 22, 2004. The petition is **granted**.

Pursuant to petitioners' authorization, deposit account no. 50-0815 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 **April 22, 2004** and the mailing of a filing receipt reflecting the April 22, 2004 filing date.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 308-6712. After September 28, 2004, please call (571) 272-3230.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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HOLLAND & HART LLP
555 17TH STREET, SUITE 3200
DENVER, CO 80201

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JUL 1 6 2004

OFFICE OF PETITIONS

In re Application of
Bancroft, Randy
Application No. 60/565,032
Filed: April 23, 2004
Attorney Docket No. 38105.830087.US0

ON PETITION

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

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

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

Inquiries related to this communication should be directed to Paralegal Liana Chase at (703) 306-0482.

This matter is being forwarded to the Office of Initial Patent Examination for further processing.

Frances Hicks
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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GENENTECH INC
1 DNA WAY
SOUTH SAN FRANCISCO CA 94080

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MAY 27 2005

OFFICE OF PETITIONS

In re Application of	:	
Paul G. Brunetta and Kathryn L. Sewell	:	DECISION GRANTING PETITIONS
Application No. 60/565,098	:	UNDER § 1.48(e) and § 1.183
Filed: April 22, 2004	:	
Attorney Docket No. PR2102	:	

This is a combined decision on the petitions, filed January 31, 2005, under 37 CFR 1.48(e) and § 1.183 to waive the requirement under § 1.48(e)(2) for execution of the required statement by the inventor being deleted from the application.

The above-identified application was filed on April 22, 2004. On January 31, 2005, the instant request under § 1.48(e) was filed to amend the inventorship to delete joint inventor Mitchell J. Wong. Accompanying the petition were statements in support of the petition signed by inventors Brunetta and Sewell.

37 CFR 1.48(e) requires:

> (1) A request to correct the inventorship that sets forth the desired inventorship change;
>
> (2) A statement by the person or persons whose names are being deleted that the inventorship error occurred without deceptive intention on the part of such person or persons;
>
> (3) The processing fee set forth in § 1.17(q); and

> (4) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

Petitioner has satisfied requirements (1), (3), and (4) above. The petition sets forth the desired inventorship change. Petitioner has paid the processing fee. The petition includes a statement signed by attorney Janet E. Hasak, who states that the assignee of record, Genentech, Inc., consents to the change in inventorship. In addition, the petition includes a statement from Sean A. Johnston, Vice President of Intellectual Property for Genentech, authorizing Hasak to execute on behalf of Genentech, as well as a copy of the Notice of Recordation of Assignment document.

Petitioner requests waiver of the requirement that Mitchell J. Wong sign the statement that the inventorship error occurred without deceptive intent. In support thereof, petitioner has provided a statement of facts by attorney Hasak, stating: (1) that Wong made a verbal indication to Genentech that he was not an inventor; (2) that Genentech mailed letters to Wong's last known address on August 6, 2004, September 7, 2004, and October 5, 2004, requesting that Wong sign the required statement under 37 CFR 1.48(e)(2).

Under 37 C.F.R. § 1.183, any requirement of the regulations, which is not a requirement of the statutes, may be waived by the Commissioner's designee in an extraordinary situation, when justice so requires. Waiver of the requirement is appropriate in this instance. The facts of the record do not present uncertainty as to this correction of inventorship. The assignee has given consent to the requested correction. Petitioner has shown that Wong has been given the opportunity to sign the statement under 37 CFR 1.48(e)(2), but refuses to do so.

Accordingly, the petition under § 1.183 is **GRANTED**.

In view thereof, the petition under § 1.48(e) is **GRANTED**.

Pursuant to petitioner's authorization, the following fees have been charged to Deposit Account No. 07-0630: $400 fee for the petition under 37 CFR § 1.183 (37 CFR § 1.17(f)), $50 processing fee (37 C.F.R. § 1.17(q)).

As the application is a provisional application, no further examination will be undertaken. The application file is being forwarded to Files Repository.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

Enc: Corrected Filing Receipt (2 pages)

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DAVID B. RITCHIE
THELEN REID & PRIEST, LLP
P.O. BOX 640640
SAN JOSE, CA 95164-0640

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AUG 3 1 2004

OFFICE OF PETITIONS

In re Application of :
Bin Wang :
Application No. 60/565,553 : NOTICE
Filed: April 26, 2004 :
Attorney Docket No. IMPJ-0079P

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

UNITED STATES 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

Laura F. Shunk
Suite 307
2020 Front Street
Cuyahoga Falls OH 44221

Application No. 60/565,660
Inventor: Kurt I. Butler
Filed: April 27, 2004
Attorney Docket No. PREMIX-N-PROV
Title: MOLDING COMPOUNDS FOR USE IN INDUCTION HEATING APPLICATIONS AND HEATING ELEMENTS MOLDED FROM THESE COMPOUNDS

DECISION ON PETITION

COPY MAILED

SEP 27 2005

OFFICE OF PETITIONS

Application No. 60/565,582
Inventor: Kurt I. Butler
Filed: April 27, 2004
Attorney Docket No. PREMIX-O-PROV
Title: MOLDING COMPOUNDS FOR USE IN FURNACE BLOWER HOUSING AND BLOWER HOUSINGS MOLDED FROM THESE COMPOUNDS

DECISION ON PETITION

This is a decision on the petition filed on August 27, 2004, with the first-named application above, pursuant to 37 C.F.R. §1.182, requesting that the drawings filed in these two provisional applications be exchanged.

Application number 60/565,660 was filed on April 27, 2004, with one sheet of drawings containing Figures 1 and 2. On that same day, application number 60/565582 was submitted along with 5 sheets of drawings, containing Figures 1 – 6. Applicants request that the drawings filed with Application No. 60/565,660 and the drawings filed with Application No. 60/565,582 be switched.

Applicants' attorney, Laura Shunk, explained that these two provisional applications are related. They were filed on the same day via the mailing of two separate envelopes, but the drawings were "inadvertently switched[1]." The Office notes that these two applications were filed on the same day, and each has the same individual listed as the sole inventor.

1 Petition, page 1.

The 1 sheet of drawings filed on April 27, 2004, in Application No. 60/565,660 will be removed from the electronic file and transferred to Application No. 60/565,582.

The 5 sheets of drawings filed on April 27, 2004, in Application No. 60/565,582 will be removed from the electronic file and transferred to Application No. 60/565,660.

Application No. 60/565,582 will be reprocessed with the 1 sheet of transferred drawings, containing Figures 1-2 filed on April 27, 2004.

Application No. 60/565,660 will be reprocessed with the 5 sheets of transferred drawings, containing Figures 1-6 filed on April 27, 2004.

The petition is **GRANTED** to the extent indicated above. OIPE will be notified of this decision.

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

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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NOVARTIS VACCINES AND DIAGNOSTICS INC.
CORPORATE INTELLECTUAL PROPERTY R338
P.O. BOX 8097
EMERYVILLE, CA 94662-8097

COPY MAILED

MAY 22 2007

OFFICE OF PETITIONS

In re Application of	:	
Long et al.	:	
Application No. 60/565,634	:	ON PETITION
Filed: April 27, 2004	:	
Attorney Docket No. PP21566.001	:	

This is a decision on the petition filed March 19, 2007, requesting that the above-identified application be accorded a filing date of April 27, 2004, rather than the presently accorded date of April 26, 2004. The petition is properly treated as a petition under 37 CFR 1.10(c).

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 April 27, 2004, pursuant to 37 CFR 1.10. In support, applicant has submitted a copy of Express Mail label No. EV 390050686 US, showing a "April 27, 2004" receipt stamp. The same Express Mail receipt number appears on the original "Provisional Application for Patent Cover Sheet." Additionally, the Express Mail label number appears on the Certificate of Mailing by "Express Mail" and includes a statement of express mailing dated April 27, 2004, on the cover page for the application papers.

In view of the above evidence, it is concluded that the application was deposited as "Express Mail" with the USPS on April 27, 2004.

The petition is **GRANTED**.

A petition under 37 CFR 1.10(c) does not require a petition fee and none has been charged.

This application file is being forwarded to the Office of Initial Patent Examination Division for further **processing with a filing date of April 27, 2004, along with a corrected filing receipt.**

Telephone inquiries concerning this matter may be directed Petitions Examiner Liana Walsh at (571) 272-3206. All other inquiries should be directed to the Office of Initial Patent Examination.

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. None

Laura F. Shunk
Suite 307
2020 Front Street
Cuyahoga Falls OH 44221

Application No. 60/565,660
Inventor: Kurt I. Butler
Filed: April 27, 2004
Attorney Docket No. PREMIX-N-PROV
Title: MOLDING COMPOUNDS FOR USE IN INDUCTION HEATING APPLICATIONS AND HEATING ELEMENTS MOLDED FROM THESE COMPOUNDS

DECISION ON PETITION

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SEP 2 7 2005

OFFICE OF PETITIONS

Application No. 60/565,582
Inventor: Kurt I. Butler
Filed: April 27, 2004
Attorney Docket No. PREMIX-O-PROV
Title: MOLDING COMPOUNDS FOR USE IN FURNACE BLOWER HOUSING AND BLOWER HOUSINGS MOLDED FROM THESE COMPOUNDS

DECISION ON PETITION

This is a decision on the petition filed on August 27, 2004 with the first-named application above, pursuant to 37 C.F.R. §1.182, requesting that the drawings filed in these two provisional applications be exchanged.

Application number 60/565,660 was filed on April 27, 2004, with one sheet of drawings containing Figures 1 and 2. On that same day, application number 60/565582 was submitted along with 5 sheets of drawings, containing Figures 1 – 6. Applicants request that the drawings filed with Application No. 60/565,660 and the drawings filed with Application No. 60/565,582 be switched.

Applicants' attorney, Laura Shunk, explained that these two provisional applications are related. They were filed on the same day via the mailing of two separate envelopes, but the drawings were "inadvertently switched[1]." The Office notes that these two applications were filed on the same day, and each has the same individual listed as the sole inventor.

1 Petition, page 1.

The 1 sheet of drawings filed on April 27, 2004, in Application No. 60/565,660 will be removed from the electronic file and transferred to Application No. 60/565,582.

The 5 sheets of drawings filed on April 27, 2004, in Application No. 60/565,582 will be removed from the electronic file and transferred to Application No. 60/565,660.

Application No. 60/565,582 will be reprocessed with the 1 sheet of transferred drawings, containing Figures 1-2 filed on April 27, 2004.

Application No. 60/565,660 will be reprocessed with the 5 sheets of transferred drawings, containing Figures 1-6 filed on April 27, 2004.

The petition is **GRANTED** to the extent indicated above. OIPE will be notified of this decision.

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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KENYON & KENYON
ONE BROADWAY
NEW YORK NY 10004

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OCT 0 6 2004

OFFICE OF PETITIONS

In re Application of :
Keri et al. :
Application No. 60/565,694 : DECISION ON PETITION
Filed: April 26, 2004 :
Attorney Docket No. 2664/60901 :

This is a decision on the petition filed September 13, 2004, requesting that the above-identified provisional application be accorded a filing date of April 26, 2004, without the submission of drawings.

On April 26, 2004, this application was deposited with the United States Patent and Trademark Office (Office) without drawings. Accordingly, on July 8, 2004, 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 September 13, 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 April 26, 2004, 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 April 26, 2004, without the drawings.

A review of the record reveals, as applicant admitted, that the application papers deposited on April 26, 2004, 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."

In this case, 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 April 26, 2004, as requested in the petition, without any drawings.

The Office of Initial Patent Examination is directed to process the application with a filing date of April 26, 2004, and to indicate 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 (571) 272-3211

Christina Tartera Donnell

Christina Tartera Donnell
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
60/565,804	04/26/2004		80	02307V-147100US	8		

CONFIRMATION NO. 4929

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

CORRECTED FILING RECEIPT

OC000000015923432

Date Mailed: 05/02/2005

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)

Jean M. J. Frechet, Oakland, CA;
Jinsong Liu, Albany, CA;
Toru Tanaka, Tsukuba-shi, JAPAN;

Power of Attorney: The patent practitioners associated with Customer Number **20350**.

If Required, Foreign Filing License Granted: 07/08/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/565,804

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Functionalized electroactive polymers

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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
60/566,277	04/28/2004		80	FP0819 P	5		

CONFIRMATION NO. 7159

CORRECTED FILING RECEIPT

OC000000016275899

041385
FIBROGEN, INC.
INTELLECTUAL PROPERTY DEPARTMENT
225 GATEWAY BOULEVARD
SOUTH SAN FRANCISCO, CA 94080

Date Mailed: 06/14/2005

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)

Stephen J. Klaus, San Francisco, CA;

Power of Attorney:

Leanne Price–42090

If Required, Foreign Filing License Granted: 06/28/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/566,277

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Treatments for cancer

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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
60/566,557	04/29/2004		160	USAV2001-0007 US PSP			

CONFIRMATION NO. 8077

CORRECTED FILING RECEIPT

OC000000015520564

005487
ROSS J. OEHLER
AVENTIS PHARMACEUTICALS INC.
ROUTE 202-206
MAIL CODE: D303A
BRIDGEWATER, NJ 08807

Date Mailed: 03/21/2005

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)

Greg Shutske, Pittstown, NJ;
Keith John Harris, Chester, NJ;
Kenneth Bordeau, Kintnersville, PA;
Michael Richard Angelastro, Raritan, NJ;
Stanly John, Basking Ridge, NJ;
Joseph T. Klein, Neshanic Station, NJ;
Jinqi Lu, Green Brook, NJ;
Catherine Bomont, Bridgewater, NJ;

Power of Attorney: The patent practitioners associated with Customer Number **005487**.

If Required, Foreign Filing License Granted: 07/27/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/566,557

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

Non-Publication Request: No

Early Publication Request: No

Title

3-Piperidinylisochroman-5-ols as dopamine agonists

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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ONE METROPOLITAN SQUARE
16TH FLOOR
ST. LOUIS, MO 63102

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NOV 2 4 2004

OFFICE OF PETITIONS

In re Application of
Sheldon J. Coach et al
Application No. 60/566,760
Filed: April 30, 2004
Attorney Docket No. DKE 9763

NOTICE

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

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

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

This application no longer qualifies for small entity status. Accordingly, all future fees must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3218.

This matter is being referred to the Office of Initial Patent Examination Division.

Frances Hicks
Petitions Examiner
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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AUG 17 2004

OFFICE OF PETITIONS

In re Application of :
Daniel C. Riley : NOTICE
Application No. 60/566,860 :
Filed: April 30, 2004 :
Attorney Docket No. 30314/121 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28(c), filed August 5, 2004.

37 CFR 1.28(c) states: "The deficiency is based on the amount of the fee, for other than a small entity, in effect at the time the deficiency is paid in full."

The fee deficiency submission under 37 CFR 1.28 is hereby **accepted.** The change of status to a large entity has been entered and made of record. This Notice is not intended to imply that an investigation was performed.

Telephone inquiries concerning this matter may 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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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/567,196	05/03/2004	Dennis Michael Klein	

CONFIRMATION NO.

OC000000016094542

DENNIS KLEIN
4646 VIA CANADA
THOUSAND OAKS, CA 91320

Date Mailed: 05/23/2005

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 **05/03/2005,** 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 is not accompanied by the amendment including at least one claim in compliance with 35 U.S.C. 112, second paragraph, as required by 37 CFR 1.53(c)(3).

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 TIPRETT
Office of Initial Patent Examination

PART 2 - OFFICE COPY

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
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BOZICEVIC FIELD & FRANCIS
1900 UNIVERSITY AVENUE
SUITE 200
EAST PALO ALTO, CA 94303

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DEC 07 2005

OFFICE OF PETITIONS

In re Application of :
Elaine Unemori :
Application No. 60/567,353 : DECISION ON PETITION
Filed: April 30, 2004 : TO WITHDRAW
Attorney Docket No. BASM-002PRV : FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 29, 2004.

The request is **APPROVED**.

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

The request was signed by Paula A. Borden on behalf of all attorneys of record who are associated with customer No. 24353.

All attorneys/agents associated with the Customer Number 24353 have been withdrawn.

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

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

This matter is being referred to Files Repository.

Telephone inquires concerning this decision should be directed to Wan Laymon at 571-272-3220.

Amelia Au
Petitions Examiner
Office of Petitions

cc: JOSEPH R. SNYDER
TOWNSEND AND TOWNSEND AND CREW
2175 NORTH CALIFORNIA BOULEVARD
SUITE 625
WALNUT CREEK, CA 94596

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MCCARTHY TETRAULT LLP (MONTREAL OFFICE)
LE WINDSOR
1170 PEEL STREET
MONTREAL QC H3B 4S8 CA CANADA

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NOV 16 2004

OFFICE OF PETITIONS

In re Application of :
Bouvier and Charest :
Application No. 60/567,454 : DECISION GRANTING PETITION
Filed: May 4, 2004 :
Attorney Docket No. 0094.002-P-US :

This is a decision on the petition filed September 24, 2004, to vacate the Notice of Incomplete Provisional Application mailed July 29, 2004, in the above-cited application.

The petition is **granted**.

On May 4, 2004, the above-identified application was filed. However, on July 29, 2004, the Office of Initial Patent Examination mailed a "Notice of Incomplete Provisional Application" stating that application had not been accorded a filing date and advising applicant that drawings appeared to have been omitted. The notice set a two-month period for reply.

In response, on September 24, 2004, applicant filed the present petition , a copy of five pages of drawings and an Office date-stamped postcard receipt acknowledging receipt of five pages of drawings, among other items.

Upon review of the record, five pages of drawings were not located among the application papers. However, the evidence is convincing that the application papers deposited May 4, 2004, included five pages of drawings, which were subsequently misplaced by the Office. Therefore, the application, including the five pages of drawings, was complete on filing and entitled to a filing date of May 4, 2004.

Accordingly, the petition is granted; the Notice is vacated, accordingly.

The application file is being returned to the Office of Initial Patent Examination for further processing with the a filing date of May 4, 2004, using the 5 pages of drawings filed on that date.

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

Kenya A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MARY R. BONZAGNI, ESQ.
HOLLAND & BONZAGNI, P.C.
171 DWIGHT ROAD, SUITE 302
LONGMEADOW, MA 01106-1700

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APR 20 2005

OFFICE OF PETITIONS

In re Application of
Tirabassi et al.
Application No. 60/567,538
Filed: May 3, 2004
Attorney Docket No. 04076P

ON PETITION

This is a decision on the petition filed June 2, 2004, requesting that the above-identified application be accorded a filing date of May 3, 2004, rather than the presently accorded date of May 4, 2004. The petition is properly treated as a petition under 37 CFR 1.10(d).

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 3, 2004, pursuant to 37 CFR 1.10. In support, applicant has submitted a copy of Express Mail label No. EV 443736853 US showing an incorrect handwritten "date-in" of "May 4, 2004." The same Express Mail receipt number appears on the original "Patent Application Transmittal Letter." The Express Mail label number appears on the Certificate of Mailing by "Express Mail" and includes a statement of express mailing dated May 3, 2004, on the cover page for the application papers. Applicant has submitted copy of the Track & Confirm record showing that the package in question was en route on May 3, 2004, at 7:11 p.m. in Springfield, MA. Additionally, applicant submitted a letter from Mr. James Jyz of the United States Postal Service stating that the package in question was given the incorrect date of "May 4, 2004" on the label, when in fact, it should have been "May 3, 2004."

Therefore, in view of all the evidence, it is concluded that the application was deposited in Express Mail service on May 3, 2004. Accordingly, the instant application is entitled to a filing date of May 3, 2004 and has been so accorded.

The petition is **GRANTED**.

A petition under 37 CFR 1.10(d) does not require a petition fee. Accordingly, the $130.00 petition fee collected will be credited to petitioner's deposit account as authorized.

This matter is being referred to the Office of Initial Patent Examination Division for further **processing with a filing date of May 3, 2004, along with a corrected filing receipt.**

Telephone inquiries concerning this matter may be directed Paralegal Liana Chase at (571) 272-3206.

Charles Steven Brantley
Petitions Attorney
Office of Petitions

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PERKINS COIE LLP
POST OFFICE BOX 1208
SEATTLE, WA 98111-1208

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SEP 0 9 2004

OFFICE OF PETITIONS

In re Application of :
Yee, et al. :
Application No. 60/567,952 : ON PETITION
Filed: May 3, 2004 :
Attorney Docket No. 54435.8020.US00 :

This is a decision on the petition under 37 CFR 1.10(d), filed May 24, 2004, requesting that the above-identified provisional application be accorded a filing date of May 3, 2004, rather than the date of May 4, 2004.

The United States Patent and Trademark Office records indicate that the presently accorded filing date of the above-identified provisional application is May 3, 2004. Therefore, the petition involves a moot issue.

Accordingly, the petition is dismissed.

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
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DIW Aug-05

GROSSMAN & FLIGHT, LLC
SUITE 4220
20 NORTH WACKER DRIVE
CHICAGO IL 60606

FAX RECEIVED

AUG 0 4 2005

OFFICE OF PETITIONS

In re Application of :
Mark J. Nixon :
Application No. 60/567,980 : DECISION ON PETITION
Filed: 5 May, 2004 :
Atty Docket No. 20040/59-11537 :

This is a decision in reference to the petition under 37 CFR 1.53(c) filed on 8 July, 2005, which is treated as a petition requesting that the above-identified provisional application be accorded a filing date of 4 May, 2004, instead of the presently accorded filing date of 30 July, 2004.

The petition is **granted**.

On 4 May, 2004, the application was filed.

On 7 July, 2004, 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 4 May, 2004, but that Page 55 of the specification (description and claims) appeared to have been omitted from the application.

In response, on 30 July, 2004, petitioners filed a reply stating that "[P]age 55 of the submitted application was not omitted. Instead, page 55 of the original application was not numbered and blank." The application, was then accorded a filing date of 30 July, 2004.

The present petition was filed on 8 July, 2005. Petitioner requests that the application be accorded a filing date of 5 May, 2004, without Page 55 as a part of the original disclosure.

The mailing of a "Notice of Omitted Item(s) in a Provisional Application" permits the applicant to promptly establish prior receipt in the PTO of the omitted item(s) at issue (generally by way of a date-stamped postcard receipt (MPEP 503)). An applicant asserting that the missing item(s) 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 within two months of the date of the "Notice of Omitted Item(s)" (37 CFR 1.181(f)).

In this case, while petitioner asserts Page 55 was not omitted, petitioner concedes that Page 55 as filed was blank and not numbered. 37 CFR 1.52(b)(5) requires that, other than in a reissue application or reexamination proceeding, the pages of the specification including claims and abstract must be numbered consecutively, starting with 1. As such, the Notice properly stated that Page 55 *appeared* to have been omitted.

Nevertheless, as a complete application was present on 4 May, 2004, on petition, the application as filed is entitled to a filing date of 4 May, 2004.

As the change in the filing date was due to Office error, no petition fee is due and none has been charged.

Petitioner is reminded that this provisional application expired 12 months from the filing date of 4 May, 2004.[1]

The application will be reprocessed using only the application papers present on filing.

The application is being referred to Initial Patent Examination Division for reprocessing with a filing date of 4 May, 2004, using the application papers filed on that date.

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

---

[1] 35 U.S.C. § 111(b)(5).

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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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
60/568,299	05/04/2004		80	407E-001110US	19		

CONFIRMATION NO. 5480

CORRECTED FILING RECEIPT

OC000000013649402

22798
QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.
P O BOX 458
ALAMEDA, CA 94501

Date Mailed: 08/26/2004

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)

Frank Sauer, Riverside, CA;
David A. Wassarman, Middleton, WI;
Tobias Maile, Riverside, CA;

If Required, Foreign Filing License Granted: 07/28/2004

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Modifications of histone proteins as indicators of cell proliferation and differentiation

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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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MORGAN, LEWIS & BOCKIUS, LLP
ONE MARKET SPEAR STREET TOWER
SAN FRANCISCO CA 94105

COPY MAILED

SEP 17 2007

OFFICE OF PETITIONS

In re Application of
Gregory A. Lazar
Application No. 60/568,440
Filed: 05/05/2004
Attorney Docket No. 067461-5018-P1

DECISION ON PETITION

This is a decision on the "PETITION UNDER 37 C.F.R. § 1.182 TO RESCIND PREVIOUSLY SUBMITTED RESPONSE TO NOTICE OF OMITTED ITEMS IN A PROVISIONAL APPLICATION AND REQUEST FOR CORRECTED OFFICIAL FILING RECEIPT," filed May 22, 2007.

On May 5, 2004, applicants filed the above-identified provisional application. On July 7, 2004, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s) in a Provisional Application," stating that a filing date has been accorded to the above-identified provisional application papers; however, Figures 13b, 14 b, 15 b, 25c, 32, 33, 34a and b, 35, 36, 37a, b, 38a, b and c described in the specification appeared to have been omitted from the application. The Notice of Omitted Items provided applicants with the following options: 1) if applicants contended that the omitted items were in fact deposited in the USPTO, applicants could file a petition and a $130.00 petition fee with evidence of such deposit within TWO MONTHS of the date of the Notice; or 2) if applicants failed to submit a petition and the petition fee within TWO MONTHS of the date of the Notice, the Office would treat it as a constructive acceptance by applicants of the provisional application as deposited in the USPTO. The Notice further stated that in the absence of a timely petition in reply to the Notice of Omitted Items, the application would maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) would include only those application papers present in the USPTO on the date of deposit.

In response, on July 15, 2004, applicants submitted copies of Figures 13b, 14b, 15b, 25c, 32, 33, 34a and b, 35, 36, 37a, b, 38a, b and c. Thereafter, the Office accorded the application a filing date of July 15, 2004, the date the USPTO received the omitted figures. On May 22, 2007, applicants filed the present petition. Applicants seek a rescission of their July 15, 2004 submission of Figures 13b, 14b, 15b, 25c, 32, 33, 34a and b, 35, 36, 37a, b, 38a, b and c and restoration of the original filing date of

May 5, 2004. Applicants state that the figures were inadvertently omitted at the time of filing the provisional application on May 5, 2004, and were not necessary nor were they relied upon to support the invention disclosure of the application.

A review of the record reveals that the Office should not have accorded the application a later filing date of July 15, 2004, the date of the submission of the omitted figures. Moreover, 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 a request to accept an omitted item and accord an application filing date as of the date of such submission in the provisional application. See MPEP 601.01(d).

Therefore, Office erroneously accepted the omitted figures and should not have accorded the provisional application a filing date of July 15, 2004, in accordance with MPEP 601.01(d). Accordingly, the petition is **granted**. The $400.00 petition fee is unnecessary and will be refunded to the Deposit Account.

This matter will be referred to the Office of Initial Patent Examination to correct the filing date to May 5, 2004, and to reprocess the application using ONLY the application papers submitted on May 5, 2004. Figures 13b, 14b, 15b, 25c, 32, 33, 34a and b, 35, 36, 37a, b, 38a, b and c submitted on July 15, 2004, will NOT be entered. The record should indicate that 36 sheets of drawing were present on filing this provisional application on May 5, 2004.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/568,456	05/05/2004	Anthony Ferrandino	

CONFIRMATION NO.

Anthony Ferrandino
2 Pound Ridge Road
Plainview, NY 11803

OC000000016094600

Date Mailed: 05/23/2005

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 **05/02/2005,** 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).

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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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
60/568,741	05/06/2004		80	FSU 10602.1			

CONFIRMATION NO. 9210

CORRECTED FILING RECEIPT

OC000000013509103

000321
SENNIGER POWERS LEAVITT AND ROEDEL
ONE METROPOLITAN SQUARE
16TH FLOOR
ST LOUIS, MO 63102

Date Mailed: 08/11/2004

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)

Eugene Trowers, Tallahassee, FL;

If Required, Foreign Filing License Granted: 07/08/2004

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Thuja occidentalis for the treatment of recurrent respiratory papillomatosis and HPV-induced viral neoplasm

---

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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ONE METROPOLITAN SQUARE
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ST LOUIS MO 63102

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AUG 1 0 2004

OFFICE OF PETITIONS

In re Application of	:	
Jeffrey S. Brooks	:	DECISION GRANTING
Application No. 60/568,742	:	PETITION
Filed: 6 May, 2004	:	
Attorney Dkt No. BSS 6446	:	

This is a decision on the petition, filed on 9 June, 2004, under 37 CFR 1.10(c), requesting that the above-identified application be accorded a filing date of 6 May, 2004, rather than the presently accorded filing date of 5 May, 2004.

Petitioners allege that the application was deposited in Express Mail service on 6 May, 2004. In support, petitioners have provided a copy of Express Mail Label No. EV124716827US (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 "5-5-04" the label also contains an Official USPS postmark dated 6 May, 2004.

In view of the above, the correct date of deposit in Express Mail is 6 May, 2004.

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 the Office of Initial Patent Examination for correction of the filing date to **6 May, 2004.**

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 308-6918.

DI Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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BARNES & THORNBURG
11 SOUTH MERIDIAN
INDIANAPOLIS, IN 46204

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DEC 1 0 2004

OFFICE OF PETITIONS

In re Application of: Mark S. Cushman, et. al. :
Application No. 60/568,987 : NOTICE
Filed: May 7, 2004 :
Attorney Docket No. 3220-75217 :

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 forwarded to the Office of Initial Patent Examination for further processing, in due course.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3226.

Andrea Smith
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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JJGJr: 09-04

Paper No: __

KOLISCH HARTWELL, P.C.
520 S.W. YAMHILL STREET
SUITE 200
PORTLAND OR 97204

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SEP 24 2004

OFFICE OF PETITIONS

In re Application of :
Miller :
Application No. 60/569,341 : DECISION ON PETITION
Filed: 6 May, 2004 :
Attorney Docket No.: PBHC 301P :

This is a decision on the petition under 37 C.F.R. §1.10(d)), filed on 6 August, 2004, and seeking for the above-identified application a filing date of 6 May, 2004, instead of the presently accorded filing date of 7 May, 2004.

The petition is **GRANTED**.

BACKGROUND AND ANALYSIS

The record reflects that:

- the instant application was received on 8 May, 2004, and given a filing date of 7 May, 2004;

- the petition recites that attachments/enclosures include, *inter alia*, copy of the US Postal Service (USPS) Express Mail Label (No. EV380366641US), and the indicated "date in" is unclear, but could be 5-7-04;

- however, while the materials submitted do not contain a reference to and are not accompanied by a copy of a mail log or other document recording the mail transactions that came into existence within one (1) business day of the mail deposit alleged, Petitioner has provided a printout supplied by the USPS Track & Confirm website search engine documenting that the package bearing USPS Express Mail Label No. EV380366641US was accepted by the USPS as follows: "ACCEPTANCE, May 6, 2004,

5:09 p.m., PORTLAND, OR 97201."

Further, a review of the application transmittal evidences that the USPS Express Mail Label No. EV380366641US was set forth on the transmittal document.

Despite the lack of clarity as to the USPS Express Mail label, the clear evidence available from the USPS and the documents of record indicate that the application was deposited with and accepted by the USPS on 6 May, 2004.

Accordingly the petition hereby is **granted**.

The instant file is released to OIPE to correct the filing date so as to accord a filing date of 6 May, 2004, to the instant application and to mail to Petitioner a corrected filing receipt reflecting a filing date of 6 May, 2004.

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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/569,341	05/06/2004		160	PBHC 301P	5		

CONFIRMATION NO. 1277

CORRECTED FILING RECEIPT

OC000000013956962

23581
KOLISCH HARTWELL, P.C.
520 S.W. YAMHILL STREET
SUITE 200
PORTLAND, OR 97204

Date Mailed: 10/01/2004

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)

Andrew David Miller, Portland, OR;

Power of Attorney:

Peter Heuser–27902

If Required, Foreign Filing License Granted: 07/08/2004

The number of your priority application, to be used for filing abroad under the Paris Convention is,

US60/569,341

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

Non-Publication Request: No

Early Publication Request: No

Title

Housing connections 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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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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Sabing H. Lee
Knobbe, Martens, Olson & Bear, LLP
14th Floor
2040 Main Street
Irvine CA 92614

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SEP 2 1 2004

OFFICE OF PETITIONS

In re Application of :
Unknown :
Application No. 60/569,512 : DECISION DISMISSING
Filed: May 7, 2004 : PETITION
Attorney Docket No. OSSUR.048PR :
For: MAGNETORHEOLOGICALLY ACTUATED PROSTHETIC KNEE

This is a decision on the petition filed August 18, 2004 (certificate of mailing date August 16, 2004), requesting review of a determination that Figure 51 was omitted from the original filing papers on May 7, 2004. The petition will be treated under 37 CFR 1.53(e).

The application was filed on May 7, 2004. However, on July 8, 2004, the Office of Initial Patent Examination mailed a notice stating, *inter alia*, that the application had been accorded a filing date of May 7, 2004, but advising applicant that Figure 51, as described in the specification, appeared to have been omitted.

In response, on August 18, 2004 (certificate of mailing date August 16, 2004), a copy of Figure 51 and the present petition were filed. Petitioner argues that Figure 51 was filed on May 7, 2004. In support, the petition is accompanied by a copy of applicant's itemized return postcard receipt showing 120 pages of drawings were received in the Office on May 7, 2004.

The best evidence of what was filed on May 7, 2004, is applicant's postcard receipt. In this case, applicant's postcard receipt identifies 120 pages of drawings as papers being filed. A review of the contents of the official file shows that 120 pages of drawings were, in fact, filed on May 7, 2004 and are presently in the file. However, no Figure 51 (other than that supplied with the instant petition) is present. The file contains two copies of Figure 10 and no Figure 51.

Because the postcard proves 120 pages of drawings were filed on May 7, 2004, 120 pages of drawings are present, and Figure 51 is not depicted on one of the 120 pages, the petition is **dismissed**.

The application is being returned to the Office of Initial Patent Examination with a filing date of **May 7, 2004.** The application has already been processed using the 120 pages of drawings filed on May 7, 2004. Figure 51, filed with the instant petition, will not be entered.

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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Alexandria, VA 22313-1450
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Sabing H. Lee
Knobbe, Martens, Olson & Bear, LLP
14th Floor
2040 Main Street
Irvine CA 92614

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JAN 14 2005

OFFICE OF PETITIONS

In re Application of :
Unknown :
Application No. 60/569,512 : DECISION GRANTING
Filed: May 7, 2004 : PETITION
Attorney Docket No. OSSUR.048PR :
For: MAGNETORHEOLOGICALLY ACTUATED PROSTHETIC KNEE

This is a decision on the reconsideration petition under 37 CFR 1.53(e), filed October 18, 2004 (certificate of mailing date October 15, 2004), requesting review of a determination that Figure 51 was omitted from the original filing papers on May 7, 2004.

The application was filed on May 7, 2004. However, on July 8, 2004, the Office of Initial Patent Examination mailed a notice stating, *inter alia*, that the application had been accorded a filing date of May 7, 2004, but advising applicant that Figure 51, as described in the specification, appeared to have been omitted.

In response, on August 18, 2004 (certificate of mailing date August 16, 2004), a copy of Figure 51 and the present petition were filed. Petitioner argues that Figure 51 was filed on May 7, 2004. In support, the petition is accompanied by a copy of applicant's itemized return postcard receipt showing 120 pages of drawings were received in the Office on May 7, 2004.

Applicant's postcard receipt identifies 120 pages of drawings as papers being filed. A review of the contents of the official file shows that 120 pages of drawings were, in fact, filed on May 7, 2004 and are presently in the file. However, no Figure 51 (other than that supplied with the petition) is present. The file contains two copies of Figure 10 and no Figure 51.

For this reason, the August 2004 petition was dismissed on September 21, 2004.

The instant reconsideration petition was filed on October 18, 2004 (certificate of mailing date October 15, 2004). Petitioner again argues that missing Figure 51 was filed on May 7, 2004 and later misplaced in the Office. Petitioner encloses a copy of the July 8, 2004 Filing Receipt lists 119 drawings (not 120 drawings) as evidence.

Given the fact that the Filing Receipt lists 119 drawings as being received on October 15, 2004 **and** that the appearance/condition of one of the sheets of original drawings containing "Figure 10" is irregular, the reconsideration petition is **GRANTED**.

Two $130.00 petition fees have been charged in connection with this matter. Pursuant to petitioner's authorization, deposit account no. 11-1410 will be credited both $130.00 petition fees.

The application is being returned to the Office of Initial Patent Examination (OIPE) for further processing, with a filing date of **May 7, 2004**, using the copy of Figure 51, submitted on August 18, 2004 (certificate of mailing date August 16, 2004). Office records will be corrected to show that 120 sheets of drawings were present on filing. OIPE will mail a corrected filing receipt in due course.

Petitioner is reminded that a Provisional Application Cover Sheet under 37 CFR 1.51(c)(1), which may be an application data sheet (37 CFR 1.76), is **STILL** required identifying: The name(s) of the inventor(s) and either the city and state or city and foreign country of the residence of each inventor. This requirement was listed in the Notice to File Missing Parts of Provisional Application, mailed July 8, 2004. Extensions of time are still available. Failure to timely respond will result in abandonment of the present application.

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

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP
TEN POST OFFICE SQUARE
BOSTON, MA 02109

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SEP 13 2004

OFFICE OF PETITIONS

In re Application of :
Peter Spatz, et al. :
Application No. 60/569,876 : ON PETITION
Filed: May 11, 2004 :
Attorney Docket No. PPS-006xq800 :

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**.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 306-5594.

Retta Williams

Retta Williams
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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Kirkpatrick & Lockhart, LLP
535 Smithfield Street
Pittsburgh PA 15222

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OFFICE OF PETITIONS

In re Application of	:	
Lefebvre et al.	:	DECISION GRANTING
Application No. 60/570,000	:	PETITION
Filed: May 10, 2004	:	
Attorney Docket No. 40284P	:	

This is a decision on the petition under 37 CFR 1.10(c), filed May 18, 2004, requesting that the above-identified application be accorded a filing date of May 10, 2004, rather than the presently accorded filing date of May 11, 2004.

Petitioner alleges that the application was deposited in Express Mail service on May 10, 2004. In support of the allegation, the petition is accompanied by a copy of Express Mail label No. EU991103948US. The "date-in" indicated on the Express Mail label is May 11, 2004. However, the Express Mail label contains a United States Postal Service (USPS) stamp of May 10, 2004. The same Express Mail label number was placed on the original application papers located in the official file. In view of the above, the petition is **granted**. No petition fee is necessary.

The Office of Initial Patent Examination is directed to correct the filing date to May 10, 2004, and to mail a corrected filing receipt.

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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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DAVID B. RITCHIE
THELEN REID & PRIEST LLP
P.O. BOX 640640
SAN JOSE, CA 95164-0640

COPY MAILED

SEP 10 2004

OFFICE OF PETITIONS

In re Application of :
John D. Hyde et al :
Application No. 60/570,247 :
Filed: May 11, 2004 :
Attorney Docket No. IMPJ-0090P :

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 undersigned at (703) 305-8859.

This file is being referred to the Office of Initial Patent Examination.

Karen Creasy

Karen Creasy
Petitions Examiner
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
60/570,362	05/11/2004		80	24171-09124	11		

CONFIRMATION NO. 6282

CORRECTED FILING RECEIPT

OC000000013533947

00758
FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

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)

George Thomas Mathai, Castro Valley, CA;
Edward R. Myers, San Jose, CA;
Gert-Jan Burger, Hengelo, NETHERLANDS;
Jason Viotty, Enschede, NETHERLANDS;
Marcel Klein Koerkamp, Enschede, NETHERLANDS;

If Required, Foreign Filing License Granted: 07/15/2004

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Manufacturing structures with sub-micron gaps by directional deposit of 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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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER, EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

COPY MAILED

MAR 09 2006

OFFICE OF PETITIONS

In re Application of	:	
David T. Beatson	:	
Application No. 60/570,704	:	DECISION ON PETITION
Filed: May 12, 2004	:	TO WITHDRAW
Attorney Docket No. 19905A-004900US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 26, 2005.

The request is **NOT APPROVED**.

A review of the file record indicates that William L. Shaffer does not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

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

Denise Pothier
Petitions Examiner
Office of Petitions

cc: Christopher Splelzer, Sr.
Kulicke & Soffa Industries, Inc.
2101 Blair Mill Road
Willow Grove, PA 19090

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
60/570,892	05/12/2004		160	15436.502	7		

CONFIRMATION NO. 7849

CORRECTED FILING RECEIPT

OC000000013711473

022913
WORKMAN NYDEGGER (F/K/A WORKMAN NYDEGGER & SEELEY)
60 EAST SOUTH TEMPLE
1000 EAGLE GATE TOWER
SALT LAKE CITY, UT 84111

Date Mailed: 09/02/2004

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)

Randy Oyadomari, Sunnyvale, CA;
Michael Lawson, Sunnyvale, CA;
Stephen Gordy, Sunnyvale, CA;

Power of Attorney:

Michael Frodsham--48699

If Required, Foreign Filing License Granted: 07/15/2004

The number of your priority application, to be used for filing abroad under the Paris Convention is,
US60/570,892

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

Non-Publication Request: No

Early Publication Request: No

Title

Single master clock control of Ethernet data transfer over both a cable TV return path and an Ethernet forward path

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
60/570,962	05/12/2004		160	134193P			

CONFIRMATION NO. 8340

CORRECTED FILING RECEIPT

OC000000013626497

35114
ALCATEL INTERNETWORKING, INC.
ALCATEL-INTELLECTUAL PROPERTY DEPARTMENT
3400 W. PLANO PARKWAY, MS LEGL2
PLANO, TX 75075

Date Mailed: 08/24/2004

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)

Vincent Vermeulen, Newbury Park, CA;
John David Matthews, Katy, TX;
John T. St. Martin III, Buffalo, NY;

If Required, Foreign Filing License Granted: 07/14/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

MAC address search and containment automation

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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/570,984	05/12/2004		160	SGL 04/12			

CONFIRMATION NO. 9350

CORRECTED FILING RECEIPT

OC000000015971349

24131
LERNER AND GREENBERG, PA
P O BOX 2480
HOLLYWOOD, FL 33022-2480

Date Mailed: 05/09/2005

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)

Johann Daimer, Morfelden-Walldorf, GERMANY;

Power of Attorney: The patent practitioners associated with Customer Number **24131**.

If Required, Foreign Filing License Granted: 07/15/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/570,984

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

Non-Publication Request: No

Early Publication Request: No

Title

Graphite electrode for electrothermic reduction furnaces, electrode column, and method of producing graphite electrodes

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LICENSE FOR FOREIGN FILING UNDER

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

GRANTED

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NOT GRANTED

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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MAXYGEN, INC.
INTELLECTUAL PROPERTY DEPARTMENT
515 GALVESTON DRIVE
RED WOOD CITY, CA 94063

COPY MAILED

FEB 28 2005

OFFICE OF PETITIONS

In re Application of :
Whalen et al. :
Application No. 60/570,998 :
Filed: May 14, 2004 : ON PETITION
Attorney Docket No. :
0342.110US :

This is a decision in response to the Petition to Accord the Proper Filing Date, filed September 23, 2004, requesting the application be accorded a filing date of May 14, 2004, instead of the presently accorded filing date of May 13, 2004.

This Petition is hereby **granted**.

Petitioner alleges that the application was deposited in Express Mail service on May 14, 2004. In support of this assertion, the petition is accompanied by a copy of Express Mail label No. EV332430804US. A review of the Express Mail label, No. EV332430804US, reveals that the "Date In" indicated on the Express Mail label is May 14, 2004. Moreover, the Express Mail label contains a United States Postal Service (USPS) stamp, also dated May 14, 2004. The same Express Mail label number was placed on the original application papers located in the official file.

In view of the above, the petition is **granted**. No fee has been charged, and none is due.

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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/570,998	05/14/2004		160	0342.110US	20		

CONFIRMATION NO. 8994

CORRECTED FILING RECEIPT

OC000000015296987

30560
MAXYGEN, INC.
INTELLECTUAL PROPERTY DEPARTMENT
515 GALVESTON DRIVE
RED WOOD CITY, CA 94063

Date Mailed: 02/28/2005

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 Gerald Whalen, Foster City, CA;
Li Xu, Cupertino, CA;
Xiaohan Du, Fremont, CA;

Power of Attorney: The patent practitioners associated with Customer Number **30560**.

If Required, Foreign Filing License Granted: 07/14/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/570,998

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

Non-Publication Request: No

Early Publication Request: No

Title

Novel HIV antigens

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
60/571,127	05/15/2004		105	14061-008P01	2		

CONFIRMATION NO. 8962

26161
FISH & RICHARDSON PC
225 FRANKLIN ST
BOSTON, MA 02110

CORRECTED FILING RECEIPT

OC000000014144214

Date Mailed: 10/20/2004

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)

Jon A. Arrowood, Smyrna, GA;
Peter S. Cardillo, Atlanta, GA;
Robert W. Morris, Atlanta, GA;

Power of Attorney:

Jan Rohlicek--43349

If Required, Foreign Filing License Granted: 07/15/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/571,127

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Language identification via wordspotting

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

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SEP 27 2005

OFFICE OF PETITIONS

In re Application of
Bellott et al.
Application No. 60/571,170
Filed: May 14, 2004
Title of Invention: Smmr (Small Molecule Metabolite Reporters) for Use as in Vivo Glucose Biosensors

DECISION GRANTING PETITION

This is a decision on the petition filed on July 20, 2004 requesting that figures 24-27, 28a-28c, 29-49 be included as part of the original disclosure.

The petition is **granted.**

The instant provisional application papers was filed on May 14, 2004. On July 16, 2004, the Office of Initial Patent Examination mailed a Notice of Omitted Item(s) in a Provisional Application stating that figures 24-27, 28a-28c, 29-49 appeared to have been omitted.

In reply, the present petition was filed on July 20, 2004. Petitioner states that figures 24-27, 28a-28c, 29-49 were part of the original disclosure. The figures are located in the specification.

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 May 14, 2004, as was the submission of the filing fee required by 35 USC 41. All conditions for obtaining a filing

required by 35 USC 41. All conditions for obtaining a filing date in this provisional application were clearly met on May 14, 2004.

Under the facts of this case, this provisional application is entitled, to a filing date, on the date of receipt of the specification that also contained drawing figures 24-27, 28a-28c, 29-49. 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 July 16, 2004, was mailed in error and is vacated.

The $130.00 petition fee will be refunded to deposit account no. 50-0311.

This provisional application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of May 14, 2004 using the drawings submitted on that date which includes figures 24-27, 28a-28c, 29-49.

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

Charlema R. Grant

Petition Attorney

Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/571,452	05/14/2004		210	IDEALAB.066PR	6		

CONFIRMATION NO. 1952

UPDATED FILING RECEIPT

OC000000014325722

David N. Weiss
Knobbe, Martens, Olson & Bear, LLP
14th Floor
2040 Main Street
Irvine, CA 92614

Date Mailed: 11/09/2004

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)

William Gross, Pasadena, CA;

Power of Attorney:

David Weiss–41371

If Required, Foreign Filing License Granted: 07/19/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/571,452

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

Non-Publication Request: No

Early Publication Request: No

Title

Personalized search engine

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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10035 – 105 STREET
EDMONTON, ALBERTA, AB T5J3T2
CANADA

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JUL 18 2005

OFFICE OF PETITIONS

In re Application of :
Olivier Julien, et al. :
Application No. 60/571,496 : ON PETITION
Filed: May 17, 2004 :
Attorney Docket No. 45074.80 :

This is a decision on the petition under 37 CFR 1.137(b), filed March 16, 2005, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application mailed August 4, 2004. 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 October 5, 2004.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3229.

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

Retta Williams

Retta Williams
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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Paper No.

Michael L. Garner
122 Hillrise Road
Gray, TN 37615

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SEP 17 2004

OFFICE OF PETITIONS

In re Application of :
Michael Lynn Garner :
Application No. 60/571,787 :
Filed: May 17, 2004 :
For: CRITICAL ENGINE COMPONENT :
PROTECTION COVERS : ON PETITION

This is a decision on the correspondence filed August 23, 2004, requesting the application be accorded a filing date of May 17, 2004, including p pages of drawings[1] described in the specification. Petition Under 37 CFR § 1.53

The petition is **granted**.

The application was filed on May 17, 2004. However, on July 22, 2004, the Office of Initial Patent Examination mailed a Notice of Omitted Item(s) in a Nonprovisional Application ("Notice"), noting that a filing date had been accorded the application; however, Figure 1 described in the specification appeared to have been omitted from the application.

In response, Petitioner files the instant petition wherein Petitioner avers that 7 pages of drawings, including Figure 1, were originally filed with the application on May 17, 2004, 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 pages of drawings by this Office on May 17, 2004.

A review of the return receipt postcard reveals that Petitioner is correct. The postcard acknowledges receipt of 7 pages of drawings by this Office on May 17, 2004. Petitioner has also re-submitted the drawing Figure 1 with the instant petition.

[1] Appliocant notes that the 7 pages of drawings are actually 7 pages of pictures and illustrations.

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 drawing Figure 1 supplied with the instant petition on August 23, 2004, will be used for examination purposes.

A refund of the petition fee by Treasury Check 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 May 17, 2004, and an indication that 7 sheets of drawings, including Figure 1, were present on filing, using the Figure 1 filed on August 23, 2004.

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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JJGJr: 09-04

Paper No: __

KIRBY EADES GALE BAKER
BOX 3432, STATION D
OTTAWA ON
K1P 6N9
CANADA

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FEB 16 2005

OFFICE OF PETITIONS

In re Application of :
Fallis, et al. :
Application No. 60/571,940 : DECISION ON PETITION
Filed: 18 May, 2004 :
Attorney Docket No.:57163 :
:

This is a decision on the petition filed on 16 August, 2004, seeking to have accorded to the instant application a filing date of 18 May, 2004, under 37 C.F.R. §1.53--notably, however, Petitioner alleges that the drawings found to be missing from the application "are not necessary for the understanding of the subject matter to be patented."

For the reasons set forth below, the petition is **GRANTED in part** and **DISMISSED in part**, and no petition fee is charged.

The application was deposited on 18 May, 2004.

On 30 July, 2004, the Office mailed a "Notice of Incomplete Provisional Application" indicating that the application was filed without, *inter alia*, drawings as required under 35 U.S.C. §113 (first sentence) and that no filing date has been granted.

On 16 August, 2004, Petitioner replied submitting the instant petition, and stating that the drawings had been withheld from the application because "are not necessary for the understanding of the subject matter to be patented."

Thus, Petitioner contends, drawings are not necessary for the understanding of the subject matter to be patented.

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 the understanding of the invention under 35 U.S.C. §113 (first sentence). (See: MPEP §601.01[1])

This application contains one or more 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).[2]

It appears that a "Notice of Omitted Items" should have been mailed instead of the "Notice of Incomplete Nonprovisional Application."

---

[1] The commentary at MPEP §601.01 provides in pertinent part:

* * *

601.01(f) Applications Filed Without Drawings

35 U.S.C. 111(a)(2)(B) and 35 U.S.C. 111(b)(1)(B) each provide, in part, that an "application shall include . . . a drawing as prescribed by section 113 of this title" and 35 U.S.C. 111(a)(4) and 35 U.S.C. 111(b)(4) each provide, in part, that the "filing date . . . shall be the date on which . . . any required drawing are received in the Patent and Trademark Office." 35 U.S.C. 113 (first sentence) in turn provides that an "applicant shall furnish a drawing where necessary for the understanding of the subject matter sought to be patented.

Applications filed without drawings are initially inspected to determine whether a drawing is referred to in the specification, and if not, whether a drawing is necessary for the understanding of the invention. 35 U.S.C. 113 (first sentence).

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.

* * *

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, not describing drawing figures in the specification, and filed without drawings will simply be processed for examination, so long as the application contains something that can be construed as a written description. 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. 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.

* * *

[2] The commentary at MPEP §601.01 provides in pertinent part:

* * *

601.01(g) Applications Filed Without All Figures of Drawings

The Office of Initial Patent Examination (OIPE) reviews application papers to determine whether all of the figures of the drawings that are mentioned in the specification are present in the application. If the application is filed without all of the drawing figure(s) referred to in the specification, and the application contains something that can be construed as a written description, at least one drawing, if necessary under 35 U.S.C. 113 (first sentence), and, in a nonprovisional application, at least one claim, 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 drawings described in the specification. The mailing of a "Notice of Omitted Item(s)" will permit the applicant to either: (1) promptly establish prior receipt in the USPTO of the drawing(s) at issue (generally by way of a date-stamped postcard receipt (MPEP § 503)); or (2) promptly submit the omitted drawing(s) in a nonprovisional application and accept the date of such submission as the application filing date. An applicant asserting that the drawing(s) was in fact deposited in the USPTO with the application papers must, within 2 months from the date of the "Notice of Omitted Item(s)," file a petition under 37 C.F.R. 1.53(e) with the petition fee set forth in 37 C.F.R. 1.17(h), along with evidence of such deposit (37 C.F.R. 1.181(f)). The petition fee will be refunded if it is determined that the drawing(s) was in fact received by the USPTO with the application papers deposited on filing.

* * *

Therefore, the 30 July, 2004, "Notice of Incomplete Provisional Application" hereby is **vacated**.

The application is accorded a filing date of 18 May, 2004.

The petition is **granted in part**, to the extent that the application will be accorded the filing date of 18 May, 2004, without the drawings containing Figures 1 - 2 as part of the original disclosure of the application; in all other respects the petition **is dismissed**.

The application file is being released to the Office of Initial Patent Examination for further processing with a corrected filing date of 18 May, 2004, indicating in the Office records that "0" sheets of drawings were present on filing, and the mailing of a corrected filing receipt.

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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JJGJr: 09-04

Paper No: __

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CANADA

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JUN 0 6 2005

OFFICE OF PETITIONS

In re Application of :
Fallis, et al. :
Application No. 60/571,940 : DECISION ON PETITION
Filed: 18 May, 2004 :
Attorney Docket No.:57163 :
:

This is a decision on the petition filed on 16 August, 2004, seeking to have accorded to the instant application a filing date of 18 May, 2004, under 37 C.F.R. §1.53--notably, however, Petitioner alleges that the drawings found to be missing from the application "are not necessary for the understanding of the subject matter to be patented."

For the reasons set forth below, the petition is **GRANTED in part** and **DISMISSED in part**, and no petition fee is charged.

The application was deposited on 18 May, 2004.

On 30 July, 2004, the Office mailed a "Notice of Incomplete Provisional Application" indicating that the application was filed without, *inter alia*, drawings as required under 35 U.S.C. §113 (first sentence) and that no filing date has been granted.

On 16 August, 2004, Petitioner replied submitting the instant petition, and stating that the drawings had been withheld from the application because "are not necessary for the understanding of the subject matter to be patented."

Thus, Petitioner contends, drawings are not necessary for the understanding of the subject matter to be patented.

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 the understanding of the invention under 35 U.S.C. §113 (first sentence). (See: MPEP §601.01[1])

This application contains one or more 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).[2]

It appears that a "Notice of Omitted Items" should have been mailed instead of the "Notice of Incomplete Nonprovisional Application."

---

[1] The commentary at MPEP §601.01 provides in pertinent part:

* * *

601.01(f) Applications Filed Without Drawings

35 U.S.C. 111(a)(2)(B) and 35 U.S.C. 111(b)(1)(B) each provide, in part, that an "application shall include . . . a drawing as prescribed by section 113 of this title" and 35 U.S.C. 111(a)(4) and 35 U.S.C. 111(b)(4) each provide, in part, that the "filing date . . . shall be the date on which . . . any required drawing are received in the Patent and Trademark Office." 35 U.S.C. 113 (first sentence) in turn provides that an "applicant shall furnish a drawing where necessary for the understanding of the subject matter sought to be patented.

Applications filed without drawings are initially inspected to determine whether a drawing is referred to in the specification, and if not, whether a drawing is necessary for the understanding of the invention. 35 U.S.C. 113 (first sentence).

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.

* * *

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, not describing drawing figures in the specification, and filed without drawings will simply be processed for examination, so long as the application contains something that can be construed as a written description. 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. 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.

* * *

[2] The commentary at MPEP §601.01 provides in pertinent part:

* * *

601.01(g) Applications Filed Without All Figures of Drawings

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* * *

Therefore, the 30 July, 2004, "Notice of Incomplete Provisional Application" hereby is **vacated**.

The application is accorded a filing date of 18 May, 2004.

The petition is **granted in part**, to the extent that the application will be accorded the filing date of 18 May, 2004, without the drawings containing Figures 1 - 2 as part of the original disclosure of the application; in all other respects the petition **is dismissed**.

The application file is being released to the Office of Initial Patent Examination for further processing with a corrected filing date of 18 May, 2004, indicating in the Office records that "0" sheets of drawings were present on filing, and the mailing of a corrected filing receipt.

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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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MCDERMOTT, WILL & EMERY
ATTN: INTELLECTUAL PROPERTY DEPT.
28 STATE STREET
BOSTON, MA 02109

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SEP 0 9 2004

OFFICE OF PETITIONS

In re Application of :
Knoop, et al. : DECISION GRANTING
Application No. 60/571,949 : PETITION
Filed: May 17, 2004 :
Attorney Docket No. JUSL-110PR :

This is a decision on the petition under 37 CFR 1.10(d), filed June 18, 2004, requesting that the above-identified provisional application be accorded a filing date of May 17, 2004, rather than the presently accorded filing date of May 18, 2004.

The petition is **GRANTED**.

Applicants request the earlier filing date on the basis that the provisional application was purportedly deposited in Express Mail service (Express Mail mailing label #EV470184823US) on May 17, 2004, pursuant to the requirements of 37 CFR 1.10. However, the Express Mail mailing label identified in the original application papers indicates a "date-in" of May 18, 2004. Applicants allege that the date of mailing indicated by the Express Mail mailing label is a U.S. Postal Service (USPS) error and the correct date of mailing is May 17, 2004.

In support, the petition is accompanied by a copy of the register receipt from the Hanover Street Station of the USPS that indicates the item with Express Mail label no. EV470184823US was placed into Express Mail service on May 17, 2004.

In view of the evidence present in the file, it is concluded that the "date-in" indicated on the Express Mail mailing label is incorrect and that the correct date of deposit in Express Mail service is May 17, 2004

Accordingly, the application is entitled to a filing date of May 17, 2004.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of May 17, 2004.

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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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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DEAN A. CRAINE, P.S.
STE 140
400 - 112TH AVE NE
BELLEVUE WA 98004

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OCT 28 2004

OFFICE OF PETITIONS

In re Application of :
Randy Stephens :
Application No. 60/572,130 : DECISION GRANTING PETITION
Filed: May 17, 2004 :
Attorney Docket No. STER 102 :

This is a decision on the petition filed September 20, 2004, requesting that the above-identified application be accorded a filing date of May 17, 2004.

On May 17, 2004, applicant deposited the above-identified application. On August 16, 2004, 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 20, 2004, applicant filed the present petition and a copy of applicant's postcard receipt acknowledging receipt of three sheets of drawings on May 17, 2004. Additionally, applicant submitted a copy of three sheets of drawings, containing Figures 1-3, with the present petition.

Upon review of the record, the three sheets of drawings, deposited on May 17, 2004, have not been located among the application papers. However, the evidence is convincing that the application papers deposited on May 17, 2004, included three drawing sheets (Figures 1-3), which were subsequently misplaced in the United States Patent and Trademark Office. Therefore, the application, including three drawing sheets (Figures 1-3) was complete on filing and will be granted a filing date of May 17, 2004.

Accordingly, the petition is granted.

The "Notice of Incomplete Provisional Application," mailed August 16, 2004, was sent in error and is hereby vacated. Accordingly, a petition fee is unnecessary.

The Office of Initial Patent Examination is directed to accord the application a filing date to May 17, 2004, using the three sheets of drawings submitted on petition. The Office records should indicate that three sheets of drawings were submitted on filing.

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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OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-8403

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MAR 3 1 2005

OFFICE OF PETITIONS

In re Application of :
Kevin Thevenet : DECISION GRANTING
Application No. 60/572,147 : PETITION
Filing: May 17, 2004 :
Attorney Docket No. IR-2775 Prov (2-4064) :

This is a decision on the petition under 37 CFR 1.10(d), filed October 21, 2004, and supplemented on March 29, 2005, requesting that the above-identified application be accorded a filing date of May 17, 2004, rather than the presently accorded filing date of May 18, 2004.

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 May 17, 2004, pursuant to the requirements of 37 CFR 1.10. Applicants are alleging that the U.S. Postal Service (USPS) incorrectly entered the "date in" of May 18, 2004, rather than the actual "date in" of May 17, 2004 on the U.S. Express Mail mailing label.

In support, the petition is accompanied by, inter alia, a declaration of Dorothy Jenkins dated October 19, 2004 and a copy of a USPS record styled "Pickup Service Statement for Express Mail, Priority Mail, or Parcel Post" showing that a package bearing Express Mail label No. EV343719340 was picked up by the USPS from counsel's Office on May 17 2004.

Since the evidence from the USPS, namely, the Express Mail Pickup Service Statement, corroborates a "pickup date" of May 17, 2004, the instant application file is entitled to a filing date of May 17, 2004.

The petition is granted. No petition fee is required and none has been charged.

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

The application file is being referred to the Office of Initial Patent Examination for processing with a filing date of May 17, 2004, and for the mailing of a corrected Filing Receipt.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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BARNES & THORNBURG
11 SOUTH MERIDIAN
INDIANAPOLIS, IN 46204

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JUN 23 2006
OFFICE OF PETITIONS

In re Application of :
Denney et al. :
Application No. 60/572,166 :
Filed: May 18, 2004 : DECISION ON
Title of Invention: : PETITION
FERMENTER AND FERMENTATION METHOD :

This is a decision in response to the Petition Under 37 CFR 1.181 to Clarify the Record Regarding Abandonment, filed February 6, 2006. The petition is properly treated as a petition to withdraw the holding of abandonment.

This Petition is hereby **granted**.

Background

The above-identified application became abandoned for failure to timely and properly responsd to the Notice to Missing Parts of Nonprovisional Application ("Notice"), mailed September 2, 2004. The Notice set a two (2) month period for reply.

Applicant filed responses on January 10, 2004 and April 26, 2005; however, the responses were deemed incomplete replies. Applicant was so notified in Notices of Incomplete Reply, mailed April 13, 2005 and May 23, 2005 respectively.

No complete and proper response having been received, the application became abandoned November 3, 2004. The mailing of this Decision precedes the mailing of a Notice of Abandonment.

Petition under 37 CFR 1.181

Applicant files the instant petition wherein Applicant asserts that a complete and proper response to the Notice was timely filed and received in this Office on January 10, 2005 (Certificate of mailing dated January 6, 2005).

A review of office records reveals that Applicant is correct. The response filed January 10, 2005 was a complete and proper reply to the Notice.

In view of the above, the holding of abandonment is hereby withdrawn.

It is also noted that Applicant filed additional pages of specification on January 10, 2005, and should have been charged the appropriate fee.

In view of the above, the petition is granted. Applicant has demonstrated by a preponderance of the evidence timely submission of the response to the Notice.

This application is being referred to the Office of Initial Patent examination for calculation of the Utility Application Size Fee due, and for the mailing of a Notice regarding the fee due.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

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INDIANAPOLIS, IN 46204

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APR 17 2006

OFFICE OF PETITIONS

In re Application of Denney :
Application No. 60/572,206 : Decision on Petition
Filing Date: May 18, 2004 :
Attorney Docket No. 35479-73710 :

This is a decision in response to the petition under 37 CFR 1.181 requesting the Office vacate the Notice of Incomplete Reply mailed May 19, 2005.

The petition is **granted**.

The application was filed on May 18, 2004.

A provisional application is regarded as abandoned 12 months after the filing date of such application.[1]

The application became abandoned as of midnight on Wednesday, May 18, 2004.

The Notice of Incomplete Reply mailed May 19, 2005, states that the absence of a reply within two months will result in the abandonment of the application. However, the application was already abandoned at the time the Notice was mailed.

The Notice states that the compact discs submitted contain improper material. Although technically correct, this objection had already been addressed by petitioner.

The May 19, 2005 Notice is hereby vacated.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

[1] The pendency of a provisional application is extended to the next succeeding secular or business day if the day that is twelve months after the filing date of the provisional application falls on a Saturday, Sunday, or Federal holiday within the District of Columbia. See 35 U.S.C. 119(e)(3).

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SEP 14 2006

OFFICE OF PETITIONS

BARNES & THORNBURG LLP
11 SOUTH MERIDIAN
INDIANAPOLIS IN 46204

In re Application of :
Larry W. Denney :
Application No. 60/572,226 : ON PETITION
Filed: May 18, 2004 :
Attorney Docket No. 35479-73712 :

This is a decision on the petition under 37 CFR 1.181, filed February 6, 2006, requesting the Office vacate the Notice of Incomplete Reply mailed May 23, 2005.

The petition is **GRANTED**.

The application was filed on May 18, 2004.

A provisional application is regarded as abandoned 12 months after the filing date of such application. Accordingly, the application became abandoned as of midnight on Wednesday, May 18, 2005.

The Notice of Incomplete Reply mailed May 23, 2005, states that the absence of a reply within two months would result in the abandonment of the application. However, the application was already abandoned at the time the Notice was mailed.

The Notice states that the compact discs submitted contain incorrect material. Although technically correct, this objection had already been addressed by petitioner.

The May 23, 2005 Notice is hereby **VACATED**.

Telephone inquiries should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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NOVOZYMES BIOTECH, INC.
1445 DREW AVE
DAVIS. CA 95616

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MAR 3 1 2005

OFFICE OF PETITIONS

In re Application of :
Berka, et al. : DECISION ON PETITION
Application No. 60/572,403 :
Filed: May 18, 2004 :
Atty. Dkt. No.: 10588.020-US :

This decision is in response to the "PETITION UNDER 37 C.F.R. 1.10 TO OBTAIN DATE RECEIVED FOR PATENT APPLICATION," filed March 14, 2005. This petition is being treated under 37 CFR 1.10(c) to accord the above-identified application a filing date of May 18, 2004.

Petitioner alleges that the instant application was deposited in Express Mail service May 18, 2004. As supporting evidence, petitioner has provided a copy of an Express Mail label bearing tracking number EV409173619US (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 18, 2004.

In view of the above, the petition under 37 CFR 1.10(c) to accord the above-identified application a filing date of May 18, 2004 is hereby **GRANTED**.

No fee is due in connection with this petition.

This application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of May 18, 2004.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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NEW YORK, NY 10151

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SEP 15 2004

OFFICE OF PETITIONS

In re Application of :
Norgaard-Pedersen, et al. :
Filed: May 19, 2004 : ON PETITION
Application No. 60/572,519 :
Atty. Dkt. No.: 674581-2002 :

This decision is in response to the "RESPONSE TO NOTICE OF OMITTED ITEMS AND PETITION TO ACCEPT PAPERS AS RECEIVED ON THE FILING DATE," filed August 18, 2004, to accord the above-identified application a filing date of May 19, 2004.

The application was filed May 19, 2004. The Notice of Omitted Items in a Provisional Application ("Notice") mailed August 18, 2004 by the Office of Initial Patent Examination notified applicant that the application had been accorded a filing date but that figure 18 as described in the specification appeared to have been omitted from the application.

Petitioners herein argue that the application as deposited included 18 sheets of drawings. Petitioners have included as proof of mailing and proof of receipt of Fig. 18 a return postcard date stamped by the Office on May 19, 2004. A copy of Fig. 18 purportedly filed with the application on May 19, 2004 was also supplied.

The original drawing sheet featuring Fig. 18 has not been located. However, in view of the evidence presented, the petition to accord the application a filing date of May 19, 2004 is GRANTED and the Notice is WITHDRAWN.

Since the drawing sheet featuring Fig. 18 cannot be located in the Office, the copy supplied with the instant petition will be used for examination purposes.

No petition fee is due in connection with this matter. Petitioner may request a refund of the $130.00 petition fee submitted herewith from the Finance Office, Refund Section. A copy of this decision should accompany any request for refund.

This application will be returned to the Office of Initial Patent Examination for further processing with a filing date of May 19, 2004.

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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FULBRIGHT & JAWORKSKI LLP
666 FIFTH AVENUE
NEW YORK, NY 10103

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JUN 1 8 2004

OFFICE OF PETITIONS

In re Application of :
Jonathan S. Cebon :
Application No. 60/572,543 : NOTICE
Filed: May 18, 2004 :
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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/572,877	05/19/2004		80	120122.406P2	15		

CONFIRMATION NO. 9292

00500
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 6300
SEATTLE, WA 98104-7092

CORRECTED FILING RECEIPT

OC000000013856366

Date Mailed: 09/21/2004

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)

Thaddeus C. George, Seattle, WA;
David A. Basiji, Seattle, WA;
Keith Frost, Seattle, WA;
Brian E. Hall, Seattle, WA;
William E. Ortyn, Bainbridge Island, WA;
Michael J. Seo, Mercer Island, WA;

Power of Attorney: The patent practitioners associated with Customer Number **00500**.

If Required, Foreign Filing License Granted: 07/20/2004

The number of your priority application, to be used for filing abroad under the Paris Convention is,
US60/572,877

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Image based quantitation of molecular translocation

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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SEP 24 2004

OFFICE OF PETITIONS

In re Application of	:	
Paul et al.	:	
Application No. 60/573,167	:	ON PETITION
Filed: 21 May, 2004	:	
Atty Docket No. 03US7010	:	

This is a decision on the petition filed on 9 August, 2004, which is treated as a petition requesting that the Notice of Omitted Item(s) in a Provisional Application mailed on 27 July, 2004, be withdrawn.

The petition is **dismissed**.

On 21 May, 2004, the application was filed.

On 27 July, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice" stating that the application had been accorded a filing date of 21 May, 2004, but that Figure 4I described in the specification appeared to have been omitted from the application. A two (2) month period for reply was set.

In response, on 9 August, 2004, the present petition was filed. Petitioners assert that the reference to Figure 4I in the specification was made in error, and request that the reference to Figure 4I in the specification be deleted. Petitioners have filed with the present petition an amendment to delete the reference to Figure 4I.

The mailing of a "Notice of Omitted Items" permits the applicant to either: (1) promptly establish prior receipt in the PTO of the drawing(s) at issue (generally by way of a date-stamped postcard receipt (MPEP 503)), or (2) promptly submit the omitted drawing(s) in a nonprovisional application and accept the date of such submission as the application filing date. An applicant asserting that the missing drawings were in fact deposited in the PTO with the application papers must file a petition (and the

appropriate petition fee) with evidence of such deposit. An applicant desiring to submit the omitted drawings in a nonprovisional application and accept the date of such submission as the application filing date must file any omitted drawing(s) with an oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such drawing(s) and a petition under 37 CFR 1.182 (with the petition fee under 37 CFR 1.17(h)) requesting the later filing date within two months of the date of the "Notice of Omitted Items" (37 CFR 1.181(f)).

In this case, petitioners do not assert that the missing Figure was deposited on 21 May, 2004. Instead, applicants seek to amend the application to delete the reference to Figure 4I. However, no amendment, other than to make the provisional application comply with the patent statute and all applicable regulations may be made to a provisional application after the filing date of the provisional application.[1]

The application will be processed using only the application papers present on filing.

The "Notice" mailed on 27 July, 2004, was correct in stating that Figure 4I 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 not be refunded.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of 21 May, 2004, using only 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

---

[1] See 37 CFR 1.53(c).

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53 State Street
Boston, MA 02109

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JAN 0 5 2005

OFFICE OF PETITIONS

In re Application of :
Myers, et al. : DECISION ON PETITION
Application No. 60/573,623 :
Filed: May 21, 2004 :
Docket No.: 0342941-0101 (Myers :
2256- :

This is a decision on the "PETITION TO CORRECT FILING RECEIPT," filed October 1, 2004.

Petitioners argue that the last name of inventor Andrew G. Myers is misspelled on the filing receipt and indicate that the correct spelling is MYERS rather than Meyers as indicated on the application transmittal letter submitted with the application on filing. Petitioners herein seek the issuance of a correct filing receipt to reflect the proper spelling of the inventor's name.

Petitioners are advised that when a typographical or transliteration error in the spelling of an inventor's name is discovered during pendency of an application, a petition is not required, nor is a new oath or declaration under 37 CFR 1.63 needed. Accordingly, the instant petition is hereby **DISMISSED**.

Petitioner is further advised that applicants are strongly encouraged to use an application data sheet such that any patent to issue will reflect the correct spelling of the inventor's name. Without an application data sheet with the corrected spelling, any patent to issue is less likely to reflect the correct spelling since the spelling of the inventor's name is taken from the oath or declaration, or any subsequently filed application data sheet. See, MPEP 605.04(b)

As a courtesy, however, the Office of Petitions has entered the requested correction as reflected in the enclosed corrected filing receipt.

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

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

Alesia M. Brown
Senior Petitions Attorney
Office of Petitions

Enclosure: Corrected Filing Receipt

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DAVID W. HIGHET, VP AND CHIEF IP COUNSEL
BECTON, DICKINSON AND COMPANY
1 BECTON DRIVE, MC 110
FRANKLIN LAKES NJ 07417-1880

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NOV 0 4 2004

OFFICE OF PETITIONS

In re Application of :
Pitner et al. : DECISION GRANTING
Application No. 60/573,944 : PETITION
Deposited: May 21,2003 :
Attorney Docket No. P-5662 :
Title of Invention: LONG WAVELENGTH :
THIOL-REACTIVE FLUOROPHORES :
:

This is a decision on the petition filed October 6, 2004, requesting that the above-identified provisional application be accorded a filing date of May 21, 2004.

The application was deposited on May 21, 2004. However, on August 3, 2004, 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 October 6, 2004, the present petition was filed. To make timely, a one month extension of time fee in the amount of $110.00 is being charged to deposit account 02-1666. Petitioner states that drawings are not necessary for an understanding of the claimed subject matter and, therefore, the application should be accorded the May 21, 2004 filing date without any 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 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

any drawings.

The petition is granted. No petition fee is due. Deposit account 02-1666 is being refunded the $130.00 petition fee.

The application will be processed with only the papers present on filing and is hereby accorded a filing date of **May 21, 2004**, without drawings as part of the original disclosure

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

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520 S.W. YAMHILL STREET
SUITE 200
PORTLAND OR 97204

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JUL 05 2005

OFFICE OF PETITIONS

In re Application of :
Roger G. Smith :
Application No. 60/574,280 :
Filed: 9 June, 2005 :
Atty Docket No. CEC 308P :

ON PETITION

This is a decision on the petition filed on 9 June, 2005, which is treated as a petition under 37 CFR 1.53 to accord the above-identified application, including six (6) sheets of drawings, a filing date of 7 November, 2003.

The petition is **DISMISSED**.

On 7 November, 2003, the application was deposited without drawings. Accordingly, on 6 April, 2005, Initial Patent Examination Division mailed a Notice of Incomplete Provisional Application, stating that the application was incomplete because the application had been deposited without drawings, and that the filing date would be the date that drawings in accordance with 35 U.S.C. § 113 were received.

In response, 9 June, 2005 (certificate of mailing date 6 June, 2005), the present petition was filed. Petitioner asserts that six (6) sheets of drawings were present on filing on 7 November, 2003. In support, petitioner has supplied a copy of an Express Mail customer label as well as a copy of the six (6) sheets of drawings asserted to have been filed on 7 November, 2003.

A review of the record reveals that no (0) sheets of drawings are located among the application papers deposited on 7 November, 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. The fact that petitioner believes the drawings were among the papers he included in the application is not more persuasive than the actual papers shown to have been received by the official file.

The argument and evidence supplied with the petition have been considered, but are not persuasive. The USPTO has a well-established and well-publicized practice of providing a receipt

for papers filed in the USPTO to any applicant desiring a receipt. The practice requires that any paper for which a receipt is desired be filed in the USPTO 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 USPTO of all the items listed thereon on the date stamped thereon by the USPTO. See section 503, Manual of Patent Examining Procedure (MPEP 503). Unfortunately, petitioner has not provided a copy of itemized, stamped postcard, although the petition indicates that a postcard was included with the original application papers sent to the USPTO. If petitioner has a copy of the postcard receipt for this application with a USPTO "Office date" stamp, a copy of that postcard should be submitted with any renewed petition.

Additionally, petitioner should note that the Express Mail mailing label is not persuasive evidence of the receipt of one six (6) sheets of drawings on 7 November, 2003, because the other application papers filed by Express Mail were received on 7 November, 2003. 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 CFR 1.10(e) to establish what documents and or fees were filed in the Office with such correspondence. A petition under 37 CFR 1.10 is therefore inappropriate in the present case.[1] A petition under 37 CFR 1.10(e) is only appropriate where the correspondence was sent by Express Mail but nothing was received by the Office.

Lastly, at best, the application transmittal sheet and counsel's records show that petitioner's counsel *intended* to file, via Express Mail, the six (6) sheets of drawings in question on 7 November, 2003, but the evidence, unfortunately, does not show that the USPTO received the drawings on 7 November, 2003. In summary, petitioner simply has no evidence that six (6) sheets of drawings was filed on 17 January, 2003.

Petitioner is given TWO (2) MONTHS from the date of mailing of this decision to file a renewed petition accompanied by corroborating evidence (*e.g.*, an itemized postcard or other evidence showing that the drawings were among the application papers deposited on 7 November, 2003). Any request for reconsideration should be filed within **TWO MONTHS** of the date of the original decision in order to be considered timely. This time period may not be extended.[2]

---

[1] MPEP 513.

[2] 37 CFR 1.181(f).

The application will be processed with a filing date of 9 June, 2005, the date that the application, including six (6) sheets of drawings, was received in the Office.

As the petition is due to a filing error on the part of applicant and not an error on the part of the USPTO, a petition fee of $400.00 will be assessed to counsel's deposit account, No. 11-1540, as required by 37 CFR 1.17(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

or, after 15 July, 2005:

(571) 273-8300
Attn: Office of Petitions

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

The application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of 9 June, 2005, the date that the application, including six (6) sheets of drawings, was received in the Office.

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DAVID B. RITCHIE
THELEN REID & PRIEST LLP
P O BOX 640640
SAN JOSE CA 95164-0640

COPY MAILED

AUG 3 0 2004

OFFICE OF PETITIONS

In re Application of	:	
Christopher J. Diorio	:	
Application No. 60/574,359	:	NOTICE
Filed: May 24, 2004	:	
Attorney Docket No. IMPJ-0100P	:	

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

OIPE JC26
AUG. 0 3 2004
PATENT & TRADEMARK OFFICE

DAC 1.28c

Docket No: IMPJ-0100P

DIVISION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	CHRISTOPHER J. DIORIO
SERIAL NO.:	60/574,359
FILING DATE:	May 24, 2004
TITLE:	RFID Tags Interacting Wirelessly With RFID Readers
EXAMINER:	Unassigned
GROUP ART UNIT:	Unassigned

2004 AUG 20 PM 2:41

AUG 26 2004

OFFICE OF PETITIONS

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Status & Entity Branch Office of Finance, P.O. Box 1450, Alexandria VA 22313-1450, on the date printed below:

Date: 7/30/04 Name: Diane Morse
Diane Morse

RECEIVED
AUG 20 2004
OIPE/JCWS

MAIL STOP STATUS & ENTITY BRANCH
OFFICE OF FINANCE
703-308-5077
P.O. Box 1450
Alexandria, VA 22313-1450

WITHDRAWAL OF CLAIM TO SMALL ENTITY STATUS

Small Entity Was Established in Good Faith

Applicants hereby submit that the small entity status in this case was established in good faith, and fees as a small entity were paid in good faith.

Applicants hereby withdraw the claim in the present application to Small Entity status ab initio.

08/25/2004 DALLEN 00000027 60574359
01 FC:1461 80.00 OP

Itemization of Deficiency Payment pursuant to 37 CFR 1.28(c)

1. Basic Statutory Filing Fee for Provisional Application

Basic Statutory Filing Fee (large entity)-fee code 1005	$160.00
Basic Statutory Filing Fee (small entity)-fee code 2005 paid 5/24/2004	$ 80.00
Deficiency Amount Owed	**$ 80.00**

PATENT MAINTENANCE DIVISION

Total Deficiency Amount Owed **$ 80.00**

2004 AUG 20 PM 2:41

A check in the amount of total deficiency of **$80.00** is herewith submitted. Please charge any additional required fee or credit any overpayment to our deposit account number 50-1698.

Respectfully submitted,
THELEN REID & PRIEST, LLP

Dated: July 29, 2004

David B. Ritchie
Reg. No. 31,562

Thelen Reid & Priest LLP
P.O. Box 640640
San Jose, CA 95164-0640
Telephone: (408) 292-5800
Fax: (408) 287-8040

AUG 0 3 2004
PATENT & TRADEMARK OFFICE

PTO/SB/21 (08-03)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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DIVISION
2004 AUG 20 PM 2:41

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	60/574,359
Filing Date	5/24/04
First Named Inventor	CHRISTOPHER J. DIORIO
Art Unit	not assigned
Examiner Name	not assigned
Total Number of Pages in This Submission: 4	Attorney Docket Number: IMPJ-0100P

ENCLOSURES ***(check all that apply)***

AUG 26 2004
OFFICE OF PET

- ☒ Fee Transmittal Form
  - ☒ Fee Attached
- ☐ Amendment / Reply
  - ☐ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/ Incomplete Application
  - ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) ____
- ☐ After Allowance Communication to Group
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to Group **(Appeal Notice, Brief, Reply Brief)**
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) *(please identify below)*:

  WITHDRAWAL OF CLAIM TO SMALL ENTITY STATUS; RETURN POSTCARD

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	DAVID B. RITCHIE, Reg. No. 31,562 Thelen Reid and ~~Priest LLP~~
Signature	
Date	JULY 29, 2004

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Diane Morse		
Signature	Diane Morse	Date	July 30, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

AUG 03 2004
PATENT & TRADEMARK OFFICE

PTO/SB/17 (10-03)
Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($) 80

Complete If Known	
Application Number	60/574,359
Filing Date	MAY 24, 2004
First Named Inventor	CHRISTOPHER J. DIORIO
Examiner Name	Unassigned
Art Unit	Unassigned
Attorney Docket No.	IMPJ-0100P

DIVISION
2004 AUG 26 PM 2:4

METHOD OF PAYMENT *(check all that apply)*

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number: 50-1698

Deposit Account Name: Thelen Reid & Priest LLP

The Director is authorized to: *(check all that apply)*
☐ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, **except for the filing fee** to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filling fee	

SUBTOTAL (1) ($) 0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

			Extra Claims		Fee from below		Fee Paid
Total Claims		- ** =	0	X	0	=	0
Independent Claims		- ** =	0	X		=	0
Multiple Dependent				X		=	0

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) ($) 0

***or number previously paid, if greater; For Reissues, see above*

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive – unavoidable	
1453	1,330	2453	665	Petition to revive – unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) Additional fee for Large entity status 1005. Please see attached: 80.00

*Reduced by Basic Filing Fee Paid **SUBTOTAL (3)** ($) 80

SUBMITTED BY				Complete *(if applicable)*	
Name (Print/Type)	DAVID B. RITCHIE	*Registration No. (Attorney/Agent)*	31,562	*Telephone*	408.292.5800
Signature				*Date*	7-29-2004

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

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/574,380	05/25/2004		160	RS0219PV	1		

CONFIRMATION NO. 4619

CORRECTED FILING RECEIPT

OC000000013536417

Rosetta Inpharmatics LLC
Legal Department
401 Terry Avenue North
Seattle, WA 98109

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)

Chritopher K. Raymond, Seattle, WA;
Phillip W. Garrett-Engele, Seattle, WA;
John C. Castle, Seattle, WA;

If Required, Foreign Filing License Granted: 07/29/2004

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

Non-Publication Request: No

Early Publication Request: No

Title

Alternatively spliced isoforms of checkpoint kinase 1 (CHK1)

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
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
60/574,794	05/26/2004		160	COWR-P010.PRO	1		

CONFIRMATION NO. 7748

000041066
WAGNER, MURABITO & HAO, LLP
TWO NORTH MARKET STREET, THIRD FLOOR
SAN JOSE, CA 95113

CORRECTED FILING RECEIPT

OC000000017465346

Date Mailed: 11/16/2005

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)

Gunnar Braun, Aachen, GERMANY;
Andreas Hoffmann, Aachen, GERMANY;
Volker Grieve, Herzogenrath, GERMANY;

Power of Attorney:

Ronald Pomerenke–43009

If Required, Foreign Filing License Granted: 08/02/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/574,794

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

Non-Publication Request: No

Early Publication Request: No

Title

C compiler retargeting based on instruction semantics models

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

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

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

Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SENNIGER POWERS LEAVITT AND ROEDEL
ONE METROPOLITAN SQUARE
16TH FLOOR
ST LOUIS MO 63102

COPY MAILED

NOV 2 2 2004

OFFICE OF PETITIONS

In re Application of	:	
Steven M. Shei	:	
Application No. 60/574,870	:	NOTICE
Filed: May 27, 2004	:	
Attorney Docket No. 9025	:	

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 Wan Laymon at (571) 272-3220.

This matter is being referred to the Office of Initial Patent Examination.

Wan Laymon
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.

FULBRIGHT & JAWORSKI, LLP
1301 MCKINNEY
SUITE 5100
HOUSTON, TX 77010-3095

COPY MAILED

OCT 28 2004

OFFICE OF PETITIONS

In re Application of :
Pusztai et al. :
Application No. 60/575,308 : NOTICE
Filed: May 28, 2004 :
Atty Docket No. AO-UTXC:880USP1 :

This is a notice regarding your letter received October 8, 2004, requesting acceptance of a fee deficiency submission as provided for in 37 CFR 1.28.

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

The instant request included an itemization and payment of the deficiency in payment of the statutory provisional application filing fee. Further, pursuant to the accompanying authorization, the deficiency of $80 has been charged to Deposit Account No. 06-2375.

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

Payment of the deficiency has been treated under § 1.27(g)(2) as a notification of a loss of entitlement to small entity status.

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 60575345

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

Paper No. 3

Brian D. Walker
Jenkens & Gilchrist, P.C.
Suite 3200
1445 Ross Avenue
Dallas TX 75202-2799

COPY MAILED

OCT 16 2002

OFFICE OF PETITIONS

In re Application of
Johansson, et al.
Application No. [redacted]
Filed: February 11, 2002
Attorney Docket No.53811-00008USPL
FOR: RADAR MEASUREMENTS DURING RLANS NORMAL MODE OF OPERATION

: DECISION GRANTING PETITION

This is a decision on the petition filed May 3, 2002 to accord a filing date of February 11, 2002 to the above-identified application.

The application was deposited on February 11, 2002. However, on March 29, 2002, 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 February 11, 2002 describes drawing figures 1-7. In the instant petition, petitioners state that two drawing figures were filed. Thus, the application should be accorded a filing date of February 11, 2002.

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.

UNITED STATES 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.

Schmeiser Olsen & Watts, LLP
Suite 101
18 E. University Dr.
Mesa, AZ 85201

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SEP 21 2005

OFFICE OF PETITIONS

In re Application of	:	
Shotey et al.	:	
Application No. 60/575,450	:	ON PETITION
Received: May 28, 2004	:	
Atty Docket No. SHOT-10310	:	

This letter is in response to the "Response to Notice of Incomplete Provisional Application" filed July 13, 2005, requesting, in effect, that the Notice of Incomplete Provisional Application mailed June 29, 2005 be withdrawn, and the application be accorded a filing date.

For the reasons set forth herein, the request is **DISMISSED**.

Any request for reconsideration must be filed within **TWO MONTHS** of the mailing date of this decision to be considered timely. Any extensions of time are governed by 37 CFR 1.181(f).

Application papers were deposited in the above-identified provisional application on May 28, 2004. However, on June 29, 2005, applicants were mailed a Notice of Incomplete Provisional Application, advising applicants that the application had not been accorded a filing date because it was deposited without drawings.

The Notice further advised that:

> Any assertions that the items required were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of

> Petitions accompanied by the $130 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition.

Yet, applicants submitted their assertion of entitlement to a filing date without a petition directed to the Office of Petitions and without the petition fee. Both are required for consideration of this matter. The letter filed July 13, 2005 could be construed as a petition. However, the deficiency in payment of the fee cannot be cured. The record does not include a general authorization to charge required fees under 1.17(f) to a Deposit Account[1]. Petitioner is advised that the petition fee under § 1.17(f) is now $400.

Further correspondence with respect to this decision 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 specific to this matter should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: PTO/SB/17p, PETITION FEE TRANSMITTAL

[1] The fee for a petition pursuant to 1.53(e) to accord a filing date is set in § 1.17(f) and is $400.

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Mesa, AZ 85201

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OFFICE OF PETITIONS

In re Application of	:	
Shotey et al.	:	
Application No. 60/575,450	:	DECISION ON PETITION
Filed: May 28, 2004	:	
Atty Docket No. SHOT-10310	:	

This is a decision on the "PETITION AND REQUEST FOR RECONSIDERATION VIA FACSIMILE (571) 273-8300" filed November 16, 2005, requesting that the above-identified application be accorded a filing date of May 28, 2004.

Application papers were deposited in the above-identified provisional application on May 28, 2004. However, on June 29, 2005, applicants were mailed a Notice of Incomplete Provisional Application, advising applicants that the application had not been accorded a filing date because it was deposited without drawings.

Applicants initially filed a response to the Notice on July 13, 2005, asserting that the items were submitted. However, by decision mailed September 21, 2005, applicants were advised that a proper response was by way of petition directed to the Office of Petitions accompanied by a refundable $400 petition fee (37 CFR 1.17(f)).

In reply, applicants timely filed the instant request for reconsideration, including authorization to charge the petition fee to their Deposit Account. Petitioner maintains that the application was filed with drawings. In support thereof, petitioner submits a copy of their return postcard receipt identifying this application by inventor and title, itemizing "Specification (12 pages) with 4 sheets of drawings" among the enclosures, bearing a USPTO date-stamp of May 28, 2004 with application No. assignment of 60/575450, and lacking any

notation of non-receipt of any item listed. Included with the petition is a copy of the four (4) sheets of drawings that were filed with the provisional application.

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. Applicant has shown that the application as filed on May 28, 2004 included four (4) sheets of drawings, and thus, is entitled to a filing date of May 28, 2004.

In view thereof, the petition is **GRANTED**.

Given the basis for granting the petition, the petition fee is subject to refund. Accordingly, although the required petition fee was authorized, no petition fee will be charged to petitioner's Deposit Account.

The Office of Initial Patent Examination (OIPE) has been advised of this decision. The application is thereby forwarded to OIPE for:

· correction of the filing date to May 28, 2004, using the application papers received in the Office on that date and the four (4) sheets of drawings resubmitted on initial petition filed July 13, 2005; and

. indication in Office records that four (4) sheets of drawings were present on filing.

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

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions