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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
60/575,653	05/28/2004		80	8524	5		

CONFIRMATION NO. 2289

CORRECTED FILING RECEIPT

OC000000016957751

22922
REINHART BOERNER VAN DEUREN S.C.
ATTN: LINDA GABRIEL, DOCKET COORDINATOR
1000 NORTH WATER STREET
SUITE 2100
MILWAUKEE, WI 53202

Date Mailed: 09/07/2005

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)

Mark C. Hersam, Evanston, IL;
Liam S.C. Pingree, Chicago, IL;

Power of Attorney:

Rodney DeKruif–35853

If Required, Foreign Filing License Granted: 07/31/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/575,653

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Atomic force electroluminescence microscopy

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

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

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the

national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

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

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

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JUL 2 5 2006

OFFICE OF PETITIONS

In re Application of

Hamel, et al.

Application No. 60/575,666

Filed: May 28, 2004

Attorney Docket No.: 60397-P (72011)

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.10 filed, May 19, 2006.

The petition is **dismissed.**

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. 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 May 29, 2004, not the currently accorded date of May 28,2 004. In support thereof, petitioner filed a copy of the Express Mail label EV438978239US showing a "date-in" of May 29, 2004, a copy of the Office date-stamped postcard reflecting a date of May 28, 2004, and a copy of the application transmittal sheet that accompanied the original application papers.

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

(1) . . . be filed promptly after the person becomes aware that the Office has accorded

or will accord a filing date other than the USPS deposit date;

2) [provide] the number on the Express Mail mailing label was placed on a paper(s) or fee(s) that constituted the correspondence prior to the original mailing by Express Mail; and

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

The instant petition does not satisfy the requirements of item (2) above.

Relative to item (2), no paper was found among the application or petition papers that provided the number of the Express Mail label that constituted the correspondence prior to the original mailing. The application transmittal sheet Express Mail Certificate cites an Express Mail label number of "EV43898239US". The copy of the Express Mail label that petitioner used as evidence of the application's deposit on May 29, 2004, is Express Mail label "EV438978239US". In order for the petition to be considered grantable, petitioner must establish that the application papers were contained in Express Mail package EV438978239US by providing a copy of a paper filed with the original application that cites Express Mail number EV438978239US.

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

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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/575,954	06/01/2004		160	BP3974	10		

CONFIRMATION NO. 7227

CORRECTED FILING RECEIPT

OC000000016089461

34399
GARLICK HARRISON & MARKISON LLP
P.O. BOX 160727
AUSTIN, TX 78716-0727

Date Mailed: 05/23/2005

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

Applicant(s)

Christopher J. Hansen, Sunnyvale, CA;
Jason A. Trachewsky, Manlo Park, CA;
R. Tushar Moorti, Mountain View, CA;

Power of Attorney:

Timothy Markison–33534

If Required, Foreign Filing License Granted: 08/03/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/575,954

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

Non-Publication Request: No

Early Publication Request: No

Title

Transmission of wide bandwidth signals in a network having legacy 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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DIW 09-04

YARON MAYER
21 AHAD HAAM STREET
JERUSALEM 92151
ISRAEL

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SEP 10 2004

OFFICE OF PETITIONS

In re Application of	:
Yaron Mayer	:
Application No. 60/575,981	: DECISION DISMISSING
Filed: 31 May, 2004	: PETITION
For: System and Method for	:
Improving the Efficiency, Comfort,	:
and/or Reliability in Operating	:
Systems, such as for example	:
Windows	:

This is a decision on the paper filed on 20 August, 2004, which is treated as a petition under 37 CFR 1.10, requesting that the above-identified application be accorded a filing date of 30 May, 2004, rather than the presently accorded filing date of 31 May, 2004.

The petition is dismissed.

Petitioner alleges that the application was deposited with the Israel Postal Authority on 30 May, 2004. In support, petitioner provided a copy of Israel Postal Authority Express Mail Service Customer Label No. EE036466182IL (the same Express Mail number listed on the application transmittal letter). Petitioner has also provided a copy of a USPS Track & Confirm Internet printout showing that the application was dispatched from Jerusalem, Israel on 30 May, 2004, and was received in the United States on 31 May, 2004.

37 CFR 1.10 states, in pertinent part,

(a) (1) Any correspondence received by the U.S. Patent and Trademark Office (USPTO) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) will be considered filed with the USPTO **on the date of deposit with the USPS.**

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

(Emphasis added)

The petition must be dismissed because the application was not deposited in USPS Express Mail on 30 May, 2004. Rather, the showing of record is that the application papers were deposited with the Israel Postal Authority, and dispatched from Israel to the United States on 30 May, 2004. As the present application was not deposited with the USPS on 30 May, 2004, it cannot be accorded a filing date of 30 May, 2004. The evidence is persuasive, however, that the application was received by the USPS on 31 May, 2004, for delivery to the USPTO. As such, the application was properly accorded a filing date of 31 May, 2004.

In the absence of evidence that the application was deposited in the USPTO or with the USPS on 30 May, 2004, the petition must be **dismissed**.

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

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

By FAX: (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 2, Lobby, Room 1B03
Arlington, VA 22202

The application is being forwarded to the Office of Initial Patent Examination for further processing using the presently-accorded filing date of 31 May, 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

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
60/576,095	06/01/2004		80	BBT04-002P	1		

CONFIRMATION NO. 7349

CORRECTED FILING RECEIPT

OC000000014113118

36601
INTELLECTUAL PROPERTY ADVISORS LLC
PO BOX 156
CANTON, CT 06019

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)

Joel Melby, Boxborough, MA;

Power of Attorney:

Damian Wasserbauer--34749

If Required, Foreign Filing License Granted: 10/16/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/576,095

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 resource allocation in an on-demand server

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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PO BOX 156
CANTON CT 06019

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SEP 1 3 2005

OFFICE OF PETITIONS

In re Application of
Melby
Application No. 60/576,095
Filed: June 2, 2004
Attorney Docket No: BBT04-022P
For: METHOD AND SYSTEM FOR RESOURCE ALLOCATION IN AN ON-DEMAND SERVER

: DECISION VACATING OCTOBER
: 18, 2004 CORRECTED FILING
: RECEIPT

This decision vacates the October 18, 2004 corrected filing receipt granting a filing date of June 1, 2004 to the above-identified application.

A petition was filed on June 28, 2004 (certificate of mailing date June 25, 2004) requesting that the above-identified application be accorded a filing date of June 1, 2004, rather than the originally accorded filing date of June 2, 2004. The petition will be treated under 37 CFR 1.10(c).

Petitioner requests a June 1, 2004 filing date on the basis that the application was deposited in Express Mail service of the United States Postal Service (USPS) on June 1, 2004, pursuant to the requirements of 37 CFR 1.10.

The petition is accompanied by a copy of Express Mail label no. ED013039495US showing a "date-in" of 6/2/04 with a time of 12:21 am and a USPS date stamp of JUN 1 2004. The same Express Mail label number is listed on the original Provisional Application for Patent Cover Sheet found in the application file.

The additional evidence presented with the petition shows that applicant's attorney was present in the USPS branch office on June 1, 2004 at 11:58 pm, <u>but that the estimated waiting time was 9 minutes</u>. The Express Mail label shows that the package was accepted by the USPS on June 2, 2004 at 12:21 am. Therefore, the package was not entrusted to the USPS until June 2, 2004. The petition states that the USPS needed extra time to process packages for a substantial number of people close to midnight on June 1, 2004. Unfortunately, the weight of the evidence presented points to the conclusion that the USPS did not process the Express Mail package associated with Express Mail label no. ED013039495US until June 2, 2004 at 12:21 am.

Accordingly, the October 18, 2004 corrected filing receipt granting a filing date of June 1, 2004 to the above-identified application is **<u>VACATED</u>**. The June 28, 2004 (certificate of mailing date June 25, 2004) petition is **<u>DISMISSED</u>**. No fee has been or will be charged in connection with this petition.

The application is being returned to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of **June 2, 2004**. OIPE will mail a filing receipt reflecting the June 2,

2004 filing date for this application in due course.

Any inquiries related to 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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CANTON CT 06019

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OCT 18 2005

OFFICE OF PETITIONS

In re Application of :
Melby : ON PETITION
Application No. 60/576,095 :
Filed: June 2, 2004 :
Attorney Docket No. BBT04-022P :
For: METHOD AND SYSTEM FOR RESOURCE ALLOCATION IN AN ON-DEMAND SERVER

This decision is mailed in response to the reconsideration petition under 37 CFR 1.10(c), filed on October 3, 2005 (certificate of mailing date September 30, 2005), requesting that the above-identified application be accorded a filing date of June 1, 2004, rather than June 2, 2004.

Petitioner requests a June 1, 2004 filing date on the basis that the application was deposited in Express Mail service of the United States Postal Service (USPS) on June 1, 2004, pursuant to the requirements of 37 CFR 1.10.

The petition is accompanied by a copy of Express Mail label no. ED013039495US showing a "date-in" of 6/2/04 with a time of 12:21 am and a USPS date stamp of JUN 1 2004. The same Express Mail label number is listed on the original Provisional Application for Patent Cover Sheet found in the application file.

There was ambiguity as to when the Express Mail package was accepted by the USPS because while applicant's attorney was present in the USPS branch office on June 1, 2004 at 11:58 pm, the estimated waiting time was 9 minutes. This information pointed to the conclusion that the Express Mail package was not accepted by the USPS until June 2, 2004, as the date-in evidenced.

The instant reconsideration petition is accompanied by a September 30, 2005 statement by Gerald O'Connell, manager of the Fort Point USPS station, who states that the date of acceptance of an Express Mail package is shown by the bulls-eye affixed thereto and that the bulls-eye affixed to the Express Mail label in question is June 1, 2004

Accordingly, the petition is **GRANTED**. No fee has been or will be charged in connection with this petition.

The application is being returned to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of **June 1, 2004**. OIPE will mail a filing receipt reflecting the June 1, 2004 filing date for this application in due course.

Any inquiries related to this decision 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

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.
60/576,118	06/02/2004		80	915-PRO	7		

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

CONFIRMATION NO. 3532
CORRECTED FILING RECEIPT
OC000000014042356

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)

Shibo Jiang, Fresh Meadows, NY;
Yuxian He, Bronx, NY;
Shuwen Liu, Corona, NY;

Power of Attorney:

Albert Wai-Kit Chan–36479

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

SARS vaccines and method to produce highly potent antibodies

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

NOT GRANTED

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

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OFFICE OF PETITIONS

In re Application of
Dewar, et al.
Application No. 60/576,269
Filed: June 2, 2004
Attorney Docket No. BBT04-003P
For: METHOD AND SYSTEM FOR CONTROLLING STREAMING IN AN ON-DEMAND SERVER

: DECISION ON PETITION

This is a decision on the petition, filed June 28, 2004 (certificate of mailing date June 25, 2004) and resubmitted on August 8, 2005, requesting that the above-identified application be accorded a filing date of June 1, 2004, rather than the presently accorded filing date of June 2, 2004. The petition will be treated under 37 CFR 1.10(c).

Petitioners request a June 1, 2004 filing date on the basis that the application was deposited in Express Mail service of the United States Postal Service (USPS) on June 1, 2004, pursuant to the requirements of 37 CFR 1.10.

The petition is accompanied by a copy of Express Mail label no. ED013039518US showing a "date-in" of 6/2/04 with a time of 12:22 am and a USPS date stamp of JUN 1 2004. The same Express Mail label number is listed on the original Provisional Application for Patent Cover Sheet found in the application file.

The additional evidence presented with the petition shows that applicants' attorney was present in the USPS branch office on June 1, 2004 at 11:58 pm, but that the estimated waiting time was 9 minutes. The Express Mail label shows that the package was accepted by the USPS on June 2, 2004 at 12:22 am. Therefore, the package was not entrusted to the USPS until June 2, 2004. The petition states that the USPS needed extra time to process the packages of a substantial number of people close to midnight on June 1, 2004. Unfortunately, the weight of the evidence presented points to the conclusion that the USPS did not process the Express Mail package associated with Express Mail label no. ED013039518US until June 2, 2004 at 12:22 am.

Accordingly, the June 28, 2004 (certificate of mailing date June 25, 2004) petition is **DISMISSED**. No fee has been or will be charged in connection with this petition.

The application's filing date remains **June 2, 2004.**

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

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of
Dewar, et al.
Application No. 60/576,269
Filed: June 2, 2004
Attorney Docket No. BBT04-003P
For: METHOD AND SYSTEM FOR CONTROLLING STREAMING IN AN ON-DEMAND SERVER

: DECISION ON PETITION

This decision is mailed in response to the reconsideration petition under 37 CFR 1.10(c), filed on October 3, 2005 (certificate of mailing date September 30, 2005), requesting that the above-identified application be accorded a filing date of June 1, 2004, rather than June 2, 2004.

Petitioners request a June 1, 2004 filing date on the basis that the application was deposited in Express Mail service of the United States Postal Service (USPS) on June 1, 2004, pursuant to the requirements of 37 CFR 1.10.

The petition is accompanied by a copy of Express Mail label no. ED013039518US showing a "date-in" of 6/2/04 with a time of 12:22 am and a USPS date stamp of JUN 1 2004. The same Express Mail label number is listed on the original Provisional Application for Patent Cover Sheet found in the application file.

There was ambiguity as to when the Express Mail package was accepted by the USPS because while applicants' attorney was present in the USPS branch office on June 1, 2004 at 11:58 pm, the estimated waiting time was 9 minutes. This information pointed to the conclusion that the Express Mail package was not accepted by the USPS until June 2, 2004, as the date-in evidenced.

The instant reconsideration petition is accompanied by a September 30, 2005 statement by Gerald O'Connell, manager of the Fort Point USPS station, who states that the date of acceptance of an Express Mail package is shown by the bulls-eye affixed thereto and that the bulls-eye affixed to the Express Mail label in question is June 1, 2004

Accordingly, the petition is **GRANTED**. No fee has been or will be charged in connection with this petition.

The application is being returned to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of **June 1, 2004**. OIPE will mail a filing receipt reflecting the June 1, 2004 filing date for this application in due course.

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

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Johnson, et al. :
Application No. 60/576,316 :
Filed: June 1, 2004 :
Attorney Docket No. 40853-5130-PR :

This is a decision on the petition filed October 1, 2004 (certificate of mailing date September 28, 2004), requesting, in effect, that omitted Figure 14 be accorded a filing date of June 1, 2004.

The application was filed on June 1, 2004. However, on August 9, 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 June 1, 2004, and advising applicants that Figure 14, as described in the specification, appeared to have been omitted.

In response, the present petition was filed, in which petitioners submit Figure 14 and a copy of the August 9, 2004 Notice. Petitioners admit that Figure 14 was inadvertently omitted on June 1, 2004 and request the copy of Figure 14 be considered part of the above-identified provisional application.

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 admitted the missing figure was not among the original application papers filed on June 1, 2004. Petitioners have not 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.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of **June 1, 2004**. Figure 14 is not considered part of the original application papers and will not be processed.

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

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

E. Shirene Willis

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

cc: JEFFRY S. MANN
MORGAN, LEWIS & BOCKIUS, LLP
ONE MARKET, SPEAR STREET TOWER
SAN FRANCISCO, CA 94105

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OFFICE OF PETITIONS

In re Application of	:	
Binder et al.	:	
Application No. 60/576,338	:	ON PETITION
Filed: June 1, 2004	:	
Attorney Docket No. BBT04-004P	:	

This is a decision on the petition filed June 28, 2004, requesting that the above-identified application be accorded a filing date of June 1, 2004, rather than the presently accorded date of June 2, 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 June 1, 2004 pursuant to 37 CFR 1.10. In support, applicant has submitted a copy of Express Mail label No. ED 013039521 US showing a handwritten "date-in" of "June 2, 2004" as well as a "June 1, 2004" postal 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 June 1, 2004 on the cover page for the application papers.

In view of the USPS receipt stamp of June 1, 2004, appearing on the same Express Mail label, it is concluded that the application was deposited as "Express Mail" with the USPS on June 1, 2004.

The petition is **GRANTED**. No fee is due and none has been charged.

This matter is being referred to the Office of Initial Patent Examination Division for further **processing with a filing date of June 1, 2004, along with a corrected filing receipt.**

Telephone inquiries concerning this matter may be directed Paralegal Liana Chase at (571) 272-3206.

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
For Patent Examination Policy

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OFFICE OF PETITIONS

In re Application of
Binder, et al.
Application No. 60/576,338
Filed: June 2, 2004
Attorney Docket No. BBT04-004P
For: METHOD AND SYSTEM FOR AN ON-DEMAND SERVER

: DECISION VACATING PREVIOUS
: DECISION ON PETITION

This decision vacates the July 20, 2005 decision granting a filing date of June 1, 2004 to the above-identified application.

A petition was filed on June 28, 2004 (certificate of mailing date June 25, 2004) requesting that the above-identified application be accorded a filing date of June 1, 2004, rather than the originally accorded filing date of June 2, 2004. The petition will be treated under 37 CFR 1.10(c).

Petitioners request a June 1, 2004 filing date on the basis that the application was deposited in Express Mail service of the United States Postal Service (USPS) on June 1, 2004, pursuant to the requirements of 37 CFR 1.10.

The petition is accompanied by a copy of Express Mail label no. ED013039521US showing a "date-in" of 6/2/04 with a time of 12:23 am and a USPS date stamp of JUN 1 2004. The same Express Mail label number is listed on the original Provisional Application for Patent Cover Sheet found in the application file.

The additional evidence presented with the petition shows that applicants' attorney was present in the USPS branch office on June 1, 2004 at 11:58 pm, but that the estimated waiting time was 9 minutes. The Express Mail label shows that the package was accepted by the USPS on June 2, 2004 at 12:23 am. Therefore, the package was not entrusted to the USPS until June 2, 2004. The petition states that the USPS needed extra time to process packages for a substantial number of people close to midnight on June 1, 2004. Unfortunately, the weight of the evidence presented points to the conclusion that the USPS did not process the Express Mail package associated with Express Mail label no. ED013039521US until June 2, 2004 at 12:23 am.

Accordingly, the July 20, 2005 decision on petition is **VACATED**. The June 28, 2004 (certificate of mailing date June 25, 2004) petition is **DISMISSED**. No fee has been or will be charged in connection with this petition.

The application is being returned to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of **June 2, 2004**. OIPE will mail a filing receipt reflecting the June 2, 2004 filing date for this application in due course.

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

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
Binder, et al. :
Application No. 60/576,338 : ON PETITION
Filed: June 2, 2004 :
Attorney Docket No. BBT04-004P :
For: METHOD AND SYSTEM FOR AN ON-DEMAND SERVER

This decision is mailed in response to the reconsideration petition under 37 CFR 1.10(c), filed on October 3, 2005 (certificate of mailing date September 30, 2005), requesting that the above-identified application be accorded a filing date of June 1, 2004, rather than June 2, 2004.

Petitioners request a June 1, 2004 filing date on the basis that the application was deposited in Express Mail service of the United States Postal Service (USPS) on June 1, 2004, pursuant to the requirements of 37 CFR 1.10.

The petition is accompanied by a copy of Express Mail label no. ED013039521US showing a "date-in" of 6/2/04 with a time of 12:23 am and a USPS date stamp of JUN 1 2004. The same Express Mail label number is listed on the original Provisional Application for Patent Cover Sheet found in the application file.

There was ambiguity as to when the Express Mail package was accepted by the USPS because while applicants' attorney was present in the USPS branch office on June 1, 2004 at 11:58 pm, the estimated waiting time was 9 minutes. This information pointed to the conclusion that the Express Mail package was not accepted by the USPS until June 2, 2004, as the date-in evidenced.

The instant reconsideration petition is accompanied by a September 30, 2005 statement by Gerald O'Connell, manager of the Fort Point USPS station, who states that the date of acceptance of an Express Mail package is shown by the bulls-eye affixed thereto and that the bulls-eye affixed to the Express Mail label in question is June 1, 2004

Accordingly, the petition is **GRANTED**. No fee has been or will be charged in connection with this petition.

The application is being returned to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of **June 1, 2004**. OIPE will mail a filing receipt reflecting the June 1, 2004 filing date for this application in due course.

Any inquiries related to 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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OFFICE OF PETITIONS

In re Application of	:
McKinley, et al.	: DECISION GRANTING
Application No. 60/576,402	: PETITION
Filed: June 1, 2004	:
Attorney Docket No. BBT04-001P	:
For: METHOD AND SYSTEM FOR RESOURCE MANAGEMENT IN AN ON-DEMAND SERVER	

This is a decision on the petition filed June 28, 2004 (certificate of mailing date June 25, 2004) requesting that the above-identified application be accorded a filing date of June 1, 2004. The application has not been accorded a filing date yet, but petitioners received a return reply card for this application from the USPTO with June 2, 2004 listed as the date received. To settle the filing date issue, this petition will be treated under 37 CFR 1.10(c).

Petitioners request a June 1, 2004 filing date on the basis that the application was deposited in Express Mail service of the United States Postal Service (USPS) on June 1, 2004, pursuant to the requirements of 37 CFR 1.10. The petition is accompanied by a copy of Express Mail label no. ED013039504US showing a "date-in" of 6/2/04 **and** a USPS date stamp of JUN 1 2004. The same Express Mail label number is listed on the original Provisional Application for Patent Cover Sheet found in the application file.

The evidence presented establishes that the Express Mail package associated with Express Mail label no. ED013039504US was deposited with the USPS on June 1, 2004.

Accordingly, the petition is **GRANTED**. No fee has been or will be charged in connection with this petition.

The application is being returned to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of **June 1, 2004**. OIPE will mail a filing receipt reflecting the June 1, 2004 filing date for this application in due course.

Any inquiries related to this decision should be directed to the undersigned at (703) 308-6712. After September 28, 2004, please call (571) 272-3230.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of
McKinley, et al.
Application No. 60/576,402
Filed: June 2, 2004
Attorney Docket No. BBT04-001P
For: METHOD AND SYSTEM FOR RESOURCE MANAGEMENT IN AN ON-DEMAND SERVER

: DECISION VACATING PREVIOUS
: DECISION ON PETITION

This decision vacates the August 20, 2004 decision granting a filing date of June 1, 2004 to the above-identified application.

A petition was filed on June 28, 2004 (certificate of mailing date June 25, 2004) requesting that the above-identified application be accorded a filing date of June 1, 2004, rather than the originally accorded filing date of June 2, 2004. The petition will be treated under 37 CFR 1.10(c).

Petitioners request a June 1, 2004 filing date on the basis that the application was deposited in Express Mail service of the United States Postal Service (USPS) on June 1, 2004, pursuant to the requirements of 37 CFR 1.10.

The petition is accompanied by a copy of Express Mail label no. ED013039504US showing a "date-in" of 6/2/04 with a time of 12:19 am and a USPS date stamp of JUN 1 2004. The same Express Mail label number is listed on the original Provisional Application for Patent Cover Sheet found in the application file.

The additional evidence presented with the petition shows that applicants' attorney was present in the USPS branch office on June 1, 2004 at 11:58 pm, but that the estimated waiting time was 9 minutes. The Express Mail label shows that the package was accepted by the USPS on June 2, 2004 at 12:19 am. Therefore, the package was not entrusted to the USPS until June 2, 2004. The petition states that the USPS needed extra time to process packages for a substantial number of people close to midnight on June 1, 2004. Unfortunately, the weight of the evidence presented points to the conclusion that the USPS did not process the Express Mail package associated with Express Mail label no. ED013039504US until June 2, 2004 at 12:19 am.

Accordingly, the August 20, 2004 decision on petition is **VACATED**. The June 28, 2004 (certificate of mailing date June 25, 2004) petition is **DISMISSED**. No fee has been or will be charged in connection with this petition.

The application is being returned to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of **June 2, 2004**. OIPE will mail a filing receipt reflecting the June 2, 2004 filing date for this application in due course.

Any inquiries related to 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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ON PETITION

In re Application of
McKinley, et al.
Application No. 60/576,402
Filed: June 2, 2004
Attorney Docket No. BBT04-001P
For: METHOD AND SYSTEM FOR RESOURCE MANAGEMENT IN AN ON-DEMAND SERVER

This decision is mailed in response to the reconsideration petition under 37 CFR 1.10(c), filed on October 3, 2005 (certificate of mailing date September 30, 2005), requesting that the above-identified application be accorded a filing date of June 1, 2004, rather than June 2, 2004.

Petitioner requests a June 1, 2004 filing date on the basis that the application was deposited in Express Mail service of the United States Postal Service (USPS) on June 1, 2004, pursuant to the requirements of 37 CFR 1.10.

The petition is accompanied by a copy of Express Mail label no. ED013039504US showing a "date-in" of 6/2/04 with a time of 12:19 am and a USPS date stamp of JUN 1 2004. The same Express Mail label number is listed on the original Provisional Application for Patent Cover Sheet found in the application file.

There was ambiguity as to when the Express Mail package was accepted by the USPS because while applicant's attorney was present in the USPS branch office on June 1, 2004 at 11:58 pm, the estimated waiting time was 9 minutes. This information pointed to the conclusion that the Express Mail package was not accepted by the USPS until June 2, 2004, as the date-in evidenced.

The instant reconsideration petition is accompanied by a September 30, 2005 statement by Gerald O'Connell, manager of the Fort Point USPS station, who states that the date of acceptance of an Express Mail package is shown by the bulls-eye affixed thereto and that the bulls-eye affixed to the Express Mail label in question is June 1, 2004

Accordingly, the petition is **GRANTED**. No fee has been or will be charged in connection with this petition.

The application is being returned to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of **June 1, 2004**. OIPE will mail a filing receipt reflecting the June 1, 2004 filing date for this application in due course.

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

E. Shirene Willis
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OFFICE OF PETITIONS

In re Application of	:
George Schuellein	:
Application No. 60/576,484	:DECISION GRANTING PETITION
Filed: 2 June, 2004	:
Attorney Docket No. IR-2676 Prov	:
(2-3911)	:

This is a decision on the petition styled under 37 CFR 1.10(d) filed on 3 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 2 June, 2004, instead of the presently accorded filing date of 3 June, 2004.

The petition is **GRANTED**.

Petitioner asserts that the application was deposited in Express Mail service on 2 June, 2004. Petitioner states that the "date-in" of "6-3-4" 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 2 June, 2004, 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. EV343719490US (the same Express Mail number found on the "express mail certificate" 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 "6/2/04" 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 2 June, 2004.

In view of the above, the application is entitled to a filing date of 2 June, 2004.

The petition is granted.

The application is being referred to Office of Initial Patent Examination for reprocessing with a filing date of 2 June, 2004, not 3 June, 2004, 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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OCT 27 2004

OFFICE OF PETITIONS

In re Application:
Robert Wood
Application No. 60/576,731
Filed: June 2, 2004
For: REVERSIBLE SOLAR HEATER, PIPE, FITTINGS, HEAT EXCHANGER SHELL, FLUOROSPAR CONTAINER, ANIMAL RADIO COLLAR, AND SERVICE

ON PETITION

This is a decision on the communication filed October 1, 2004, which is being treated as a petition to accept amended Figures 2A, 2B, 7A-7C, 22A-22C, 24, 26, 33A, 33B, and 35A-35C.

The above-identified application was filed on June 2, 2004. However, on August 11, 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 June 2, 2004, and advising applicant that Figures 2c, 7d-e, 22d, 24b-f, 26d-e, 33c-f, and 35b-c appeared to have been omitted.

In response, on October 1, 2004, applicant submitted the present petition, which appears to be an amendment to the drawing Figures, seven (7) sheets of drawings containing Figures 2A, 2B, 7A-7C, 22A-22C, 24, 26, 33A, 33B, and 35A-35C and the petition fee. Applicant has not submitted any arguments that the drawing sheets were filed with the application on June 2, 2004, but rather submits an amendment with new drawing Figures.

The Office file is the official record of the papers originally filed in this application. A review of the official file reveals Figures 2c, 7d-e, 22d, 24b-f, 26d-e, 33c-f, and 35b-c were not present in the file. The Notice of Omitted Items provided applicant with the following options: 1) if applicant contends that the omitted items were in fact deposited in the USPTO, applicant must file a petition and a $130.00 petition filed with evidence of such deposit, usually by way of a date-stamped postcard receipt; or 2) if applicant fails to submit a petition and petition fee within TWO MONTHS of the date

of the Notice, it will be treated as a constructive acceptance by applicant of the provisional application as deposited in the USPTO. Further, the application will include only those application papers present in the USPTO on the date of deposit.

The Office has a well established and well publicized practice of providing a receipt for papers filed in the Office to any applicant desiring a receipt. The practice requires that any paper for which a receipt is desired be filed in the Office with a self-addressed postcard identifying the paper. A postcard receipt which itemizes and properly identifies the papers that are being filed serves as prima facie evidence of receipt in the Office of all the items listed thereon on the date-stamped thereon by the Office. See MPEP 503. No date-stamped postcard receipt has been submitted in this case. Rather applicant submitted an amendment to the drawing Figures and seven (7) sheets of drawings containing new Figures 2A, 2B, 7A-7C, 22A-22C, 24, 26, 33A, 33B, and 35A-35C.

The filing of an amendment to the drawing Figures is not an option provided under the Notice of August 11, 2004. Moreover, "[a]mendments, other than those required to make the provisional application comply with applicable regulations, are not permitted after the filing date of the provisional application." MPEP 601.01(b).

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 drawing(s) and accord an application filing date as of the date of such submission in provisional applications. Applicant should simply file a new completed provisional application. MPEP 601.01(d).

Accordingly, the petition is **dismissed**. The Office of Initial Patent Examination is directed to process the application with a filing date of June 2, 2004, with ONLY the application papers submitted on that date.

Further correspondence with respect to this matter should be addressed as follows and to the attention of Senior Petitions Attorney Christina Tartera Donnell:

By mail: 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

Any inquiries 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
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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FILE COPY

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/576,792	06/02/2004		80	34312/US	76		

CONFIRMATION NO. 8785

CORRECTED FILING RECEIPT

OC000000013977697

20686
DORSEY & WHITNEY, LLP
INTELLECTUAL PROPERTY DEPARTMENT
370 SEVENTEENTH STREET
SUITE 4700
DENVER, CO 80202-5647

Date Mailed: 10/04/2004

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)

Patrick A. Warner, Boulder, CO;
Andrew P. Lull, Boulder, CO;

Power of Attorney: The patent practitioners associated with Customer Number **20686**.

If Required, Foreign Filing License Granted: 08/10/2004

The number of your priority application, to be used for filing abroad under the Paris Convention is,
US60/576,792

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Selectively movable motorcycle stand

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

GRANTED

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

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

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

NOT GRANTED

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

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ALEXANDRIA, VA 22313-1450
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OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-8403

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JAN 26 2005

OFFICE OF PETITIONS

In re Application of :
Xiao-Chang Cheng, et al. :
Application No. 60/576,829 : ON PETITION
Filed: June 2, 2004 :
Atty Docket No. IR-2785 PROV(2-4105) :

This is a decision on the petition filed November 3, 2004, requesting that the above-identified application be accorded a filing date of June 2, 2004, instead of the presently accorded date of June 3, 2004. The petition is properly be treated under 37 CFR 1.10(d).

Petitioners request the earlier filing date on the basis that the application was purportedly deposited in Express Mail service with the U. S. Postal Service, on June 2, 2004. Petitioners allege that the date of mailing shown by the Express Mail receipt is a USPS error and the correct date of mailing is June 2, 2004. In support, petitioners provided, inter alia, a copy the original transmittal letter and a copy of a US Postal Service (USPS) record styled "Pickup Service Statement for Express Mail, Priority Mail, or Parcel Post" showing that a package bearing Express Mail label No. EV373719509 was picked up by the USPS from counsel's office on "6/2/04". It is noted that an "Express Mail Certificate" dated June 2, 2004 and bearing "mail label # EV343719509US" is included with the application papers found in the file.

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. Any statement submitted in support of such a showing pursuant to this paragraph must be a verified statement if made by a person other than an employee of the USPS or a practitioner as defined in ' 10.1(r) of this chapter.

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."

Petitioners' evidence shows that the package in question was accepted by an USPS employee on June 2, 2004, not June 3, 2004. Since the evidence from the USPS, namely the "Pickup Service Statement for Express Mail, Priority Mail, or Parcel Post, corroborates a "date in" of June 2, 2004, the petition is GRANTED.

The application is being referred to Initial Patent Examination Division (OIPE) to correct the filing date to **June 2, 2004** and to issue a corrected filing receipt.

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

Sherry D. Brinkley
Petitions Examiner
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
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KLARQUIST SPARKMAN LLP
121 SW SALMON STREET
SUITE 1600
PORTLAND, OR 97204

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NOV 1 2 2004

OFFICE OF PETITIONS

In re Application of	:	
Tomasz M. Beer et al	:	
Application No. 60/577,054	:	NOTICE
Filed: June 4, 2004	:	
Attorney Docket No. 899-67061-02	:	

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

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-3218.

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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

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OCT 2 9 2004

OFFICE OF PETITIONS

In re Application of :
Guarnieri, et al. :
Application No. 60/577,176 : ON PETITION
Filed: June 7, 2004 :
Attorney Docket No. :
1866.0440000/PEG/CMB

This is a decision on the petition filed October 12, 2004, requesting that the above-identified provisional application be accorded a filing date of June 7, 2004.

The provisional application was deposited on June 7, 2004. However, on August 9, 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 provisional application was deposited without drawings.

In response, on October 12, 2004, the instant petition was filed.

Petitioner states, "The drawing (FIG. 1) that was inadvertently omitted upon filing the application contains information that is redundant to the information present in the filed specification. ... [T]he drawing illustrates visually that which is described in adequate detail in the specification. The information contained in the omitted drawing is therefore redundant to the information already contained in the specification and the drawing is not necessary under 35 U.S.C. 113 for the understanding of the subject matter sought to be patented." It is noted that the petition contains statements that drawings are not necessary for an understanding of the subject matter and the petition is signed by a registered practitioner.

Additionally, it is noted that the provisional application contains a process claim that includes the term "method" in it's introductory phrase and therefore drawings are not required.

MPEP 608.02 states:

> "An OIPE formality examiner should not treat an application without drawings as incomplete if drawings are not required. A drawing is not required for a filing date under 35 U.S.C. 111 and 113 if the application contains:
>
> > (A) at least one process claim including the term "process" or "method" in its introductory phrase;

Since the claims contain at least one process claim including the term "process" or "method" in its introductory phrase, drawings are not required in order to accord a filing date.

Accordingly, the petition is granted.

As the instant petition was required to accord the requested filing date, the petition fee will not be refunded.

The provisional application will be returned to the Office of Initial Patent Examination for processing with a filing date of June 7, 2004, with zero (0) drawings received on that date.

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
60/577,412	06/03/2004		80	38187-2737	17		

CONFIRMATION NO. 2702

CORRECTED FILING RECEIPT

OC000000014048746

25213
HELLER EHRMAN WHITE & MCAULIFFE LLP
275 MIDDLEFIELD ROAD
MENLO PARK, CA 94025-3506

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)

Don Alden, Sunnyvale, CA;
Michael Caine, Cambridge, UNITED KINGDOM;
Matt Schumann, Cambridge, UNITED KINGDOM;
Michael Beadman, Cambridge, UNITED KINGDOM;

Power of Attorney:

Hao-Yuan Tung–43209

If Required, Foreign Filing License Granted: 08/07/2004

The number of your priority application, to be used for filing abroad under the Paris Convention is,
US60/577,412

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 a fluid sampling 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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300 S WACKER DR
25TH FLOOR
CHICAGO, IL 60606

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SEP 01 2004

OFFICE OF PETITIONS

In re Application of	:	ON PETITION
Jianxiao Chen, et al.	:	
Application No. 60/577,676	:	
Filed: June 7, 2004	:	
Attorney Docket No. 0321.70604	:	

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

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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
60/578,086	06/07/2004		160	55293-35PRO	5		

CONFIRMATION NO. 5604

CORRECTED FILING RECEIPT

OC000000016261230

35736
JHK LAW
P.O. BOX 1078
LA CANADA, CA 91012-1078

Date Mailed: 06/13/2005

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)

Sung Ho Hahm, Gaithersburg, MD;
Dug Keun Lee, Gaithersburg, MD;
Kwan Hee Lee, Gaithersburg, MD;
Youngsuk Yi, Gaithersburg, MD;

Power of Attorney:

Hyo Kim–41425

If Required, Foreign Filing License Granted: 08/17/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/578,086

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

Non-Publication Request: No

Early Publication Request: No

Title

Construction of retroviral vectors with enhanced efficiency of transgene expression and safety

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.

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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
60/578,163	06/09/2004		160	2507-6481US	1		

CONFIRMATION NO. 8112

CORRECTED FILING RECEIPT

OC000000014141130

24247
TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY, UT 84110

Date Mailed: 10/21/2004

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)

Bradley M. Biggs, Plymouth, MN;
William A. Friedrich, Minnetonka, MN;

Power of Attorney:

Bradley Jensen–46801

If Required, Foreign Filing License Granted: 08/09/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/578,163

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

Non-Publication Request: No

Early Publication Request: No

Title

Method for media counting using minimum media thickness enabling

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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GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

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OFFICE OF PETITIONS

In re Application of	:	
Altmeyer et al.	:	DECISION ON
Application No. 60/578,348	:	PETITION
Filed: June 10, 2004	:	
Attorney Docket No. 03495.6099	:	

This is a decision on the "PETITION PURSUANT TO 37 C.F.R. § 1.53," filed October 12, 2004.

Application papers in the above-identified provisional application were filed on June 10, 2004. However, on August 11, 2004, the Initial Patent Examination Division 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.

Applicants assert that the drawings were deposited and received at the USPTO on June 10, 2004, and that they are entitled to a filing date of June 10, 2004. In support thereof, applicants submitted their own records of the submitted drawings, the Provisional Application cover sheet and the date-stamped postcard acknowledging receipt of "Drawings (25 pages, including Figures 1, 2, 3, 4, 5, 6, 7, 8, 9(A), 9(B), 9(C), 10(A), 10(B), 10(C), 11(A), 11(B), 11(C), 11(D), 11(E), 11(F), 12(A), 12(B), 13, 14, and 15)" on June 10, 2004. The postcard lacks notation of lack of receipt of any item listed on the postcard.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503.

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

Given the basis for granting the petition, the petition fee is being refunded to Deposit Account No. 06-0916, as authorized.

The Office of Initial Patent Examination (OIPE) has been advised of this decision. OIPE will process this provisional application with a filing date of June 10, 2004, using the provisional application papers received in the Office on that date and the 25 sheets of drawings re-supplied on petition filed October 12, 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

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 10-04

LISA ANN LABELLE
3235 CHERRY VALLEY DRIVE
FAIRFIELD CA 94534

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OCT 27 2004

OFFICE OF PETITIONS

In re Application of	:	
Lisa Ann LaBelle	:	
Application No. 60/578,367	:	DECISION DISMISSING
Filed: 6 October, 2004	:	PETITION
For: Amphibian (Water and Land)	:	
Baby Carrier	:	

This is a decision in reference to the papers styled under 37 CFR 1.53, filed on 6 October, 2004, which are treated as a petition requesting that the application be accorded a filing date of 8 June, 2004, with 11 pages of specification as a part of the original disclosure.

The petition is **DISMISSED**.

The application was deposited on 8 June, 2004, without a specification. Accordingly, on 11 August, 2004, a Notice of Incomplete Provisional Application was mailed, stating that the specification was missing and that a complete specification as provided by 35 U.S.C. § 112 was required to obtain a filing date.

In response, on 6 October, 2004, petitioner filed 11 pages of specification along with the present petition and petition fee.

The U.S. Patent and Trademark Office (Office) file is the official record of the papers originally filed in this application. A review of the papers originally filed reveals that no pages of specification were filed on 8 June, 2004. An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence.

Where the records of the Office (e.g. the file of the application) contain any document(s) or fee(s) corresponding to the contents of the correspondence at issue, the Office will rely upon its official record of the contents of such correspondence in the absence of convincing evidence (e.g. a postcard receipt

under MPEP 503 containing specific itemization of the document(s) or fee(s) purported to have been filed with the correspondence at issue) that the Office received and misplaced any document(s) or fee(s) that is not among the official records of the Office. If a new application is being filed, all parts of the application being submitted should be separately listed on the postcard, *e.g.*, the number of pages of specification (including written description, claims and abstract) number of claims, number of sheets of drawings, number of pages of oath/declaration. The postcard receipt will not serve as *prima facie* evidence of receipt of any item which is not adequately itemized on the postcard.[1]

It is noted that the application transmittal sheet filed with the original application papers does not itemize the filing of any pages of specification. As such, it does not appear that applicant intended to file a specification on 8 June, 2004. As no specification was filed on 8 June, 2004, the application is not entitled to a filing date of 8 June, 2004. Rather, the specification was filed on 6 October, 2004.

The application will be processed with a filing date of 6 October, 2004, using the application papers deposited on 8 June, 2004, and the 11 pages of specification filed on 6 October, 2004.

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

Any request for reconsideration should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely. This time period may <u>not</u> be extended pursuant to 37 CFR 1.136.

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

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

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

---

[1] MPEP 503.

By hand: U.S. Patent and Trademark Office
220 20th Street S.
Customer Window, Mail Stop Petition
Crystal Plaza 2, Lobby, Room 1B03
Arlington, VA 22202

The application will be forwarded to Initial Patent Examination Division for further processing with a filing date of **6 October, 2004**, using the specification filed on that date.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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COMMISSIONER FOR PATENTS
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David B. Ritchie
Thelen Reid & Priest LLP
P. O. Box 640640
San Jose, CA 95164-0640

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OFFICE OF PETITIONS

In re Application of	:	
Christopher J. Diorio, et al.	:	
Application No. 60/519,031	:	NOTICE
Filed: November 10, 2003	:	
Attorney Docket No. IMPJ-0070P		

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 returned the Files Repository.

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

Paper No.

KNOBBE MARTENS OLSON & BEAR
LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

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OCT 0 5 2004

OFFICE OF PETITIONS

In re Application of :
Rigney et al. :
Application No. 60/579,095 :
Filed: June 10, 2004 : DECISION ON PETITION
Attorney Docket No.: :
PRECISION PATIENT AND :
ALIGNMENT AND BEAM THERAPY :
SYSTEM :

This is a decision on the Petition in Response to Notice of Omitted Item(s) in a Provisional Application, filed September 2, 2004.

The above-identified application was filed on June 10, 2004. In response, on August 11, 2004, 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 9-14 described in the specification appeared to have been omitted from the application.

Applicant files the instant petition and submits drawing Figures 9-14. Applicant asserts that Figures 9-14 were included as pages 71-76 of the provisional application filed on June 10, 2004. Applicant submits no documentary support for this assertion.

A review of the August 11, 2004 Notice reveals that the Notice presented Applicant with two options. The first option was based upon a contention that the drawing Figures were present on filing, and in that instance Applicant was allowed to promptly file proof that the drawings were present on filing. The second option was for Applicant to do nothing, which, Applicant was informed, would be treated as constructive acceptance by the Applicant of the application as-filed.

Regarding Applicant's assertion, that Figures 9-14 were included as pages 71-76 of the provisional application filed on June 10, 2004, the best evidence of what was filed on June 10, 2004, is

applicant's postcard receipt. "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 items listed thereon on the date stamped thereon by the USPTO.." MPEP § 503.

If applicant has evidence that Figures 9-14 were present on June 10, 2004, Applicant should submit such evidence in a Request for Reconsideration of Petition.

Regarding Applicant's submission of drawing Figures 9-14, 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 June 10, 2004, using the application papers filed on that date, and an indication that drawing Figures 9-14 were NOT present on filing and that no drawing Figures 9-14 are 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 (571) 272-3232.

Derek L. Woods
Attorney Advisor
Office of Petitions

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IRVINE, CA 92614

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JAN 13 2005

OFFICE OF PETITIONS

In re Application of :
Rigney et al. :
Application No. 60/579,095 :
Filed: June 10, 2004 : DECISION ON PETITION
Attorney Docket No.: :
PRECISION PATIENT AND :
ALIGNMENT AND BEAM THERAPY :
SYSTEM :

This is a decision on the Request for Reconsideration of Petition, filed December 20, 2004, requesting the application be accorded a filing date of June 10, 2004, including Figures 9-14 described in the specification.

The above-identified application was filed on June 10, 2004. In response, on August 11, 2004, 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 9-14 described in the specification appeared to have been omitted from the application.

Applicant filed a petition on September 2, 2004, and asserted Figures 9-14 were included as pages 71-76 of the provisional application filed on June 10, 2004. Applicant provided no documentary support for this assertion. The petition was dismissed in a Decision mailed October 5, 2004. In the dismissal, Applicant was advised to submit evidence that Figures 9-14 were present on June 10, 2004, in any Request for Reconsideration of Petition.

Applicant files the instant petition and return-receipt postcard. The return receipt postcard acknowledges receipt by this Office of 116 pages of Provisional Patent Application and 0 drawings on June 10, 2004.

A review of the 116 pages originally filed with this Office reveal that on June 10, 2004, the Office received 97 pages of specification, 7 pages of claims, 1 page of abstract and 11

pages of drawings, for a total of 116 pages. A further review of the drawings filed on petition on September 2, 2004 reveal that the drawing Figures filed on September 2, 2004, are copies of drawing Figures filed and received in the Office on June 10, 2004. The drawing Figures 9-14 are numbered pages 71-76 of the specification, and are included in the specification. Likewise, drawing Figures 1-11 received in the Office and separated as drawings are numbered as pages 106-116 of the specification.

It is obvious from the petition and Request for Reconsideration that no drawings were actually missing on June 10, 2004. Rather, the drawing Figures were not itemized on the return-receipt postcard, nor were they numbered separately from the specification. "The postcard receipt will not serve as prima facie evidence of receipt of any item which is not adequately itemized on the postcard." See, Manual for Patent Examining Procedure ("MPEP") 503. The failure to separately number the drawing Figures is a result of Petitioner's filing error. The MPEP provides that "[a]" provisional application should preferably conform to the arrangement guidelines for nonprovisional applications." *See*, MPEP 601. Further to this, the MPEP provides that the arrangement and contents of the specification not include drawings. *Id.* Drawings are filed separately.

However, the Notice, mailed August 11, 2004, was correct in stating that Figures 9-14 described in the specification appeared to have been omitted. Accordingly, 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 with the original application filing date of June 10, 2004, 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/Advisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

Yaron Mayer
21 Ahad Haam Street
Jerusalem 92151
ISRAEL

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NOV 30 2004

OFFICE OF PETITIONS

In re Application of
Mayer et al.
Application No. 60/579,148
Filed: June 14, 2004
Title: SYSTEM AND METHOD FOR COMPREHENSIVE GENERAL GENERIC PROTECTION FOR COMPUTERS AGAINST MALICIOUS PROGRAMS THAT MAY STEAL INFORMATION AND/OR CAUSE DAMAGES

DECISION DISMISSING PETITION

This is a decision on the "Request to correct mistaken filing date in provisional application 60/579,148 of June 9, 2004," filed October 4, 2004.

The petition is **DISMISSED** without consideration on the merits.

Applicants are given **TWO (2) MONTHS** from the mail date of this decision to respond to this decision. This period is not extendable. See § 1.181(f).

Petitioner states that the above-identified provisional application was sent by EMS express mail on June 9, 2004 and therefore, should be given as filing date the date of sending it, like all other similar applications that are sent by express mail. In support thereof, petitioner submits copies of the EMS mailing label and of the USPS track and confirm record.

37 CFR 1.33(b) provides that:

Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:

(1) A registered attorney or agent of record appointed in compliance with § 1.34(b);

(2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a);

(3) An assignee as provided for under § 3.71(b) of this chapter; or

(4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

A review of the application as filed reveals that there are two applicants for patent, Yaron Mayer and Zak Dechovich. However, the petition is signed only by inventor Yaron Mayer. (There is no attorney or assignee of record).

Pursuant to § 1.33(b)(4), any petition must be signed by all of the applicants. Thus, the absence of joint inventor Dechovich's signature on the petition precludes consideration on the merits.

However, pro se applicants are reminded that, with regard to the merits of this petition, § 1.10(a)(1) provides that:

> 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.

Thus, papers are only given as a date of receipt the date of deposit in Express Mail when the paper was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS).

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: (703) 872-9306
ATTN: NANCY JOHNSON
SENIOR PETITIONS ATTORNEY

By hand: Effective June 5, 2004, patent correspondence delivered by hand or delivery services, **other than the USPS**, to the Customer Window must be addressed as follows:

U.S. Patent and Trademark Office
220 20th Street S.
Customer Window, Mail Stop _____
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

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

Nancy Johnson

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

Yaron Mayer
21 Ahad Haam Street
Jerusalem 92151
ISRAEL

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APR 04 2005

OFFICE OF PETITIONS

In re Application of Mayer et al. Application No. 60/579,148 Filed: June 14, 2004 Title: SYSTEM AND METHOD FOR COMPREHENSIVE GENERAL GENERIC PROTECTION FOR COMPUTERS AGAINST MALICIOUS PROGRAMS THAT MAY STEAL INFORMATION AND/OR CAUSE DAMAGES	:	DECISION DISMISSING PETITION

This is in response to the "Request to correct mistaken filing date in provisional application 60/579,148 of June 9, 2004," received by facsimile transmission on January 31, 2005. This paper directed to the attention of the undersigned is being treated as a response to the decision mailed November 30, 2004.

The petition is **DISMISSED**.

Applicants are given **TWO (2) MONTHS** from the mail date of this decision to respond to this decision. This period is not extendable. See § 1.181(f).

By decision mailed November 30, 2004, the initial petition filed October 5, 2004 was dismissed without consideration on the merits as it was not executed in compliance with § 1.33(b). Petitioners now submit the petition executed by both joint inventors.

Petitioners continue to assert that the application is entitled to a filing date of June 9, 2004. Petitioners state that the above-identified provisional application was sent by EMS express

mail on June 9, 2004 and therefore, should be given as filing date the date of sending it, like all other similar applications that are sent by express mail. In support thereof, petitioner submits copies of the EMS mailing label and of the USPS track and confirm record. Petitioners by underlining emphasize that the mailing is shown in USPS records.

Petitioners are again advised that:

§ 1.10(a)(1) provides that:

> 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.

In order to receive the benefit of 37 CFR § 1.10, an application must be <u>deposited</u> as "Express Mail" <u>with</u> the United States Postal Service (USPS). Petitioners have not shown that the application was deposited with the USPS in the Express Mail Post Office to Addressee service. The copy of the "Express Mail" mailing label submitted supports a conclusion that the application papers were deposited with the Israel Postal Authority. Specifically, the "Express Mail" package was accepted by the Foreign International Dispatch, Jerusalem, Israel at 7:54 pm on June 9, 2004. Thereafter, the package was delivered by the USPS. However, ultimate delivery by the USPS does not meet the standard required to accord an application a filing date as of the date of deposit with the USPS.

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:	(703) 872-9306 ATTN: Office of Petitions
By hand:	Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

Yaron Mayer
21 Ahad Haam Street
Jerusalem 92151
ISRAEL

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JUN 15 2007

OFFICE OF PETITIONS

In re Application of Mayer et al. Application No. 60/579,148 Filed: June 14, 2004 Title: SYSTEM AND METHOD FOR COMPREHENSIVE GENERAL GENERIC PROTECTION FOR COMPUTERS AGAINST MALICIOUS PROGRAMS THAT MAY STEAL INFORMATION AND/OR CAUSE DAMAGES	:	DECISION DISMISSING PETITION

This is in response to the "Request to correct mistaken filing date in provisional application 60/579,148 of June 9, 2004" filed June 6, 2005. This response is being treated as a request for reconsideration of decision mailed April 4, 2005, dismissing the previous "Request to correct mistaken filing date in provisional application 60/579,148 of June 9, 2004," filed October 4, 2004. This response was recently forwarded to the undersigned for consideration.

The petition is **DISMISSED** without consideration on the merits.

Applicants are given **TWO (2) MONTHS** from the mail date of this decision to respond to this decision. This period is not extendable. See § 1.181(f).

By decision mailed April 4, 2005, the initial petition was dismissed without consideration on the merits because it was not signed by all of the inventors, as required by 37 CFR 1.33(b)[1]. *Pro se* applicant was further advised that papers are only given as a date of receipt the date of deposit in Express Mail when the paper was deposited in and delivered by the "Express Mail Post

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[1] 37 CFR 1.33(b) provides that Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:

(1) A registered attorney or agent of record appointed in compliance with § 1.34(b);

(2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a);

(3) An assignee as provided for under § 3.71(b) of this chapter; or

(4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

Office to Addressee" service of the United States Postal Service (USPS).

On instant request for reconsideration, inventor Mayer again submits a paper without the signature of inventor Dechovich. There is no explanation or argument as to why the petition should be accepted without the signature of joint inventor Dechovich. Thus, the absence of joint inventor Dechovich's signature on the petition precludes consideration on the merits.

It is noted that inventor Mayer asserts that a petition under the same circumstances was granted. No application number with respect to such a favorable decision is given. Even if this matter were considered on the merits, this argument would not be persuasive. A review of Office records reveals multiple decisions on petitions filed by inventor Mayer dismissed under the same circumstances. No favorable decision has been uncovered. More importantly, the evidence submitted on petition shows that the application papers were deposited in the FOREIGN INTERNATIONAL DISPATCH, JERUSALEM, ISRAEL and not in the USPS Express Mail Post Office to Addressee service in compliance with 37 CFR 1.10. Thus, the papers are not entitled to the benefit of 37 CFR 1.10.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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8000 TOWERS CRESCENT
TYSONS CORNER VA 22182

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DEC 0 3 2004

OFFICE OF PETITIONS

In re Application of	:	
Poikselka,, et al.	:	DECISION DISMISSING
Application No. 60/579,314	:	PETITION
Filed: June 13, 2004	:	
Attorney Docket No. 59643.00482	:	
For: COMMUNICATION SYSTEM		

This is a decision on the petition filed September 3, 2004 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 June 11, 2004, rather than the presently accorded filing date of June 13, 2004.

Petitioners request the earlier filing date on the basis that the application was purportedly deposited in Express Mail service on June 11, 2004, pursuant to the requirements of 37 CFR 1.10.

Petitioners have provided a copy of their Express Mail envelope with Express Mail label no. ER856420059US affixed thereto. There is no date-in and the metered postage stamp appears to have been generated by petitioners prior to the admitted deposit of the package in a drop box. The original application papers include a reference to Express Mail label no. ER856420059US.

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 USPTO 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 showing the "date-in" or any other official notation by the USPS relied upon to show a June 11, 2004 date of deposit. 37 CFR 1.10(c)(3). Persons dealing indirectly with the employees of the USPS, such as those depositing a package 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. An application's filing date is the date that it was received in the Office, in the absence of persuasive USPS evidence of a different date of deposit of the application in Express Mail.

Accordingly, the petition is dismissed and the filing date remains June 13, 2004. The $130.00 petition fee will be refunded to deposit account no. 50-2222.

Petitioners are reminded that Friday, June 11, 2004 is considered a Federal Holiday within the District of Columbia. Therefore, any action due on Friday, June 11, 2004 will be considered timely for the purposes of 35 U.S.C. 119, if the action was taken on the next succeeding business day on which the USPTO was open, that is, Monday, June 14, 2004. See attached OG Notice of July 20, 2004.

In essence, if petitioner claims benefit to the instant provisional application in any future filed nonprovisional application, then petitioners will be permitted to claim benefit of June 11, 2004.

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

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

By hand: U.S. Patent and Trademark Office
220 20th Street S.
Customer Window, Mail Stop Petition
Crystal Plaza 2, Lobby, Room 1B03
Arlington, VA 22202

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

This application is being forwarded to the Office of Initial Patent Examination.

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

E. Shirene Willis

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

enclosure: OG Notice of July 20, 2004

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45 RIVER ROAD
EDGEWATER, NJ 07020

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OFFICE OF PETITIONS

In re Application of	:	
Gregory A. Grissett et al	:	
Application No. 60/579,592	:	DECISION GRANTING PETITION
Filed: June 14, 2004	:	UNDER 37 CFR 1.182
Attorney Docket No. J909(C)	:	

This is a decision on the petition under 37 CFR 1.182, filed November 9, 2004, to correct a typographical error in the last name of inventor Filomena A. Gomes.

The petition is **granted**.

The petition states that, at the time of filing of the provisional application cover sheet, an error occurred in setting forth the last name of one of the inventors; namely, "Filomena A. Gomes" should have been listed as -- Filomena A. Macedo --.

In view of the above, Office records have been changed to reflect the correction in the above-noted inventor's name. A corrected Filing Receipt which sets forth the aforementioned inventor's correct name accompanies this decision on petition.

Inquiries concerning this matter may be directed to the undersigned at 571-272-3218.

This matter is being referred to the Office of Initial Patent Examination.

Frances Hicks
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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

MONSANTO COMPANY
800 N. LINDBERGH BLVD.
ATTENTION: G.P. WUELLNER, IP PARALEGAL, (E2NA)
ST. LOUIS MO 63167

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SEP 06 2005
OFFICE OF PETITIONS

In re Application of
Barry S. Goldman et al.
Application No. 60/579,902
Filed: June 15, 2004
Attorney Docket No. 38-21(53444)A

ON PETITION

This is a decision on the response to the "Notice of Omitted Items", filed August 1, 2005. The response is treated as a petition under 37 CFR 1.182.

The petition under 37 CFR 1.182 is DISMISSED as involving moot issues.

The application was filed June 15, 2004. However, on June 23, 2005, the Office of Initial Patent Examination mailed a Notice of Omitted Items. The "Notice" indicated that the application had been accorded a filing date of June 15, 2005, and advised applicant that while the application transmittal letter listed duplicate sets of compact disks containing sequence listings and tables, only one set of CDs was included.[1]

Applicant was not required to either explain the omission of the figures or to supply the omitted CDs. In fact, pursuant to MPEP 601.01(d) and in view of the relatively low filing fee for provisional applications, and the USPTO's desire to minimize the processing of provisional applications, applicants are guided to file a new completed provisional application.

Applicants don't contend that the duplicate sets of CDs were included with the application when filed. Thus, in view of the above, consideration of this petition is unnecessary. As no fees are due, the petition fee in the amount of $400.00 will be credited to deposit account no. 13-4125.

The application is being returned to Office of Initial Patent Examination for further processing with a filing date of June 15, 2004, and with a notation that only one set of CDs was present on filing.

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

[1]The filing date requirements for a provisional application set forth in 37 CFR 1.53(c) parallel the requirements for a nonprovisional application set forth in 37 CFR 1.53(b), except that no claim is required. See MPEP 601.01(b).

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Alexandria, VA 22313-1450
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Peter D. Aufrichtig, Esq.
Aufrichtig Stein & Aufrichtig, P.C.
5th Floor
300 East 42nd Street
New York, NY 10017

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FEB 15 2005

OFFICE OF PETITIONS

In re Application of :
Gellis et al. :
Application No. 60/579,907 :
Filed: June 15, 2004 :
Attorney Docket No. 04106 :

ON PETITION

This a decision on the petition filed October 20, 2004, to accord the above-identified provisional application a filing date of June 15, 2004.

The petition is **granted**.

On June 15, 2004, petitioner filed an application which contained drawings but not a separate, written specification.

On August 20, 2004, a Notice of Incomplete Application was mailed stating that a filing date had not been accorded and that a specification must be filed.

The Notice is hereby vacated.

Drawings alone *may* constitute a specification.[1]

Normally, the analysis of whether the specification complies with the written description requirement calls for the examiner to compare the scope of the claim with the scope of the description to determine whether applicant has demonstrated possession of the claimed invention. However, since a provisional application does not require claims, it is impossible to compare the specification with the claimed invention. Since the instant application is a provisional application, the petition will be granted. However, in order for any later filed utility to claim benefit of the instant provisional application, the examiner will need to determine the drawings in the instant application sufficiently disclose the claimed invention.

This decision should not be construed as a determination that any particular invention disclosed in the present provisional application has been disclosed in the manner required by 35 U.S.C. 112, first paragraph. Applicant is again reminded that in order for a nonprovisional application to be entitled to the benefits of a prior provisional application filing date, the invention being claimed in the nonprovisional application must be disclosed in the provisional application in the manner provided by the first paragraph, 35 U.S.C. 112, including a recitation of the "best mode." 35 U.S.C. 119(3).

The $130 petition fee has not been charged to petitioner's deposit account.

---

[1] "[D]rawings alone *may* be sufficient to provide the "written description of the invention" required by [35 U.S.C. Section] 112, first paragraph." Vas-Cath Inc. v. Mahurkar, 935 F.2d 1555, 1564, 19 U.S.P.Q.2d 1111 (Fed. Cir. 1991) (emphasis in original).

The Office of Initial Patent Examination will process the application with a filing date of June 15, 2004.

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

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BEYER WEAVER & THOMAS LLP
P.O. BOX 778
BERKELEY, CA 94704-0778

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OCT 0 8 2004

OFFICE OF PETITIONS

In re Application of :
Tryhub and Selby :
Application No. 60/579,954 :
Filed: June 14, 2004 :
Attorney Docket No. GENSP063P :

DECISION GRANTING PETITION

This is a decision on the petition under 37 CFR 1.182 filed September 13, 2004, to accord the above-identified application a filing date.

On June 14, 2004, the application was deposited.

On August 23, 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 September 13, 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 a method for liquid crystal display blur reduction. It is, therefore, highly probable that at least one claim can be written 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 June 14, 2004.

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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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BOZICEVIC, FIELD & FRANCIS, LLP
200 MIDDLEFIELD ROAD
SUITE 200
MENLO PARK, CA 94025

COPY MAILED

AUG 0 6 2004

OFFICE OF PETITIONS

In re Application of	:	
Franken, Eva	:	
Application No. 60/580,038	:	ON PETITION
Filed: June 16, 2004	:	
Attorney Docket No. GNOP-012PRV	:	

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) 272-3282.

This matter is being referred to the Office of Initial Patent Examination for further processing.

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
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MARSHALL, GERSTEIN & BORUN LLP
6300 SEARS TOWER
233 S. WACKER DRIVE
CHICAGO IL 60606

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AUG 1 1 2004

OFFICE OF PETITIONS

In re Application of	:	
Dage Sundholm	:	DECISION GRANTING
Application No. 60/580,205	:	PETITION
Filed: June 16, 2004	:	
Attorney Docket No. 28113/40083	:	

This is a decision on the petition under 37 CFR 1.10, filed July 26, 2004, requesting that the above-identified application be accorded a filing date of June 16, 2004, rather than the presently accorded filing date of June 17, 2004.

Petitioner alleges that the application was deposited in Express Mail service on June 16, 2004. In support of the allegation, the petition is accompanied by a United States Postal Service Track & Confirm receipt indicating that a package bearing Express Mail label No. EV323767258US was accepted by the USPS on June 16, 2004, at 4:47 PM in Chicago, IL 60606. 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 filing date of the above-identified application to June 16, 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

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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
60/580,259	06/16/2004		80	WKM-694	12		

CONFIRMATION NO. 5866

CORRECTED FILING RECEIPT

OC000000013746234

37282
HOWARD J. GREENWALD P.C.
349 W. COMMERCIAL STREET SUITE 2490
EAST ROCHESTER, NY 14445-2408

Date Mailed: 09/08/2004

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)

William K. Montgomery, Jersey City, NJ;
Christine M. Murphy, Manchester, CT;
Bruce J. Bezpa, Piscataway, NJ;

Power of Attorney:

John Hammond–52986

If Required, Foreign Filing License Granted: 08/11/2004

The number of your priority application, to be used for filing abroad under the Paris Convention is,
US60/580,259

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 creating, compiling, editing, and distributing documents

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 POSTAL SERVICE

Track & Confirm

Shipment Details

You entered EV45 7054 885U S

Your item was delivered at 10:03 am on June 17, 2004 in ALEXANDRIA, VA 22313 to PATENT OFFICE. The item was signed for by M BOSTON.

Here is what happened earlier:

- ARRIVAL AT UNIT, June 17, 2004, 7:51 am, DULLES, VA 20102
- ACCEPTANCE, June 16, 2004, 2:22 pm, EAST ROCHESTER, NY 14445

Track & Confirm

Enter label number:

Track & Confirm FAQs Go >

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
60/580,281	06/16/2004		160	62983			

CONFIRMATION NO. 5862

CORRECTED FILING RECEIPT

OC000000013808677

THE DOW CHEMICAL COMPANY
Intellectual Property
P.O. Box 1967
Midland, MI 48641-1967

Date Mailed: 09/15/2004

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)

Richard E. Campbell JR., Midland, MI;
Thomas G. Castille, Richmond, TX;
Linfeng Chen, Sugar Land, TX;
Peter A. Kilty, Sugar Land, TX;
Duane R. Romer, Midland, MI;

Power of Attorney:

Douglas Deline–29146

If Required, Foreign Filing License Granted: 08/11/2004

The number of your priority application, to be used for filing abroad under the Paris Convention is,
US60/580,281

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 Ziegler-Natta research

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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JJGJr: 02-05

Paper No: __

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

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FEB 25 2005

OFFICE OF PETITIONS

In re Application of	:	
Kent, et al.	:	
Application No. 60/580,288	:	DECISION ON PETITION
Filed: 15 June, 2004	:	
Attorney Docket No.:IR-2695 Prov (2-3933)	:	

This is a decision on the petition filed on 3 November, 2004, under 37 C.F.R. §1.10, seeking for the above-identified application a filing date of 15 June, 2004, instead of the presently accorded filing date of 16 June, 2004.

The petition is **GRANTED**.

BACKGROUND AND ANALYSIS

The record reflects that:

- the instant application was received and given a filing date of 16 June, 2004;
- the instant petition was submitted on 3 November, 2004;
- the materials submitted by Petitioner include copies of a USPS Express Mail Label No. EV343 686 275US, which, while it appears to have a "date in" indicated as "6/16/4," the Application Transmittal bearing the correlating USPS Express Mail Label No. EV343 686 275US and with a Certificate of Express Mail dated "June 15, 2004"), and further

correlating with a USPS Pickup Service Statement in which item number 3 is "EV343686275[US]" and the statement is date stamped "JUN 15 2004,"and Petitioner Kourosh Salehi's (Reg. No. 43,989) statement of events attesting to the pickup on 15 June, 2004, and the accuracy of the document copies.

- an electronic request to the USPS Track & Confirm website evidences a printout (a copy of which is being sent for scanning into the record) stating that the USPS acknowledged "ACCEPTANCE" [of parcel bearing USPS Express Mail Label No. EV343 686 275US at] NEW YORK NY [on] 06/16/04 [at] **4:53 a.m.**"–this information, along with Petitioner's statements and documents indicate that the package/application bearing USPS Express Mail Label No. EV343 686 275US was received by USPS on 15 June, 2004, as indicated by the Pickup Service Statement, but that receipt not processed into USPS databases until the early hours of the next morning.

Accordingly the petition hereby is **granted**.

Petitioner is reminded that–given that the burden is on a petitioner to make a satisfactory showing in matters such as this–it is a good practice to obtain from the USPS website (within days of the shipment in order to ensure that information is available) and retain in Petitioner's file a printout/copy of the Track & Confirm data.

The petition fee is waived, and it appears that none has been charged.

The instant file is released to OIPE to correct the filing date so as to accord to the instant application a filing date of 15 June, 2004, and to mail to Petitioner a corrected filing receipt reflecting a filing date of 15 June, 2004.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3214.

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

Gillon, John

From: USPS_Track_&_Confirm_ [USPS_Track_Confirm@usps.com]
Sent: Thursday, February 24, 2005 1:16 PM
To: Gillon, John
Subject: U.S. Postal Service Track & Confirm email Restoration - EV34 3686 275U S

This is a post-only message. Please do not respond.

JOhn Gillon has requested that you receive this restoration information for Track & Confirm as listed below.

Current Track & Confirm Info provided by the U.S. Postal Service, 02/24/05

Label Number: EV34 3686 275U S

Service Type: Express Mail - Post Office to Addressee

Shipment Activity	Location	Date & Time
DELIVERED 10:03am TO: M BOSTON	ALEXANDRIA VA 22313	06/17/04
ARRIVAL AT UNIT 5:57am	DULLES VA 20102	06/17/04
ENROUTE 4:19pm	NEW YORK NY 10199	06/16/04
MISSENT 8:35am	NEW YORK NY 10199	06/16/04
ACCEPTANCE 4:53am	NEW YORK NY 10199	06/16/04

USPS has not verified the validity of any email addresses submitted via its online Track & Confirm tool.

For more information, or if you have additional questions on Track & Confirm
services and features, please visit the Frequently Asked Questions (FAQs) section of our Track & Confirm site at
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www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/580,288	06/15/2004		160	2-3933			

CONFIRMATION NO. 5877

CORRECTED FILING RECEIPT

OC000000015369577

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

Date Mailed: 03/08/2005

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)

David Kent, South Wales, UNITED KINGDOM;
Paul Harvey, Chepstow, UNITED KINGDOM;

Power of Attorney:

Kourosh Salehi–43898

If Required, Foreign Filing License Granted: 08/18/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/580,288

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

Non-Publication Request: No

Early Publication Request: No

Title

Poly hard mask

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
60/580,330	06/16/2004		160	63796	1		

CONFIRMATION NO. 6631

CORRECTED FILING RECEIPT

OC000000013808467

THE DOW CHEMICAL COMPANY
Intellectual Property
P. O. BOX 1967
Midland, MI 48641-1967

Date Mailed: 09/15/2004

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)

Daryoosh Beigzadeh, Midland, MI;
Richard E. Campbell JR., Midland, MI;
David D. Devore, Midland, MI;
Duane R. Romer, Midland, MI;
James D. Stevens, Richmond, TX;
Francis J. Timmers, Midland, MI;
Hendrik E. Tuinstra, Midland, MI;
Paul C. Vosejpka, Midland, MI;

Power of Attorney:

Douglas Deline–29146

If Required, Foreign Filing License Granted: 08/11/2004

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

US60/580,330

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

Non-Publication Request: No

Early Publication Request: No

Title

Technique for selecting polymerization modifiers

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
60/580,416	06/16/2004		80	23473.PROV	16		

CONFIRMATION NO. 7709

CORRECTED FILING RECEIPT

OC000000013768221

20551
THORPE NORTH & WESTERN, LLP.
8180 SOUTH 700 EAST, SUITE 200
P.O. BOX 1219
SANDY, UT 84070

Date Mailed: 09/13/2004

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

Applicant(s)

Barry K. Hanover, Salt Lake City, UT;

Power of Attorney:

Garron Hobson--41073

If Required, Foreign Filing License Granted: 08/12/2004

The number of your priority application, to be used for filing abroad under the Paris Convention is,
US60/580,416

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 constraining a breast during scanning and surgery staging

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
60/580,476	06/16/2004		80	07917-282P01	11		

CONFIRMATION NO. 8833

CORRECTED FILING RECEIPT

OC000000013800486

26161
FISH & RICHARDSON PC
225 FRANKLIN ST
BOSTON, MA 02110

Date Mailed: 09/15/2004

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)

Michael Volkert, West Boylston, MA;
Jen-Yeu Wang, Worcester, MA;

Power of Attorney:

Marcos Rivas–54401

If Required, Foreign Filing License Granted: 08/12/2004

The number of your priority application, to be used for filing abroad under the Paris Convention is,
US60/580,476

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Oxidative DNA damage 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.

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ROPES & GRAY
ONE INTERNATIONAL PLACE
BOSTON, MA 02110-2624

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OCT 0 4 2004

OFFICE OF PETITIONS

In re Application of :
Raanan A. Miller et al :
Application No. 60/580,571 : NOTICE
Filed: June 17, 2004 :
Attorney Docket No. SION-P61-049 :

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

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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
60/580,696	06/17/2004		160	OOCL-162PROV (6MHA-04S086	8		

CONFIRMATION NO. 8680

CORRECTED FILING RECEIPT

OC000000014182317

26479
STRAUB & POKOTYLO
620 TINTON AVENUE
BLDG. B, 2ND FLOOR
TINTON FALLS, NJ 07724

Date Mailed: 10/25/2004

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)

Kazuyuki Iwasa, Tokyo, JAPAN;

Power of Attorney:

John Pokotylo--36242

If Required, Foreign Filing License Granted: 08/18/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/580,696

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

Non-Publication Request: No

Early Publication Request: No

Title

Structure for attaching an adapter

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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OFFICE OF PETITIONS

BAE SYSTEMS INFORMATION AND
ELECTRONIC SYSTEMS INTEGRATION INC.
65 SPIT BROOK ROAD
P.O. BOX 868 NHQ1-719
NASHUA, NH 03061-0868

In re Application of Zank et al. Application No. 60/580,808 Filed: June 18, 2004 Attorney Docket No. 20040071PRO For: Active Armor	: : : : : :	Decision on Petition

This is a decision on the petition filed October 6, 2005, to accord the above-identified application a filing date of June 18, 2004.

The application was filed on June 18, 2004.

On August 4, 2005, the Office of Initial Patent Examination mailed a Notice stating that drawings were not present and that a filing date had not been accorded and the filing date would be the date of receipt of drawings.

In response, the present petition was filed alleging that drawings were deposited on Nune 18, 2004. In support, petitioner has submitted a postcard receipt which acknowledges receipt of 2 sheets of drawings on June 18, 2004.[1]

Upon review of the record, the drawings deposited on June 18, 2004, have not been located. However, the evidence is convincing that the application papers deposited on June 18, 2004, included two sheets of drawings and that the drawings were subsequently misplaced in the PTO. Therefore, the application is complete and entitled to a filing date of June 18, 2004.

In view of the above, the petition is **granted**. The copy of the drawings submitted with the petition will be used for examination purposes.

The $130 submitted with the petition will be credited to petitioner's deposit account.

The Notice mailed August 4, 2005, was sent in error and is hereby vacated.

The Application is being returned to the Office of Initial Patent Examination for further processing with a filing date of June 18, 2004, using the application papers filed on June 18, 2004, and the copy of the two sheets of drawings filed on October 6, 2005.

---

[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 (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BAE SYSTEMS INFORMATION AND
ELECTRONIC SYSTEMS INTEGRATION INC.
65 SPIT BROOK ROAD
P.O. BOX 868 NHQ1-719
NASHUA, NH 03061-0868

In re Application of Zank et al. Application No. 60/580,808 Filed: June 18, 2004 Attorney Docket No. 20040071PRO For: Active Armor	: : : : : :	Decision on Petition

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Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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In re Application of Zank et al. Application No. 60/580,808 Filed: June 18, 2004 Attorney Docket No. 20040071PRO For: Active Armor	: : : : : :	Decision on Petition

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---

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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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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
60/580,984	06/18/2004		210	MDK-0407	3		

CONFIRMATION NO. 2142

UPDATED FILING RECEIPT

OC000000013820685

ExxonMobil Research and Engineering Company
P.O. Box 900
Annandale, NJ 08801-0900

Date Mailed: 09/17/2004

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)

Amar S. Wanni, Falls Church, VA;
Marciano M. Calanog, Stafford, TX;
Thomas M. Rudy, Warrenton, VA;
Malcolm D. Keen, Fairfax Station, VA;

Power of Attorney:

Malcolm Keen–27728

If Required, Foreign Filing License Granted: 08/12/2004

The number of your priority application, to be used for filing abroad under the Paris Convention is,
US60/580,984

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

Non-Publication Request: No

Early Publication Request: No

Title

Anti-vibration tube supports

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

GRANTED

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

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

NOT GRANTED

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Paper No.

MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

COPY MAILED

JUL 0 5 2005

OFFICE OF PETITIONS

In re Application of	:	
Gordon et al.	:	
Application No. 60/581,148	:	DECISION ON
Filed: June 18, 2004	:	PETITION
Attorney Docket No. 15872US01	:	
	:	

This is a decision on the "PETITION IN RESPONSE TO NOTICE OF INCOMPLETE PROVISIONAL APPLICATION," filed February 11, 2005, requesting that the above-identified provisional application be granted a filing date.

Application papers in the above-identified application were deposited on June 18, 2004. However, on January 18, 2005, the Initial Patent Examination Division mailed applicant a "Notice of Incomplete Provisional Application," stating that the application papers had not been accorded a filing date because the application was deposited without drawings.

In response, applicant timely filed the instant petition, asserting that the original application was filed with all of the drawings required under 35 U.S.C. § 113. Applicants further submit that, particularly in light of the specification text, such drawings are not necessary under 35 U.S.C. § 113.

A provisional application will be given a filing date in accordance with 37 CFR 1.53(c) as of the date the written description and any necessary drawings are filed in the Office.

Where the records of the Office (e.g., the file of the application) contain any document(s) or fee(s) corresponding to the contents of the correspondence at issue, the Office will rely upon its official record of the contents of such correspondence in absence of convincing evidence (e.g., a postcard receipt under MPEP § 503 containing specific itemization of the document(s) or fee(s) purported to have been filed with the correspondence at issue) that the Office received and misplaced any document(s) or fee(s) that is not among the official records of the Office. The application file has been reviewed and no drawings are among the papers received in this application on filing. The petition does not include postcard evidence, or any other convincing evidence, that drawings were filed in this application and misplaced.

Nonetheless, 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 revealed that it included at least one method claim.

Accordingly, the petition is **GRANTED** to the extent that the provisional application will be accorded a filing date of June 18, 2004, with no drawings present in the application.

However, in regards to withdrawing the Notice, MPEP § 601.01(f) also states that:

> A provisional application having at least some disclosure, directed to 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, MPEP § 601.01(g) further provides that:

> If the application is filed without all of the drawing figure(s) referred to in the specification, ..., OIPE will mail a "Notice of Omitted Item(s)" indicating that the application papers so deposited have been accorded a filing

date, but are lacking some of the figures of the drawings described in the specification.

As the specification in the instant provisional application contained references to drawing figures, mailing of a Notice requiring submission of those drawings was appropriate. The Notice will not be withdrawn.

Given the basis for granting this petition, the petition fee of $130[1] is being refunded to Deposit Account No. 13-0017, as authorized. (Petitioner is reminded that the petition fee increased to $400).

This provisional application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of June 18, 2004 and for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing.

Applicants will receive appropriate notifications regarding any missing items or fees owed, and other information in due course from OIPE.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

[1] The instant petition included payment of the fee in the form of a check for $130 and authorization to charge any deficiency to petitioner's Deposit Account. Given that the fee was to be refunded, the deficiency of $270 was never charged.

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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
60/581,164	06/18/2004		160	47079-00266USPT	6		

CONFIRMATION NO. 3204

CORRECTED FILING RECEIPT

OC000000014255881

30223
JENKENS & GILCHRIST, P.C.
225 WEST WASHINGTON
SUITE 2600
CHICAGO, IL 60606

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)

Daniel Fiden, Chicago, IL;

Power of Attorney: The patent practitioners associated with Customer Number **30223**.

If Required, Foreign Filing License Granted: 08/13/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/581,164

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

Non-Publication Request: No

Early Publication Request: No

Title

Wagering game with two-way cascading reel

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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PILLSBURY WINTHROP LLP
2475 HANOVER STREET
PALO ALTO, CA 94304-1114

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MAR 28 2005

OFFICE OF PETITIONS

In re Application of	:	
Darrell Benatar et al	:	
Application No. 60/581,249	:	DECISION GRANTING
Filed: June 18, 2004	:	PETITION
Attorney Docket No. 016997-0311321	:	

This is a decision on the petition filed March 15, 2005, requesting that the above-identified application be accorded a filing date of June 18, 2004, rather than the presently accorded date of June 21, 2004. The petition is properly treated as a petition under 37 CFR 1.10(d).

The petition is **GRANTED**.

Petitioner alleges that the application was deposited in Express Mail Service on June 18, 2004. In support, the petition is accompanied by a copy of Express Mail receipt No. EV342482655US, showing a "date-in" of June 21, 2004. While the Express Mail receipt number referred to in the original application papers contains an additional digit, further research in USPTO records confirms that the Express Mail number listed on the receipt was associated with this application.

The Office considers the date the paper or fee shown as deposited as "Express Mail" to be the "date-in" on the Express Mail label. See MPEP 513. That is the date that verifies that the package was actually mailed. The evidence is convincing that the application was deposited as "Express Mail" with the U. S. Postal Service on June 18, 2004 and the filing date of the application will be accorded such.

This application file is being forwarded to the Office of Initial Patent Examination Division for further **processing with a filing date of June 18, 2004.**

Telephone inquiries concerning this matter may be directed Irvin Dingle at (571) 272-3210.

Marianne E. Jenkins

Marianne E. Jenkins
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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MAR 10 2005

OFFICE OF PETITIONS

In re Application of	:
David P. Jones	: DECISION GRANTING
Application No. 60/581,666	: PETITION
Filing: June 21, 2004	:
Attorney Docket No. IR-2752 Prov (2-4041)	:

This is a decision on the petition under 37 CFR 1.10 (d), filed November 3, 2004, requesting that the above-identified application be accorded a filing date of June 21, 2004, rather than the presently accorded filing date of June 22, 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 June 21, 2004, pursuant to the requirements of 37 CFR 1.10. Applicant alleges that the date of mailing shown by the Express Mail receipt is a USPS error and the correct date of mailing is June 21, 2004.

In support, the petition is accompanied by, inter alia, a declaration of Dorothy Jenkins dated October 29, 2004, an Express Mail Corporate Account mailing statement from June 1, 2004 to June 30, 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. EV342526864US was picked up by the USPS from counsel's Office on June 21, 2004.

In view of the above, the evidence is convincing that the application was deposited as "Express Mail" on June 21, 2004. Accordingly, the instant application file is entitled to a filing date of June 21, 2004, and has been so accorded.

The petition is granted.

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 Hicks

Frances Hicks
Lead Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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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
60/581,875	06/22/2004		80	09997.105003	1		

20786
KING & SPALDING LLP
191 PEACHTREE STREET, N.E.
ATLANTA, GA 30303-1763

CONFIRMATION NO. 5583

CORRECTED FILING RECEIPT

OC000000014196502

Date Mailed: 10/27/2004

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)

Jonathan Geisheimer, Mableton, GA;
Scott Billington, Chamblee, GA;
Glenn Hopkins, Marietta, GA;

Power of Attorney:

William Petty–35645

If Required, Foreign Filing License Granted: 08/11/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/581,875

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Array radiators with frequency selectivity for turbine engine measurements

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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JEFFREY S. BOONE, J.D.
MALLINCKRODT INC.
P.O. BOX 5840
ST. LOUIS MO 63134

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OFFICE OF PETITIONS

In re Application of	:
Jarvi et al.	: DECISION DISMISSING
Application No. 60/581,967	: PETITION AS MOOT
Filed: 22 June, 2004	:
Attorney Docket No. MALL 1764	:

This is a decision on the paper styled as a petition under 37 CFR 1.10(d), filed on 23 September, 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 22 June, 2004.

Petitioners allege that the application was deposited in Express Mail service on 22 June, 2004. In support, on 23 September, 2004, petitioners supplied a copy of Express Mail receipt No. EL324376182US (the same Express Mail number found on the itemized transmittal sheet accompanying the original application papers located in the official file). Although the "date-in" on the Express Mail customer label is "6-21-04", petitioners have provided a copy of a USPS Track & Confirm Internet printout showing that the above-identified Express Mail shipment was accepted by the USPS on 22 June, 2004.

A review of the Office PALM records reveals that this application was previously accorded a filing date of 22 June, 2004. Therefore, the present petition is unnecessary and will be dismissed as moot.

A replacement Filing Receipt is enclosed for petitioners' records.

The application is being referred to the Office of Initial Patent Examination for further processing with the presently accorded filing date of 22 June, 2004.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: Replacement Filing Receipt

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

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DEC 14 2004

OFFICE OF PETITIONS

In re Application of	:	
Pragada et al.	:	
Application No. 60/582,035	:	DECISION GRANTING PETITION
Filed: June 22, 2004	:	
Attorney Docket No. I-2-0718US	:	

This is a decision on the petition, filed October 22, 2004, requesting that the above-identified application be accorded a filing date of June 22, 2004, with page 5 of the specification as part of the original disclosure.

On June 22, 2004, applicants filed the above-identified application. On September 15, 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 June 22, 2004, and advising applicants that page 5 of the specification appeared to have been omitted.

In response, on October 22, 2004, applicants filed the present petition and a copy of applicants' postcard receipt acknowledging receipt of the following: "Provisional Application for Patent Cover Sheet (1 pg.); Patent Application (20 pgs.); 10 sheets of Drawings; and Application Data Sheet (2 pgs.)" on June 22, 2004. Additionally, applicants submitted a copy of the application, including page 5 of the specification, with the present petition.

Upon review of the record, page 5 of the specification, deposited on June 22, 2004, has not been located among the application papers. However, the evidence is convincing that the application papers deposited on June 22, 2004, included page 5, which was subsequently misplaced in the United States Patent and Trademark Office. Therefore, the application, including page 5 of the specification, was complete on filing and will be granted a filing date of June 22, 2004.

Accordingly, the petition is granted and the application will be accorded a filing date of June 22, 2004, with page 5 of the specification 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. 22-0493.

The Office of Initial Patent Examination is directed **to accord the application a filing date of June 22, 2004**, using page 5 of the specification submitted with the present petition on October 22, 2004.

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

Christina Tartera Donnell

Christina Tartera Donnell
Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/582,100	06/22/2004		160	WELL0043PR	63		

CONFIRMATION NO. 5940

CORRECTED FILING RECEIPT

OC000000014091623

22862
GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK, CA 94025

Date Mailed: 10/15/2004

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)

Brian M. Gilpin, San Francisco, CA;
Paul J. Griffo, Portland, OR;

Power of Attorney:

Julia Thomas--52283

If Required, Foreign Filing License Granted: 08/11/2004

The number of your priority application, to be used for filing abroad under the Paris Convention is,
US60/582,100

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

Non-Publication Request: No

Early Publication Request: No

Title

Common component modeling

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
60/582,108	06/22/2004		160	47079-00270PL01	9		

CONFIRMATION NO. 6409

CORRECTED FILING RECEIPT

OC000000014278572

30223
JENKENS & GILCHRIST, P.C.
225 WEST WASHINGTON
SUITE 2600
CHICAGO, IL 60606

Date Mailed: 11/04/2004

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)

Allon Englman, Chicago, IL;
Jeremy Hornik, Chicago, IL;
Michael W. Mastropietro, Chicago, IL;

Power of Attorney:

Daniel Burnham–39618

If Required, Foreign Filing License Granted: 08/11/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/582,108

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

Non-Publication Request: No

Early Publication Request: No

Title

Method of conducting a poker game

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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JJGJr: 11-04

Paper No: __

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OCT 28 2004
TECHNOLOGY CENTER 2800

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

In re Application of	:	
Johnson, et al.	:	
Application No. 60/582,138	:	DECISION ON PETITION
Filed: 22 June, 2004	:	
Attorney Docket No.: 066042-9537-01	:	

This is a decision on the petition for a filing date on an Express Mail Mailing Label Under 37 C.F.R. §1.10, filed on 7 September, 2004, and seeking for the above-identified application a filing date of 22 June, 2004, instead of the presently accorded filing date of 23 June, 2004.

The petition is **GRANTED**.

BACKGROUND AND ANALYSIS

The record reflects that:

- the instant application was received (bearing on the transmittal form US Postal Service) (USPS) Express Mail Label No. EL978821533US) and given a filing date of 23 June, 2004;

- the petition (with fee) of 7 September, 2004, is accompanied, *inter alia*, by what purports to be:

  --(a) a copy of a USPS Express Mail Log of Express Mail packages picked up by the USPS carrier and thereon is a listing of the package bearing USPS Express Mail Label No. EL978821533US and noted as ready for pick up on "6/22/04";

  –(b) a copy of the print out from the database of the USPS "Track and Confirm" system evidencing that the package bearing USPS Express Mail Label No. EL978821533US was "ENROUTE [with

USPS on] June 22, 2004, 5:12 pm, MILWAUKEE, WI 53202" (emphasis supplied);

–(c) a copy of th USPS Express Mail Label No. EL978821533US with a "Date In" of "6-23-04" and a "Time In" of "1:36 a.m." (emphasis supplied); and

–(d) declarations by Elizabeth A. Egasti (Reg. No. 54,635), and her assistants Lora L. Cieszynski and Mary A. Hietpas as to the preparation, packaging and logging of the application bearing USPS Express Mail Label No. EL978821533US for pickup on June 22, 2004, in time for the pickup on that date.

Accordingly the petition hereby is **granted**.

The petition fee is not waived because the error was not that of the Office.

The instant file is forwarded to OIPE to correct the filing date so as to accord to the instant application a filing date of 22 June, 2004, and to mail to Petitioner a corrected filing receipt reflecting a filing date of 22 June, 2004.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3214.

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

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ALEXANDRIA, VA 22313-1450
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JJGJr: 11-04

Paper No: __

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

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NOV 10 2004

OFFICE OF PETITIONS

In re Application of	:	
Johnson, et al.	:	
Application No. 60/582,138	:	DECISION ON PETITION
Filed: 22 June, 2004	:	
Attorney Docket No.: 066042-9537-01	:	

This is a decision on the petition for a filing date on an Express Mail Mailing Label Under 37 C.F.R. §1.53, filed on 7 September, 2004, and seeking for the above-identified application a filing date of 22 June, 2004, instead of the presently accorded filing date of 23 June, 2004.

The petition is **DISMISSED as moot**.

BACKGROUND AND ANALYSIS

The record reflects that:

- the instant application was received (bearing on the transmittal form US Postal Service) (USPS) Express Mail Label No. EL978821533US) and given a filing date of 23 June, 2004;

- the petition (with fee) of 7 September, 2004, was addressed under 37 C.F.R. §1.10 as requested in the alternative and granted on 28 October, 2004.

At that time the instant petition was accorded a filing date of 22 June, 2004, and OIPE was instructed further to mail to Petitioner a corrected filing receipt reflecting a filing date of 22 June, 2004.

Accordingly the petition hereby is **dismissed as moot**.

The instant file is released to OIPE for such processing as required before being forwarded for examination in due course.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3214.

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

UNITED STATES PATENT 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
60/582,329	06/09/2004		105	101353-0270	6		

CONFIRMATION NO. 8847

CORRECTED FILING RECEIPT

OC000000014182617

021125
NUTTER MCCLENNEN & FISH LLP
WORLD TRADE CENTER WEST
155 SEAPORT BOULEVARD
BOSTON, MA 02210-2604

Date Mailed: 10/25/2004

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)

Bruce Yankner, Newton, MA;
Tao Lu, Brookline, MA;

Power of Attorney: The patent practitioners associated with Customer Number **021125**.

If Required, Foreign Filing License Granted: 08/12/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/582,329

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 modifying gene regulation and DNA damage in ageing

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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NUTTER MCCLENNEN & FISH LLP
WORLD TRADE CENTER WEST
155 SEAPORT BOULEVARD
BOSTON, MA 02210-2604

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JAN 18 2005

OFFICE OF PETITIONS

In re Application of :
Bruce Yankner, et al. :
Application No. 60/582,329 : DECISION GRANTING PETITION
Filed: June 9, 2004 :
Attorney Docket No. 101353-0270 :

This is a decision in response to a petition filed October 28, 2004, requesting that the above-identified application be accorded a filing date of June 9, 2004.

A review of the record discloses that USPTO records have been updated to show the correct filing date pursuant to 37 CFR 1.10. A corrected Official Filing Receipt was mailed on October 25, 2004.

Accordingly, the present petition is dismissed as moot.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204.
308-1202.

Sherry D. Brinkley
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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SEP 2 6 2005

OFFICE OF PETITIONS

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

In re Application of ILEKTI et al. Application No.: 60/583,492 Attorney Docket No.: 05725.6537-00	: DECISION on PETITION : : UNDER 37 CFR 1.137(g) :

This is a decision on the petition under 37 CFR 1.137(b), filed May 19, 2005 to revive the above-identified application. The petition is being treated under 37 CFR 1.137(g).

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 August 20, 2004, which set a period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, by operation of law, the above-identified application became abandoned at midnight on October 20, 2004.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date fro the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Since the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a cover sheet naming the inventors and setting forth the residence of each inventor along with a surcharge fee of $50, (2) the petition fee; and (3) an adequate statement of unintentional delay have been received. Accordingly, the reply to the Notice of August 20, 2004 is accepted as having been unintentionally delayed.

A provisional application, abandoned for failure to timely respond to an Office requirement, may be revived pursuant to this section. Subject to the provisions of 35 U.S.C. 119(e)(3) and § 1.7(b), a provisional application will not be regarded as pending after twelve months from its filing date under any circumstances.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period of reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the five month extension of time ($2160) submitted with the petition on May 19, 2005 was subsequent to the maximum extendable period of reply, this fee is unnecessary and will be credited to petitioner's deposit account.

A corrected Filing Receipt accompanies this decision.

Telephone inquiries concerning this decision should be directed to Cynthia Kratz at (571) 272-3286 or in her absence, the undersigned at (571) 272-3217.

Frances Hicks for
Brian Hearn
Petitions Examiner
Office of Petitions

Attachment: corrected 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
60/583,655	06/28/2004		160	11495/33	12		

CONFIRMATION NO. 6732

CORRECTED FILING RECEIPT

OC000000014010783

00757
BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

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)

Nagesh S. Mavinahally, Anderson, SC;
David R. Brower, Townville, SC;
William S. McLay JR., Anderson, SC;

Power of Attorney:

Robert S. Mallin–35596

If Required, Foreign Filing License Granted: 08/20/2004

The number of your priority application, to be used for filing abroad under the Paris Convention is,
US60/583,655

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

Non-Publication Request: No

Early Publication Request: No

Title

Rotary engine for lawn and garden products, pumps, compressors, and tillers

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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Yale University
Office of Cooperative Research
433 Temple Street
New Haven, CT 06511

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JAN 1 9 2005

OFFICE OF PETITIONS

In re Application of :
David Silverman :
Application No. 60/583,656 :
Filed: June 29, 2004 :
Attorney Docket No. TBD :

DECISION GRANTING PETITION

This is a decision on the petition under 37 CFR 1.182 filed October 26, 2004, to accord the above-identified application a filing date.

On June 29, 2004, the application was deposited.

On August 26, 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 October 26, 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).

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 a method for topically applying a drug and monitoring the same. It is, therefore, highly probable that at least one claim can be written 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 is entitled to a filing date of June29, 2004 without Figure 1, filed with the instant petition, as part of the original disclosure.

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 June 29, 2004.

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 of currently of record until such time as appropriate instructions are received to the contrary.

The petition fee of $130.00 will be charged to deposit account 50-0310.

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

cc:

Erich E. Veitenheimer
Morgan, Lewis & Bockius, LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004

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Linda K. Russell
Air Liquide
Suite 1800
2700 Post Oak Blvd.
Houston TX 77056

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NOV 0 9 2004

OFFICE OF PETITIONS

In re Application of	:	
Paganessi, et al.	:	
Application No. 60/583,714	:	DECISION ON
Filed: June 29, 2004	:	PETITION
Attorney Docket No. IDQP773	:	
For: HIGH-PRESSURE DELIVERY SYSTEM	:	

This is a decision on the petition filed October 7, 2004 (certificate of mailing date October 4, 2004) requesting, in effect, withdrawal of a Notice of Omitted Item(s) in a Provisional Application (Notice), dated August 23, 2004. The petition will be treated under 37 CFR 1.53(e).

The application was filed on June 29, 2004. On August 23, 2004, the Office of Initial Patent Examination mailed a Notice informing petitioners that Figures 3 and 4, as described in the specification, appeared to have been omitted.

Petitioners request that Figures 3 and 4 be accorded a filing date of June 29, 2004 on the basis that 2 sheets of informal drawing figures, including Figures 3 and 4, were received in the Patent and Trademark Office (PTO) on June 29, 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 June 29, 2004 as the date of receipt. The postcard lists, *inter alia*, that the filing included 2 sheets of informal drawings.

The return postcard constitutes *prima facie* evidence that 2 sheets of informal drawing figures were filed on June 29, 2004. MPEP 503. A review of the application file reveals that there is only 1 sheet of drawing figures present.

Accordingly, the petition under 37 CFR 1.53(e) is **GRANTED**. The August 23, 2004 Notice is vacated.

Regarding finances, $50.00 was charged to petitioners' deposit account no 01-1375 in connection with this matter. The money will be credited to the same deposit account. No petition fee is due.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **June 29, 2004**, using the copy of Figures 3 and 4 submitted with the instant petition. Office records will be corrected to show that 2 sheets of informal 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

E. Shirene Willis
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

ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000

COPY MAILED

DEC 14 2004

OFFICE OF PETITIONS

In re Application of :
William W. Smith et al. :
Application No. 60/583,865 :
Filed: June 29, 2004 :
Attorney Docket No. :
018360/279876 :
Title: OFFLINE PROCESSING :
SYSTEMS AND METHODS FOR A :
CARRIER MANAGEMENT SYSTEM :

DECISION ON PETITION

This is a decision on the petition filed October 7, 2004, requesting the application, including 14 pages of drawings containing Figures 1-19 be accorded a filing date of June 29, 2004 as part of the original disclosure.

The application was deposited on June 29, 2004. However, on September 29, 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, advising applicants that a filing date would be accorded upon the deposit of drawings.

In response, on October 7, 2004, applicants filed the present petition. The petition is further accompanied by a copy of 14 pages of drawings containing Figures 1-19, along with a copy of applicants' postcard receipt acknowledging receipt of "No. of Drawings Sheets 14" in the United States Patent and Trademark Office (Office) on June 29, 2004. Applicants request that the application, including 14 pages of drawings containing Figures 1-19, be accorded a filing date of June 29, 2004.

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 June 29, 2004 included 14 pages of drawings, and the 14 sheets containing Figures 1-19 were subsequently misplaced in the Office.

Therefore, the application, including 14 pages of drawings containing Figures 1-19, was complete on filing and entitled to a filing date of June 29, 2004 as part of the original disclosure.

Accordingly, the petition is **GRANTED**.

The notice mailed September 29, 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 (OIPE) for further processing with a filing date of June 29, 2004, using the original application papers filed on that date, as well as 14 pages of drawings containing Figures 1-19 submitted on October 7, 2004. OIPE will then mail 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

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
60/584,009	06/30/2004		80	UVD 0331 MA/40815.440	14		

CONFIRMATION NO. 9986

CORRECTED FILING RECEIPT

OC000000013936371

DINSMORE & SHOHL LLP
One Dayton Centre, Suite 1300
One South Main Street
Dayton, OH 45402-2023

Date Mailed: 09/30/2004

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)

Don Lee, Springboro, OH;
Shiqiang Liu, Springboro, OH;

Power of Attorney:

Richard Killworth–26397
James Gottman–27262
Timothy Hagan–29001
Patricia Prior–33758
Susan Luna–38769
James Beyer–39564
William Jividen–42695
John Reed–46506
Kristina Swanson–53657

If Required, Foreign Filing License Granted: 08/19/2004

The number of your priority application, to be used for filing abroad under the Paris Convention is,
US60/584,009

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Anisotropic nanocomposite rare earth permanent magnets and method of making

---

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

GRANTED

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

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

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

NOT GRANTED

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

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Alexandria, VA 22313-1450
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CHOATE, HALL & STEWART
EXCHANGE PLACE
53 STATE STREET
BOSTON, MA 02109

COPY MAILED

OCT 1 2 2004

OFFICE OF PETITIONS

In re Application of :
Junsang Doh et al :
Application No. 60/584,044 :
Filed: June 30, 2004 :
Attorney Docket No. 0492611-0561/MIT-10750 :

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 Technology Center AU 3654

Karen Creasy

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

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JAN 1 9 2005

OFFICE OF PETITIONS

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

In re Application of :
Anderson, et al. :
Application No. 60/584,254 : DECISION GRANTING PETITION
Filed: June 29, 2004 :
Attorney Docket No. 2004P10925US :

This is a decision on the petition filed October 29, 2004, to vacate the Notice of Incomplete Provisional Application mailed August 27, 2004, in the above-cited application.

The petition is **granted**.

On July 29, 2004, the above-identified application was filed. However, on October 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 October 29, 2004 (certificate of mailing dated October 27, 2004), applicant filed the present petition, a copy of forty-four pages of drawings, a copy of the specification, and an Office date-stamped postcard receipt acknowledging receipt of 62 pages of the specification and drawings, among other items.

Upon review of the record, drawings were not located among the application papers, although papers labeled Appendix B and C were found. These appendices were not, however, identical to the drawings filed with the instant petition. The evidence is convincing that the application papers deposited July 29, 2004, included forty-four sheets of drawings, which were subsequently misplaced by the Office. Therefore, the application, including the forty-four pages of drawings, was complete on filing and entitled to a filing date of July 29, 2004.

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 a filing date of July 29, 2004, using the 44 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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KEISLING & PIEPER PLC
1 EAST CENTER STREET
SUITE 217
FAYETTEVILLE, AR 72701

COPY MAILED

APR 2 0 2005

OFFICE OF PETITIONS

In re Application of	:	
Lenard Deiterman	:	DECISION GRANTING
Application No. 60/584,388	:	PETITION
Filed: June 29, 2004	:	
Attorney Docket No. 012505	:	

This is a decision on the petition under 37 CFR 1.10(c), filed December 13, 2004, requesting that the above-identified application be accorded a filing date of June 29, 2004, rather than the presently accorded filing date of June 30, 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 June 29, 2004, pursuant to the requirements of 37 CFR 1.10. In support, applicant provided a copy of the Express Mail label, receipt No. EU851603174US, showing a barely legible "Date-In" of June 29, 2004. The same Express Mail number was placed on the Provisional Application for Patent Cover Sheet accompanying the original application papers located in the official 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. Since the "Date-In" is barely legible on the Express Mail label, an independent inquiry was made of the U.S. Postal Service which verifies acceptance of the Express Mail package bearing label No. EU851603174US (copy attached) on June 29, 2004. Accordingly, in view of the available evidence, it is concluded that the application was deposited as "Express Mail" with the US Postal Service on June 29, 2004. Accordingly, the instant application is entitled to a filing date of June 29, 2004, and has been so accorded.

The petition is granted.

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

Attachment: Track/Confirm information

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
60/584,438	06/29/2004		160	M0656.70107US00	7		

CONFIRMATION NO. 9476

CORRECTED FILING RECEIPT

OC000000014911823

23628
WOLF GREENFIELD & SACKS, PC
FEDERAL RESERVE PLAZA
600 ATLANTIC AVENUE
BOSTON, MA 02210-2211

Date Mailed: 01/10/2005

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)

Ram Sasisekharan, Lincoln, MA;
Aarthi Chandrasekaran, Cambridge, MA;
David Berry, Brookline, MA;
Kristine Holley, Boston, MA;
Shiladitya Sengupta, Brighton, MA;
Ganlin Zhao, Quincy, MA;

Power of Attorney: The patent practitioners associated with Customer Number **23628**.

If Required, Foreign Filing License Granted: 08/20/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/584,438

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

Non-Publication Request: No

Early Publication Request: No

Title

Methods and compositions related to the modulation of intercellular junctions

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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600 ATLANTIC AVENUE
BOSTON, MA 02210-2211

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APR 27 2005

OFFICE OF PETITIONS

In re Application of	:	
Sasisekharan et al.	:	
Application No. 60/584,438	:	ON PETITION
Filed: June 29, 2004	:	
Attorney Docket No. M0656.70107US00	:	

This is a decision on the petition filed December 27, 2004, requesting that the above-identified application be accorded a filing date of June 29, 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 June 29, 2004 pursuant to 37 CFR 1.10. In support, applicant has submitted a copy of Express Mail label No. EV 292463387 US showing an incorrect handwritten "date-in" of "June 30, 2004" as well as a "June 29, 2004" receipt stamp. The same Express Mail receipt number appears on the original "Transmittal for Patent Application," which includes the Express Mail label number.

In view of the USPS receipt stamp of June 29, 2004 appearing on the same Express Mail label, it is concluded that the application was deposited as "Express Mail" with the USPS on June 29, 2004.

The petition is **GRANTED**.

This matter is being referred to the Office of Initial Patent Examination Division for further **processing with a filing date of June 29, 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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Alexandria, VA 22313-1450
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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

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SEP 3 0 2005

OFFICE OF PETITIONS

In re Application of :
Boone, et al. : DECISION ON PETITION
Application No. 60/584,490 :
Filed: July 2, 2004 :
Attorney Docket No. 255386US8PROV :

This is a decision on the petition filed October 26, 2004, requesting that the U.S. Patent and Trademark Office (Office) accord the above-identified provisional application a filing date of July 2, 2004, with Figure 21 described in the specification as a part of the original disclosure. The application was recently forwarded to the Office of Petitions for a decision on the merits. The Office sincerely apologizes for any inconvenience to petitioners.

On July 2, 2004, petitioners filed the above-identified provisional application. On August 26, 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 July 2, 2004, but that Figure 21 described in the specification appeared to have been omitted from the application. The Notice set a two (2) month period for reply.

In response, on October 26, 2004, petitioners submitted the present petition and a $130.00 petition fee. The Office notes that petitioners did not submit a copy of Figure 21 with the present petition. Additionally, petitioners conceded that Figure 21 was omitted on filing the present application. However, petitioners argued that the specification incorporates by reference the subject matter of Application No. 10/721,419 in its entirety. Petitioners explained that the only Figure 21 referred to in the specification is "Figure 21 in U.S. patent application no. 10/721,419." Petitioners averred that Figure 21 is subject matter from Application No. 10/721,419, which is incorporated by reference, and therefore, Figure 21 was not omitted. Accordingly, petitioners requested that the Office withdraw the Notice of August 26, 2004, because petitioners believed they showed that Figure 21 was not omitted.

Petitioners' argument has been considered, but is not persuasive. The Office file is the official record of the papers originally filed in this application. A review of the papers originally filed reveals that Figure 21 was not present among the application papers received on July 2, 2004. An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence. As petitioners conceded that they did not submit Figure

21 with the application papers on July 2, 2004, the application cannot be accorded a filing date of July 2, 2004, with Figure 21 as a part of the original disclosure.

Moreover, the Office reminds petitioners that an incorporation by reference statement can only be relied upon to permit the entering of a portion of a prior application into a continuation or divisional application when the portion of the prior application was inadvertently omitted from the submitted application papers in the continuation or divisional application. The inclusion of an incorporation by reference statement will permit an applicant to amend a continuation or divisional application to include any subject matter in a prior application without the need for a petition. See MPEP 201.06(IV).

Initially, the Office notes that petitioners cannot rely on an incorporation by reference statement in a provisional application. As indicated above, an incorporation by reference statement can only be relied upon to permit entering omitted portions of a prior application into a continuation or divisional application. A provisional application is not a continuation or divisional application. Additionally, the inclusion of the incorporation by reference statement will permit an applicant to amend a continuation or divisional application to include the subject matter of a prior application. However, "[n]o 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." 37 CFR 1.53(c).

In view of the above, the petition is dismissed.

Petitioners are advised that the option to elect a later filing date, *i.e.*, the date of submission of an omitted figure, is not available in a provisional application.[1] Therefore, if petitioners desire to have Figure 21 considered as part of the application, petitioners should simply file a new completed provisional application including Figure 21.

As the filing of this petition was not due to an error on the part of the Office, the petition fee will not be refunded.

The application will be processed using only the application papers present on July 2, 2004. Figure 21 will not be considered part of the original disclosure.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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[1] See MPEP 601.01(d). In view of the relatively low filing fee for provisional applications, and the Offices desire to minimize the processing of provisional applications, the Office 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. Id. The applicant should simply file a new completed provisional application. Id.

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HENKEL CORPORATION
LEGAL DEPARTMENT
1001 TROUT BROOK CROSSING
ROCKY HILL CT 06067

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OCT 06 2004

OFFICE OF PETITIONS

In re Application of	:	
Frederick F. Newberth et al.	:	
Application No. 60/584,501	:	ON PETITION
Filed: July 2, 2004	:	
Attorney Docket No LC-534	:	

This is a decision on the petition filed September 20, 2004, requesting that above-identified application be accorded a filing date of July 2, 2004, with Figure 1 as described in the specification as a part of the original disclosure. This petition is treated under 37 CFR 1.53.

The petition is **DISMISSED**.

The application was filed on July 2, 2004. The present petition was filed September 20, 2004, along with a $130.00 petition fee. Petitioners concede that Figure 1 was in fact omitted from the application as filed, but request that the application, including Figure 1, be accorded a filing date of July 2, 2004. In support, petitioners argues that the present application is a continuation in part of Application No. 10/243,853, and incorporates the prior application by reference.

Section 201.06(c) of the Manual of Patent Examining Procedure states that:

> . . . an applicant may incorporate by reference the prior application by including, in the application-as-filed, a statement that such specifically enumerated prior application or applications are "hereby incorporated herein by reference." The statement may appear in the specification or in the application transmittal letter. The inclusion of this incorporation by reference of the prior application(s) will permit an applicant to amend the continuing application to include any subject matter in such prior application(s), <u>without the need for a petition</u>. (emphasis supplied)

Obviously, in view of the incorporation by reference of the prior application, Figure 1 as described in the specification is not new matter if it was a part of the disclosure

of the prior application.

Accordingly, the petition is DISMISSED.

The $130.00 petition fee will not be refunded because the present petition was not necessitated by any error on the part of the United States Patent and Trademark Office.

The application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of July 2, 2002, using the application papers present on that date and the drawings submitted on petition on September 20, 2004.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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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
60/584,777	06/30/2004		80	S03-032/PROV	1		

CONFIRMATION NO. 1444

CORRECTED FILING RECEIPT

OC000000014112455

30869
LUMEN INTELLECTUAL PROPERTY SERVICES, INC.
2345 YALE STREET, 2ND FLOOR
PALO ALTO, CA 94306

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)

Jeffrey M. DiCarlo, Sunnyvale, CA;
Brian A. Wandell, Menlo Park, CA;

Power of Attorney:

Katharina Schuster--50000

If Required, Foreign Filing License Granted: 08/20/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/584,777

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 converting between different color representations used in image acquisition devices

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).

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
60/584,798	07/01/2004		160	20024/0200108-US0	7		

CONFIRMATION NO. 3911

CORRECTED FILING RECEIPT

OC000000015110605

07278
DARBY & DARBY P.C.
P. O. BOX 5257
NEW YORK, NY 10150-5257

Date Mailed: 02/07/2005

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 write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. 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 Spilo, Greenwich, CT;
Jonathan Daub, New York, NY;

Power of Attorney:

Richard Katz–47698

If Required, Foreign Filing License Granted: 08/17/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/584,798

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

Non-Publication Request: No

Early Publication Request: No

Title

Method and system for synchronization of digital media playback

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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KENYON & KENYON
ONE BROADWAY
NEW YORK NY 10004

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AUG 1 6 2005

OFFICE OF PETITIONS

In re Application of	:	
Ploutno et al.	:	DECISION GRANTING
Application No. 60/584,844	:	PETITION
Filed: July 1, 2004	:	
Attorney Docket No. 1662/81701	:	
Title of Invention: Crystalline	:	
Forms of 1,24(s)-Dihydroxy Vitamin	:	
D2	:	

This is a decision on the petition filed October 19, 2004, requesting that the above-identified provisional application be accorded a filing date of July 1, 2004.

The application was deposited on July 1, 2004. However, on August 23, 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 19, 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 July 1, 2004 filing date without any drawings.

Since the petition contains a statement that drawings are not necessary for an understanding of the invention and the petition is signed by a registered practitioner, on petition, the application will be accorded the requested filing date without any drawings.

The petition is granted. No petition fee is due and none has been charged.

The amendment submitted with the petition seeking deletion of reference to the drawing figures will not be entered. Amendments in provisional applications are not usually made. If an amendment is made to a provisional application, however, it must comply

with the provisions of this section. Any amendments to a provisional application shall be placed in the provisional application file but may not be entered. 37 CFR 1.121(k).

The application will be processed with only the papers present on filing and is hereby accorded a filing date of July 1, 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
Petitions Attorney
Office of Petitions

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FOLEY HOAG LLP
PATENT GROUP
WORLD TRADE CENTER WEST
155 SEAPORT BLVD
BOSTON MA 02110

COPY MAILED

OCT 19 2004

OFFICE OF PETITIONS

In re Application of	:	
Christian E. Sampson	:	
Application No. 60/585,329	:	ON PETITION
Filed: July 2, 2004	:	
Attorney Docket No. BWY-019.60	:	

This is a decision on the "PETITION TO CORRECT THE FILING DATE OF A PATENT APPLICATION UNDER 37 C.F.R. 1.10(c) AND TO CORRECT CERTIFIED COPIES", filed September 7, 2004 (certificate of mailing dated September 2, 2004), to accord the above-identified application a filing date of July 2, 2004.

The petition is **GRANTED**.

Petitioner argues that the above-identified application was filed on July 2, 2004, not July 3, 2004. In support thereof, petitioner has included a copy of an Express Mail mailing label, bearing Express Mail number EV 327707515 US, and containing a date-in entry and a USPS stamp dated July 2, 2004.

37 CFR 1.10(c) states that any person filing correspondence under 37 CFR 1.10, who can show that there is a discrepancy between the filing date accorded by the Office and the date of deposit as shown by the "date-in" on the Express Mail mailing label, may petition the Office to accord the correspondence a filing date as of the "date-in" on the Express Mail mailing label, provided:

> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;
>
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fees(s) that constitute the correspondence prior to the original mailing by "Express Mail";
>
> (3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

Here, petitioner has met requirements (1), (2), and (3) above.

In view of the above, the application is entitled to a filing date of July 2, 2004.

Given the basis for granting this petition, no petition fee was required, and none has been charged.

The application file is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of **July 2, 2004, not July 3, 2004.**

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

Cliff Congo

Cliff Congo
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
60/585,965	07/07/2004		160	ATTW01-00112 (929.US	2		

CONFIRMATION NO. 9544

CORRECTED FILING RECEIPT

OC000000014010511

34700
DOCKET CLERK
P.O. BOX 802432
DALLAS, TX 75380

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)

Ivy Cunningham, Seattle, WA;
Stacia Lynn Pache, Redmond, WA;
David Brudnicki, Duvall, WA;

Power of Attorney:

Matthew Anderson–39093

If Required, Foreign Filing License Granted: 08/23/2004

The number of your priority application, to be used for filing abroad under the Paris Convention is,
US60/585,965

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 data organization and display in an instant-messaging interface

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
60/586,198	07/06/2004		80	021749.0108PLUS	4		

44124
PATTON BOGGS, L.L.P.
2001 ROSS AVENUE, SUITE 3000
DALLAS, TX 75201

CONFIRMATION NO. 9918

CORRECTED FILING RECEIPT

OC000000014089345

Date Mailed: 10/14/2004

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)

Norman Allen Smith, Alpharetta, GA;
Carlos Becerra, Atlanta, GA;
Shelly O'Neil-Fleming, Marietta, GA;

Power of Attorney:

Gary Solomon--44347

If Required, Foreign Filing License Granted: 08/24/2004

The number of your priority application, to be used for filing abroad under the Paris Convention is,
US60/586,198

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Fully integrated decompression pedestal for providing combined variable angular distraction

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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HOUSTON, TX 77010

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OFFICE OF PETITIONS

In re Application of	:	
Lockwood, et al.	:	
Application No. 60/586,258	:	ON PETITION
Filed: July 8, 2004	:	
Attorney Docket No.: 05516.155001	:	

This is a decision on the petition under 37 CFR 1.182 filed September 13, 2004.

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

The above-identified provisional application was filed on July 8, 2004. On August 24, 2004, the Office of Initial Patent Examination mailed a Notice of Omitted Items in Provisional Application stating that the application had been accorded a filing date, and advising applicant that Figure 4 as described in the specification appeared to have been omitted. The notice set forth an extendable period for reply of two months from its mailing date.

In response, September 13, 2004, applicant filed the present petition and remitted a $130.00 petition fee. Applicant explains that Figure 4 was not missing on July 8, 2004. Applicant further explains that what is identified in the specification as Figure 4 was mislabeled in the drawings as Figure 3.

It is obvious from the petition that no drawings were actually missing on July 8, 2004. Rather, Figure 4 was simply mislabeled as a result of applicant's filing error. However, the "Notice of Omitted Items in Provisional Application was correct in stating that Figure 4 as described in the specification appeared to have been omitted. Therefore, the notice was properly mailed and will not be withdrawn. The petition fee will not be refunded because the present petition was not necessitated by any error on the part of the United States Patent and Trademark Office.

The application will be returned to the Office of Initial Patent Examination with a filing date of July 8, 2004, using the drawings filed on that date.

Telephone inquiries concerning this matter may 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

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KOHN & ASSOCIATES, PLLC
Suite 410
30500 Northwestern Highway
Farmington Hills, MI 48334

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OFFICE OF PETITIONS

In re Application of
Stuart
Application No. 60/586,611
Filed: July 9, 2004
Attorney Docket No. 0233.00016

Decision on Petition

This is a decision on the petition filed October 20, 2004, to accord the above-identified application a filing date of July 9, 2004, and to withdraw the Notice of Incomplete Provisional Application mailed on September 22, 2004.

The application was filed July 9, 2004.

On September 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 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:

> 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).

This application contains disclosure directed to a process or method. Therefore, the application should have been treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP 601.01(g).

In view of the above, the "Notice" mailed September 22, 2004, was mailed in error and is hereby withdrawn.

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

The Office apologizes for the delay in rendering a decision on the petition.

A petition fee has not been charged for the instant petition.

The Office of Initial Patent Examination will correct Office computer records to indicate the application has a filing date of July 9, 2004.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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THE BLK LAW GROUP
3500 BROKKTREE ROAD
SUITE 200
WEXFORD PA 15090

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OFFICE OF PETITIONS

In re Application of :
Steven R. Evanovich et al. :
Application No. 60/587,124 : ON PETITION
Filed: July 12, 2004 :
Attorney Docket No. Schroeder-0404 :

This is a decision on the petition under 37 CFR 1.10 (c) filed August 27, 2004 to correct the filing date to July 12, 2004, rather than the presently accorded filing date of July 13, 2004.

Petitioner alleges that the application was deposited in Express Mail service on July 12, 2004. In support, petitioner supplied a copy of Express Mail Label No. ED065119605US (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 July 12, 2004.

In view of the above, the petition is **GRANTED** and no petition fee is due.

This matter is being referred to the Office of Initial Patent Examination for correction of the **filing date to July 12, 2004** 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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

WEST Search History

Hide Items | Restore | Clear | Cancel

DATE: Monday, October 31, 2005

Hide?	Set Name	Query	Hit Count
		DB=PGPB,USPT; THES=ASSIGNEE; PLUR=YES; OP=ADJ	
☐	L3	l1 and L2	18
☐	L2	lanthanum.clm.	6823
☐	L1	(bone or osteoporo$5 or paget$3 disease or achondroplas$3 or osteochodrytis or hyperparathyroid$4 or osteogenesis imperfecta or hypophosphatasi$3 or fibromatous lesion$1 or fibrous displasia or fibrous dysplasia or multiple myeloma or abnormal bone turnover or osteolytic bone disease or osteomalacia or periodontal disease or osteoblast or osteoclast).clm.	27039

END OF SEARCH HISTORY

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P O BOX 2000
RAHWAY NJ 07065-0907

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OFFICE OF PETITIONS

In re Application of
Prasun K. Chakravarty et al.
Application No. 60/587,180
Filed: July 12, 2004
Attorney's Docket No. ITT0080PV

ON PETITION

This is a decision on the petition filed October 3, 2007 under 37 CFR 1.182 to correct the spelling of the inventor's name.

Petitioners request that the seventh named inventor's last name be corrected from "Steinkular" to "Steinkuhler".

Although no declaration by the inventor explaining that the error was without deceptive intent has been provided, it appears that based on the nature of the error that perhaps a harmless typographical error has been committed. In view of the fact that the Office PALM records have already been updated, this petition is **GRANTED**.

The petition fee in the amount of $400.00 has been charged to deposit account no. 13-2755.

This matter is being referred to the Office of Patent Application Processing.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

DATE: 11/26/07 APPLICATION NUMBER: 60/587,180

DOC CODE: IFEE DOC DATE: 11/26/07

DELIVER THE ATTACHED FILE/DOCUMENT TO THE TC SCANNIG CENETER

CONTRACTOR: THE ATTACHED FILE/DOCUMENT MUST BE INDEXED AND SCANNED INTO IFW WITHIN 8 WORK HOURS; UPLOADING OF THE SCANNED IMAGES SHOULD OCCUR NO LATER THAN 16 WORK HOURS FOLLOWING RECEIPT OF THIS REQUEST

AFTER SCANNING, ORIGINAL DOCUMENTS SHOULD BE BOXED IN ACCORDANCE WITH INSTRUCTIONS

OIPE IAP21
OCT 0 3 2007
PATENT & TRADEMARK OFFICE

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Prasun K. Chakravarty, et al.	
Serial No.:	60/587,180 Case No.: ITT0080PV	Art Unit: To be determined
Filed:	July 12, 2004	Examiner: To be determined
For:	INHIBITORS OF HISTONE DEACETYLASE	

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

PETITION TO REQUEST A CORRECTED FILING RECEIPT UNDER C.F.R. 1.182

Sir:

Attached is a copy of the official filing receipt received from the Patent and Trademark Office in the above application for which issuance of a corrected filing receipt is respectfully requested.

There is an error with respect to the spelling of the names of one of the inventors listed for the above-referenced application. The inventor's information should read as follows:

Christian Steinkuhler, Rome, ITALY

This correction has been noted on the attached copies of the Filing Receipt and the Provisional Application for Patent Cover Sheet. A copy of the inventor's work badge is attached noting the correct spelling of the inventor's name.

This correction is due to a typographical error by the Applicants, and the Commissioner is authorized to charge any fees required in connection with this Petition to Merck Deposit Account No. 13-2755.

CERTIFICATE OF MAILING

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 THE DATE APPEARING BELOW.

MERCK & CO., INC.

BY: Stephanie Ricardo DATE: 10/1/07

Date: October 1, 2007

Respectfully submitted,

By: _____
Li Su
Reg. No. 45,141
Attorney for Applicant(s)
MERCK & CO., INC.
P.O. Box 2000
Rahway, New Jersey 07065-0907
(732) 594-5455

Adjustment Date: 10/29/2007 VVAN11
10/04/2007 EAYALEW1 00000019 132755 60587180
01 FC:1462 400.00 CR
11/26/2007 CKHLOK 00000010 132755 60587180
01 FC:1462 400.00 DA
10/04/2007 EAYALEW1 00000019 132755 60587180
01 FC:1462 400.00 DA

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JJGJr: 02-05

Paper No: __

E.I. DUPONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1128
4417 LANCASTER PIKE
WILMINGTON, DE 19805

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MAR 0 4 2005

OFFICE OF PETITIONS

In re Application of	:	
Wiseman, et al.	:	
Application No. 60/587,240	:	DECISION ON PETITION
Filed: 9 July, 2004	:	
Attorney Docket No.: TK3960USPRV	:	

This is a decision on the paper considered as a petition filed via FAX on 1 February, 2005, and (styled originally as a request for a corrected filing receipt, but properly considered under 37 C.F.R. §1.10, and seeking for the above-identified application a filing date of 9 July, 2004, instead of the presently accorded filing date of 12 July, 2004.

The paper considered as a petition is **GRANTED**.

BACKGROUND AND ANALYSIS

The record reflects that:

- the instant application was received and given a filing date of 12 July, 2004, and the Office mailed a Filing Receipt on 25 August, 2004;

- on 13 January, 2005, the Office refused an informal request for a "corrected filing receipt," indicating therein that a petition (with fee) under 37 C.F.R. §1.10 and §1.182 was required to address the matter;

- Petitioner appears not to have followed these Office instructions and simply filed via FAX on 1 February, 2005, the instant "Request for Corrected Filing Receipt";

- Petitioner is reminded that there is a diligence requirement in the filing of the appropriate petition, and, in the interest of bringing this matter to resolution with the least amount of delay, the instant paper is read as a petition under 37 C.F.R. §1.10 and §1.182 and the authorization to charge to Petitioner's Deposit Account 04-1928, as set forth in the application coversheet, is being read to authorize the petition fee ($130.00) to satisfy this jurisdictional element (Petitioner must notify the Office immediately if this reading is in error);

- Petitioner has included a letter from the US Postal Service (USPS) and copies of the application transmittal and the USPS Pickup Service Statement which evidence, *inter alia*, that:

  –USPS Express Mail Label No. EU132 686 265US is evident on the Provisional Application Coversheet for this application; and

  –the application shipped under USPS Express Mail Label No. EU132 686 265US was picked up from Petitioner's office by USPS driver J. Kelley and therefore deposited with the USPS on "7/9" [9 July], 2004.

The instant petition under 37 C.F.R. §1.10 and §1.182 is **granted**; because the error which prompted this petition was not on the part of the Office the petition fee is not waived and, as noted above, is charged to Petitioner's Deposit Account 04-1928 to satisfy this jurisdictional requirement.[1]

The instant file is released to the Office of Initial Patent Examination for further processing consistent with this decision to correct Office records to show that the instant application was filed on and assign a filing date of 9 July, 2004, and issue a corrected filing receipt to evidence filing of the instant application on 9 July, 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

[1] A call was placed on 3 March, 2005, to confirm with Counsel Thomas W. Steinberg (Reg. No. 37,013) his authorization.

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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
60/587,374	07/13/2004		80	021990-002000US			

CONFIRMATION NO. 6215

CORRECTED FILING RECEIPT

OC000000014240908

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

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)

Steven L. Shafer, Mountain View, CA;
Pamela Flood, Closter, NJ;

Power of Attorney:

William B. Kezer–37369

If Required, Foreign Filing License Granted: 08/30/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/587,374

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Compositions and methods for the treatment of pain

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.

PATENT DEPARTMENT (51851)
KILPATRICK STOCKTON LLP
1001 WEST FOURTH STREET
WINSTON-SALEM, NC 27101

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OCT 28 2004

OFFICE OF PETITIONS

In re Application of :
Tireling et al. :
Application No. 60/587,384 :
Filed: July 12, 2004 : ON PETITION
Attorney Docket No. IMM208P :

This is a decision on the Petition to Accord a Filing Date Under 37 CFR § 1.181, filed September 17, 2004, requesting the above-identified application be accorded a filing date of July 12, 2004.

The application was filed on July 12, 2004. On August 31, 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 argues tow points. The first assertion Applicant makes is that the application as filed did in fact include figures and, as such, the application should be accorded a filing date. The second argument applicant makes is that the drawings are not necessary for an understanding of the invention, and are not required under 35 U.S.C. § 113.

Regarding Applicant's first argument - that the application as filed is entitled to a filing date because, despite having filed none of the drawing figures referred to in the specification, the application in fact included figures - as Applicant notes, "a provisional application having at least some disclosure, directed to… subject matter… for which a drawing is usually not considered essential for a filing date… will be treated as an application filed without all of the drawings *referred to in the specification*… so long as the application contains something that can be construed as a written description." *Petition* at pp. 3-4, MPEP 601.01(f) (Emphasis supplied).

Further to this, § 601 of the MPEP, GUIDELINES FOR DRAFTING A PROVISIONAL APPLICATION UNDER 35 U.S.C. 111(b), provides that "[a] provisional application should preferably conform to the arrangement guidelines for nonprovisional applications. The specification must, however, comply with the first paragraph of

35 U.S.C. 112 and *refer to drawings*, where necessary for an understanding of the invention." (Emphasis supplied). As such, the drawings required under 35 U.S.C. § 113, are drawings that are *referred to in the specification* and necessary for an understanding of the invention. (Emphasis supplied).

The MPEP re-emphasizes that "37 CFR 1.53(c) [provisional application filing requirements] parallel the requirements for a nonprovisional application set forth in 37 CFR 1.53(b), except that no claim is required." MPEP § 601(b) Nonprovisional applications require drawings referred to in the specification. "In accordance with the provisions of 35 U.S.C. 111(a) and 37 CFR 1.53(b), a filing date is granted to a nonprovisional application for patent, which includes at least a specification containing a description pursuant to 37 CFR 1.71 and at least one claim pursuant to 37 CFR 1.75, *and any drawing referred to in the specification* or required by 37 CFR 1.81(a), which is filed in the U.S. Patent and Trademark Office." MPEP § 601.01(a). (Emphasis supplied). Where applications are filed without drawings *referred to in the specification*, the applications "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)." (Emphasis supplied).

Accordingly, the drawings required by 35 U.S.C. § 113 are not any drawings that happen to be filed with an application, but are those drawings that are required "[w]hen the nature of such subject matter admits of illustration…." A reference to drawings in the specification provides an indication that the nature of the subject matter admits of illustration. This indication may be overcome, as Applicant notes, where "a provisional application [has] at least some disclosure, directed to… subject matter… for which a drawing is usually not considered essential for a filing date…." In that instance, the application "will be treated as an application filed without all of the drawings *referred to in the specification*… so long as the application contains something that can be construed as a written description." *Petition* at pp. 3-4; MPEP 601.01(f)

Applicant's second assertion is that drawings are not necessary for an understanding of the invention, and are not required under 35 U.S.C. § 113.

Accordingly, the petition is <u>granted</u>.

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 <u>accorded the original application filing date of July 12, 2004, using the application papers filed on that</u>

date, and an indication that none of the drawing Figures described in the specification were present on filing.

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

Derek L. Woods
Attorney Advisor
Office of Petitions

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KALAMAZOO MI 49008-1699

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MAY 03 2005

OFFICE OF PETITIONS

In re Application of
Richard Hartmann, Jr., et al
Application No. 60/587,423
Filed: July 13, 2004
Attorney Docket No. ITC C-29

DECISION GRANTING PETITION

This is a decision on the petition filed December 6, 2004 requesting that the above-identified application be accorded a filing date of July 13, 2004, instead of the presently accorded date of July 14, 2004.

Petitioner alleges that the application was deposited in "Express Mail" service with the U.S. Postal Service, on July 13, 2004. In support, petitioners provide, inter alia, a copy of the Express Mail label, receipt no. EV 377493472 US. The same Express Mail receipt number was referred to in the transmittal letter found in the file. It is noted that while the "date in" on the copy of the Express Mail label includes a hand written date of "7-14-04", it also includes a "OSHTEMO MI USPS – 49077" receipt stamp dated July 13, 2004.

In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the U.S. Postal Service on July 13, 2004.

The petition is granted.

The application is being referred to the Office of Initial Patent Examination (OIPE) to correct the filing date to **July 13, 2004** and issue a corrected filing receipt.

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 Assistant Commissioner
for Patent Policy and Projects

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SMITH, GAMBRELL & RUSSELL,
LLP
1230 PEACHTREE STREET, N.E.
SUITE 3100, PROMENADE II
ATLANTA, GA 30309-3592

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MAY 09 2005

OFFICE OF PETITIONS

In re Application of :
Kummer et al. :
Application No. 60/587,584 :
Deposited: July 13, 2004 : DECISION ON PETITION
Attorney Docket No.: SW-538 :

This is a decision on the Petition for Accord of Filing Date, filed April 18, 2005.

Applicant filed a Provisional for Patent Application Cover Sheet, CD & Return Receipt Postcard on July 13, 2004. In response, on March 24, 2005, this Office mailed a Notice of Incomplete Provisional Application, informing Applicant that a filing date had NOT been accorded the application because the specification was missing.

Applicant files the instant petition and asserts that a specification was filed via Express Mail in the Office in the form of the CD on July 13, 2004.

The petition is **dismissed**.

Applicant is advised that a petition to accord a filing date must be accompanied by the petition fee as set forth under 37 CFR 1.17(f); $400.00. Here, Applicant has authorized the Office to charge the fee under 37 CFR 1.17(h) "in the amount of $130.00" to Applicant's deposit account. Also, a review of the application papers filed reveal no authorization to charge Applicant's deposit account. As such, the merits of the petition will not be considered. Applicant must submit the correct petition fee.

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

Derek L. Woods
Petitions Attorney
Office of Petitions

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SUITE 3100, PROMENADE II
ATLANTA, GA 30309-3592

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JUN 27 2005

OFFICE OF PETITIONS

In re Application of :
Kummer et al. :
Application No. 60/587,584 :
Deposited: July 13, 2004 :
Attorney Docket No.: :
SW-538 :

DECISION ON PETITION

This is a decision on the Petition for Accord of Filing Date, filed April 18, 2005.

Applicant filed a Provisional for Patent Application Cover Sheet, CD & Return Receipt Postcard on July 13, 2004. In response, on March 24, 2005, this Office mailed a Notice of Incomplete Provisional Application, informing Applicant that a filing date had NOT been accorded the application because the specification was missing.

Applicant files the instant petition and asserts that a specification was filed via Express Mail in the Office in the form of the CD on July 13, 2004. The petition is supported by the Affidavit of Herbert M. Henegan wherein Mr. Henegan verifies that the specification was included in the Express Mailing filed July 13, 2004.

Discussion

Applicant is advised that no provision exists for filing a specification via CD. Thirty-seven CFR 1.52 provides that only the following documents may be submitted to the Office on a compact disc: a computer program listing (see § 1.96); a "Sequence Listing" (submitted under § 1.821(c)); or a table (see § 1.58) that has more than 50 pages of text.

Regarding Applicant's submission of what is putatively a paper copy of the specification, Applicant is advised that Provisional Applications are not examined [or even processed (e.g., having a class and subclass assigned or being forwarded to a TC]. *See*, MPEP §§ 504; 506; 601.05, and 903.08. Here, Applicant has filed

a CD which requires processing in order to determine whether the CD contains a specification, and to determine whether the specification mirrors the putative paper copy filed with the instant petition.

Further to this, the MPEP 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 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 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 (571) 272-3232.

Derek L. Woods
Petitions Attorney
Office of Petitions

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HOGAN & HARTSON LLP
IP GROUP, COLUMBIA SQUARE
555 THIRTEENTH STREET, N.W.
WASHINGTON, DC 20004

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AUG 3 1 2005

OFFICE OF PETITIONS

In re Application of :
Kajander, et al. :
Application No. 60/587,871 : DECISION GRANTING PETITION
Filed: July 15, 2004 :
Attorney Docket No. 30840/41243 :

This is a decision on the petition filed September 27, 2004, requesting that the above-identified provisional application be accorded a filing date of July 15, 2004.

The petition is granted.

The application was filed on July 15, 2004, describing drawings containing Figures 1 through 5, but no drawings were filed. Accordingly, August 30, 2004, the Office of Initial Patent Examination mailed a "Notice of Incomplete Provisional Application" stating that the application had been deposited without drawings, and that the filing date would be the date of receipt of the omitted drawings.

In response, on September 27, 2004, the present petition was filed. Petitioner states that drawings are not necessary for the understanding of subject matter sought to be patented.

Based on petitioner's representation, this application will be accorded a filing date of July 15, 2004. Petitioner is advised, however, that this decision does not constitute a determination in accordance with 35 U.S.C. § 113 (first sentence). However, the notice was correct in stating that the application appeared to have been incomplete, therefore; the petition fee will not be refunded.

The application file is being directed to the Office of Initial Patent Examination for processing with a filing date of July 14, 2004, and an indication on the bib-data sheet that no drawings were present on filing.

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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HARRISBURG PA 17108-1166

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OFFICE OF PETITIONS

In re Application of :
Delmar E. Lehman et al. :
Application No. 60/587,920 : ON PETITION
Filed: July 14, 2004 :
Attorney Docket No. 20713–0008 :

This is a decision regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed December 3, 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

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
60/587,949	07/13/2004		105	Arlen-100/L	37		

CONFIRMATION NO. 8481

UPDATED FILING RECEIPT

OC000000014305113

Norma E. Henderson, Esq.
Hinckley, Allen & Snyder LLP
2nd Floor
43 North Main Street
Concord, NH 03301-4934

Date Mailed: 11/05/2004

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 A. Sullivan, East Greenwich, RI;
Frank P. McGoff, East Greenwich, RI;
David A. Nabb, Woonsocket, RI;

Power of Attorney:

Norma Henderson–39219

If Required, Foreign Filing License Granted: 08/25/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/587,949

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 allocation of financial portfolio investments, withdrawals, and distributions in order to structure a sustainable income stream

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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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OCT 13 2005

OFFICE OF PETITIONS

In re Application of	:	
Kun Ping Lu et al	:	DECISION GRANTING
Application No. 60/588,469	:	PETITION
Filed: July 15, 2004	:	
Attorney Docket No. PTZ-095-1	:	

This is a decision on the petition under 37 CFR 1.10, filed July 5, 2005, requesting that the above-identified application be accorded a filing date of July 15, 2004, rather than the presently accorded filing date of July 16, 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 July 15, 2004, pursuant to the requirements of 37 CFR 1.10. In support, applicants provided a copy of the Express Mail label, receipt No. EL982743483US (which number appears on the transmittal letter for this provisional application), showing a Date-In of "7-15-04," which also includes a USPS date stamp receipt of "??-15-2004." The "date-in" month is not visible. However, the month is not an issue. Therefore, it is concluded that the "date-in" shown by applicants' Express Mail receipt is July 15, 2004.

In view of the above, the petition to accord the application a filing date of July 15, 2004 is granted.

No fee is required and none has been charged.

Telephone inquires specific to this matter should be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to Files Repository.

Frances Hicks
Lead Petitions Examiner
Office of Petitions

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12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Leroux :
Application No. 60/588,509 :
Filed: July 15, 2004 :
Attorney Docket No. 6572P003Z :

This is a decision on the petition filed October 26, 2004, to accord the above-identified application a filing date of July 15, 2004.

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

On July 15, 2004, the application was filed.

On September 2, 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.

Petitioner may not add material to a provisional application even if the material is not new matter. For example, one may not amend a provisional application. Therefore, the sheets of drawings filed with the petition will not be entered.

The Notice only provided two possible avenues for relief:
(1) Prove the drawings were actually filed on July 15, 2004, or
(2) Prove the drawings are not necessary for a filing date.

As to (1), petitioner does not allege the drawings were filed on July 15, 2004, with the application.

As to (2), petitioner does not explicitly state drawings are not necessary for a filing date. However, the Office has, on its own initiative, reconsidered the necessity of drawings.

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 September 2, 2004, is hereby vacated.

A petition fee has not been charged to petitioner's deposit account.

The Office of Initial Patent Examination will further process the application with a filing date of July 15, 2004, using only the papers filed on July 15, 2004. The drawings filed with the petition will not be entered as part of the original application.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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Paper No.

Deere & Company
One John Deere Place
Moline, IL 61265

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OFFICE OF PETITIONS

In re Application of :
Ochs et al. : DECISION ON PETITION
Application No. 60/588,808 :
Filed: July 16, 2004 :
Atty Docket No. 16358X :

This is a decision on the "Petition under 37 CFR 1.10(c)" filed November 9, 2005, requesting that the above-identified application be accorded a filing date of July 16, 2004, rather than the presently accorded filing date of July 19, 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 July 16, 2004, under Express Mail label EV535995496US, pursuant to § 1.10(a). The petition indicates that the discrepancy was discovered upon review of the pending nonprovisional applications that claim the benefit of the filing date of this application. In support of the petition, petitioner submits a copy of the Provisional Application Cover Sheet, their return postcard and the United States Track & Confirm Record for the relevant Express Mail mailing. Applicants state that they could not locate the Express Mail mailing label showing the "date-in."

Having considered petitioner's arguments and evidence, it is concluded that the instant petition was filed promptly within the meaning of § 1.10(c)(1). Furthermore, a review of the application papers presently accorded a filing date of July 19, 2004 reveals that: The provisional application cover sheet bears Express Mail mailing label No. EV535995496US. Thus, this

number was placed on the correspondence that constitutes the correspondence prior to mailing as required by § 1.10(c)(2).

Petitioner has not submitted a copy of the Express Mail mailing label. Nonetheless, the Track & Confirm record prepared by the USPS and submitted by petitioner shows that the package bearing "Express Mail" mailing label No. EV535995496US, was "Enroute, July 16, 2004, 6:03 pm" and thereby, corroborates petitioner's claim of deposit on July 16, 2004. In view of this evidence, the requirement of 37 CFR 1.10(c) for a true copy of the Express Mail mailing label is hereby waived, sua sponte, under 37 CFR 1.183.

Petitioner has thereby shown that the application papers were deposited on July 16, 2004. Moreover, petitioner's postcard serves as *prima facie* evidence that the papers received and accorded provisional application No. 60/588,808 included 34 pages of provisional application and 10 sheets of drawings, and thus, are entitled to a filing date[1].

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

No petition fee is necessary and none has been charged.

This application is being sent from the Office of Petitions to the Office of Initial Patent Examination for **correction of the filing date to July 16, 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

[1] 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.

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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
60/588,808	07/16/2004		160	16358X	10		

CONFIRMATION NO. 9771

CORRECTED FILING RECEIPT

OC000000018103580

Deere & Company
One John Deere Place
Moline, IL 61265

Date Mailed: 02/21/2006

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)

Yanhong Ochs, Schaumburg, IL;
Shawn J. McComb, Algonquin, IL;

Power of Attorney:

Darin Bartholomew--36444

If Required, Foreign Filing License Granted: 08/26/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/588,808

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Risk management on the application of crop inputs

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

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

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

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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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/589,066	07/20/2004	Rodney B. Russell	

CONFIRMATION NO.

OC000000014432615

Rodney B. Russell
3684 E 146 Street
Cleveland, OH 44120-4853

Date Mailed: 11/22/2004

DECISION DISMISSING REQUEST UNDER 37 CFR 1.53(c)(3) TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **10/05/2004,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is dismissed because it does not comply with all the requirements of 37 CFR 1.53(c)(3).

A grantable request under 37 CFR 1.53(c)(3) to convert a provisional application to a non-provisional application must be accompanied by the fee set forth in 37 CFR 1.17(i) and an amendment including at least one claim if no claim is present in the provisional application and be filed prior to the earliest of: abandonment of the provisional application filed under 37 CFR 1.53(c) or expiration of twelve months after the filing date of the provisional application filed under 37 CFR 1.53(c). The present request is not grantable because:

It is not accompanied by the fee required by 37 CFR 1.17(i).

It 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 TUPPETT
Office of Initial Patent Examination

PART 2 - OFFICE COPY

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Leslie C. Hodges, Esq.
General Motors Corporation, Legal Staff
MC 482-C23-B21
P.O. Box 300
Detroit MI 48265-3000

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JAN 27 2005

OFFICE OF PETITIONS

In re Application of :
Portell et al. :
Application No. 60/589,142 : DECISION GRANTING PETITION
Filed: July 19, 2004 :
Attorney Docket No.GP- :
305477/GM0580PRV :
Title of Invention: SUPPORT HOUSING:
FOR TORQUE TRANSMITTING MECHANISMS :
IN A POWER TRANSMISSION

This is a decision on the petition filed October 12, 2004, requesting in effect, that a Notice of Omitted Items in a Provisional Application ("Notice") mailed September 7, 2004, be withdrawn.

The petition is GRANTED.

Application papers in the above-identified provisional application were filed on July 19, 2004. However, on September 7, 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, Figure 3 described in the specification appeared to be omitted from the application. This Notice set a two-month period for reply.

In response, the present petition was filed wherein Petitioner contends three sheets of drawings including figure 3 as described in the specification were filed on July 19, 2004. In support, the petition is accompanied by a copy of applicants' return postcard receipt.[1]

Applicant's postcard receipt is prima facie evidence that 3 pages of drawings were received on July 19, 2004, but figure 3 is not present in the file. Hence, it is clear that the papers for this application were mishandled by the Office. Therefore, three

[1]It is noted the post card receipt was not annotated by the USPTO to show a particular item was not received pursuant to MPEP 503.

sheets of drawings including figure 3 were received on July 19, 2004, as shown in counsel's file, and later misplaced in the office.

Since original figure 3 cannot be located in the Office, figure 3 supplied on October 12, 2004, will be used for processing and examination purposes.

A petition fee has not 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 July 19, 2004, using the substitute figure 3 supplied on October 12, 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

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OCT 20 2004

OFFICE OF PETITIONS

In re Application of
Martin T. King et al.
Application No. 60589,201
Filed: July 19, 2004
Attorney Docket No. 111560-137731

: DECISION GRANTING PETITION

This is a decision on the petition filed October 6, 2004, requesting that the above-identified provisional application be accorded a filing date of July 19, 2004, which is treated under 37 CFR 1.53.

The petition is **GRANTED**.

The application was filed on July 19, 2004, without drawings. Accordingly, on September 7, 2004, the Office of Initial Patent Examination mailed a "Notice of Incomplete Provisional Application" stating that the application had been deposited without drawings.

On October 6, 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 July 19, 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 application includes at least one method claim. Therefore, this application contains disclosure relating to a process or method.

In view of the above, the "Notice" mailed September 7, 2004, was mailed in error and is hereby withdrawn.

The application is accorded a filing date of July 19, 2004, without drawings as a part of the original disclosure. The petition fee of $130.00 paid with the present petition will be refunded to counsel's deposit account, No. 50-0665, indicated on the petition.

Additionally, 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 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 is being returned to the Office of Initial Patent Examination for correction of the filing date to July 19, 2004, and correction of PTO records to show that zero (0) sheets of drawings were present on filing.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

cc:
PERKINS COIE LLP
P.O. BOX 1247
SEATTLE, WA 98111-1247

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OFFICE OF PETITIONS

In re Application of
Martin T. King et al.
Application No. 60/589,202
Filed: July 19, 2004
Attorney Docket No. 111560-137733

: DECISION GRANTING PETITION

This is a decision on the petition filed October 13, 2004, requesting that the above-identified provisional application be accorded a filing date of July 19, 2004, which is treated under 37 CFR 1.53.

The petition is **GRANTED**.

The application was filed on July 19, 2004, without drawings. Accordingly, on September 24, 2004, the Office of Initial Patent Examination mailed a "Notice of Incomplete Provisional Application" stating that the application had been deposited without drawings.

On October 13, 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 July 19, 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 application includes at least one method claim. Therefore, this application contains disclosure relating to a process or method.

In view of the above, the "Notice" mailed September 24, 2004, was mailed in error and is hereby withdrawn.

The application is accorded a filing date of July 19, 2004, without drawings as a part of the original disclosure.

Additionally, 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 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 is being returned to the Office of Initial Patent Examination for correction of the filing date to July 19, 2004, and correction of PTO records to show that zero (0) sheets of drawings were present on filing.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

cc:
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OFFICE OF PETITIONS

In re Application of
Martin T. King et al.
Application No. 60/589,203
Filed: July 19, 2003
Attorney Docket No. 111560137732

: DECISION GRANTING PETITION

This is a decision on the petition filed October 6, 2004, requesting that the above-identified provisional application be accorded a filing date of July 19, 2004.

The petition is **GRANTED**.

The application was filed on July 19, 2004, without drawings. Accordingly, on September 7, 2004, the Office of Initial Patent Examination mailed a "Notice of Incomplete Provisional Application" stating that the application had been deposited without drawings.

On October 6, 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 July 19, 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.

As a review of the official file reveals that the application includes at least one method claim. Therefore, this application contains disclosure relating to a process or method. In view of the above, the "Notice" mailed September 7, 2004, was mailed in error and is hereby withdrawn.

The application will be processed with only the papers present on filing on July 19, 2004. The drawings supplied with the present petition will not be processed for filing date purposes, but will be retained in the application file.

The application is accorded a filing date of July 19, 2004, without drawings as a part of the original disclosure. The petition fee of $130.00 paid with the present petition will be refunded to counsel's deposit account, No. 50-0665, indicated on the petition.

Additionally, 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 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 is being returned to the Office of Initial Patent Examination for correction of the filing date to July 19, 2004, and correction of PTO records to show that zero (0) sheets of drawings were present on filing.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

cc:
PERKINS COIE LLP
P.O. BOX 1247
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NEW YORK, NY 10036-8403

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OFFICE OF PETITIONS

In re Application of	:
Kai Behle et al	: DECISION GRANTING
Application No. 60/589,272	: PETITION
Filing: July 19, 2004	:
Attorney Docket No. PP/4348-17	:

This is a decision on the petition under 37 CFR 1.10 (d), filed January 14, 2005, requesting that the above-identified application be accorded a filing date of July 19, 2004, rather than the presently accorded filing date of July 20, 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 July 19, 2004, pursuant to the requirements of 37 CFR 1.10. Applicants are alleging that the date of mailing shown by the Express Mail receipt is a USPS error and the correct date of mailing is July 19, 2004.

In support, the petition is accompanied by, inter alia, a declaration of Dorothy Jenkins dated January 12, 2005, an Express Mail Corporate Account mailing statement from July 1, 2004 to July 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. EV342529256US was picked up by the USPS from counsel's Office on July 19, 2004.

The only tangible evidence that the application was deposited with the USPS "Express Mail" Service on July 19, 2004 is the "Pickup Service Statement for Express Mail, Priority Mail, or Parcel Post." Accordingly, the instant application file is entitled to a filing date of July 19, 2004, and has been so accorded.

The petition is granted.

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 Hicks

Frances Hicks
Lead Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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OFFICE OF PETITIONS

In re Application of	:
Mindermann et al.	:
Application No. 60/589,284	:DECISION GRANTING PETITION
Filed: 19 July, 2004	:
Attorney Docket No. PP/4348-16	:

This is a decision on the petition styled under 37 CFR 1.10(d) filed on 19 January, 2005, which is treated as a petition under 37 CFR 1.10(c) requesting that the above-identified application be accorded a filing date of 19 July, 2004, instead of the presently accorded filing date of 20 July, 2004.

The petition is **GRANTED**.

Petitioner asserts that the application was deposited in Express Mail service on 19 July, 2004. Petitioner states that the "date-in" of "07-20-4" 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 19 July, 2004, 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. EV342529260US (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 "7/19/04" 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 19 July, 2004.

In view of the above, the application is entitled to a filing date of 19 July, 2004.

The petition is granted.

The application is being referred to Office of Initial Patent Examination for reprocessing with a filing date of 19 July, 2004, not 20 July, 2004, 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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OFFICE OF PETITIONS

In re Application of	:	
Jens Taberski, et. al.	:	
Application No. 60/589,285	:	DECISION GRANTING
Filed: July 19, 2004	:	PETITION
Attorney Docket No. PP/4348-18	:	

This is a decision on the petition filed June 10, 2005, requesting that the above-identified application be accorded a filing date of July 19, 2005, rather than the presently accorded date of July 20, 2005.

Petitioner alleges that the application was picked up by a U.S. Postal Service employee, for Express Mail Service delivery, on July 19, 2005. In support, the petition is accompanied by a copy of the Pickup Service Statement for Express Mail, Priority Mail or Parcel Post, which was signed by a USPS employee on July 19, 2004. It is also noted that the Provisional Application Cover Sheet contained the same Express Mail number and a statement of Express Mail under 37 CFR 1.10, dated July 19, 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. However, the Express Mail label shows a date in of July 20, 2004, and the USPS Track and Confirm search results show that Express Mail Label No. EV342529242US was enroute on July 20, 2005. Therefore, petitioner must rely on the Pickup Service Statement for Express Mail, Priority Mail or Parcel Post, and the statement of Express Mail under 37 CFR 1.10, which are both dated July 19, 2004.

Paragraph (c) of 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 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.

Since the evidence is convincing that the application was in the hands of a USPS employee, on July 19, 2004, 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 July 19, 2004 and for issuance of a corrected filing receipt**.

Telephone inquiries relating to this decision should be directed 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

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CHARLOTTE, NC 28282

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OFFICE OF PETITIONS

In re Application of	:	
Mark Dowty	:	
Application No. 60/589,297	:	ON PETITION
Filed: July 20, 2004	:	
Attorney Docket No. N/A	:	

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 matter may be directed to Retta Williams at (703) 306-5594.

Frances Hicks
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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Suite 302
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Longmaedow MA 01106-1700

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OFFICE OF PETITIONS

In re Application of	:
Willis	: DECISION GRANTING
Application No. 60/589,317	: PETITION
Filed: July 20, 2004	:
Attorney Docket No. 04085P	:

This is a decision on the petition filed November 12, 2004 under 37 CFR 1.10(d), requesting that the above-identified application be accorded a filing date of July 19, 2004, rather than the presently accorded filing date of July 20, 2004.

Petitioner requests the earlier filing date on the basis that the application was deposited in Express Mail service on July 19, 2004, pursuant to the requirements of 37 CFR 1.10. The petition is accompanied by the Express Mail label in question, EV528 999740US, which shows a date in of July 20, 2004 and a October 28, 2004 letter written by James T. Jyz, United States Postal Service Expedited Service Specialist, stating that the package associated with Express Mail label EV528 999740US was retrieved from the Express Mail collection box on July 19, 2004, but was not dispatched to the General Mail Facility until the next day. The same Express Mail label number is found on the original application papers.

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 November 12, 2004, is accompanied by the corroborating evidence required by the rule. Accordingly, the petition is **GRANTED**. Regarding finances, petitioner attempted to pay a $130.00 petition fee with the instant petition. On November 17, 2004, $80.00 was replenished to petitioner's deposit account and $50.00 was retained. The $50.00 retained on November 17, 2004 will be credited to deposit account no. 08-2622.

The application is being returned to the Office of Initial Patent Examination for correction of the filing date to **July 19, 2004** and the mailing of a corrected filing receipt.

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

E Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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WASHINGTON DC 20001-5303

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OFFICE OF PETITIONS

In re Application of	:	
Ilani et al.	:	
Application No.: 60/589794	:	DECISION ON
Filing or 371(c) Date: 07/22/2004	:	PETITION
Attorney Docket Number: ILANI3	:	

This is a decision in response to the Petition for Correction of PTO Records in Provisional Application, filed November 4, 2005. The petition is properly treated under 37 CFR 1.181. The delay in treating this petition is regretted.

This Petition is hereby **granted**.

Applicant files the present petition and provides that the above-identified application was filed concurrently with provisional Application 60/589,899. Applicant states that the Transmittal Letter filed in Application no. 60/594,899 was somehow placed in the above-identified application, serial number 60/589794, and that the Transmittal Letter filed in Application no. 60/594,899 was misplaced. The result of which led to the title and inventorship of the above-identified application, serial number 60/589794, is incorrectly that of Application no. 60/594,899. Applicant also notes that the title of the invention in provisional Application 60/589,899 matches that of the Provisional Application Transmittal Letter (Coversheet) that was placed in the above-identified application.

Review of Applications

1. Application No.: 60/589794

A review of the above-identified application reveals that Applicant filed a specification of 15 pages, along with a Provisional Application Transmittal Letter (Coversheet), as verified by the copy of Applicant's return-receipt postcard filed with the present petition.

2. Application no. 60/594,899

A review of Application no. 60/594,899 reveals that Applicant filed a copy of a specification of 11 pages, along with a Provisional Application Transmittal Letter (Coversheet). This Office mailed a Notice to File Missing Parts of Nonprovisional Application on October 13, 2004,

informing Applicant that a filing date had been accorded the application; however, the provisional Application Cover Sheet was missing from the application papers.

In response to the Notice, Applicant filed a copy of the as verified by the copy of the Provisional Application Transmittal Letter (Coversheet), and a copy of Applicant's return-receipt postcard acknowledging receipt by this Office of a specification of 11 pages, along with a Provisional Application Transmittal Letter, on July 22, 2004.

Analysis and conclusion

It is apparent from the foregoing that Applicant filed a Provisional Application Transmittal Letter (Coversheet) in application nos. 60/594,899, and 60/589794 on July 22, 2004, and that one of the Coversheets was misplaced by this Office. Accord MPEP 503. As such, while it is not possible to determine from the above whether Petitioner inadvertently placed the Provisional Application Transmittal Letter (Coversheet) for application no. 60/594,899 in the application papers filed with application no. 60/589794, this Office acknowledged receipt of two Provisional Application Transmittal Letters (Coversheets) on July 22, 2004, and is unable to account for the Provisional Application Transmittal Letter (Coversheet) in Application No. 60/594899 filed on July 22, 2004.

In view of the foregoing, the petition is granted. Office records have been corrected to reflect the application information for application no. 60/589794 consistent with the Provisional Application Transmittal Letter (Coversheet) filed with the present petition.

No petition fee has been charged and none is due.

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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6815 WEAVER ROAD
SUITE 300
ROCKFORD, IL 61114-8018

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OFFICE OF PETITIONS

In re Application of	:
Joseph B. Widmayer	: DECISION GRANTING
Application No. 60/590,069	: PETITION
Filed: July 12, 2004	:
Attorney Docket No. 502774	:

This is a decision on the petition under 37 CFR 1.10 (c), filed December 2, 2004, requesting that the above-identified application be accorded a filing date of July 12, 2004, rather than the presently accorded filing date of July 13, 2004.

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on July 12, 2004, pursuant to the requirements of 37 CFR 1.10. In support, petitioner provided a copy of the Express Mail label, receipt no. EV008586096US, but the Date-In is not clear. Further, the petition is accompanied by a copy of the USPS Track/Confirm system information showing that the package in question bearing the same Express Mail receipt number found on the original Provisional Application for Patent Cover Sheet located in the official file, was accepted on July 12, 2004.

In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on July 12, 2004. Accordingly, the instant application file is entitled to a filing date of July 12, 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 Hicks

Frances Hicks
Lead 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
60/590,196	07/22/2004		160	1406/209 PROV	6		

CONFIRMATION NO. 9717

CORRECTED FILING RECEIPT

OC000000014087603

25297
JENKINS & WILSON, PA
3100 TOWER BLVD
SUITE 1400
DURHAM, NC 27707

Date Mailed: 10/15/2004

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)

Thomas Scheibel, Muenchen, GERMANY;
Daniel Huemmerich, Mintraching, GERMANY;
Christian Ackerschott, Muenchen, GERMANY;

Power of Attorney:

Richard Jenkins--28428

If Required, Foreign Filing License Granted: 09/03/2004

The number of your priority application, to be used for filing abroad under the Paris Convention is,
US60/590,196

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

Non-Publication Request: No

Early Publication Request: No

Title

Recombinant spider silk proteins

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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1300 I STREET, NW
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OFFICE OF PETITIONS

In re Application of	:	
Key et al.	:	
Application No. 60/590,332	:	DECISION ON PETITION
Filed: July 23, 2004	:	
Attorney Docket No. 09138.6007	:	

This is a decision on the petition filed November 22, 2004, requesting that the above-identified provisional application be accorded a filing date of July 23, 2004, without the submission of drawings.

On July 23, 2004, this application was deposited with the United States Patent and Trademark Office (Office) without drawings. Accordingly, on September 23, 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 November 22, 2004, applicants filed the present petition and paid the petition fee. In the present petition, applicants requested that the above-identified application be accorded a filing date of July 23, 2004, the date the application was deposited with the Office without drawings. Specifically, applicants stated no drawings are associated with the application, and therefore, drawings are not necessary for a filing date.

A review of the record reveals, as applicants admitted, that the application papers deposited on July 23, 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 no drawings are associated with this application, and thus, are not necessary. The Office is interpreting the statement to mean that no drawings are necessary for the understanding of the subject matter sought to be patented. If this interpretation is incorrect, applicants must promptly notify the Office.

In view of the above, the petition is granted.

The application will be processed with a filing date of July 23, 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 July 23, 2004, with zero (0) sheets of drawings.

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

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OFFICE OF PETITIONS

In re Application of	:	
Teach et al.	:	
Application No. 60/590,483	:	DECISION DISMISSING
Filed: 23 July, 2004	:	PETITION
Attorney's Docket No. 9451-PR	:	

This is a decision on the petition filed on 22 October, 2004, which is treated as a petition under 37 CFR 1.53 to withdraw the Notice of Omitted Items mailed on 7 September, 2004.

The petition is **DISMISSED**.

On 23 July, 2004, the application was filed. On 7 September, 2004, however, 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 23 July, 2004, but that Pages 25-47 of the specification (description and claims) appeared to have been omitted from the application. A two (2)-month period for reply was set.

In response, on 22 October, 2004, the present petition was filed. Petitioners argue that Pages 25-47 were filed with the other application papers deposited in the USPTO on 23 July, 2004. In support, petitioners supplied on 22 October, 2004, a copy of 24 pages of specification, including 18 claims, 10 sheets of drawings, eight (8) pages of written description and one (1) sheet of drawings marked "preliminary specification", 14 additional pages of written description, followed by eight (8) sheets of drawings.

A review of the record reveals that the original disclosure as filed consists of 24 pages of specification, including 18 claims, and 10 sheets of drawings. Additionally, petitioners filed the "preliminary specification" consisting of eight (8) pages of written description and one (1) sheet of drawings and 14 additional pages of written description followed by eight (8) sheets of drawings.

It is obvious from the petition that no pages of specification were actually missing on 23 July, 2004. Rather, Pages 24-57 were simply misnumbered as a result of the applicant's filing error. 37 CFR 1.52(b)(5) states that the pages of the specification including claims and abstract must be numbered consecutively, starting with one. Petitioners state, however, that the specification included not only the specification of the present application but also the specification from the prior provisional application. As petitioners did not consecutively number all of the pages of the specification, it appeared that some pages were missing. Therefore, the "Notice" mailed on 7 September, 2004, was correct in stating that Pages 25-47 described in the specification appeared to have been omitted. Therefore, the "Notice" was properly mailed and will not be withdrawn.

As this petition was not necessitated by an error on the part of the Office, the petition fee of $130.00 will be charged to counsel's deposit account, No. 50-0220, as authorized in the present petition.

The application is being referred to the Office of Initial Patent Examination for further processing using the application papers present on filing.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of
Prescott
Application No. 60/590,517
Deposited: July 23, 2004
Attorney Docket No. 17838-00004
FOR: POLYMER GEL CONTAINING HYALURONIC ACID AND COLLAGEN, AND ITS USE IN JOINTS

: DECISION GRANTING PETITION

This is a decision on the petition filed September 17, 2004 (certificate of mailing date September 15, 2004) to accord a filing date of July 23, 2004 to the above-identified application.

The application was deposited on July 23, 2004. However, on September 8, 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 July 23, 2004 refers to a drawing figure.

As stated in MPEP 601.01(f), it is the practice of the United States Patent and Trademark Office (PTO) to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 USC 113 (first sentence.)

MPEP 601.01(f) also states that:

> ... [A] provisional application having at least some disclosure ...for which a drawing is usually not considered essential for a filing date, describing drawing figures in the specification, 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 claim 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 September 8, 2004 was mailed in error and is hereby withdrawn. The application is entitled to a filing date of July 23, 2004. The petition is **granted**.

Pursuant to petitioner's request, the $130.00 petition fee will be credited to deposit account no.50-1582.

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

with a filing date of **July 23, 2004** and the mailing of a filing receipt reflecting the July 23, 2004 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

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SUITE 3400
CHICAGO, IL 60661

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OFFICE OF PETITIONS

In re Application of	:	
Robert J. Brownhill et al	:	DECISION GRANTING
Application No. 60/590,866	:	PETITION
Filed: July 23, 2004	:	
Attorney Docket No. 15902US01	:	

This is a decision on the petition under 37 CFR 1.10(d), filed April 18, 2005, requesting that the above-identified application be accorded a filing date of July 23, 2004, rather than the presently accorded filing date of July 24, 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 July 23, 2004, pursuant to the requirements of 37 CFR 1.10. The petition is accompanied by, inter alia, a copy of the Express Mail label, receipt No. EV435258706US. It is noted that the copy of the Express Mail receipt bears a handwritten "date-in" of July 24, 2004. However, the copy of the "U.S. Postal Service Track&Confirm email Restoration" information supplied by applicants confirms that the package in question, bearing the same Express Mail number found on the transmittal cover sheet for the provisional application, was accepted and enroute on July 23, 2004.

In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on July 23, 2004. Accordingly, the instant application is entitled to a filing date of July 23, 2004, and has been so accorded.

The petition is granted. No fee is required and none has been charged.

This matter is being referred to the Office of Initial Patent Examination for preexamination processing with a filing date of July 23, 2004.

Telephone inquires specific to this matter should be directed to Wan Laymon at (571) 271-3220.

Frances Hicks

Frances Hicks
Lead Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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ARLINGTON VA 22202

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OFFICE OF PETITIONS

In re Application of	:	
Adin, et al.	:	
Filed: July 26, 2004	:	ON PETITION
Application No. 60/590,920	:	
Dkt. No.: 28310	:	

This decision is in response to the "PETITION TO ACCORD FILING DATE AND RESPONSE TO NOTICE OF INCOMPLETE PROVISIONAL APPLICATION," filed December 2, 2004.

The application was submitted July 26, 2004. On November 8, 2004, the Office of Initial Patent Examination mailed a Notice of Incomplete Provisional Application ("Notice"). 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). The Notice indicated the filing date of the application would be date of receipt of the required items. Any assertion that the items were in fact submitted or are not necessary for a filing date must be by way of petition.

Petitioners argue that figures were unintentionally and inadvertently not included, were not necessary to the understanding of the subject matter sought to be patented, and, therefore not necessary to obtain the filing date of July 26, 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 <u>not</u> necessary for an understanding of the invention under 35 USC 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 includes at least one process claim. 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 Application mailed November 8, 2004 was mailed in error and is hereby **withdrawn**.

Accordingly, the petition to accord the application a filing date of July 26, 2004 is **GRANTED**.

The application will be processed with only the papers present on filing with a filing date of July 26, 2004, without drawings as part of the original disclosure.

No fee is due in connection with this matter.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of July 26, 2004.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
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.
60/591,992	07/29/2004	Rodney B. Russell	

CONFIRMATION NO.

OC000000014433255

Rodney B. Russell
3684 E 146 Street
Cleveland, OH 44120-4853

Date Mailed: 11/23/2004

DECISION DISMISSING REQUEST UNDER 37 CFR 1.53(c)(3) TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **10/05/2004,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is dismissed because it does not comply with all the requirements of 37 CFR 1.53(c)(3).

A grantable request under 37 CFR 1.53(c)(3) to convert a provisional application to a non-provisional application must be accompanied by the fee set forth in 37 CFR 1.17(i) and an amendment including at least one claim if no claim is present in the provisional application and be filed prior to the earliest of: abandonment of the provisional application filed under 37 CFR 1.53(c) or expiration of twelve months after the filing date of the provisional application filed under 37 CFR 1.53(c). The present request is not grantable because:

It is not accompanied by the fee required by 37 CFR 1.17(i).

It 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

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United States Patent and Trademark Office
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JENNIFER M. MCCALLUM
THE MCCALLUM LAW FIRM, LLC
132 KOLAR COURT
ERIE, CO 80516

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OFFICE OF PETITIONS

In re Application of	:	
Gregory Collier et al	:	
Application No. 60/592,052	:	NOTICE
Filed: July 28, 2004	:	
Attorney Docket No. 007193-6		

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

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

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

Inquiries related to this communication should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LAW OFFICE OF DAVID H. JUDSON
SUITE 600
15455 DALLAS PARKWAY
ADDISON, TX 75001

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DEC 27 2004

OFFICE OF PETITIONS

In re Application of :
Orenstein, et al. :
Application No. 60/592,075 : ON PETITION
Filed: July 29, 2004 :
Attorney Docket No. Archivas - 0002 :

This is a decision on the petition filed November 12, 2004 (Certificate of Mailing Date: November 9, 2004) requesting that the above-identified provisional application be accorded a filing date of July 29, 2004, including Figure 4, described in the specification.

The provisional application was filed on July 29, 2004. However, on September 9, 2004, the Office of Initial Patent Application (OIPE) mailed a "Notice of Omitted Item(s)in a Provisional Application" (Notice) that stated the application had been accorded a filing date, but Figure 4 described in the specification appears to have been omitted.

In response, on November 12, 2004 (Certificate of Mailing Date: November 9, 2004), the instant petition was submitted. Petitioner asserts that Figure 4 was submitted with the original drawings on July 29, 2004.

Applicant states, "Figure 4, in fact, was deposited with the provisional application papers but was merely not identified as "Figure 4." As seen on the attached, which is a copy of page 2 of the drawings, Figure 4 was included at the bottom (under Figure 3, which was clearly marked), as indicated by the drawing with the reference numerals 400-408 and 415. In particular, the text on page 11 and the numerals "4_" shown on the accompanying page establish that Figure 4 was included in the original papers."

In view of the above, it appears that the drawing of Figure 4 was present on July 29, 2004, but not properly labeled by applicants. Since it is now clear that Figure 4 was present on July 29, 2004, albeit mislabeled, the Figure may be considered as filed with the application on July 29, 2004.

The petition is granted.

Petitioner should submit a corrected drawing sheet that correctly labels Figures 4, which may be placed in the provisional application's file.

Please note, the $130.00 petition fee is required, since a petition was necessary to correct applicants' filing error, and not necessitated by any error on the part of the Office.

This application will be returned to OIPE for further processing with a filing date of July 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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CONLEY ROSE, P.C.
P. O. BOX 3267
HOUSTON TX 77253-3267

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MAY 0 4 2005

OFFICE OF PETITIONS

In re Application of
Solsberg, et al.
Application No. 60/592,099
Filed: July 29, 2004
Attorney Docket No. 2329-00100

ON PETITION

This is a decision on the petition filed November 1, 2004 (certificate of mailing date October 27, 2004), requesting, in effect, withdrawal of the Notice of Omitted Items in a Provisional Application, mailed September 3, 2004.

The application was filed on July 29, 2004. However, on September 3, 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 July 29, 2004, and advising applicants that Figure 5H, as described in the specification, appeared to have been omitted.

In response, the present petition was filed, in which petitioners state that Figure 5H was present on initial filing, but was mislabeled. Petitioners request withdrawal of the September 3, 2004 Notice.

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 July 29, 2004 with the original application papers, nor accepted the application as filed without the missing figure. It is obvious from a review of the application file that petitioners mislabeled Figure 5H as Figure 5G.

Despite that fact that no drawing figure labeled Figure 5H was filed on July 29, 2004, 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 **dismissed**. The petition fee will not be refunded, since the petition was not necessitated by any error on the part of the Office.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of **July 29, 2004**. Figure 5H 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 (571) 272-3230.

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
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
60/592,227	07/29/2004		160	INA-PT097	6		

CONFIRMATION NO. 2476

CORRECTED FILING RECEIPT

OC000000014882518

3624
VOLPE AND KOENIG, P.C.
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

Date Mailed: 01/05/2005

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

Applicant(s)

Scott Radcliffe, Berkley, MI;

Power of Attorney: The patent practitioners associated with Customer Number **3624**.

If Required, Foreign Filing License Granted: 09/24/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/592,227

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

Non-Publication Request: No

Early Publication Request: No

Title

Ring filter

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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EVANS & MOLINELLI, PLLC
6411 CHAPEL VIEW ROAD
CLIFTON, VA 20124

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MAR 17 2005

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Delisle et al. :
Application No. 60/592,906 :
Filed: July 31, 2004 :
Attorney Docket No. UMB001-007P :

This is a decision on the petition filed November 9, 2004, requesting, in effect, that the "Notice Of Omitted Item(s)" mailed September 8, 2004, be withdrawn to the extent that it states that Figure 7 is missing.

As of November 1, 2004, the petition fee for a petition under 37 CFR 1.53 is $400.[1] Petitioner submitted $130. Therefore, the petition must be **dismissed**.

The merits of the petition will not be considered unless the deficiency of $270 is submitted.

Petitioner should note that the petition fee of $400 may not be refunded if the petition was necessitated by an error by petitioner or was filed unnecessarily. Petitioner may wish to note the Notice of Omitted Items allows one to accept the application as filed.

As a courtesy, the Office will briefly outline the facts.

The transmittal sheet states the application includes 172 pages of specification and does not indicate the presence of any sheets of drawings. An IDS was not filed to indicate that a copy of another application was included in the package mailed to the Office.

The Office of Initial Patent Examination (OIPE) processed the application using the 172 pages, labeled 1-172, petitioner had told the Office was the provisional application.

OIPE noted that language in the "specification" referred to a Figure 7. The 172 pages of the application includes 2 sets of drawing figures. The second set includes Figures 1-6 but not a Figure 7. OIPE mailed a Notice stating that Figure 7 *appeared* to be omitted.

Petitioner has filed a copy of Figure 7 and alleges Figure 7 is not missing. The Office notes the papers submitted by petitioner are in fact part of the original application.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of July 31, 2004, using only the papers filed on that date.

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[1] See Revision of Patent Fees for Fiscal Year 2005, 69 Fed. Reg. 52604 (Aug. 27, 2004) and Changes to Support Implementation of the United States Patent and Trademark Office 21st Century Strategic Plan, 1287 Off. Gaz. Pat. Office 67 (Oct. 12, 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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ORUM & ROTH
53 WEST JACKSON BOULEVARD
CHICAGO IL 60604-3606

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OFFICE OF PETITIONS

In re Application of
Mark Mayer et al.
Application No. 60/592,992
Filed: July 30, 2004
Attorney Docket No. 13902

: DECISION DISMISSING
: PETITION

This is a decision on the petition filed November 8, 2004 which is treated as a petition under 37 CFR 1.182 requesting that the above-identified application be accorded a filing date of July 30, 2004, with Page 4 of the specification as a part of the original disclosure.

The petition is **DISMISSED**.

It appears that of the $130.00 submitted for the petition fee, $50.00 was erroneously applied to the processing fee and that $80.00 was erroneously refunded. An attempt therefore was made to debit deposit account no. 04-2219, however, the deposit account was insufficient to collect the funds necessary for consideration of the petition on its merits.

The application file will be forwarded to the Office of Initial Patent Examination for futher pre-examination processing. However, a request for reconsideration with the appropriate fees can be filed and should be addressed as follows:

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

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

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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Paper No.

ALBIHNS STOCKHOLM AB
BOX 5581, LINNEGATAN 2
SE-114 85
STOCKHOLM; SWEDEN
STOCKHOLM
SWEDEN

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SEP 21 2005

OFFICE OF PETITIONS

In re Application of	:	
Westman et al.	:	DECISION ON PETITION
Application No. 60/593,748	:	
Filed: February 10, 2005	:	
Attorney Docket No. 78257	:	

This is a decision on the "PETITION UNDER 37 C.F.R. § 1.53(e)" filed July 11, 2005, requesting that the above-identified provisional application be accorded a filing date of February 10, 2005. 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 February 10, 2005. However, on May 12, 2005, 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 states that the application as filed included 18 pages of drawings. However, the only option, given the subject matter of the invention, to present the drawings coherently was to file the description and structures together in the "drawings" portion of the electronic application. In other words, petitioner acknowledges that the application as filed did not include a separate section exclusively containing sheets with drawing figures thereon. Accompanying the petition was a copy of the application as petitioner maintains it was filed on February 10, 2005.

A review of the application papers received on petition reveals that they are the same as the original application papers present in the image file wrapper for this application. Thus, no papers were actually missing from the application received in the Office. It is acknowledged that the application as filed did not include drawings in the manner provided for in 37 C.F.R. § 1.74.

Nonetheless, the application as filed is entitled to a filing

date. Petitioner's attention is directed to MPEP 601.01(f), which provides that:

> 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 process and at least one method claim. In view of the presence of the process and method claims, it is concluded that this provisional application is entitled to a filing date. The "Notice of Incomplete Provisional Application" mailed May 12, 2005, was mailed in error and is hereby **withdrawn**.

Given the basis for granting this petition, the fee charged of $50 is being refunded to Deposit Account No. 50-1249, as authorized. (It is noted that petitioner authorized payment of the current petition fee is $400, but was only charged $50).

The Office of Initial Patent Examination (OIPE) has been advised of this decision. OIPE will **correct the filing date to February 10, 2005**, with "0" drawings present in the application.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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Paper No.

GODFREY & KAHN, S.C.
780 NORTH WATER STREET
MILWAUKEE, WI 53202-3590

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AUG 0 4 2005

OFFICE OF PETITIONS

In re Application of :
James J. Claus :
Application No. 60/594,666 :
Filed: April 27, 2005 : ON PETITION
Attorney Docket Number: :
054030-0078 :

This is a decision on the Petition Under 37 CFR 1.53(e) Regarding Notice of Incomplete Provisional Application, filed July 8, 2005, requesting the application be accorded a filing date of April 27, 2005, including 1 sheet of drawings.

The petition is **granted**.

The application was filed on April 27, 2005. However, on May 6, 2005, 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 1 sheet of drawings was originally filed with the application on April 27, 2005, and was received by this Office as evidenced by Acknowledgment Receipt. In support, Applicant provides a copy of the Acknowledgment Receipt for the above-identified application which indicates receipt of a drawing. A search of the Electronic Filing System database also reveals receipt by this Office of one drawing sheet on April 27, 2005. The drawing sheet gas been forwarded to the Office of Initial Patent Examination.

In view of the above, the petition is granted.

No fee has been charged and none is due.

The application will be returned to the Office of Initial Patent Examination for correction of Office records to indicate that one (1) sheet of drawings was filed with the application on

April 27, 2005, and for further processing as a provisional application with a filing date of April 27, 2005, and an indication that 1 sheet of drawings was present on filing.

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

Derek L. Woods
Petitions Attorney
Office of Petitions

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PATENT DEPARTMENT
1001 PENNSYLVANIA AVENUE NW
SUITE 400 S
WASHINGTON, DC 20004

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JUL 06 2007

OFFICE OF PETITIONS

In re Application of	:	
Andrey Livchak et al	:	
Application No. 60/595,164	:	NOTICE
Filed: June 10, 2005	:	
Attorney Docket No. 20496-450	:	

This is a notice regarding your request, filed August 30, 2006, for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

This file is no longer entitled to small entity status. Accordingly, all future fees paid in this file must be paid at the large entity rate, absent further notification from a proper party of a change in status. *See* 37 CFR 1.27(c)(2).

Inquiries related to this communication should be directed to the undersigned at (571) 272-3218.

Frances Hicks
Petitions Examiner
Office of Petitions

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BROOKLYN, NY 11204

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OFFICE OF PETITIONS

In re Application of	:	
Raz Gordon	:	
Application No. 60/595,596	:	DECISION ON PETITION
Filed: July 19, 2005	:	
Attorney Docket No.	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 31, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Provisional Application (Notice), mailed July 26, 2005. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 27, 2005.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a reply with filing fees, (2) the petition fee of $750, and (3) a proper statement of unintentional delay.

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

This application is being referred back to the Office of Initial Patent Examination to process the reply received on May 31, 2007.

April M. Wise
Petitions Examiner
Office of Petitions

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Michael G. Cameron
Suite 230
2805 North Dallas Parkway
Plano, TX 75093

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SEP 26 2005

OFFICE OF PETITIONS

In re Application of :
Smith, et al. :
Receipt Date: July 29, 2005 : ON PETITION
Application No. 60/595,720 :
Atty. Dkt. No.: ASIE.0001 :

This decision is in response to the "PETITION" filed September 13, 2005 in response to the Notice of Incomplete Provisional Application ("Notice") mailed September 1, 2005 to accord the above-identified application a filing date of July 29, 2005 and to acknowledge that drawings were present on filing.

The application was received by the USPTO on July 29, 2005. On February 24, 2005, a Notice of Incomplete Provisional Application ("Notice") was mailed indicating that the application had not been accorded a filing date because the application appeared to have been submitted without drawings as required by under 35 USC 113 (first sentence).

The Notice indicated that the filing date would be the date of receipt of all items required. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition, currently $400.00, *see*, 37 CFR 1.17(f).

Submission of the required petition fee is a prerequisite prior to treatment on the merits of any petition to accord a filing date. Petitioners to date have submitted $130.00. However, the required petition fee due in connection with a petition to accord a filing date is $400.00.

Accordingly, the petition is hereby **DISMISSED WITHOUT PREJUDICE**.

Any renewed petition must be accompanied by the remaining fee due, $270.00.

Any petition for reconsideration of this decision must be submitted within **TWO (2) MONTHS** of the mail date of this

decision. The time period for requesting reconsideration may not be extended pursuant to 37 CFR 1.136. (37 CFR 1.181(f))

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

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

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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COMMISSIONER FOR PATENTS
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www.uspto.gov

Michael G. Cameron
Suite 230
2805 North Dallas Parkway
Plano, TX 75093

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MAR 1 5 2006
OFFICE OF PETITIONS

In re Application of :
Smith, et al. :
Received: July 29, 2005 : ON PETITION
Application No. 60/595,720 :
Dkt. No.: ASIE.0001 :

This decision is in response to the "RENEWED PETITION," filed October 12, 2005, seeking to have the above-identified application accorded a filing date of July 29, 2005 with drawings as part of the application disclosure.

The petition is **DISMISSED**.

The application was submitted July 29, 2005 via the Electronic Filing System ("EFS"). On September 1, 2005, the Office of Initial Patent Examination mailed a Notice of Incomplete Provisional Application ("Notice"). The Notice indicated that the application had not been accorded a filing date because the application appeared to have been submitted without drawings as required per 35 USC 113.

In response to the Notice, a copy of the four sheets of drawings purportedly submitted with the application on July 29, 2005 and the instant petition were filed September 13, 2005. Petitioners argue that the application included four pages of drawings.

Petitioners' arguments have been carefully considered, but are not found to be persuasive. A review of the application as filed shows that a single image file was included in the application and it is the image of an icon and not the actual drawings[1]. PDF files are not displayed as images in Microsoft Word, but rather as icons. Applicants are cautioned against submitting electronic applications that only display icons instead of the information represented by an icon. See frequently asked questions at www.uspto.gov/ebc/efs/faq/efsabxn s.htm#objects02.

[1] See Enclosure

As there were no drawings present on July 29, 2005, a filing date of July 29, 2005 cannot be granted.

It is noted the petitioners do not request in the alternative the later filing date of September 13, 2005 (the date of receipt of the drawings). Accordingly, no filing date will be accorded to this incomplete application.

Petitioner must contact the Office within TWO MONTHS from the mailing date in writing to indicate whether applicants desire the later filing date of September 13, 2005.

Otherwise petitioner may request a refund of the filing fee pursuant to 37 CFR 1.53(e)(3), less the $130.00 handling fee set forth in 37 CFR 1.21(n), from the Office of Finance.

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) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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PROSKAUER ROSE LLP
PATENT DEPARTMENT
1585 BROADWAY
NEW YORK NY 10036-8299

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In re Application of	:	
Livchak et al.	:	
Application No. 60,595,736	:	NOTICE
Filed: August 1, 2005	:	
Attorney Docket No. 35174-049	:	

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.

Liana Walsh
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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William J Weiner
55 Fairview Plaza
Los Gatos, CA 95030

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OFFICE OF PETITIONS

Decision on Petition

In re Application of :
Weiner :
Application No. 60/595,909 :
Filed: August 16, 2005 :
For: Portable-Collapsible Garage :

This is a decision on the petition filed September 1, 2005, to accord the above-identified application a filing date of August 16, 2005.

The application was filed on August 16, 2005.

On August 23, 2005, the Office of Initial Patent Examination mailed a Notice stating that a written description of the invention was not present and that a filing date had not been accorded and the filing date would be the date of receipt of a complete specification..

In response, the present petition was filed alleging that a complete specification was filed on August 16, 2005.

A review of the electronic file wrapper and electronic filing records indicates a complete specification was in fact filed and the application is entitled to a filing date of August 16, 2005.

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

The Notice mailed August 23, 2005, was sent in error and is hereby vacated.

The application has been processed with all the papers filed August 16, 2005, and has been assigned a filing date of August 16, 2005.

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

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

EPIC BIOSONICS
SUITE 1201
4464 MARKHAM STREET
VICTORIA, B.C., CANADA V8Z 7X8

COPY MAILED

MAR 1 2 2007

OFFICE OF PETITIONS

In re Application of :
John Lee et al :
Application No. 60/596,462 : ON PETITION
Filed: September 24, 2005 :
For: IMPROVED METHOD OF FABRICATING :
IMPLANATABLE NERVE STIMULATION
CIRCUIT

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 11, 2006, to revive the above-identified application.

The petition is **DISMISSED as moot** in view of the request filed February 20, 2007 requesting withdrawal of the petition of July 11, 2006. In view thereof, the $750 petition fee will be refunded by credit card in due course. Additionally, as the $100 filing fee and the $25 surcharge fee were not timely paid, these fees will also be refunded to the credit card.

The Notice to File Missing Parts of Provisional Application mailed September 28, 2005 required the submission of the $100 statutory basic filing fee and a $25 surcharge. The filing fee was not paid within the time period provided by 37 CFR 1.53(g).

Where the basic filing fee in a provisional application was not paid within the time period provided by 37 CFR 1.53(g), an applicant may not make a claim for benefit to the provisional application under 37 CFR 1.78(a)(5). Thus, the grant of a petition to revive the provisional application will still not result in compliance with 37 CFR 1.78(a). Rather, the applicant would be required to file a petition under 37 CFR 1.183 showing that circumstances of applicant's failure to pay the provisional application filing fee within the period specified in 37 CFR 1.53(g) constitutes an "extraordinary situation" in which "justice requires" a waiver of this requirement of 37 CFR 1.78(a).

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

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NIMROD RAHAMIMOV
75 HADEKEL ST
GANEI-TIKVA 55900 IL ISRAEL

COPY MAILED
OCT 16 2006
OFFICE OF PETITIONS

In re Application of	:	
Nimrod Tsvi Rahamimov	:	
Application No. 60/596,626	:	ON PETITION
Filed: October 7, 2005	:	
Title: Method and Tube System for Non Contaminating Tissue Biopsy	:	

This is a decision on the "Petition to withdraw the holding of abandonment", filed August 2, 2006, which is being treated as a petition under 37 CFR 1.181.

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

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". Extensions of time under 37 CFR 1.136(a) are permitted. No fee is required for a renewed petition.

The above-identified application became abandoned for failure to timely file a reply in response to the Notice to File Missing Parts mailed October 12, 2005. This Office action set an extendable period for reply of two (2) months. No extensions of time under 37 CFR 1.136(a) were obtained. No reply having been received, the above identified application became abandoned on December 13, 2005. A Notice of Abandonment was mailed on June 29, 2006.

To establish nonreceipt of an Office action, a petitioner must: 1) include a statement that the Office action was not received; 2) attest to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and 3) include a copy of the docket record where the nonreceived Office action would have been entered had it been received and docketed.[1] A proper docket report consists of a "docket record where the nonreceived Office action would have been entered had it been received and docketed."[2] "For example, if a three month period for reply was set in the nonreceived Office action, a copy of the docket record showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted..."[3]

However, as petitioner is a pro-se applicant, the Office understands that petitioner may not keep a formal docket record system for his correspondence. In that case, if petitioner seeks to establish that he did not receive the non-final Office action, petitioner must explain his system for keeping track of patent matters; where he keeps the correspondence; where he writes down due dates; how he knows replies are due, etc. In essence, petitioner must explain how he reminds himself of response due dates and show that the due date for the June 29, 2004 Office action was not entered into that system.

While the showing of record is not sufficient to withdraw the holding of abandonment, petitioner is not precluded from obtaining relief by filing a petition pursuant to 37 CFR 1.137(b) on the basis of unintentional delay. A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by (1) The reply required to the outstanding Office action or notice, unless previously filed; (2) The petition fee as set forth in 37 CFR 1.17(m), currently $750 for a small entity; and (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

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

---

[1] See MPEP 711.03(c)(II).

[2] MPEP 711.03(c)(II) (emphasis added).

[3] Id.

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NIMROD RAHAMIMOV
75 HADEKEL ST
GANEI-TIKVA 55900 IL ISRAEL

COPY MAILED

MAR 05 2007

OFFICE OF PETITIONS

In re Application of	:	
Nimrod Tsvi Rahamimov	:	
Application No. 60/596,626	:	ON PETITION
Filed: October 7, 2005	:	
Title: Method and Tube System for Non Contaminating Tissue Biopsy	:	

This is a decision on the renewed petition to withdraw the holding of abandonment under 37 CFR 1.181, filed December 3, 2006.

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

The holding of abandonment is **WITHDRAWN**.

The above-identified application became abandoned for failure to timely file a reply in response to the Notice to File Missing Parts mailed October 12, 2005. This Office action set an extendable period for reply of two (2) months. No extensions of time under 37 CFR 1.136(a) were obtained. No reply having been received, the above identified application became abandoned on December 13, 2005. A Notice of Abandonment was mailed on June 29, 2006. Applicant filed a petition to withdraw the holding of abandonment on August 2, 2006. However, the petition was dismissed in a decision mailed on October 16, 2006.

Here, petitioner, a pro-se applicant, has provided a sufficient explanation as to where he keeps his correspondence, how he keeps track of patent matters, due dates, etc. In view thereof, it is concluded that petitioner has demonstrated non-receipt (as opposed to loss) of the Notice to File Missing Parts.

The matter is being forwarded to the Office of Initial Patent Examination for re-mailing of the October 12, 2005 Notice to File Missing Parts, setting a new period for reply.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

RICHARD & LOLA GREEN
42025 TENNESSEE AVE.
PALM DESERT CA 92211

COPY MAILED
DEC 15 2008
OFFICE OF PETITIONS

In re Application of	:	
Green, et al	:	
Application No. 60/597,203	:	DECISION
Filed: 16 November, 2005	:	
Attorney Docket No. (None)	:	

This is a decision on the petition filed on 28 November, 2008, considered as a petition under 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment.

> **NOTE:** The record reflects that Applicants/Petitioners have used **in error** Provisional Application No. 60/595,747 to refer to this application, rather than the instant and correct Provisional Application No. 60/597,203.
>
> Thus, the proper designation of the instant application is: ***Application No. 60//597,203***.

The petition under 37 C.F.R. §1.181 is **DISMISSED**.

As to the Request to Withdraw
the Holding of Abandonment

Petitioner is directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing and timeliness and showing requirements for relief under 37 C.F.R. §1.181.Petitioner appears not to satisfy the requirement set forth in the Commentary at MPEP §711.03(c)(I).

BACKGROUND

The record reflects as follows:

Petitioners filed the instant provisional application, Application No. 60/597,203, on 16 November, 2005.

Thereafter, Petitioners filed a nonprovisional application (Application No. 11/595,747) on 7 November, 2006.

It appears that ever since the latter filing Petitioners have been commingling the numbers of the two applications in error so as to put the 60/- prefix on filings for the nonprovisional application and the 11/- prefix on the provisional application.

Thereafter, when the Office mailed a Notice of Abandonment in the nonprovisional application, Petitioners filed the instant petition into this application in error.

It is noted that this application indeed is expired by operation of law because its life-span under statute was only one year from its date of filing (or the first business day thereafter).

A request has been made by the Office of Petitions to have the papers improvidently directed by Petitioners into the 60/595,747 application to be closed from viewing, and copies redirected to this file as appropriate.

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running as to any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)), and that those registered to practice and all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).

Allegations as to the Request to Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how it is to be made and supported.

[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

The issue appears to be moot.

CONCLUSION

Accordingly, The petition under 37 C.F.R. §1.181 is **dismissed as moot**.

The instant application is released to IFW Repository.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

[2] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

OIPE IAP61
NOV 28 2008
PATENT & TRADEMARK OFFICE

Ifw

November 25, 2008

Office of Petitions
USPTO
PO Box 1450
Alexandria, VA 22313-1450
Phone: (571) 272-3282

Certified # 7002 2410 0005 1063 4829
Fax: (571) 273-8300
Fax: (571) 273-0025

RE: Petition to Withdraw Holding of Abandonment
Patent Application ~~# 60/595,747~~
Richard & Lola Green

60/597203

Dear Sir/Madame,

I called the Office of Petitions for Patents today to find out if any of my three (3) prior letters and attachments, all sent by fax with a receipt and certified mail, had been received at the USPTO, and I was told again that there was no record of my documents being received.

I was told that, in addition to the fax receipt and certified mail receipt, I should also fill out form PTO/SB/21 for all the letters, including today's letter and attachments.

So I am sending a copy of all correspondence, the proof of faxing/mailing and completed transmittal forms to the Office of Petitions, Patents office, at the main mailing address, main fax number and to the non-official fax number that goes straight to the Office of Petitions.

I do not feel that I should have to pay to have my patent application reinstated when I have carefully followed the rules and gone overboard to communicate to the USPTO and show proof of mailing and faxing.

Please help me get this patent re-instated ASAP without any additional cost.

Thank you.

Sincerely,

Lola Green

Lola Green
78396 Palm Tree Ave.
Palm Desert, CA 92211
Phone: (760) 457-7355
Email: lola@fastmail.fm

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NOV 28 2008
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Track & Confirm

Search Results

Label/Receipt Number: **7002 2410 0005 1063 4812**
Status: **Delivered**

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Auto-Reply Facsimile Transmission

TO: Fax Sender at 7608641323

Fax Information
Date Received: 11/13/2008 10:31:28 AM [Eastern Standard Time]
Total Pages: 20 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received Cover Page =======>

11/13/2008 08:33 7608641323 SSC RACING PAGE 01

Lola Green
78396 Palm Tree Ave.
Palm Desert, CA 92211
Telephone: (760) 457-7355
Email: lola@fastmail.fm

FAX TRANSMITTAL COVER SHEET

Date: November 12, 2008

To: Mr. Steve Myers, Special Program Examiner, Office of Petitions, Mail Stop Petition, Commissioner for Patents

From: Lola M Green

Fax #: (571) 273-8300

RE: Patent Application # 60/595,747, Art Unite 3811

No. of pages (including cover) 20

60/595,747

PAGE 020 * RCVD AT 11/13/2008 10:31:28 AM [Eastern Standard Time] * SVR:USPTO-EFXRF-6/1 * DNIS:2738300 * CSID:7608641323 * DURATION (mm-ss):04-52

OIPE IAP61
NOV 28 2008
PATENT & TRADEMARK OFFICE

November 12, 2008

Mr. Steve Myers
Special Program Examiner
Mail Stop Petition
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450
Phone: (571) 272-6611

Certified # 7002 2410 0005 1063 4812
Fax # (571) 273-8300

60/597203

RE: Petition to Withdraw Holding of Abandonment
Patent Application # 60/595,747, Art Unit 3611
Richard & Lola Green

Dear Sir/Madame,

I called the Patents Office today to inquire about the US Patent Office's response to my latest letter dated July 14, 2008. I was told that there was no record of either my January 28, 2008 Response to Office Action Summary or my July 14, 2008 Petition for Revival of an Application. Both letters were sent by fax and certified mail. Proof of mailing, along with a copy of the letters and attachments, are included with this letter.

The stated reason for my patent being abandoned was because I did not respond to the November 16, 2007 Office Action Summary within 90 days. Yet I did respond on January 28, 2008, well within the 90 days.

It was recommended that I send this letter directly to you because my last letters are not reaching my file or the Patent Examiner for this application, Shin Kim.

Please read my attached letters with proof of mailing and faxing. I really need help to get this patent reinstated and approved and I don't know how to communicate with the Patent Office when they do not acknowledge receipt of my letters and response.

Please note the new contact information below my name.

Thank you.

Sincerely,

Lola Green

Lola M. Green
78396 Palm Tree Ave.
Palm Desert, CA 92211
Phone: (760) 457-7355
Email: lola@fastmail.fm

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NOV 28 2008
PATENT & TRADEMARK OFFICE

UNITED STATES POSTAL SERVICE

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Search Results

Label/Receipt Number: **7008 1300 0001 4240 9902**
Status: **Delivered**

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TO:Auto-reply fax to 7603605593 COMPANY:

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NOV 28 2008
PATENT & TRADEMARK OFFICE

Auto-Reply Facsimile Transmission

TO: Fax Sender at 7603605593

Fax Information
Date Received: 7/14/2008 10:53:13 PM [Eastern Daylight Time]
Total Pages: 15 (including cover page)

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Received Cover Page =======>

Jul 14 08 08:32p Richard Green 7603605593 p.1

Richard & Lola Green
42-025 Tennessee Ave.
Palm Desert, CA 92211
Telephone: (760) 360-1114
Fax: (760) 360-5593

FAX TRANSMITTAL COVER SHEET

Date: July 14, 2008

To: Office of Petitions, Mail Stop Petition, Commissioner for Patents

From: Lola M Green

Fax #: (571) 273-8300

RE: Patent Application # 60/596,747, Art Unit 3611

No. of pages (including cover) 15

60/597,203

hp officejet 4200 series 4215 Personal Printer/Fax/Copier/Scanner

Log for
Richard Green
7603605593
7/14/2008 8:35PM

Last Transaction

Date	Time	Type	Identification	Duration	Pages	Result
07/14	08:32p	Fax Sent	15712738300	3:40	15	OK

July 14, 2008

OIPE IAP61
NOV 28 2008
PATENT & TRADEMARK OFFICE

ATTN: Office of Petitions
Mail Stop Petition
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Certified # 7008 1300 0001 4240 9902
Fax # (571) 273-8300

RE: Petition for Revival of an Application
Patent Application # 60/595,747, Art Unit 3611
Richard & Lola Green

60/597203

Dear Sir/Madame,

This letter is in response to the Notice of Abandonment dated June 26, 2008.

I called the Patent Office when I received this Notice to explain that the Notice was in error because we sent a full response to the Patent Office in a timely manner on January 28, 2008.

The response was sent by fax and we received an Auto-Reply Facsimile Transmission from the Patent Office showing that all nine (9) pages of our response had been received at the Patent Office.

Additionally, we sent a hard copy of our response to the Patent Office by U.S. Post Office Certified Mail # 7007 1490 0001 3886 4046. Attached to this letter are copies of the fax receipt from the Patent Office and the email confirmation of the certified mail sent to the Patent Office.

I do not feel that we should have to pay to have our patent application revived because we clearly responded within the guidelines you gave us and we made doubly sure you received it by sending both a fax and certified hard copy.

If you have any questions, please feel free to contact me at the numbers or email below.

Thank you.

Sincerely,

Lola Green

Lola M. Green
42025 Tennessee Ave.
Palm Desert, CA 92211
Phone: (760) 457-7355
Fax: (760) 360-5593
Email: lola.green@earthlink.net

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NOV 28 2008
PATENT & TRADEMARK OFFICE

Richard & Lola Green
42-025 Tennessee Ave.
Palm Desert, CA 92211
Telephone: (760) 360-1114
Fax: (760) 360-5593

FAX TRANSMITTAL COVER SHEET

Date: July 14, 2008

To: Office of Petitions, Mail Stop Petition, Commissioner for Patents

From: Lola M Green

Fax #: (571) 273-8300

RE: Patent Application # ~~60/595,747~~, Art Unite 3611 60/597203

No. of pages (including cover) 15

OIPE
NOV. 28 2008
PATENT & TRADEMARK OFFICE

Notice of Abandonment	Application No. 11/595,747	Applicant(s) GREEN ET AL.
	Examiner SHIN KIM	Art Unit 3611

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address–

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on 16 November 2007.
   (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
   (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
   (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
   (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
   (d) ☒ No reply has been received.

2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
   (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
   (b) ☐ The submitted fee of $_____ is insufficient. A balance of $_____ is due.
   The issue fee required by 37 CFR 1.18 is $_____. The publication fee, if required by 37 CFR 1.18(d), is $_____.
   (c) ☐ The issue fee and publication fee, if applicable, has not been received.

3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
   (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
   (b) ☐ No corrected drawings have been received.

4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. ☐ The reason(s) below:

/Lesley D. Morris/
Supervisory Patent Examiner, Art Unit 3611

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

OIPE IAP61
NOV 28 2008
PATENT & TRADEMARK OFFICE

Auto-Reply Facsimile Transmission

TO:	Fax Sender at 7603605593
Fax Information	
Date Received:	1/28/2008 11:08:03 PM [Eastern Standard Time]
Total Pages:	9 (including cover page)

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Received Cover Page =======>

Jan 28 08 08:17p Richard Green 7603605593 p.1

Richard & Lola Green
42-025 Tennessee Ave.
Palm Desert, CA 92211
Telephone: (760) 360-1114
Fax: (760) 360-5593

FAX TRANSMITTAL COVER SHEET

Date: January 28, 2008

To: Shin Kim, U.S. Patent & Trademark Office

From: Richard W. Green

Fax #: (571) 273-8300

RE: Patent Application # 60/595,747, Art Unite 3811

No. of pages (including cover): 9

60/597200

Richard & Lola Green
42-025 Tennessee Ave.
Palm Desert, CA 92211
Telephone: (760) 360-1114
Fax: (760) 360-5593

OIPE IAP61
NOV 28 2008
PATENT & TRADEMARK OFFICE

FAX TRANSMITTAL COVER SHEET

Date: January 28, 2008

To: Shin Kim, U.S. Patent & Trademark Office

From: Richard W. Green

Fax #: (571) 273-8300

RE: Patent Application # 60/595,747, Art Unite 3611

No. of pages (including cover) 9

60/594203

hp officejet 4200 series 4215 Personal Printer/Fax/Copier/Scanner

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Richard Green
7603605593
1/28/2008 9:19PM

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	60/595,747
Filing Date	11-25-08
First Named Inventor	Richard Green
Art Unit	3611
Examiner Name	Shin Kim
Attorney Docket Number	

ENCLOSURES *(Check all that apply)*

- [X] ~~Fee~~ Transmittal Form
  - [ ] Fee Attached
- [X] Amendment/Reply
  - [ ] After Final
  - [ ] Affidavits/declaration(s)
- [ ] Extension of Time Request
- [ ] Express Abandonment Request
- [ ] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [ ] Reply to Missing Parts/ Incomplete Application
  - [ ] Reply to Missing Parts under 37 CFR 1.52 or 1.53
- [ ] Drawing(s)
- [X] Licensing-related Papers
- [X] 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) _____
  - [ ] Landscape Table on CD
- [ ] After Allowance Communication to TC
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- [ ] Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
- [ ] Proprietary Information
- [X] Status Letter
- [X] Other Enclosure(s) (please Identify below): Ltr. to Petitions Office w/ Transmittal Forms

Remarks

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Signature	Lola Green		
Printed name	Lola Green		
Date	11-25-08	Reg. No.	

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Typed or printed name	Lola Green	Date	11-25-08

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TRANSMITTAL FORM

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Application Number	60/595,747
Filing Date	11-12-08
First Named Inventor	Richard Green
Art Unit	3611
Examiner Name	Shin Kim
Attorney Docket Number	
Total Number of Pages in This Submission	19

ENCLOSURES *(Check all that apply)*

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  - [ ] Fee Attached
- [x] Amendment/Reply
  - [ ] After Final
  - [ ] Affidavits/declaration(s)
- [ ] Extension of Time Request
- [ ] Express Abandonment Request
- [ ] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [ ] Reply to Missing Parts/ Incomplete Application
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- [ ] Drawing(s)
- [x] Licensing-related Papers
- [x] Petition
- [ ] Petition to Convert to a Provisional Application
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	60/595,747
Filing Date	7-14-08
First Named Inventor	Richard Green
Art Unit	3611
Examiner Name	Shin Kim
Attorney Docket Number	
Total Number of Pages in This Submission	

ENCLOSURES *(Check all that apply)*

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  - [ ] Fee Attached
- [x] Amendment/Reply
  - [ ] After Final
  - [ ] Affidavits/declaration(s)
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- [ ] Express Abandonment Request
- [ ] Information Disclosure Statement
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- [ ] Proprietary Information
- [x] Status Letter
- [x] Other Enclosure(s) (please identify below): Letter explaining USPTO's non-receipt acknowledgement

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name			
Signature	Lola Green		
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Signature	Lola Green		
Typed or printed name	Lola Green	Date	11-25-08

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January 28, 2008

ATTN: Shin Kim
Patent Examiner
U.S. Patent & Trademark Office
PO Box 1450
Alexandria, VA 22313-1450

Certified # 7007 1490 0001 3886 4046
Fax # (571) 273-8300

RE: Response to Office Action Summary
Patent Application # 60/595,747, Art Unit 3611
Richard & Lola Green

60/597203

Dear Shin Kim,

This letter is in response to the Office Action Summary that was sent to us with a mailing date of November 16, 2007.

We have amended the Claims 1-3, which are enclosed.

We are also re-submitting the Specifications that are consistent with the amended Claims.

If you have any questions, please feel free to contact me at the numbers or email below.

Thank you.

Sincerely,

Richard W. Green
42025 Tennessee Ave.
Palm Desert, CA 92211
Phone: (760) 360-1114
Fax: (760) 360-5593

Lola M. Green

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Specifications for a Non-Provisional Utility Patent Application

(Prior provisional filed as described below)

Title of the Invention: OPTICAL ILLUSION METHOD FOR THE WORD "JESUS" ON A PLACARD OR SIGN

Inventors: Richard W. Green, Palm Desert, CA
Lola M. Green, Palm Desert, CA

Provisional Appl. No.: ~~11/597,203~~ 60/597203
Filed: 11/16/2005

BACKGROUND OF THE INVENTION

1. Field of the Invention

This invention is a new JESUS optical illusion placard or sign that facilitates the awareness of this spiritual word for believers of the Christian sacred and/or religious traditions.

This unique and entertaining JESUS placard/sign is intended to assist in developing a spiritual conversation in a sacred or religious tradition between two or more parties about faith, which is a sensitive and personal subject that individuals are sometimes reluctant to share with one another. The JESUS sign would typically be displayed on a shelf or wall mounted placard as a reminder to individuals of the source of their faith.

2. Background Description of Prior Art

Consumers commonly purchase religious/inspirational articles to remind them of their faith. Sometimes it is difficult for people to speak about their faith with others. This invention combines a religious/inspirational article of the Christian faith with a conversation opener.

When a person is handed the JESUS placard/sign, it appears to be nonsensical or oriental writing that is not understandable.

However, when viewed from a distance of 10 or more feet away, the word JESUS appears like magic. This fun interaction between people encourages individuals to then begin a conversation about their faith and provides community between people without embarrassment or awkwardness.

The inventors could find no prior art with this JESUS optical illusion arrangement through a Patent Search Report conducted by legalzoom.com, Order # 1379587, nor was there evidence of the JESUS sign or plaque in the public domain.

Different, unrelated display methods were found by the legalzoom.com patent search as follows:

U.S. Pat. Appl. No. US 2005/0063198 A1, entitled "DECORATIVE PANEL CONTAINING GRAPHIC REPRESENTATIONS OF THE ILLUMINATED RELIGIOUS SYMBOLS AND COMMEMORATIVE OR HOLIDAY SIGNS" , issued to Vadim Azbel and Mikhail Leybovich on Mar. 24, 2005 discloses a display comprised of a panel containing graphic representation of the illuminate religious symbols and commemorative or holiday signs, illuminated by light-emitting chemical processes or physical devices.

U.S. Pat. Appl. No. US 20030177858 A1, entitled "RELIGIOUS STEERING WHEEL COVER" issued to Manny Lugo on Sept. 25, 2003 disclosed a steering wheel cover with the elements of a rosary.

U.S. Pat. Appl. No. US 20030111583 A1, entitled "SUPPORT FOR DISPLAY CARDS DEPICTING RELIGIOUS IMAGES", issued to Santarpla Gaetano on Jun. 19, 2003 discloses a Support device for display cards depicting religious images.

U.S. Patent No. US 6,543,163 B1, entitled "MIRROR DISPLAY", issued to Peter William Ginsberg on Apr. 8, 2003 discloses an illuminating display is provided a reflective panel having a graphical image formed therein.

U.S. Patent Appl. No. US 20020116410 A1, entitled "JEWISH RELIGIOUS SCROLLS", issued to Joseph Tesler on Aug. 22, 2002 discloses a method for preparing handwritten Jewish religious scrolls.

U.S. Patent No. US 6,357,800 B1, entitled "DOCUMENT WITH A MOIRE-GENERATING RASTER STRUCTURE", issued to Johann Muller and Stefan May on Mar. 19, 2002 discloses a document with a moiré-producing structure such as a half-tone image to detect forgeries.

U.S. Patent No. US 6,226,906 B1, entitled "DISPLAY UNITS", issued to Itzchak Bar-Yona on May 8, 2001 discloses a display unit for at least two

consecutively changing images powered by a battery, solar unit or other power outside of electrical mains.

U. S. Patent No. US 006050606A, entitled "SAFETY DRAWING FOR SECURITIES", issued to Gianfranco Foresti on Apr. 18, 2000 discloses a drawing of at least a first region and a second region juxtaposed to prevent falsification of securities by colour photocopy.

U.S. Patent No. US 5, 823,344, entitled "DISPLAY SYSTEMS WITH MULTIPLE VIEW OPTICS", issued to Stephen D. Fantone, Anthony Gelardi and John Gelardi on Oct. 20, 1998 discloses a flat container or display box that shows different information in the form of multiple images when looking at one of the box's surfaces from different angular perspectives.

U.S. Patent No. 5,525,383 entitled, "CONTAINER FOR DISPLAYING TRANSITORY MOVING IMAGES", issued to Daniel Witkowski on Jun. 11, 1996 discloses a container with an upright circular or tubular wall upon which is mounted for rotation a tubular sleeve.

U.S. Patent No. 5,367,801 entitled, "MULTI-LAYER THREE-DIMENSIONAL DISPLAY", issued to Young Ahn on Nov. 29, 1994 discloses a multi-layer three-dimensional display with two of the layers transparent to give display a special shimmering effect and enhance its three-dimensional appearance.

U.S. Patent No. 4,263,737 entitled, "ILLUMINATED GRID DISPLAY WITH PRIMARY AND SECONDARY COPY", issued to Virgil Simon on Apr. 28, 1981 discloses a display device with a front and rear element spaced apart and back illuminated.

U.S. Patent No. Des. 245,679 entitled, "CROSS", issued to Rodney Keith Parkison on Sept. 6, 1977 discloses an ornamental design for a cross.

U.S. Patent No. 4,040,353 entitled, "PROCESS FOR COLORING SURFACES", issued to Michel Serge Lefebvre on Aug. 9, 1977 discloses a process for coloring surfaces by two juxtaposed colored areas using a principle of the eye where it cannot distinguish between two points at a certain distance and only sees a single blob.

U.S. Patent No. 3,811,213 entitled, "MOIRE MOTION ILLUSION APPARATUS AND METHOD", issued to Robert B. Eaves on May 21, 1974 discloses a method for motion simulation with two overlay transparent sheet imprinted with dot patterns of different frequencies.

U.S. Patent No. 3,675,948 entitled, "PRINTING METHOD AND ARTICLE FOR HIDING HALFTONE IMAGES", issued to Ralph C. Wicker on July 11, 1972 discloses a method of halftone printing which permits an image to be disguised or hidden in a printed field from detection by ordinary photography or the eye of a viewer.

U.S. Patent No. 3,484,969 entitled, "DISPLAY DEVICE", issued to Henry Alan Newland on Dec. 23, 1969 discloses a display device that will cause the viewer to see relative movement by the use of plates, caused by the viewer seeing the front and back screens alternatively.

U.S. Patent No. 3,205,598, entitled, "DEVICES FOR THE PRODUCTION OF MULTIPLE IMAGES", issued to Maurice Grosse on Sept. 14, 1965 discloses a display device using a sheet of glass or other transparent material to produce multiple images.

U.S. Patent No. 2.937,567 entitled, "MEANS FOR DETERMINING COLOR SENSITIVITY", issued to Le Grand H. Hardy, et al on May 24, 1960 discloses a means for novel eye testing devices and particularly, a means and method of testing visual sensitivity to color.

U.S. Patent No. 2,355,902 entitled, "SIGN WITH ANIMATED EFFECT", issued to Carlton T. Berg on Aug. 15, 1944 discloses a display device and method of obtaining animated effects by the combination of two or more designs composed of a multiplicity of elements comprising two plates or sheets of transparent or relatively transparent material.

U.S. Patent No. 2,221,888 entitled, "MIRROR SIGN", issued to Ernest Cantelo While on Nov. 19, 1940 discloses a mirror sign capable of producing multiple images.

U.S. Patent No. 829,492 entitled, "DISPLAY DEVICE", issued to Alexander S. Spiegel on Aug. 28, 1906 discloses a display device with a plurality of designs composed of parts alternating with the parts of the other design or

designs. The designs and screen are movable with relation to each other. A transparent plate overlying the designs or a rear plate having a plurality of designs are claimed.

DRAWINGS

Figure 1 is a 3-Dimensional Top View Showing Proportionality. This view shows a 3-dimensional view from the front of the JESUS placard or sign.

Figure 2 shows a top schematic plan view of the JESUS placard or sign.

Reference numbers on the Figure 2 Drawing are as follows:

No. 1: is the background material.

No. 2: is the raised material between the letters, excluding the margins.

No. 3: which refers to the dotted lines in the drawings, is the point of adhesion if individual sticks are used to create the placard or sign.

DETAILED DESCRIPTION

Figures 1 and 2 are an example of the Preferred Embodiment.

The best mode for this JESUS placard or sign is shown in Figure 1. A background made of wood or other material that is 2-1/2" height by 8" length by ¾" depth and sticks placed on top of the board that are ¼" width and thickness. The background is colored brown and the sticks are painted gold.

The preferred embodiment of the JESUS placard or sign is illustrated in Figure 1 and Figure 2. On a base of wood or other material, sticks or similar material are cut and formed to shape the space between the word JESUS, excluding the margins.

The sticks are then affixed to a background which will allow the background to form the letters for the name JESUS and outside margins of the placard or sign. The sticks are in a rectangular shape to give the appearance of oriental character writing and to confuse the viewer when viewing the placard or sign at a close range.

The dotted lines in Figure 2 show where the sticks are adhered together. This allows the entire raised area to be made out of the same width of material.

An additional embodiment for the JESUS placard or sign would be to vary the material with wood, plastic, foam or other rigid material or any combination of materials.

An additional embodiment for the JESUS placard or sign would be to vary the colors of the background and raised material.

An additional embodiment for the JESUS placard or sign would be to use different materials and different sizes in the construction of the placard/sign. For example, a mold or cast may be used instead of using sticks for the raised portion and boards for the background. This mold or cast would provide the background that forms the letters of the word(s) and the outside margins and also provide the raised spaced between the letters of the word(s), excluding the margins.

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WHAT IS CLAIMED

1. An optical illusion method of arranging raised angular sticks so that the name of JESUS on a placard or sign appears to the viewer to be nonsensical or oriental writing when viewed at close range and allows the word JESUS to appear at a greater distance. This will comprise the following steps:
   a) providing a contrasting background that, when the JESUS placard/sign is completed, form the letters of the word JESUS and the margins, and
   b) providing raised material attached to the contrasting background that consists of the space between the letters of the word JESUS, excluding the margins of the placard/sign.
2. A placard or sign of the word JESUS that uses the optical illusion arrangement as described in attached drawings.
3. An arrangement of raised material to form the space between the letters of the word JESUS placed on a background of a contrasting color that allows the placard or sign to be viewed as nonsensical oriental writing when viewed at a close range.

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OFFICE OF PETITIONS

In re Application of	:	
Lin, et al.	:	
Application No. 60/597,493	:	DECISION ON PETITION
Filed: December 5, 2005	:	
Attorney Docket No. MEGP0036USA0	:	

This is a decision on the "Petition to Accord a Filing Date", filed January 30, 2006, which is being treated as a petition under 37 CFR 1.53 to accord the above-identified application a filing date of December 5, 2005.

The petition is **GRANTED**.

Application papers in the above-identified application were filed on December 5, 2005. However, on December 14, 2005, 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 application was deposited without a specification.

It is obvious from reviewing the file that the drawings contain a written description (specification) interspersed with the drawings. Accordingly, the provisional application will be accorded a filing date of December 5, 2005, using the pages of drawings interspersed with specification filed on that date.

Given the basis for granting the petition, the $400 petition fee has been refunded to Deposit Account No. 50-3105.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of December 5, 2005, using the application papers received in the Office on that date (19 pages of drawings interspersed with specification).

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

Cliff Congo
Petitions Attorney
Office of Petitions

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Commissioner for Patents
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MICHAEL ARAJAKIS
456 AUSTIN LAKE ROAD
285-A
TORONTO, OH 43964

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OFFICE OF PETITIONS

In re Application of	:	
Arajakis, Michael M.	:	
Application No. 60/597,634	:	ON PETITION
Filed: December 14, 2005	:	
Title: TREE STAND BACKREST / CONVERTIBLE BACKPACK	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed April 23, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

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

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed May 2, 2006. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on July 3, 2006. A Notice of Abandonment was mailed on January 11, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:
(1) the required reply,[1]
(2) the petition fee,
(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
(4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information.[2]

---

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

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

The instant petition lacks item (1). The Notice required payment of the statutory basic filing fee and the late surcharge.

Further, it is unclear who is signing the petition. All documents filed in an application must be signed by:

(1) An attorney or agent of record appointed in compliance with § 1.34(b);

(2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a);

(3) The assignee of record of the entire interest, if there is an assignee of record of the entire interest;

(4) An assignee of record of an undivided part interest, and any assignee(s) of the remaining interest and any applicant retaining an interest, if there is an assignee of record of an undividing part interest; or

(5) **All of the applicants (§§ 1.42. 1.43 and 1.47) for patent, unless there is an assignee of record of the entire interest and such assignee has taken action in the application in accordance with §§ 3.71 and 3.73.**

A copy of the decision will be mailed to the address listed on the petition. However, all future correspondence will be mailed solely to the address of record.

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

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

By hand: Customer Window located at:

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

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

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

Liana Walsh
Petitions Examiner
Office of Petitions

Cc:

ADAM THOMAS
7083 HOLLYWOOD BLVD., SUITE 180
LOS ANGELES, CA 90028

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OFFICE OF PETITIONS

In re Application of	:	
Arajakis, Michael M.	:	
Application No. 60/597,634	:	ON PETITION
Filed: December 14, 2005	:	
Title: TREE STAND BACKREST / CONVERTIBLE BACKPACK	:	

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed July 27, 2007, to revive the above-identified application. A supplement to the petition was also submitted on October 23, 2007.

The petition is **GRANTED.**

The instant petition requests revival of the application. The supplement to the petition was a signature provided by the inventor. Petitioner has now met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

A provisional application may be revived so as to be pending for a period no longer than 12 months from its filing date. This application is hereby deemed revived until December 14, 2006, when it went abandoned as a matter of law.

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.

Liana Walsh
Petitions Examiner
Office of Petitions

Cc: ADAM THOMAS
7083 HOLLYWOOD BLVD., SUITE 180
LOS ANGELES, CA 90028

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ANDY E. WILLIAMS
238 DELORAINE AVE
TORONTO, M5M 2B3 CA CANADA

COPY MAILED

AUG 17 2007

OFFICE OF PETITIONS

In re Application of :
Williams, Andy Eric :
Application No. 60/597,792 : ON PETITION
Filed: December 20, 2005 :
Title: ARCHITECTURE FOR ALLOWING AN APPLICATION OR MODULE OF CODE TO VERIFY THAT THE APPLICATION WHICH INVOKED IT WILL ENFORCE A SECURITY POLICY CONTAINING RESTRICTIONS THAT THE APPLICATION OR CODE MODULE HAS PLACED ON ITS USAGE :

This is a decision on the petition, filed October 6, 2006, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

This application was held abandoned for failure to reply to the Notice to File Missing Parts mailed December 27, 2005. The Notice set a period for reply of two (2) months from the mail date of the Notice. A reply was due on or before February 27, 2006. A Notice of Abandonment was mailed on June 28, 2006.

Petitioner states that the fee required by the Notice was previously paid. Petitioner submitted a copy of his credit card statement, showing a charge of $100.00 by the US Patent/Trademark Office on November 2, 2005. However, after checking USPTO financial records, the $100.00 fee charged to petitioner's credit card was actually for Provisional Application No. 60/596,981. Accordingly, the instant application was properly abandoned.

If petitioner cannot supply the evidence necessary to withdraw the holding of abandonment, or simply does not wish to, petitioner should consider filing a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in

late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the $750.00 petition fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Petitioner is reminded that a provisional application may be revived so as to be pending for a period no longer than 12 months from its filing date. Accordingly, if petitioner does revive the instant application, it will only be deemed revived until December 20, 2006.

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) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DALE H. KOSTED, D.V.M.
3502 KING ST.
ENID OK 73703

COPY MAILED

NOV 17 2006

OFFICE OF PETITIONS

In re Application of
Dale Herman Kosted
Application No. 60/597,902
Filed: December 22, 2005
Title of Invention: **ON GUARD, A BUMPER GUARD FOR A TENNIS RACQUET**

ON PETITION

This is a decision on the petition filed November 9, 2006, to withdraw the holding of abandonment of the above-identified application, which is treated under 37 CFR 1.181.

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 1.181," or, as explained in more detail below, "...under 37 CFR 1.137(a)" or (b). This is not a final agency decision.

The above-referenced application was held abandoned on March 6, 2006, for failure to timely reply to the Notice to File Missing Parts mailed January 3, 2006. Accordingly, a Notice of Abandonment was mailed September 13, 2006.

Petitioner contends that no reply was filed to either the Notice to File Missing Parts or the Notice of Abandonment because the Notices were in error, that no fees were due since the Provisional Application Filing Fee in the amount of $100 had been paid with the filing of the application. Petitioner argues that authorization to charge his credit card was submitted with the application and submits as proof of payment a copy of the original Fee Transmittal which included a credit card number.

A review of the record for this application reveals that a Fee Transmittal was in fact included with the application on December 22, 2005 however, when presented for payment the credit card charge authorization was denied, thus the Provisional Application Filing Fee was not paid and the Notice to File Missing Parts, as well as the Notice of Abandonment, was appropriately mailed.

Furthermore, petitioner is advised that if an Office communication mailed from the USPTO, and in the absence of that Office communication not being withdrawn by the

USPTO, then by law a response is required. The failure to file a response causes the application to become abandoned, even if that Office communication was sent in error. Therefore, applicants are not afforded an opportunity then to withhold a response based on a perceived error on the part of the USPTO.

In view thereof, the holding of abandonment will not be withdrawn and the notice of abandonment will not be vacated.

Petitioner may wish to file a petition to revive under 37 CFR 1.137(a) or (b). Section 1.137(b) now provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

> (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof;
>
> (2) the petition fee as set forth in 37 CFR 1.17(m);
>
> (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and
>
> (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

In this instance, the required reply is the Provisional Application Filing Fee in the amount of $100.00. Petitioner has shown that a charge in the amount of $100.00 was authorized but petitioner has not shown that the fee in the amount of $100.00 was charged to the credit card number provided. As indicated above, the authorization was denied when presented for payment.

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

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

By FAX: (571) 273-8300

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SUMMA & ALLAN, P.A.
11610 NORTH COMMUNITY HOUSE ROAD
SUITE 200
CHARLOTTE NC 28277

COPY MAILED

NOV 0 8 2004

OFFICE OF PETITIONS

In re Application of	:
Tkacik, et al.	: DECISION GRANTING
Application No. 60/598,317	: PETITION
Filed: August 2, 2004	:
Attorney Docket No. 2210.146P	:

This is a decision on the petition filed September 13, 2004 (certificate of mailing date September 9, 2004) under 37 CFR 1.10(d), requesting that the above-identified application be accorded a filing date of August 3, 2004, rather than the presently accorded filing date of August 2, 2004.

Petitioners request the later filing date on the basis that the application was deposited in Express Mail service on August 3, 2004, pursuant to the requirements of 37 CFR 1.10. The petition is accompanied by a printout of the United States Postal Service Track/Confirm - Intranet Item Inquiry - Domestic for the package associated with EV316391545US that shows the package was accepted by the USPS on August 3, 2004. The same Express Mail label number is found on the original application papers. In addition, petitioners have provided of the Express Mail label in question that has an illegible date-in and a date stamp of AUG 3, 2004 affixed thereto and a copy of a sales receipt dated August 3, 2004 that shows the Express Mail label in question was purchased on that date.

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 September 13, 2004 (certificate of mailing date September 9, 2004) is accompanied by the corroborating evidence required by the rule. Accordingly, the petition is granted.

The application is being returned to the Office of Initial Patent Examination for correction of the filing date to **August 3, 2004** and the mailing of a corrected filing receipt.

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

E. Shirene Willis

E. Shirene Willis
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
60/598,317	08/03/2004		160	2210.146P	3		

CONFIRMATION NO. 7897

CORRECTED FILING RECEIPT

OC000000014258269

021176
SUMMA & ALLAN, P.A.
11610 NORTH COMMUNITY HOUSE ROAD
SUITE 200
CHARLOTTE, NC 28277

Date Mailed: 11/02/2004

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)

Peter T. Tkacik, Fort Mill, SC;
David A. Partin, Kernersville, NC;
Joel G. Sweatman, Kernersville, NC;

Power of Attorney:

Richard Additon--43460

If Required, Foreign Filing License Granted: 09/07/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/598,317

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

Non-Publication Request: No

Early Publication Request: No

Title

Moisture and temperature resistant forming tubes

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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P.O. Box 1450
Alexandria, VA 22313-1450
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ROBERT M. O'KEEFE
OKEEFE EGAN & PETERMAN, L.L.P.
1101 CAPITAL OF TEXAS HIGHWAY SOUTH
BUILDING C, SUITE 200
AUSTIN, TX 78746

COPY MAILED

NOV 18 2004

OFFICE OF PETITIONS

In re Application of :
Jean-Claude Abed et al :
Application No. 60/598,319 : NOTICE
Filed: August 3, 2004 :
Attorney Docket No. ADVA:026PZ1

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

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

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

Inquiries related to this communication should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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1101 CAPITAL OF TEXAS HIGHWAY SOUTH
BUILDING C, SUITE 200
AUSTIN, TX 78746

COPY MAILED

NOV 19 2004

OFFICE OF PETITIONS

In re Application of :
Jean-Claude Abed et al :
Application No. 60/598,322 :
Filed: August 3, 2004 :
Attorney Docket No. ADVA:027PZ1

NOTICE

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

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

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

Inquiries related to this communication should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED Paper No. None

SEP 30 2005

OFFICE OF PETITIONS

MILLER PATENT SERVICES
2500 DOCKERY LANE
RALEIGH NC 27606

In re Application of Mike Ivanitch Application No. 60/598,376 Filed: August 2, 2004 Attorney Docket No. MTI-001P Title: DISPLAY FOR POCKET-SIZED FOOTBALL HELMETS	DECISION ON PETITION UNDER 37 C.F.R. §1.182

This is a decision on the petition under 37 C.F.R. §1.182, filed June 24, 2005, to change the name of the sole inventor. Petitioner has requested that the inventor formerly known as "Mike Ivanitch" be listed as "Mike Thomas Ivanitch," his full legal name. Petitioner has submitted the petition fee. However, Petitioner has not submitted an affidavit which has been signed with both names.

As such, the petition under 37 C.F.R. §1.182 is **DISMISSED**. Any reply must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. §1.182." This is not a final agency action within the meaning of 5 U.S.C §704.

The renewed petition should display "Please deliver to Paul Shanoski, c/o Office of Petitions" in a prominent manner and may be submitted by mail[1], hand-delivery[2], or facsimile[3]. The renewed petition should contain an affidavit which has been signed with both names. 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.

The Power of Attorney and Correspondence Address has been entered and made of record.

Paul Shanoski

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

UNITED STATES 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

MILLER PATENT SERVICES
2500 DOCKERY LANE
RALEIGH NC 27606

COPY MAILED

MAR 2 7 2007

OFFICE OF PETITIONS

In re Application of
Mike Ivanitch
Application No. 60/598,376
Filed: August 2, 2004
Attorney Docket No. MTI-001P
Title: DISPLAY FOR POCKET-SIZED FOOTBALL HELMETS

DECISION ON RENEWED PETITION UNDER 37 C.F.R. §1.182

This is a decision on the renewed petition under 37 C.F.R. §1.182, filed October 10, 2005.

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

Petitioner has requested that the inventor formerly known as "Mike Ivanitch" be listed as "Mike Thomas Ivanitch," his full legal name.

The original petition was submitted on June 24, 2005, along with the petition fee and a declaration. However, Petitioner failed to submit an affidavit that had been signed with both names, and a decision which dismissed the original petition was mailed on September 30, 2005.

With the present renewed petition, Petitioner has submitted a declaration which has been signed with both names.

The petition under 37 C.F.R. §1.182 is **GRANTED**. The inventor is

now listed as:

Mike Thomas Ivanitch

A corrected filing receipt has been enclosed.

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

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

Enclosure: Corrected Filing Receipt

---

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
60/598,376	08/02/2004		80	MTI-001P		

CONFIRMATION NO. 8848

CORRECTED FILING RECEIPT

OC000000022998217

24337
MILLER PATENT SERVICES
2500 DOCKERY LANE
RALEIGH, NC 27606

Date Mailed: 03/20/2007

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)

Mike Thomas Ivanitch, Wake Forest, NC;

Power of Attorney: The patent practitioners associated with Customer Number **24337**.

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

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/598,376

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

Display for pocket-sized football helmets

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

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

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

NOT GRANTED

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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/598,788	08/04/2004		160		5		

CONFIRMATION NO. 9535

CORRECTED FILING RECEIPT

OC000000017816280

M-Systems Flash Disk Pioneers
Att: Einav Cohen-Ofek
7 Atir Yeda St.
Kfar Saba, 44425
ISRAEL

Date Mailed: 01/10/2006

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)

Dov Moran, Kfar Saba, ISRAEL;
Eyal Bychkov, Hod-Hasharon, ISRAEL;

Power of Attorney: None

If Required, Foreign Filing License Granted: 09/17/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/598,788

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Storage with persistent user data

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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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
60/599,114	08/05/2004		80	NPX.09/PR	2		

CONFIRMATION NO. 2438

CORRECTED FILING RECEIPT

OC000000014102839

25871
SWANSON & BRATSCHUN L.L.C.
1745 SHEA CENTER DRIVE
SUITE 330
HIGHLANDS RANCH, CO 80129

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)

Scott Norton, Sunnyvale, CA;
Michael J. Natan, Los Altos, CA;
R. Griffith Freeman, Mountain View, CA;
Ian D. Walton, Redwood, CA;

Power of Attorney:

Darla Yoerg–48053

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Passive raman-based sensor for long-range biothreat detection

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
60/599,115	08/05/2004		80	NPX.08/PR	8		

CONFIRMATION NO. 2435

CORRECTED FILING RECEIPT

OC000000014112058

25871
SWANSON & BRATSCHUN L.L.C.
1745 SHEA CENTER DRIVE
SUITE 330
HIGHLANDS RANCH, CO 80129

Date Mailed: 10/18/2004

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Applicant(s)

Michael J. Natan, Los Altos, CA;
Scott Norton, Sunnyvale, CA;
R. Griffith Freeman, Mountain View, CA;
Sharron Gaynor Penn, San Carlos, CA;
Ian D. Walton, Redwood, CA;
Michael Sha, Castro Valley, CA;

Power of Attorney:

Darla Yoerg–48053

If Required, Foreign Filing License Granted: 09/23/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/599,115

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Passive SERS-based tagging

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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FLESHNER & KIM, LLP
P.O. BOX 221200
CHANTILLY VA 20153

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APR 11 2005

OFFICE OF PETITIONS

In re Application of	:	
Yoon et al.	:	
Application No. 60/599,293	:	DECISION GRANTING PETITION
Filed: 5 August, 2004	:	
Attorney Docket No. LGE-0087PR	:	

This is a decision on the petition filed on 8 November, 2004, requesting that the above-identified provisional application be accorded a filing date of 5 August, 2004, with seven (7) pages of specification as a part of the original disclosure.

The petition is **GRANTED**.

The application was filed on 5 August, 2004. Accordingly, on 9 September, 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 specification was missing.

On 8 November, 2004, the present petition was filed, accompanied by seven (7) pages of specification. Petitioners argue that the application as filed included seven (7) pages of specification. In support, petitioners have supplied a copy of a return receipt postcard itemizing the filing of seven (7) pages of specification. The postcard receipt bears an Office-date stamp of 5 August, 2004 and identifies the application by inventors' names, invention title, and attorney docket number. Petitioners note that the postcard has been stamped by the Office to indicate that the USPTO did not receive 7 pages of claims, but state that no claims were filed with the present provisional application. Petitioners assert that although no pages of claims were filed, seven (7) pages of specification were in fact filed on 5 August, 2004.

A review of the official file reveals no pages of specification received on 5 August, 2004, are present in the application file.

Furthermore, the application transmittal sheet filed on 5 August, 2004, has also been stamped to indicate that the USPTO did not receive seven (7) pages of claims. However, in light of petitioners' assertion that no pages of claims were filed, and the fact that the USPTO stamp refers to seven (7) pages of claims rather than seven (7) pages of specification, the showing of record is convincing that seven (7) pages of specification were filed on 5 August, 2004, but were subsequently misplaced in the USPTO.

In view of the above, the "Notice" mailed 9 September, 2004, was mailed in error and is hereby withdrawn.

The application is accorded a filing date of 5 August, 2004, with seven (7) pages of specification as a part of the original disclosure. The fee of $130.00 paid with the present petition is unnecessary. The fee will be credited to counsel's deposit account, No. 16-0607 as authorized in the present petition.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of 5 August, 2004, using the seven (7) pages of specification supplied with the present petition.

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

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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

Paper No. None

TRANSFORM PHARMACEUTICALS, INC.
29 HARTWELL AVENUE
LEXINGTON MA 02421

COPY MAILED

AUG 1 8 2005

OFFICE OF PETITIONS

In re Application of
Orn Almarsson et al.
Application No. 60/599,320
Filed: August 6, 2004
Attorney Docket Number: TPIP055C+
Title: NOVEL FIBRATE FORMULATIONS AND RELATED METHODS OF TREATMENT

DECISION ON TWO PETITIONS UNDER 37 C.F.R. §§ 1.182 AND 1.183

This is a decision on the petitions concurrently filed August 5, 2005, pursuant to 37 C.F.R. §§ 1.182 and 1.183, requesting expedited treatment of the petition requesting that 37 C.F.R. §1.59(b) be waived so that information forming part of the original disclosure may be expunged[1].

The application was filed on August 6, 2004. With the present petition, Petitioner has indicated that similar issues exist in applications 60/604,861 and 60/655,762 – a decision on each of these three petitions will be mailed on the same date.

The petition under 37 C.F.R. §1.182:

Petitioner has submitted the petition fee, along with a request that the accompanying petition under 37 C.F.R. §1.183 receive expedited treatment. The request for expedited treatment is **GRANTED**.

The petition under 37 C.F.R. §1.183:

The first page of drawings which was submitted on filing contains two figures – Figure 1 and Figure 2, and both are graphs. With the present petition, Petitioner has set forth

1 The fees for these petitions ($400 and $400) have been charged to Petitioner's Deposit Account, as authorized in the petition.

that the X axis of the second figure is mislabeled, and that the label placed on the x axis "pertains to information claimed by a third party to be proprietary or trade secret material of this third party[2]." Petitioner has also provided a substitute page of drawings containing Figures 1 and 2, where the X axis of Figure 2 has been properly labeled so that the offending material is no longer present.

Petitioner has requested that this material which appears in Figure 2 be expunged. Petitioner has further requested that the substitute drawings be entered into the record.

37 C.F.R. §1.53(c) sets forth:

c) 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.

37 C.F.R. §1.59 sets forth:

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

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

MPEP 601.01(b) sets forth, in part:

A provisional application will be given a filing date in accordance with 37 CFR 1.53(c) as of the date the written description and any necessary drawings are filed in the Office. The filing date requirements for a provisional application set forth in 37 CFR 1.53(c) parallel the requirements for a nonprovisional application set forth in 37 CFR 1.53(b), except that no claim is required. Amendments, other than those required to make the provisional application comply with applicable regulations, are not permitted after the filing date of the provisional application.

---

2 Petition, page 2.

Regarding the request to enter of the substitute page of drawings containing Figure 1 and (the corrected version of) Figure 2, the request cannot be granted, for the entry of this sheet of drawings would constitute an amendment to the application. Petitioner is reminded that Provisional applications cannot be amended[3].

Regarding the expungement of Figure 2 from the record, the present application has been scanned into an electronic file. As such, an expungement requires the closure of an entire electronic page from the electronic file. An individual figure on a page which contains multiple figures cannot be expunged by itself – the whole page must be expunged.

With the present application, Figure 2 is present on a page which also contains Figure 1. Therefore, Petitioner can elect for the page to remain in the file as is, or both Figure 1 and Figure 2 can be expunged – but Figure 2 cannot be expunged without the accompanying expungement of Figure 1.

As it is not clear which of these two resolutions Petitioner would prefer, the petition under 37 C.F.R. §1.183 is **DISMISSED**.

Any reply must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. §183," and should indicate which course of action Petitioner would have the Office undertake regarding the expungement of Figures 1 and 2. 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[4], hand-delivery[5], or facsimile[6].

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures should be directed to the Technology Center.

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

---

3 See 37 C.F.R. §1.53(c). See also MPEP 601.01(b).
4 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
5 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
6 (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

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

Paper No. None

TRANSFORM PHARMACEUTICALS, INC.
29 HARTWELL AVENUE
LEXINGTON MA 02421

COPY MAILED

SEP 21 2005

OFFICE OF PETITIONS

In re Application of
Orn Almarsson et al.
Application No. 60/599,320
Filed: August 6, 2004
Attorney Docket Number: TPIP055C+
Title: NOVEL FIBRATE FORMULATIONS AND RELATED METHODS OF TREATMENT

DECISION ON RENEWED PETITION UNDER 37 C.F.R. § 1.183

This is a decision on the renewed petition filed September 6, 2005, pursuant to 37 C.F.R. § 1.183, requesting that 37 C.F.R. §1.59(b) be waived so that information forming part of the original disclosure may be expunged.

The application was filed on August 6, 2004, and the original petition was submitted on August 5, 2005. This petition was dismissed via the mailing of a decision on August 18, 2005. The decision indicated that substitute drawings could not be entered since pursuant to 37 C.F.R. §1.53(c), provisional applications cannot be amended. The decision further set forth that due to the inherent limitations of the electronic file, portions of individual pages cannot be expunged:

With the present application, Figure 2 is present on a page which also contains Figure 1. Therefore, Petitioner can elect for the page to remain in the file as is, or both Figure 1 and Figure 2 can be expunged – but Figure 2 cannot be expunged without the accompanying expungement of Figure 1.

Decision on petition, page 3.

With this renewed petition, Petitioner has requested that both Figure 1 and Figure 2 be expunged from the record.

The renewed petition is **GRANTED**.

As such, the electronic page which contains these figures has been closed in the Office's Image File Wrapper software viewing program. The paper document will not be removed from the physical file however, as the Office does not remove papers from paper files which have been scanned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures 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
www.uspto.gov

SUSAN ALPERT SIEGEL
KLARQUIST SPARKMAN, LLP
ONE WORLD TRADE CENTER, SUITE 1600
121 S.W. SALMON STREET
PORTLAND, OREGON 97204

COPY MAILED

SEP 0 2 2004

OFFICE OF PETITIONS

In re Application of :
Wang et al :
Application No. 60/599,350 : NOTICE
Filed: August 5, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JOHN P. WHITE
COOPER & DUNHAM LLP
1185 AVENUE OF THE AMERICAS
NEW YORK NY 10036

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JAN 14 2005

OFFICE OF PETITIONS

In re Application of
Nalan Utku
Application No. 60/599,703
Filed: August 5, 2004
Attorney Docket No. 72888-PRO

: DECISION GRANTING PETITION

This is a decision on the petition filed November 22, 2004, requesting that the above-identified provisional application be accorded a filing date of August 5, 2004, which is treated under 37 CFR 1.53.

The petition is **GRANTED**.

The application was filed on August 5, 2004, without drawings. Accordingly, on September 21, 2004, the Office of Initial Patent Examination mailed a "Notice of Incomplete Provisional Application" stating that the application had been deposited without drawings.

The present petition 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 August 5, 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 application includes at least one method claim. Therefore, this application contains disclosure relating to a process or method.

In view of the above, the "Notice" mailed September 21, 2004, was mailed in error and is hereby withdrawn. The petition fee in the amount of $130.00 will be credited back to deposit account no. 03-3125.

The application is accorded a filing date of August 5, 2004, without drawings as a part of the original disclosure.

The application is being returned to the Office of Initial Patent Examination for correction of the filing date to August 5, 2004, and correction of PTO records to show that zero (0) sheets of drawings were present on filing.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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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
60/599,782	08/05/2004		80	CLE1.PAP.01	1		

CONFIRMATION NO. 2697

CORRECTED FILING RECEIPT

OC000000014214343

Kenneth L. Sherman, Esq.
Myers Dawes Andras & Sherman, LLP
Ste. 1150
19900 MacArthur Blvd.
Irvine, CA 92612

Date Mailed: 10/28/2004

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)

Carl C. Perkins, Santa Ana, CA;
Duane Brinson, Santa Ana, CA;

Power of Attorney:

Richard Myers–26490
Daniel Dawes–27123
David Henty–31323
Joseph Andras–33469
Kenneth Sherman–33783
John Eldredge–37613
Michael Zarrabian–39886

If Required, Foreign Filing License Granted: 09/20/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/599,782

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Browser plug-in including URL error (404) analyzer and reparation methodology

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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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APR 12 2005

OFFICE OF PETITIONS

In re Application of	:	
Hayes	:	
Application No. 60/599,911	:	Decision on Petition
Filed: August 9, 2004	:	
Attorney Docket No. 38105.PR	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28(c), filed August 31, 2004.

The deficiency payment of $80 is hereby accepted.

The change of status to large entity has been entered and made of record.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

In re Provisional Application of	:	
Rusak, et al.	:	NOTIFICATION UNDER
Application No. 60/599,912	:	37 CFR 1.28(c)
Filed: August 9, 2004	:	
Attorney Docket No. 37575.PR	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28(c), filed August 30, 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.

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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OFFICE OF PETITIONS

In re Application of :
Gary Lee Stirk, et al. :
Application No. 60/600,092 :
Filed: August 9, 2004 :
Attorney Docket No. 38135.PR :

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

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SPOKANE WA 99201

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OFFICE OF PETITIONS

In re Application of :
Mark L. Robin et al. :
Application No. 60/600,204 : ON PETITION
Filed: August 9, 2004 :
Attorney Docket No. PC3-091 :

This is a decision on the petition filed November 8, 2004, under 37 CFR 1.182, in response to the Notice of Omitted Items mailed September 22, 2004.

The petition is **DISMISSED**.

On August 9, 2004, the application was filed.

On September 22, 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 August 9, 2004, but that Figures 6 and 7 described in the specification appeared to have been omitted.

In response, petitioner submits drawing Figures 1-7 and requests that those drawings replace Figures 1-5 filed upon application. However, petitioner neither admits nor denies that the drawings filed with the application included Figures 6 and 7 and as such it appears that petitioner is seeking to have Figures 6 and 7 added to the drawings filed upon application.

As Figures 6 and 7 have not been located among the drawings filed with the application, and since this was all due to applicant's filing error, the Notice of Omitted Items correctly stated that Figures 6 and 7 appeared to have been omitted.

Petitioners are 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]

---

[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.

As such, if petitioners desire to have Figures 6 and 7 considered as part of the application, petitioners should simply file a new completed provisional application, including Figures 6 and 7.

The application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of August 9, 2004, using the application papers filed on that date. The drawings filed with the petition will not be used and will not be added to this application in place of the four sheets of drawings filed with the application on August 9, 2004.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Pillsbury Winthrop LLP
2475 Hanover Street
Palo Alto CA 94304-1114

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JAN 24 2005

OFFICE OF PETITIONS

In re Application of :
Graves et al. :
Application No. 60/600,433 : DECISION GRANTING PETITION
Filed: August 9, 2004 :
Attorney Docket No. 093010-0310842 :

In re Application of :
Graves et al. :
Application No. 10/470,638 :
Filed: August 9, 2004 :
For: Media Keying for Updateable :
Content Distribution :

This is a decision on the petition under 37 CFR 1.182 filed November 23, 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 August 9, 2004, petitioner filed the above-identified application. The USPTO processed the papers as a provisional application and assigned the application, No. 60/600,433.

On September 23, 2004, the Office of Initial Patent Examination mailed a Notice to File Missing Parts of Provisional Application, requiring the payment of the statutory basic filing fee and a surcharge for the late payment.

On November 23, 2004, petitioner filed the present petition. Petitioner asserts that he mailed a nonprovisional patent application by Express Mail to the USPTO on August 9, 2004. Petitioner states that the USPTO incorrectly entered the application as a provisional application. Petitioner argues that the application papers filed on August 9, 2004, are complete for filing date purposes under 35 U.S.C. 111(a) and 37 CFR 1.53(b)(1). Specifically, petitioner argues that pursuant to 37 CFR 1.53(c)(1), a provisional patent application "must also

include the cover sheet required by § 1.51(c)(1). . . or a cover letter identifying the application as a provisional application. Otherwise, the application will be treated as an application filed under paragraph (b) of this section."

The Office finds petitioner's argument persuasive. A review of the application papers filed on August 9, 2004, confirms that petitioner did not submit a provisional cover sheet or a cover letter identifying the application as a provisional 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 August 9, 2004, has been assigned application No. 10/470,638. The application papers from application No. 60/600,433 will be "closed" in that application and will be scanned into application No. 10/470,638. A copy of the present petition will be retained in application No. 60/600,433 to complete the record therein. All further correspondence concerning the nonprovisional application should be directed to application No. 10/470,638, not application No. 60/600,433.

The $400.00 petition fee charged in Application No. 60/600,433 will be refunded to Deposit Account No. 50-2213. Additionally, the $770.00 statutory basic filing fee for Application No. 10/470,638 will be charged to Deposit Account No. 50-2213, as authorized in the petition.

Petitioner has not submitted an executed oath or declaration with the present petition. Petitioner must submit an executed oath or declaration and the $130.00 surcharge for the late filing of the statutory filing fee and the oath or declaration within TWO MONTHS of the date of this decision. Extensions of time under 37 CFR 1.136 are available.

Application No. 10/470,638 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 August 9, 2004.

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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OFFICE OF INTELLECTUAL PROPERTY COUNSEL
3M INNOVATIVE PROPERTIES COMPANY
P.O. BOX 33427
ST. PAUL MN 55133-3427

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DEC 0 6 2004

OFFICE OF PETITIONS

In re Application of
Bradley D. Craig
Application No. 60/600,558
Filed: August 10, 2004
Attorney Docket No. 59822US003

: DECISION ON PETITION

This is a decision on the "Petition For Correct Filing Date and Request for Corrected Filing Receipt", filed October 15, 2004, requesting that the above-identified application be accorded a filing date of August 11, 2004, rather than the presently accorded filing date of August 10, 2004. The petition is treated under 37 CFR 1.10(c).

The petition is **DISMISSED**.

Petitioner alleges that the application was deposited in Express Mail service on August 11, 2004. In support, on October 15, 2004, petitioner supplied a copy of Express Mail receipt No. EV327637645US (the same Express Mail number found on the itemized transmittal sheet accompanying the original application papers located in the official file). The "date-in" shown on the Express Mail customer label, however, is illegible.

Paragraph (c) of 37 CFR 1.10 states that:

Any person filing correspondence under 37 CFR 1.10 that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show 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 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 papers or fees 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.

The instant petition lacks the showing required by item (3).

In regards to paragraph (3) above, petitioner must submit a true copy of the "Express Mail" mailing label showing the "date-in" and any other official notation by the USPS relied upon to show the date of deposit. The "date-in" is illegible, however, on the copy of the "Express Mail" mailing label submitted by petitioners. Petitioners must supply a copy of the "Express Mail" mailing label clearly showing the "date-in" or any other official notation by the USPS. Alternatively, petitioners may submit official documentation obtained directly from the USPS confirming that the Express Mail mailing was deposited in Express Mail service on the alleged mailing date.

The application will be retained in the Office of Petitions for TWO (2) MONTHS to await petitioners' reply to this decision. If no reply is received within two (2) months of the mailing date of this decision, the application will be forwarded to the Office of Initial Patent Examination for further processing with the presently accorded filing date of August 10,2004.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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ST. PAUL MN 55133-3427

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OFFICE OF PETITIONS

In re Application of
Bradley D. Craig
Application No. 60/600,558
Filed: August 11, 2004
Attorney Docket No. 59822US003

: DECISION ON PETITION

This is a decision on the "Petition For Correct Filing Date and Request for Corrected Filing Receipt", filed December 22, 2004, requesting that the above-identified application be accorded a filing date of August 11, 2004, rather than the presently accorded filing date of August 10, 2004. The petition is treated under 37 CFR 1.10(c). The petition is a request for reconsideration of the decision mailed December 6, 2004 dismissing the petition filed October 15, 2004.

Petitioner alleges that the application was deposited in Express Mail service on August 11, 2004. In support, petitioner supplies a copy of Express Mail receipt No. EV327637645US (the same Express Mail number found on the itemized transmittal sheet accompanying the original application papers located in the official file). The "date-in" on the Express Mail Label is August 11, 2004.

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

The application is being forwarded to the Office of Initial Patent Examination for correction of the **filing date to August 11, 2004** 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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WARNER-LAMBERT COMPANY
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ANN ARBOR MI 48105

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APR 29 2005

OFFICE OF PETITIONS

In re Application of	:	
Bolton et al.	:	DECISION ON PETITION
Application No. 60/600,705	:	
Filed: August 11, 2004	:	
Attorney Docket No. PC26195 L2	:	

This is a decision on the renewed petition under 37 CFR 1.10, filed April 11, 2005, requesting that the above-identified application be accorded a filing date of August 11, 2004, rather than the presently accorded filing date of August 10, 2004.

Petitioner alleges that the application was deposited in Express Mail service on August 11, 2004. In support of the allegation, a copy of Express Mail label No. EK084702703US accompanies the petition. The "date-in" indicated on the Express Mail label is August 11, 2004. The same Express Mail label number was placed on the original application papers located in the official file.

Accordingly, the petition is **granted**.

The Office of Initial Patent Examination is directed to correct the filing date of the above-identified application to August 11, 2004, and to mail a corrected filing receipt.

Telephone inquiries regarding this matter 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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INDIANAPOLIS, IN 46204

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JAN 07 2005

OFFICE OF PETITIONS

In re Application of	:	
James Kolanek et al	:	
Application No. 60/600,715	:	NOTICE
Filed: August 11, 2004	:	
Attorney Docket No. 6005-0002		

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

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

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

Inquiries related to this communication should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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HOWISON & ARNOTT, L.L.P
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DALLAS, TX 75374-1715

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OFFICE OF PETITIONS

In re Application of
Putlitzer
Application No. 60/600,909
Filed: August 12, 2004
Attorney Docket No. VISN-26,902

Decision on Petition

This is a decision on the petition filed November 29, 2004, which is being treated as a petition under 37 CFR 1.53(e)(2), to establish that Figures 1, 1A, 2 and 3 were part of the originally filed 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. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.53."

The application was filed on August 12, 2004. On September 24, 2004, a Notice was mailed stating that Figures 1, 1A, 2 and 3 described in the specification did not appear to be included as part of the application filed.

The present petition alleges that the missing Figures were deposited on August 12, 2004. In support, petitioner has submitted a postcard receipt which acknowledges receipt of "Papers . . . Drawings (5)" on August 12, 2004. "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. However, the postcard is not necessarily conclusive evidence. In this case, evidence from petitioner in the file contradicts the postcard receipt.

The transmittal letter clearly states that The number of sheets of Drawings is 1. The transmittal page was signed on August 12, 2004, by David C. Cain. Mr. Cain has not filed a statement alleging the transmittal letter is inaccurate. The application was mailed to the Office on August 12, 2004. The record fails to establish four sheets of drawings were added to the application between the time Mr. Cain signed the transmittal letter and the time, on the same day, the application was mailed. The record fails to establish the postcard receipt was created and typed after Mr. Cain signed the transmittal letter. For these reasons, the petition cannot be granted. A copy of the transmittal letter is attached.

Effective November 1, 2004, the fee for a petition under 37 CFR 1.53(e)(2) was raised from $130 to $400.[1] Therefore, $270 will be charged to petitioner's deposit account.

The Office of Petitions does not normally address petitions under 37 CFR 1.48. Therefore, a separate decision on the petition under 37 CFR 1.48 filed February 14, 2005, will be rendered and mailed in the future.

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[1] See Revision of Patent Fees for Fiscal Year 2005, 69 Fed. Reg. 52604 (Aug. 27, 2004) and Changes to Support Implementation of the United States Patent and Trademark Office 21st Century Strategic Plan, 1287 Off. Gaz. Pat. Office 67 (Oct. 12, 2004).

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

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

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

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

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 concerning the instant decision should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Petitions Attorney
Office of Petitions

Attached: Copy of transmittal letter

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HOWISON & ARNOTT, L.L.P
P.O. BOX 741715
DALLAS, TX 75374-1715

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JUL 11 2005

OFFICE OF PETITIONS

In re Application of :
Putlitzer :
Application No. 60/600,909 :
Filed: August 12, 2004 :
Attorney Docket No. VISN-26,902 :

Decision on Petition

This is a decision on the renewed petition filed March 28, 2005, which is being treated as a petition under 37 CFR 1.53(e)(2), to establish that Figures 1, 1A, 2 and 3 were part of the originally filed 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. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.53."

Facts:

The transmittal letter had the number "5" typed in the space for number of sheets of drawings. The transmittal letter was signed by David C. Cain on August 12, 2004. The application was mailed at approximately 5:06pm on August 12, 2004.

The application was mailed with a postcard receipt acknowledging receipt of "Papers . . . Drawings (5)." The postcard receipt was returned by the Office without any indication that any of the items listed on the postcard were missing.[1]

The copy of the transmittal letter in the file has the number "1" written over the number "5" typed on the transmittal sheet for the number of sheets of drawings.

The copy of the application in the Office's file only contains 1 sheet of drawings.

Petitioner submitted a petition on November 29, 2005, alleging 5 sheets of drawings were filed on August 12, 2004.

A decision dismissing the petition was mailed on March 8, 2005. The decision stated that, although a postcard receipt may serve as evidence the items listed on the postcard were filed, "the postcard is not necessarily conclusive evidence. In this case, evidence from petitioner in the file contradicts the postcard receipt." The decision discussed the fact that the transmittal sheet indicated only 1 sheet of drawings was being filed with agrees with the number of sheets in the file.

---

[1] The Office notes that the postcard fails to indicate 5 "sheets of drawings" are being filed rather than 5 "Figures." However, the one sheet of drawing in the file does not contain 5 figures and therefore the postcard will be interpreted as evidence 5 sheets of drawings were filed. In the future petitioner may wish to ensure that the postcard clearly indicates the number refers to the number of pages or sheets submitted.

The renewed petition states that the transmittal letter did not have a "1" written over the number "5" at the time the letter was mailed to the Office on August 12, 2004. The petition states the number "1" must have been written on the transmittal letter after the letter was received by the Office.

Analysis:

Petitioner has failed to establish the number "1" was not handwritten on the transmittal sheet prior to the mailing of the application.

If the number 1 was added prior to the mailing of the application, then the petition can not be granted.

Clearly, at one time the number "5" was typed in the space rather than the number "1." The Office requests that petitioner supply statements from the person who typed the sheet, David Cain, and any other individuals who handled the file between the time the number "5" was typed and the time the application was mailed.

To the extent the individuals discussed above can not personally recollect the contents of the instant application filed, the individuals can discuss the normal method by which they would deal with a scenario where they notice the application has only 1 sheet of drawing in it rather than the 5 listed on the transmittal sheet. For example, would Cain hand write a "1" over the sheet or would he have the sheet retyped? The Office notes that the answer to the previous question may be affected by the time of day he signed the sheet since he may not have had time to have the sheet retyped if he reviewed the sheet at the very end of the day and wished to ensure the application would be mailed the same day.

This decision is not a determination 5 sheets of drawings were not filed. Instead, this decision is a determination that the *current* evidence of record is insufficient to prove that the official file wrapper which contains only one sheet of drawings is in error.

Office records fail to indicate a decision has been mailed in response to the petition under 37 CFR 1.48 filed February 14, 2005. The undersigned has sent a message to the Office of Initial Patent Examination to ensure OIPE is aware that a petition under 37 CFR 1.48 has been filed for the instant application.

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

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

By facsimile: (571) 273-8300
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.

Telephone inquiries concerning the instant decision 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
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FOLEY HOAG, LLP
PATENT GROUP, WORLD TRADE CENTER WEST
155 SEAPORT BLVD
BOSTON, MA 02110

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NOV 1 6 2004

OFFICE OF PETITIONS

In re Application of	:	
Alan Morrow, et al.	:	
Application No. 60/601,531	:	NOTICE
Filed: August 13, 2004	:	
Attorney Docket No. FOM-153.60	:	

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
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DAVIDSON, DAVIDSON & KAPPEL, LLC
485 SEVENTH AVENUE, 14TH FLOOR
NEW YORK NY 10018

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DEC 27 2004

OFFICE OF PETITIONS

In re Application of :
Chapman et al. :
Application No. 60/601,534 : DECISION ON PETITION
Filed: August 13, 2004 :
Attorney Docket No. 332.1148P :

This is a decision on the petition filed October 20, 2004, requesting that the above-identified provisional application be accorded a filing date of August 13, 2004, without the submission of drawings.

On August 13, 2004, this application was deposited with the United States Patent and Trademark Office (Office) without drawings. Accordingly, on September 24, 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 October 20, 2004, applicants submitted the present petition and a check in the amount of $130.00 for the petition fee. In the present petition, applicants requested that the above-identified application be accorded a filing date of August 13, 2004, the date the application was deposited with the Office without drawings. Specifically, applicants stated the drawings referred to in the specification are not necessary for a filing date of the provisional application filed on August 13, 2004.

A review of the record reveals the application papers deposited on August 16, 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 the drawings are not necessary to obtain a filing date for the above-identified application. The Office is interpreting the statement to mean that no drawings are necessary for the understanding of the subject matter sought to be patented. If this interpretation is incorrect, applicants must promptly notify the Office.

In view of the above, the petition is granted.

The Office finance records indicate that a check in the amount of $130.00 was received by the Office on October 20, 2004. Unfortunately, the Office mistakenly refunded $80.00 to applicants. Accordingly, Deposit Account 50-0552 will be charged the balance due of $80.00 for the petition fee.

The application will be processed with a filing date of August 13, 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 August 13, 2004, with zero (0) sheets of drawings.

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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FITCH EVEN TABIN AND FLANNERY
120 SOUTH LA SALLE STREET
SUITE 1600
CHICAGO, IL 60603-3406

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OCT 25 2004

OFFICE OF PETITIONS

ON PETITION

In re Application of	:	
James V. Bacus, et al.	:	
Application No. 60/601,794	:	
Filed: August 16, 2004	:	
Attorney Docket No. 83129 (5407)	:	

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

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LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1128
4417 LANCASTER PIKE
WILMINGTON DE 19805

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DEC 14 2004

OFFICE OF PETITIONS

In re Application of :
Arnold et al. :
Application No. 60/601,833 : DECISION ON PETITION
Filed: August 16, 2004 :
Attorney Docket No. CL2590USPRV :

This is a decision on the petition filed October 26, 2004, requesting that the above-identified provisional application be accorded a filing date of August 16, 2004, without the submission of drawings.

On August 16, 2004, this application was deposited with the United States Patent and Trademark Office (Office) without drawings. Accordingly, on September 22, 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 October 26, 2004, applicants filed the present petition and paid the petition fee. In the present petition, applicants requested that the above-identified application be accorded a filing date of August 16, 2004, the date the application was deposited with the Office without drawings. Specifically, applicants stated they reconsidered the necessity of the omitted drawings for this application and requested the filing date of August 16, 2004.

A review of the record reveals the application papers deposited on August 16, 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 applicants reconsidered the necessity of the omitted drawings for this application. The Office is interpreting the statement to mean that no drawings are necessary for the understanding of the subject matter sought to be patented. If this interpretation is incorrect, applicants must promptly notify the Office.

In view of the above, the petition is granted.

The application will be processed with a filing date of August 16, 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 August 16, 2004, with zero (0) sheets of drawings.

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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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120 SOUTH LA SALLE STREET
SUITE 1600
CHICAGO, IL 60603-3406

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OCT 0 4 2004

OFFICE OF PETITIONS

In re Application of :
James V. Bacus et al :
Application No. 60/601,868 : NOTICE
Filed: August 16, 2004 :
Attorney Docket No. 83347 (5407) :

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
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CARL M. NAPOLITANO, Ph.D.
ALLEN DYER DOPPELT MILBRATH & GILCHRIST, P.A.
SUITE 1401
255 SOUTH ORANGE AVENUE
ORLANDO, FL 32801

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OCT 0 4 2004

OFFICE OF PETITIONS

In re Application of	:	
Vincent Rahner et al	:	
Application No. 60/602,071	:	NOTICE
Filed: August 17, 2004	:	
Attorney Docket No. 38104.PR	:	

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

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

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

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

CARL M. NAPOLITANO, PH.D.
ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST, P.A.
SUITE 1401
255 SOUTH ORANGE AVENUE
ORLANDO, FL 32801

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OCT 29 2004

OFFICE OF PETITIONS

In re Application of	:	
Vincent Rahner, et al.	:	
Application No. 60/602,198	:	ON PETITION
Filed: August 17, 2004	:	
Attorney Docket No. 38106.PR	:	

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

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

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

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

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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YARON MAYER
21 AHAD HAAM STREET
JERUSALEM 92151 IL ISRAEL

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MAR 18 2005

OFFICE OF PETITIONS

In re Application of	:	
Yaron Mayer	:	
Application No. 60/602,946	:	DECISION ON PETITION
Filed: August 20, 2004	:	
Attorney Docket No. None	:	

This is a decision on the paper filed October 6, 2004, which is being treated as a petition under 37 CFR 1.10, requesting that the above-identified application be accorded a filing date of August 17, 2004, rather than the presently accorded date of August 20, 2004.

Petitioner alleges that the application was sent by EMS express mail on August 17, 2004. In support, the petition is accompanied by a copy of an Express Mail receipt which is ineligible to read. The other available evidence, the Internet USPS Express Mail Tracking and Delivery Confirmation discloses, Foreign International Dispatch, Jerusalem, Israel, August 17, 2004, 8:13 pm.

Petitioner should be aware of MPEP 513, page 500-55 which reads:

35 U.S.C. 21(a) is limited to correspondence deposited with the United States Postal Service (USPS). The procedure in 37 CFR 1.10 is limited to correspondence deposited in the "Express Mail Post Office to Addressee" service of the USPS. There are no similar provisions and no similar benefit can be obtained for correspondence deposited in International Express Mail.

In view thereof the petition is **DISMISSED** as moot.

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

This matter 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HOLLAND & HART, LLP
555 17TH STREET, SUITE 3200
DENVER, CO 80201

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AUG 0 4 2005

OFFICE OF PETITIONS

In re Application of :
Lucas, et al. :
Application No. 60/603,195 : ON PETITION
Filing Date: August 20, 2004 :
Attorney Docket No. **49493.830043.US0 (0303)**:

This is a decision on the petition filed March 25, 2005, under 37 CFR 1.183 requesting waiver of the requirement of 37 CFR 1.51(c)(1)(iii).

The petition is **granted**.

The instant provisional application was filed on August 20, 2004, but was not accompanied by a coversheet that listed the inventors and their respective city and state or foreign country of residence. The Office of Initial Patent Examination mailed a "Notice to File Missing Parts of Provisional Application" on September 23, 2004, requiring a proper coversheet and allowing an extendable period for reply of two months from its mailing date. The instant petition was filed on March 25, 2005, responsively, along with a request for an extension of time within the fourth month. An Application Data Sheet (ADS) also accompanied the petition, but lacked the residence information for inventor Lucas. Petitioner requests that the requirements of 37 CFR 1.51(c)(1)(iii) be waived to allow acceptance of the ADS without the residence information for inventor Lucas.

Petitioner maintains that petitioner has been unable to locate inventor Lucas or her former employer. The requirement that the residence of the inventors be disclosed on the ADS is not based in statute and is, therefore, subject to waiver or suspension under 37 CFR 1.83. The facts presented in the petition merit waiver of 37 CFR 1.51(c)(1)(iii) and the petition is granted, accordingly.

The ADS, as filed on March 25, 2005, is acceptable without the inclusion of the residence of inventor Lucas.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CHOATE, HALL & STEWART
EXCHANGE PLACE
53 STATE STREET
BOSTON, MA 02109

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DEC 21 2004

OFFICE OF PETITIONS

In re Application of Lee, et al. Application No. 60/603,912 Filed: August 24, 2004 Attorney Docket No. 0492611-0578(MIT 10423)	: : : : :	NOTIFICATION UNDER 37 CFR 1.28(c)

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28(c), filed December 3, 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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DEBORAH YUNGNER
FOUNDER, ERBUS
2300 LUKEWOOD DRIVE
CHANHASSEN, MN 55317

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APR 04 2005

OFFICE OF PETITIONS

In re Application of	:	
Deborah Yungner	:	
Application No. 60/604,288	:	ON PETITION
Filed: August 24, 2004	:	
Attorney Docket No. 219.001WO01	:	

This is a decision on the petition under 37 CFR 1.10(c), filed February 11, 2005, requesting that the above-identified provisional application be accorded a filing date of August 24, 2004.

The United States Patent and Trademark Office records indicate that the presently accorded filing date of the above-identified provisional application is August 24, 2004. Therefore, the petition involves a moot issue.

A replacement filing receipt is enclosed for petitioner's records.

Accordingly, the petition is dismissed.

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

Attachment: Replacement Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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Choate, Hall & Stewart
Exchange Place
53 State Street
Boston, MA 02109

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DEC 2 2 2004

OFFICE OF PETITIONS

In re Application of: Harry Lee, et. al.	:	
Application No. 60/604,291	:	NOTICE
Filed: August 24, 2004	:	
Attorney Docket No. 0492611-0578	:	

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

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

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

This file is being referred to the Office of Initial Patent Examination.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LEYDIG VOIT & MAYER, LTD
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO, IL 60601-6780

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APR 19 2005

OFFICE OF PETITIONS

In re Application of :
Huffman :
Application No. 60/604,310 :
Filed: August 25, 2004 :
Attorney Docket No. 230448 :

Decision on Petition

This is a decision on the petition filed December 17, 2004, which is being treated as a petition under 37 CFR 1.53(e)(2), to establish that Figures 1 and 2 were part of the originally filed application.

The application was filed on August 25, 2004. On December 17, 2004, a Notice was mailed stating that Figures 1 and 2 described in the specification did not appear to be included as part of the application filed.

The present petition alleges that Figures 1 and 2 were deposited on August 25, 2004. In support, petitioner has submitted a postcard receipt which acknowledges receipt of 3 sheets of drawings on August 25, 2004.[1]

The USPTO file for this application includes only 1 drawing sheet which contains Figures 3, 4, 5, and 6. The file does not contain the two drawing pages that contain Figures 1 and 2. Based on the evidence submitted, the Office concludes the missing pages were part of the application but were later misplaced. Therefore, the petition is **granted**.

Since the petition has been granted, the petition fee is refundable. Effective November 1, 2004, the fee was increased to $400. Therefore, on December 20, 2004, the petition fee of $400 was charged to petitioner's deposit account. On January 7, 2005, another Office employee refunded the $400 and charged $130 for the petition fee. The $130 charged on January 7, 2005, will be credited back to petitioner's deposit account.

The Notice mailed December 17, 2004, was sent in error and is hereby vacated.

The Office of Initial Patent Examination will further process the application with a filing date of August 25, 2004, using the application papers filed on August 25, 2004, and the copy of two sheets of drawings containing Figures 1 and 2 filed on December 17, 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 (571) 272-3203.

Charles Steven Brantley
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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PURDUE RESEARCH FOUNDATION
3000 KENT AVENUE
WEST LAFAYETTE, IN 47906-1075

COPY MAILED

DEC 1 4 2005

OFFICE OF PETITIONS

In re Application of	:	
Ziedan et al.	:	
Application No. 60/604,333	:	ON PETITION
Filed: August 25, 2004	:	
Attorney Docket No. P-03035.P3.US	:	

This is a decision on the petition filed November 14, 2005, requesting that the above-identified application be accorded a filing date of August 25, 2004, rather than the presently accorded date of August 24, 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 August 25, 2004, pursuant to 37 CFR 1.10. Express Mail receipt number ER 124242106 US appears on the original "Provisional Application for Patent Cover Sheet," as well as the return postcard. Applicant has submitted a copy of a Track & Confirm record showing that the package in question was accepted on August 25, 2004, at 5:02 p.m. at the West Lafayette, IN USPS.

In view of above evidence, it is concluded that the application was deposited as "Express Mail" with the USPS on August 25, 2004.

The petition is **GRANTED**.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a 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.

This matter is being referred to the Office of Initial Patent Examination Division for further **processing with a filing date of August 25, 2004, along with a corrected filing receipt.**

Telephone inquiries concerning this matter may be directed Paralegal Liana Chase at (571) 272-3206.

Frances Hicks
Petitions Examiner
Office of Petitions

Cc: HAROLD C. MOORE
MAGINOT, MOORE & BECK
BANK ONE CENTER/TOWER
111 MONUMENT CIRCLE, SUITE 3000
INDIANAPOLIS, IN 46204-5115

UNITED STATES PATENT AND TRADEMARK OFFICE

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QuantomiX Ltd
TAMAR SCIENCE PARK
12 HOMADA STREET, REHOVOT
PO BOX 4037.NES-ZIONA 70400
ISREAL

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JAN 11 2006

OFFICE OF PETITIONS

In re Application of	:	
Zik et al.	:	
Application No. 60/604,376	:	
Filed: August 26, 2004	:	ON PETITION
Attorney Docket Number:	:	
PV-004-US:	:	

This decision is in response to the Petition to Correct Inventor's Name on Filing Receipt Under MPEP 605.04(C) and 37 CFR 1.182, filed September 26, 2005.

A grantable petition to change the name of an inventor under 37 CFR 1.182 requires (1) the petition fee; and (2) either an affidavit signed by the inventor setting forth both names and an explanation of how the change was effected (marriage, divorce, etc.); or (b) provide a certified copy of a court order for the name change.

Petitioner has complied with the above requirements.

The petition is hereby **granted**.

The name of inventor Itzik Ronen has been changed to Yitzhak Ronen and the name Yitzhak Ronen has been entered and made of record in the above-identified application.

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

Derek L. Woods
Attorney
Office of Petitions

Enclosures: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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SHERRILL LAW OFFICES
4756 BANNING AVE
SUITE 212
WHITE BEAR LAKE MN 55110-3205

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NOV 0 1 2004

OFFICE OF PETITIONS

In re Application of	:	
Ronald J. Zenk	:	
Application No. 60/604,527	:	ON PETITION
Filed: August 26, 2004	:	
Attorney Docket No. 60/604,527	:	

This is a decision on the "PETITION (Correction of Filing Date) UNDER 37 C.F.R. §§ 1.10(c) and 1.182", filed October 1, 2004, to accord the above-identified application a filing date of August 26, 2004.

The petition is **GRANTED**.

Petitioner argues that the above-identified application was filed on August 26, 2004, not August 27, 2004. In support thereof, petitioner has included a copy of an Express Mail mailing label, bearing Express Mail number EO 904870355 US, and containing a date-in entry and a USPS stamp dated August 26, 2004.

37 CFR 1.10(c) states that any person filing correspondence under 37 CFR 1.10, who can show that there is a discrepancy between the filing date accorded by the Office and the date of deposit as shown by the "date-in" on the Express Mail mailing label, may petition the Office to accord the correspondence a filing date as of the "date-in" on the Express Mail mailing label, provided:

> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;
>
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fees(s) that constitute the correspondence prior to the original mailing by "Express Mail";
>
> (3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

Here, petitioner has met requirements (1), (2), and (3) above.

In view of the above, the application is entitled to a filing date of August 26, 2004.

Given the basis for granting this petition, no petition fee was required, and none has been charged.

The application file is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of **August 26, 2004, not August 27, 2004.**

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/604,609	08/25/2004		160	70655.8950	1		

CONFIRMATION NO. 9138

CORRECTED FILING RECEIPT

OC000000014698012

20322
SNELL & WILMER
ONE ARIZONA CENTER
400 EAST VAN BUREN
PHOENIX, AZ 850040001

Date Mailed: 12/09/2004

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)

Douglas A. Behm, Phoenix, AZ;
Carol Lee Hobson, New River, AZ;

Power of Attorney:

Howard Sobelman–39038

If Required, Foreign Filing License Granted: 09/25/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/604,609

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

Non-Publication Request: No

Early Publication Request: No

Title

Configuration management control system and method

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

GRANTED

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

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
60/604,835	08/26/2004		160	WYTH0108-001/AM101763			

CONFIRMATION NO. 1887

CORRECTED FILING RECEIPT

OC000000014239081

35139
COZEN O' CONNOR, P. C.
1900 MARKET STREET
PHILADELPHIA, PA 19103-3508

Date Mailed: 10/29/2004

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)

Sayed Elmarakby, Newtown, PA;
Ping Cai, New City, NY;
Appavu Chandrasekaran, Plainsboro, NJ;
Mark Ruppen, Garnerville, NY;
Rasmy Talaat, West Chester, PA;

Power of Attorney:

Michael Straher–38325

If Required, Foreign Filing License Granted: 09/25/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/604,835

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

Non-Publication Request: No

Early Publication Request: No

Title

Prodrug substituted benzoxazoles as estrogenic agents

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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OFFICE OF PETITIONS

TRANSFORM PHARMACEUTICALS, INC.
29 HARTWELL AVENUE
LEXINGTON MA 02421

In re Application of
Orn Almarsson et al.
Application No. 60/604,861
Filed: August 27, 2004
Attorney Docket Number: TPIP055D+
Title: NOVEL FIBRATE FORMULATIONS AND RELATED METHODS OF TREATMENT

DECISION ON TWO PETITIONS UNDER 37 C.F.R. §§ 1.182 AND 1.183

This is a decision on the petitions concurrently filed August 5, 2005, pursuant to 37 C.F.R. §§ 1.182 and 1.183, requesting expedited treatment of the petition requesting that 37 C.F.R. §1.59(b) be waived so that information forming part of the original disclosure may be expunged[1].

The application was filed on August 27, 2004. With the present petition, Petitioner has indicated that similar issues exist in applications 60/599,320 and 60/655,762 – a decision on each of these three petitions will be mailed on the same date.

The petition under 37 C.F.R. §1.182:

Petitioner has submitted the petition fee, along with a request that the accompanying petition under 37 C.F.R. §1.183 receive expedited treatment. The request for expedited treatment is **GRANTED**.

The petition under 37 C.F.R. §1.183:

The first page of drawings which was submitted on filing contains two figures – Figure 1 and Figure 2, and both are graphs. With the present petition, Petitioner has set forth

1 The fees for these petitions ($400 and $400) have been charged to Petitioner's Deposit Account, as authorized in the petition.

that the X axis of the second figure is mislabeled, and that the label placed on the x axis "pertains to information claimed by a third party to be proprietary or trade secret material of this third party[2]." Petitioner has also provided a substitute page of drawings containing Figures 1 and 2, where the X axis of Figure 2 has been properly labeled so that the offending material is no longer present.

Petitioner has requested that this material which appears in Figure 2 be expunged. Petitioner has further requested that the substitute drawings be entered into the record.

37 C.F.R. §1.53(c) sets forth:

c) 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.

37 C.F.R. §1.59 sets forth:

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

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

MPEP 601.01(b) sets forth, in part:

A provisional application will be given a filing date in accordance with 37 CFR 1.53(c) as of the date the written description and any necessary drawings are filed in the Office. The filing date requirements for a provisional application set forth in 37 CFR 1.53(c) parallel the requirements for a nonprovisional application set forth in 37 CFR 1.53(b), except that no claim is required. Amendments, other than those required to make the provisional application comply with applicable regulations, are not permitted after the filing date of the provisional application.

---

2 Petition, page 2.

Regarding the request to enter of the substitute page of drawings containing Figure 1 and (the corrected version of) Figure 2, the request cannot be granted, for the entry of this sheet of drawings would constitute an amendment to the application. Petitioner is reminded that Provisional applications cannot be amended[3].

Regarding the expungement of Figure 2 from the record, the present application has been scanned into an electronic file. As such, an expungement requires the closure of an entire electronic page from the electronic file. An individual figure on a page which contains multiple figures cannot be expunged by itself – the whole page must be expunged.

With the present application, Figure 2 is present on a page which also contains Figure 1. Therefore, Petitioner can elect for the page to remain in the file as is, or both Figure 1 and Figure 2 can be expunged – but Figure 2 cannot be expunged without the accompanying expungement of Figure 1.

As it is not clear which of these two resolutions Petitioner would prefer, the petition under 37 C.F.R. §1.183 is **DISMISSED**.

Any reply must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. §183," and should indicate which course of action Petitioner would have the Office undertake regarding the expungement of Figures 1 and 2. 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[4], hand-delivery[5], or facsimile[6].

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures should be directed to the Technology Center.

Paul Shanoski

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

---

3 See 37 C.F.R. §1.53(c). See also MPEP 601.01(b).
4 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
5 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
6 (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

Commissioner for Patents
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Paper No. None

TRANSFORM PHARMACEUTICALS, INC.
29 HARTWELL AVENUE
LEXINGTON MA 02421

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SEP 21 2005

OFFICE OF PETITIONS

In re Application of
Orn Almarsson et al.
Application No. 60/604,861
Filed: August 27, 2004
Attorney Docket Number: TPIP055D+
Title: NOVEL FIBRATE FORMULATIONS AND RELATED METHODS OF TREATMENT

DECISION ON RENEWED PETITION UNDER 37 C.F.R. § 1.183

This is a decision on the renewed petition filed September 6, 2005, pursuant to 37 C.F.R. § 1.183, requesting that 37 C.F.R. §1.59(b) be waived so that information forming part of the original disclosure may be expunged.

The application was filed on August 27, 2004, and the original petition was submitted on August 5, 2005. This petition was dismissed via the mailing of a decision on August 18, 2005. The decision indicated that substitute drawings could not be entered since pursuant to 37 C.F.R. §1.53(c), provisional applications cannot be amended. The decision further set forth that due to the inherent limitations of the electronic file, portions of individual pages cannot be expunged:

With the present application, Figure 2 is present on a page which also contains Figure 1. Therefore, Petitioner can elect for the page to remain in the file as is, or both Figure 1 and Figure 2 can be expunged – but Figure 2 cannot be expunged without the accompanying expungement of Figure 1.

Decision on petition, page 3.

With this renewed petition, Petitioner has requested that both Figure 1 and Figure 2 be expunged from the record.

The renewed petition is **GRANTED**.

As such, the electronic page which contains these figures has been closed in the Office's Image File Wrapper software viewing program. The paper documents will not be removed from the physical file however, as the Office does not remove papers from paper files which have been scanned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures should be directed to the Technology Center.

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

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

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JAN 1 8 2005

OFFICE OF PETITIONS

In re Application of Esslinger et al. Application No. 60/604,943 Deposited: August 27,2004 Attorney Docket No. 099389-9015-00 Title of Invention: Maximizer Oil System	DECISION GRANTING PETITION

This is a decision on the petition filed December 2, 2004 (certificate of mailing November 29, 2004), requesting that the above-identified provisional application be accorded a filing date of August 27, 2004.

The application was deposited on August 27, 2004. However, on September 27, 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 December 2, 2004, the present petition was filed. Petitioner states that the detailed annotated drawings illustrating the invention are sufficient on their face to satisfy the requirements of the first paragraph of 35 USC 112.[1] In support, the joint inventors have signed an affidavit stating the requirements of 35 USC 112 have been met.

Since the petition contains a statement that the drawings provided meet the requirements of the first paragraph of 35 USC 112 and the petition is signed by a registered practitioner the application will be accorded the requested filing date.

---

[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.

The petition is granted. No petition fee is due. Deposit account no. 13-3080 will be refunded the $50.00 processing fee.

The application will be processed with only the papers present on filing and is hereby accorded a filing date of **August 27, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DAVID E FRANKLIN
FROST BROWN TODD LLC
2200 PNC CENTER
201 EAST FIFTH STREET
CINCINNATI OH 45202-4182

COPY MAILED

JAN 25 2008

OFFICE OF PETITIONS

In re Application of	:	
Kalford C. Fadem	:	
Application No. 60/605,630	:	DECISION ON PETITION
Filed: August 30, 2004	:	
Attorney Docket No: 103701.0527360		

This is a decision on the petition filed September 21, 2007, to accord the above-identified application a filing date of August 30, 2004.

The petition is **GRANTED** to the extent indicated herein.

Application papers in the above-identified application were filed on August 30, 2004, without drawings. Accordingly, on August 31, 2005, the Office of Initial Patent Examination mailed applicants a "Notice of Incomplete Provisional Application", notifying applicant that the application papers had not been accorded a filing date because the application was deposited without drawings. In response, applicant filed the instant petition.

Petitioner asserts that drawings are not necessary for the understanding of the subject matter sought to be patented in the above application, and requests that the application be accorded a filing date of August 30, 2004.

As stated in MPEP § 601.01(f), it is the practice of the PTO to treat an application that contains at least one process or method claim as an application for which a drawing is 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.

Here, based upon petitioner's statement that no drawings are required for an understanding of the invention, the provisional application will be accorded the August 30, 2004 filing date. Drawings will not be considered as a part of this case.

Accordingly, the petition is **granted** to the extent that the application will be accorded the August 30, 2004 filing date with no drawings as a part of the original disclosure of the application.

However, as the present petition was not due to USPTO error, the petition fee will not be refunded.

The matter is being forwarded to the Office of Initial Patent Examination for correction of the filing date to August 30, 2004.

Telephone inquiries specific to this decision may be directed to the undersigned at 571-272-3207.

Cliff Congo

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Jerry W. Mills
Baker Botts L.L.P.
2001 Ross Avenue
Dallas TX 75201-2980

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FEB 0 9 2005
OFFICE OF PETITIONS

In re Application of
Kiel, et al.
Application No. 60/605,867
Deposited: August 31, 2004
Attorney Docket No. TI-36712(032350.B613)
For: SYSTEM AND METHOD FOR MODELING AN INTEGRATED CIRCUIT SYSTEM

DECISION GRANTING PETITION

This is a decision on the petition under 37 CFR 1.53(e), filed November 22, 2004, requesting that the above-identified application be accorded a filing date of August 31, 2004.

The application was deposited on August 31, 2004. On November 17, 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 August 31, 2004 because no drawings were present, as is required by 35 U.S.C. 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 August 31, 2004 on the basis that 4 pages of drawing figures were received in the Patent and Trademark Office (PTO) on August 31, 2004. In support, the petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing August 31, 2004 as the date of receipt. The postcard lists, *inter alia*, that the filing includes 4 pages of drawings.

The return postcard constitutes *prima facie* evidence that 4 pages of drawings were filed on August 31, 2004. MPEP 503. Accordingly, the request is granted. Regarding finances, on November 22, 2004, $130.00 was submitted. On November 30, 2004, $80.00 was replenished to petitioners' deposit account and $50.00 was retained. Pursuant to petitioners' authorization, $50.00 will be credited to deposit account no. 02-0384.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **August 31, 2004**, using the copy of the 4 pages of drawings submitted with

the instant petition. Office records will be corrected to show that 4 pages of drawings were present on filing.

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

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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

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FEB 22 2005

OFFICE OF PETITIONS

In re Application of	:	
John Leckman	:	
Application No. 60/605,899	:	ON PETITION
Filed: August 30, 2004	:	
Attorney Docket No. 31983-1001	:	

This is in response to the petition filed December 23, 2004, which is being treated under 37 CFR 1.28.

In accordance with the December 23, 2004 request, status as a Small Entity has been removed.

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

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INTELLECTUAL PROPERTY
P O BOX 1967
MIDLAND, MI 48641-1967

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DEC 29 2005

OFFICE OF PETITIONS

In re Application of	:	
Steven D. Jons et al	:	
Application No. 60/606,065	:	DECISION GRANTING PETITION
Filed: August 31, 2004	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 63948	:	

This is a decision on the petition under 37 CFR 1.137(b), filed September 26, 2005, to revive the above-identified application. *See* 37 CFR 1.137(g).

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed November 12, 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 January 13, 2005.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a provisional cover sheet identifying the city and state of the residence of each inventor; (2) the petition fee of $1,500; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of November 12, 2004 is accepted as having been unintentionally delayed.

Petitioner is advised that a provisional application will not be regarded as pending after twelve months from its filing date under any circumstances.

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

This matter is being referred to the Office of Initial Patent Examination for such further action as may be deemed necessary.

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Petitions

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1180 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8403

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AUG 12 2005

OFFICE OF PETITIONS

In re Application of	:	
Labrie et al.	:	
Application No. 60/606,174	:	DECISION ON PETITION
Filed: August 30, 2004	:	
Attorney Docket No. PP/1259-789	:	

This is a decision on the petition under 37 CFR 1.10(d), filed April 4, 2005, requesting that the above-identified application be accorded a filing date of August 30, 2004, rather than the presently accorded filing date of August 31, 2004.

Petitioner alleges that the application was deposited in Express Mail Post Office to Addressee Service on August 30, 2004. The date-in indicated on Express Mail label No. EV342526895US[1] is August 31, 2004. However, petitioner asserts that the USPS incorrectly entered August 31, 2004, instead of August 30, 2004, as the date of deposit in the USPS Express Mail service.

In support of the allegation, the Declaration of Cheryl Desvignes accompanies the present petition. Ms. Desvignes states that on August 30, 2004, she handed the Express Mail envelope, bearing Express Mail label No. EV342526895US, to a USPS employee at the U.S. Post Office at Grand Central Station, New York City, during regular business hours for that Post Office. Ms. Desvignes explains that on August 30, 2004, she was informed by a USPS employee at the Grand Central Station Post Office that the normal procedures for acceptance of Express Mail service in New York City were not being followed on that day due to security concerns in connection with the Republican National Convention proceedings in Madison Square Garden. Ms. Desvignes states that the USPS employee informed her that a special procedure was in place for Express Mail on August 30, 2004. Specifically, the USPS employee indicated that USPS would accept the

[1] The same Express Mail label number was placed on the original application papers.

Express Mail envelope from her, but that no postmark or date receipt would be issued. Rather, the Express Mail envelope would be sent to a different post office for processing the following day, at which time the receipt would be mailed to her. Ms. Desvignes asserts that in view of the alternative procedure in place on August 30, 2004, she filled out a Certificate of Mailing form and copied all of the sender information from the Express Mail label, including the attorney and secretary initials ("WOG/db") and the law firm's internal identification number for the patent application ("PP/1259-789"). Thereafter, she presented the Certificate of Mailing to the USPS employee to whom she handed the Express Mail Envelope. Ms. Desvignes states that the USPS employee accepted the Express Mail envelope for processing, and returned the Certificate of Mailing to her with a USPS date-stamp of August 30, 2004. A copy of the Certificate of Mailing with a date-stamp of August 30, 2004, accompanies the petition.

In view of the corroborating evidence in compliance with 37 CFR 1.10(d)(3), it is concluded that the correct date of deposit in Express Mail Post Office to Addressee Service is August 30, 2004. Therefore, the application will be accorded a filing date of August 30, 2004.

The petition is **granted**.

The Office of Initial Patent Examination is directed to correct **the filing date to August 30, 2004, and to mail a corrected filing receipt**.

Telephone inquires specific to this matter may be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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
60/606,284	08/31/2004		160	021410-000110US	8		

CONFIRMATION NO. 8595

CORRECTED FILING RECEIPT

OC000000014644591

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

Date Mailed: 12/02/2004

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)

Mehdi Maghsoodnia, Menlo Park, CA;
Lewis D. Roth, Los Angeles, CA;
Frank Mangin, Santa Clara, CA;
Yuri Khodosh, Sunnyvale, CA;
Rahul Abhyankar, Santa Clara, CA;
Alex Sherstinsky, Palo Alto, CA;
Joseph Petviashvili, Foster City, CA;
Eugene Mandel, Burlingame, CA;
John Onusko, San Francisco, CA;

Power of Attorney:
Brian Young--48602

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 US60/606,284

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

Non-Publication Request: No

Early Publication Request: No

Title

Apparatus and methods for processing instant messages

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

GRANTED

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

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

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

NOT GRANTED

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

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ROBERT D. KUCLER
REED SMITH LLP
P.O. BOX 488
PITTSBURGH, PA 15230-0488

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FEB 24 2005

OFFICE OF PETITIONS

In re Application of :
Oka :
Application No. 60/606,289 :
Filed: August 31, 2004 : ON PETITION
Attorney Docket No. :
03-585-US-PV :

This is a decision in response to the Petition to Have Earlier Filing Date Accorded Under 37 CFR 1.10(c)), filed December 6, 2004, requesting the application be accorded a filing date of August 31, 2004, instead of the presently accorded filing date of September 1, 2004.

This Petition is hereby **granted**.

Petitioner alleges that the application was deposited in Express Mail service on August 31, 2004. In support of this assertion, the petition is accompanied by a copy of Express Mail label No. EV353086240US. A review of the Express Mail label, No. EV353086240US, reveals that the "Date In" indicated on the Express Mail label is August 31, 2004. Moreover, the Express Mail label contains a United States Postal Service (USPS) stamp, also dated August 31, 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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NEEDLE & ROSENBERG, P.C.
SUITE 1000
999 PEACHTREE STREET
ATLANTA GA 30309-3915

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DEC 03 2004

OFFICE OF PETITIONS

In re Application of
Olaf Kutsch et al.
Application No. 60/605,561
Filed: September 2, 2004
Attorney Docket No. 21085.0124U1

ON PETITION

This is a decision on the petition under 37 CFR 1.10 (c) filed October 15, 2004 to correct the filing date to September 2, 2004, rather than the presently accorded filing date of September 2, 2001.

Petitioner alleges that the application was deposited in Express Mail service on September 2, 2004. In support, on October 15, 2004, petitioner supplied a copy of Express Mail Label No. EL970614708US (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 September 2, 2004.

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 September 2, 2004** 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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

Copied from 60605561 on 12/15/2004

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DEC 16 2004

OFFICE OF PETITIONS

ON PETITION

In re Application of
Olaf Kutsch et al.
Application No. 60/606,561
Filed: September 2, 2004
Attorney Docket No. 21085.0124U1

CORRECTED DECISION[1]

This is a decision on the petition under 37 CFR 1.10 (c) filed October 15, 2004 to correct the filing date to September 2, 2004, rather than the presently accorded filing date of September 2, 2001.

Petitioner alleges that the application was deposited in Express Mail service on September 2, 2004. In support, on October 15, 2004, petitioner supplied a copy of Express Mail Label No. EL970614708US (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 September 2, 2004.

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 September 2, 2004** 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

[1]This decision replaces the decision mailed December 3, 2004 as the application serial number was incorrect.

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Paper No: __

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INTELLECTUAL PROPERTY DEPT
ONE PPG PLACE
PITTSBURGH PA 15272

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JAN 28 2005

OFFICE OF PETITIONS

In re Application of	:	
Bratys	:	
Application No. 60/606,639	:	DECISION ON PETITION
Filed: 2 September, 2004	:	
Attorney Docket No.: 1974 VI	::	

This is a decision on the petition, filed on 28 October, 2004, under 37 C.F.R. §1.53 seeking to have accorded to the instant application a filing date of 2 September, 2004.

For the reasons set forth below, the petition is **GRANTED in part** and **DISMISSED in part**, and petition fee is waived and credited to Deposit Account 16-2025.

The application was deposited on 2 September, 2004.

On 22 October, 2004, the Office mailed a "Notice of Incomplete Nonprovisional 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 28 October, 2004, Petitioner replied submitting the instant petition, alleging, *inter alia*, that the drawings omitted were "not *** necessary for the understanding of the aforementioned claimed subject matter."

A review of the application also indicates that, *inter alia*, the application contains one or more methods and/or process claims (e.g., Claims 46, 47).

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 46 and 47). 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."

Therefore, the 22 October, 2004, "Notice of Incomplete Nonprovisional Application" hereby is **vacated**.

---

[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.

* * *

The application is accorded a filing date of 2 September, 2004.

The petition is **granted in part**, to the extent that the application will be accorded the filing date of 2 September, 2004, without drawings 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 2 September, 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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Paper No. None

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OFFICE OF PETITIONS

In re Application of :
Dan M. Bratys :
Application No. 60/606,661 : DECISION ON PETITION
Filed: September 2, 2004 :
Attorney Docket No.: 1973V1 :
Title: MULTI-COMPONENT COATINGS :
THAT INCLUDE POLYUREA COATING :
LAYERS :

This is a decision on the petition under 37 C.F.R. §1.53(e), filed October 15, 2004, requesting that application number 60/606,661 be accorded a filing date of September 2, 2004.

The application was deposited on September 2, 2004 without drawings. On October 4, 2004, the Office of Initial Patent Examination, (OIPE) sent a Notice of Incomplete Provisional Application (Notice), setting forth that the application appeared to have been deposited without drawings. The Notice indicated that a filing date had not been accorded, and that a filing date would be accorded upon the depositing of drawings.

In response, on October 15, 2004, Petitioner filed the present petition. Petitioner has not submitted the missing drawings, and has asserted that they are not required.

MPEP 608.02 states, in part:

> An OIPE formality examiner should not treat an application without drawings as incomplete if drawings are not required. A drawing is not required for a filing date under 35 U.S.C. 111 and 113 if the application contains:

(A) at least one process claim including the term "process" or "method" in its introductory phrase;
(B) at least one composition claim including the term composition," "compound," "mixture" or "pharmaceutical" in its introductory phrase;
(C) at least one claim directed to a coated article or product or to an article or product made from a particular material or composition (i.e., an article of known and conventional character (e.g., a table), coated with or made of a particular composition (e.g., a specified polymer such as polyvinyl-chloride));
(D) at least one claim directed to a laminated article or product (i.e., a laminated article of known and conventional character (e.g., a table)); or
(E) at least one claim directed to an article, apparatus, or system where the sole distinguishing feature is the presence of a particular material (e.g., a hydraulic system using a particular hydraulic fluid, or a conventional packaged suture using a particular material).

For a more complete explanation about when a drawing is required, see MPEP 601.01(f). For applications submitted without all of the drawings described in the specification, see MPEP § 601.01(g). If an examiner determines that a filing date should not have been granted in an application because it does not contain drawings, the matter should be brought to the attention of the supervisory patent examiner (SPE) for review. If the SPE decides that drawings are required to understand the subject matter of the invention, the SPE should return the application to OIPE with a typed, signed, and dated memorandum requesting cancellation of the filing date and identifying the subject matter required to be illustrated.

Pursuant to this section of the MPEP, it has been PTO practice to treat an application that contains at least one process, method, or composition claim as an application for which a drawing is not necessary for an understanding of the invention under the first sentence of 35 U.S.C. §113. A review of the record reveals that 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 2, 2004.

Accordingly, the petition is **GRANTED**.

The Notice, mailed on October 4, 2004, was sent in error, and is hereby **VACATED**. As such, no petition fee is necessary, and the petition fee has been refunded to Petitioner's Deposit Account.

The application file is being returned to OIPE for further processing with a filing date of September 2, 2004, using the

application papers filed on that date. OIPE will then mail a filing receipt, indicating that the instant application has been accorded a filing date of September 2, 2004.

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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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
60/606,820	09/01/2004		160	9763P	2		

CONFIRMATION NO. 2962

CORRECTED FILING RECEIPT

OC000000015079298

27752
THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
WINTON HILL TECHNICAL CENTER - BOX 161
6110 CENTER HILL AVENUE
CINCINNATI, OH 45224

Date Mailed: 02/02/2005

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 write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Rajan Keshav Panandiker, West Chester, OH;
Michael Joseph Kupneski, Maineville, OH;
Douglas C. Matthews, Hamilton, OH;
Sharon Antoun, Cincinnati, OH;
Alice Jean Michels, Cincinnati, OH;
Saeed Fereshtehkhou, Cincinnati, OH;
Susan Tyler Ede, Cincinnati, OH;

Power of Attorney:
Mark Charles–51547

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 US60/606,820

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

Non-Publication Request: No

Early Publication Request: No

Title

Premoistened disposable wipe

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

GRANTED

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

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

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

NOT GRANTED

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

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OFFICE OF PETITIONS

MICHAEL BEST & FRIEDRICH, LLP
ONE SOUTH PINCKNEY STREET
P.O. BOX 1806
MADISON WI 53701

In re Application of :
Albert Bendelac et al :DECISION GRANTING FILING
Application No. 60/606,941 :DATE OF September 3, 2004
Filed: September 3, 2004 :
Attorney Docket No. 092234-9013 :

This is a decision on the petition under 37 CFR 1.10, filed October 29, 2004, requesting that the above-identified application be accorded a filing date of September 3, 2004, rather than the presently accorded date of September 4, 2004.

Petitioner alleges that the date indicated in the Date-In field of the Express Mail label is incorrect. In support, petitioner has submitted a copy of the USPS Track and Confirmation with the Acceptance date of September 3, 2004, in Madison WI with Express Mail Label No. EV086437881US. The same Express Mail receipt number appears on the original "Provisional Application Transmittal."

In view of the above, it is concluded that the application was deposited as "Express Mail" with the USPS on September 3, 2004.

The petition is **granted**.

The petition fee of $130 submitted with the instant petition will be credited to deposit account no. 50-0842 as authorized.

This matter is being referred to the Office of Initial Patent Examination for processing with a filing date of **September 3, 2004,** and for the mailing of a corrected Filing Receipt.

Telephone inquiries specific to this decision on petition 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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Paper No. None

ABELMAN, FRAYNE & SCHWAB
150 East 42nd Street
New York NY 10017

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OFFICE OF PETITIONS

In re Application of	:	
Shmuel Ben-Muvhar et al.	:	
Application No. 60/607,064	:	DECISION ON PETITION UNDER
Filing Date: September 3, 2004	:	37 C.F.R. §§1.10(d)
Attorney Docket No. 206.666	:	
Title: STENT DELIVERY SYSTEM	:	
FOR LESIONS LOCATED AT AND NEAR	:	
BIFURCATIONS	:	

This is a decision on the petition under 37 C.F.R. §1.10(d), filed January 7, 2005, requesting that application number 60/607,064 be accorded a filing date of September 2, 2004.

The application was deposited on September 3, 2004. Shortly thereafter, a filing receipt was mailed by the Office, which indicated that the application had received a filing date of September 3, 2004.

With the instant petition, Petitioner has alleged that the application was deposited on September 2, 2004. With his petition, Petitioner has included a copy of express mail label ET537591070US[1] bearing a date-in field which is blank.

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.

1 It is noted that this same Express Mail number appears on the Provisional Application for Patent Cover Sheet which was included on filing.

37 C.F.R. §1.10(d) sets forth:

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

Since no date appears in the date-in field, in order for Petitioner to establish that the correspondence at issue was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup on a day other than the filing date assigned to him by the Office, Petitioner must provide a showing which is 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.

Petitioner has supplied a copy of the Express Mail label, along with an envelope that bears the USPS postage stamp that bears the text "SEP 2'04." Clearly, this envelope was mailed on September 2, 2004. Unfortunately, it is not clear from the electronic file whether the mailing label in question is associated with this envelope. As such, this evidence does not constitute the evidence required by 37 C.F.R. §1.10(d)(3).

As no showing has been provided, this petition must be **DISMISSED**.

The application file is being forwarded to Files Repository. The filing date will remain September 3, 2004.

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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OFFICE OF PETITIONS

DARBY & DARBY P.C.
P. O. BOX 5257
NEW YORK NY 10150-5257

In re Application of
Nils Lonberg, et al.
Application No. 60/607,225
Filed: September 3, 2004
Attorney Docket No. 04280/0201837-US0

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 11, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on December 5, 2004 for a failure to timely respond to a Notice to File Missing Parts mailed October 4, 2004. It is noted that applicants submitted an Application Data Sheet and the requisite surcharge, without an appropriate extension of time under 37 CFR 1.136(a) on April 4, 2005. The present petition was filed in response to a Notice of Incomplete Reply mailed May 6, 2005 and includes a 5-month petition for extension of time.

Extensions of time under 37 CFR 1.136 are available only if asked for "prior to or with the response." In no case, however, may an applicant respond later than the maximum time period set by statute. Accordingly, if the question of abandonment arises when the provisions of 37 CFR 1.136 can no longer be used, then the application is abandoned when the unextended time for response has expired, i.e., December 5, 2004. Therefore, no extension of time fees are due on a petition for revival. In view thereof, the $2,160 extension of time fee submitted with the petition is unnecessary and will be refunded to petitioner's deposit account as authorized.

Thereafter the application will be referred to the Office of Initial Patent Examination (OIPE) for further processing.

Petitioner is reminded that a provisional application, abandoned for failure to timely respond to an Office requirement, may be revived pursuant to 37 CFR 1.137(g). However, subject to the provisions of 35 U.S.C. 119(e)(3) and § 1.7(b), a provisional application will not be regarded as pending after twelve months from its filing date under any circumstances.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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WINSTON & STRAWN
PATENT DEPARTMENT
1400 L STREET, N.W.
WASHINGTON, DC 20005-3502

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OFFICE OF PETITIONS

In re Application of :
Schneider et al. :
Application No. 60/607,388 :
Filed: September 3, 2004 :
Attorney Docket No. :
7663-7088 :

ON PETITION

This is a decision in response to the Petition Under 37 CFR 1.10(c)to Accord a Filing Date as of the Date of Deposit as "Express Mail", filed January 25, 2005, requesting the application be accorded a filing date of September 3, 2004, instead of the presently accorded filing date of September 2, 2004.

This Petition is hereby **granted**.

Petitioner alleges that the application was deposited in Express Mail service on September 3, 2004. In support of this assertion, the petition is accompanied by a copy of Express Mail label No. EV3468116350US. A review of the Express Mail label, No. EV3468116350US, reveals that the "Date In" indicated on the Express Mail label is September 3, 2004. Moreover, the Express Mail label contains a United States Postal Service (USPS) stamp, also dated September 3, 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
60/607,394	09/03/2004		160	DE3-0343/DP-311698	5		

CONFIRMATION NO. 5634

CORRECTED FILING RECEIPT

OC000000014144462

23413
CANTOR COLBURN, LLP
55 GRIFFIN ROAD SOUTH
BLOOMFIELD, CT 06002

Date Mailed: 10/21/2004

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)

Michael J. Augustine, Mayville, MI;
Ratko Menjak, Frankemuth, MI;

Power of Attorney:

Lisa Bongiovi--48933

If Required, Foreign Filing License Granted: 10/02/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/607,394

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

Non-Publication Request: No

Early Publication Request: No

Title

Mechanically linked active steering 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.

Mathew P. Anderson
FOLEY & LARDNER LLP
777 East Wisconsin Avenue
Milwaukee, WI 53202-5306

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DEC 27 2004

OFFICE OF PETITIONS

In re Application of :
William C. Vogel :
Application No. 60/607,787 :
Filed: September 5, 2004 :
Attorney Docket Number: :
028757-0122 :

ON PETITION

This is a decision on the Petition Under 37 CFR 1.53(e) for According Application Filing Date, filed December 6, 2004, requesting the application be accorded a filing date of August September 5, 2004, including 24 sheets of drawings.

The petition is **granted**.

The application was filed on September 5, 2004. However, on October 6, 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 24 sheets of drawings were originally filed with the application on September 5, 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*, 24 sheets of drawings on September 5, 2004.

A review of the return receipt postcard reveals that Petitioner is correct. The postcard acknowledges receipt of 24 sheets of drawings on September 5, 2004. Petitioner has also re-submitted 24 sheets of drawings with the instant petition.

Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self-addressed postcard properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the postcard in the outgoing mail. "A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

The copy of 24 sheets of drawings supplied with the instant petition on December 6, 2004, will be made part of the application file.

A refund of the petition fee has been scheduled.

The application will be returned to the Office of Initial Patent Examination for further processing as a provisional application with a filing date of September 5, 2004, and an indication that 24 sheets of drawings were present on filing, using the 24 sheets of drawings filed December 6, 2004.

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

Derek L. Woods
Attorney/Advisor
Office of Petitions

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EXXONMOBIL RESEARCH AND ENGINEERING COMPANY
P.O. BOX 900
1545 ROUTE 22 EAST
ANNANDALE NJ 08801-0900

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OFFICE OF PETITIONS

In re Application of
Stephen J. Mccarthy et al.
Application No. 60/607,804
Filed: September 8, 2004
Attorney Docket No. JJK-0422

: DECISION GRANTING PETITION

This is a decision on the petition filed November 1, 2004, requesting that the above-identified provisional application be accorded a filing date of September 8, 2004, which is treated under 37 CFR 1.53.

The petition is **GRANTED**.

The application was filed on September 8, 2004, without drawings. Accordingly, on October 14, 2004, the Office of Initial Patent Examination mailed a "Notice of Incomplete Provisional Application" stating that the application had been deposited without drawings.

The present petition 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 September 8, 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 application includes at least one method claim. Therefore, this application contains disclosure relating to a process or method.

In view of the above, the "Notice" mailed October 14, 2004, was mailed in error and is hereby withdrawn. The petition fee in the amount of $130.00 will be credited back to deposit account no. 05-1330.

The application is accorded a filing date of September 8, 2004, without drawings as a part of the original disclosure.

The application is being returned to the Office of Initial Patent Examination for correction of the filing date to September 8, 2004, and correction of PTO records to show that zero (0) sheets of drawings were present on filing.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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SCOTTSDALE AZ 85260

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OFFICE OF PETITIONS

ON PETITION

In re Application of
Rick Althouse et al.
Application No. 60/608,017
Filed: September 8, 2004
Attorney Docket Number: 6964

This is a decision on the petition under 37 CFR 1.137(b),[1] filed on October 5, 2005, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned December 5, 2004, for failure to timely reply to the Notice to File Missing Parts mailed on October 4, 2004, which set a two (2) month shortened period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed September 12, 2005.

Receipt of the Application Data Sheet identifying the inventors and their respective residence city and state information in response to the Notice to File Missing Parts is acknowledged. Additionally, the $50.00 surcharge is also acknowledged.

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

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

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

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

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

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

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

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CHICAGO, IL 60606

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NOV 18 2004

OFFICE OF PETITIONS

In re Application of	:	
Bang-Sup Song	:	
Application No. 60/608,508	:	DECISION ON PETITION
Filed: September 9, 2004	:	
Attorney Docket No. 0321.71298	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed November 8, 2004. 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. This provision also applies to the instant fee payment.

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 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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C/O HAYNES BEFFELL & WOLFELD LLP
P. O. BOX 366
HALF MOON BAY, CA 94019

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OFFICE OF PETITIONS

In re Application of	:	
Chih Chieh Yeh	:	
Application No.: 60/608,528	:	ON PETITION
Filed: September 9, 2004	:	
Attorney Docket No. MXIC 1608-1	:	

This is a decision on the petition under 37 CFR 1.182, filed November 8, 2004, to correct the spelling of the inventor's name.

The petition is GRANTED.

USPTO records will be corrected as follows:

> The inventor's name will be changed from "Chih Chieh" to "Chih Chieh Yeh"

A corrected Filing Receipt is enclosed.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204.

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

Enclosure: Corrected Filing Receipt

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Pillsbury Winthrop Shaw Pittman LLP
P. O. Box 10500
McLean, VA 22102

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OFFICE OF PETITIONS

In re Application of	:	
Joseph D. Lichtenhan, et al.	:	
Application No. 60/608,582	:	ON PETITION
Filed: September 10, 2004	:	
Attorney Docket No. 038559-0311875	:	

This is a decision on the "Request for Corrected Filing Receipt," filed January 10, 2005, which is being treated as a petition under 37 CFR 1.182 to change the name of one of the inventors.

The petition is **GRANTED**.

Petitioner states he had "no documents setting forth a procedure for a change of name as there was not change of name, simply an error in not having the complete name at the time of filing."

In accordance with MPEP 605.04(b), which states in pertinent part:

> Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or **any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 37 CFR 1.182 together with an appropriate petition fee. (Emphasis supplied)**

While petitioner is correct that he isn't requesting a change of name, it is a correction to the name, nonetheless. In view of the above, appropriate relief for this instance is provided by 37 CFR 1.182. The petition fee of $400 has been charged to petitioner's deposit account, in view of the general authorization given in the application transmittal sheet.

The name of the third inventor has been changed from Y. Lee to **André Yan-Jyh Lee**. A corrected filing receipt is attached herewith.

The application file is being referred to the Office of Initial Patent Examination.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3223.

Marianne E. Jenkins
Petitions Examiner
Office of Petitions

Conferees: Brian Hearn
Frances Hicks

Attachment: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/887,056	07/07/2004	Casper Tune Berg	GC847

CONFIRMATION NO.

OC000000014056541

GENENCOR INTERNATIONAL, INC.
925 PAGE MILL ROAD
PALO ALTO, CA 94304-1013

Date Mailed: 10/12/2004

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 **09/21/2004,** 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 **60/608,919.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

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

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JUL - 8 2004

STERNE, KESSLEER, GOLDSTEIN & FOX PLLC
1100 NEW YORK AVENUE, NW
WASHINGTON, D.C. 20005-3934

In re Application of	:
Chen et al	:
Serial No.: 10/307,526	: CONVERSION TO PROVISIONAL
Filed: December 2, 2003	:
Attorney Docket No.: 2009.0020004	:

This is in response to applicants' request, filed December 19, 2003, to convert this application to a provisional application

The petition is **GRANTED**.

Should there be any questions with regard to this letter please contact William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission at Office facsimile number.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600

Copied from 10307526 on 11/12/2004

UNITED STATES PATENT AND TRADEMARK OFFICE

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Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/307,526	12/02/2002	Andrew X. Chen	2009.00200004/RWE/RAS

CONFIRMATION NO.

OC000000014213151

26111
STERNE, KESSLER, GOLDSTEIN & FOX PLLC
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

Date Mailed: 10/27/2004

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **06/13/2003,** 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 **60/608,920.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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www.uspto.gov

SEP - 9 2004

BURNS DOANE SWECKER & MATHIS L L P
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

In re Application of	:
Stefan Jansens	:
Serial No.: 10/137,325	: CONVERSION TO PROVISIONAL
Filed: May 3, 2002	:
Attorney Docket No.: 021565-117	:

This is in response to applicants' request, filed May 2, 2003, to convert this application to a provisional application. The original petition was misplaced and never correlated with the file. The petition was resubmitted on December 18, 2003 and again on August 24, 2004.

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 10137325 on 11/12/2004

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

APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/137,325	05/03/2002	Stefan Jansens	021565-117

CONFIRMATION NO.

OC000000014227695

21839
BURNS DOANE SWECKER & MATHIS L L P
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

Date Mailed: 10/28/2004

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 **05/02/2003,** 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 **60/608,922.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

PART 2 - OFFICE COPY

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AUG 17 2004

NIXON & VANDERHYE, PC
1100 N GLEBE ROAD
8TH FLOOR
ARLINGTON VA 22201-4714

In re Application of	:
Edward D. Hyman	:
Serial No.: 10/612,636	: CONVERSION TO PROVISIONAL
Filed: July 2, 2003	:
Attorney Docket No.: 4481-3	:

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 10612636 on 11/10/2004

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Alexandria, VA 22313-1450
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SEP 14 2004

Colgate-Palmolive Company
909 River Road
P.O. Box 1343
Piscataway NJ 08855-1343

In re Application of	:
Bruce Caterson et al	:
Serial No.: 10/638,832	: CONVERSION TO PROVISIONAL
Filed: August 11, 2003	:
Attorney Docket No.: 2664H-000041	:

This is in response to applicants' request, filed August 5, 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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WWW.USPTO.GOV

Paper No. None

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

COPY MAILED

MAR 0 1 2004

OFFICE OF PETITIONS

In re Application of	:	
Edward D. Daugs	:	
Application No. 10/600,189	:	DECISION ON PETITION
Filed: June 20, 2003	:	
Attorney Docket No.: 016325-008500US	:	
Title: RESOLUTION OF (PHENOXY) PHENYLACETIC ACID DERIVATIVES	:	

This is a decision on the petition under 37 C.F.R. §1.53(e), filed November 18, 2003, requesting that application number 10/600,189 be accorded a filing date of June 20, 2003.

The application was deposited on June 20, 2003 without drawings. On August 25, 2003, the Office of Initial Patent Examination, (OIPE) sent a Notice of Incomplete Nonprovisional Application (Notice), setting forth that the application appeared to have been deposited without drawings. The Notice indicated that a filing date had not been accorded, and that a filing date would be accorded upon the depositing of drawings.

In response, on November 18, 2003, Petitioner filed the present petition. Petitioner has not submitted the missing drawings, and has asserted that they are not required.

MPEP 608.02 states, in part:

> An OIPE formality examiner should not treat an application without drawings as incomplete if drawings are not required. A drawing is not required for a filing date under 35 U.S.C. 111 and 113 if the application contains:
> (A) at least one process claim including the term "process" or "method" in its introductory phrase;

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

(C) at least one claim directed to a coated article or product or to an article or product made from a particular material or composition (i.e., an article of known and conventional character (e.g., a table), coated with or made of a particular composition (e.g., a specified polymer such as polyvinyl-chloride));

(D) at least one claim directed to a laminated article or product (i.e., a laminated article of known and conventional character (e.g., a table)); or

(E) at least one claim directed to an article, apparatus, or system where the sole distinguishing feature is the presence of a particular material (e.g., a hydraulic system using a particular hydraulic fluid, or a conventional packaged suture using a particular material).

For a more complete explanation about when a drawing is required, see MPEP 601.01(f). For applications submitted without all of the drawings described in the specification, see MPEP § 601.01(g). If an examiner determines that a filing date should not have been granted in an application because it does not contain drawings, the matter should be brought to the attention of the supervisory patent examiner (SPE) for review. If the SPE decides that drawings are required to understand the subject matter of the invention, the SPE should return the application to OIPE with a typed, signed, and dated memorandum requesting cancellation of the filing date and identifying the subject matter required to be illustrated.

Pursuant to this section of the MPEP, it has been PTO practice to treat an application that contains at least one process, method, or composition claim as an application for which a drawing is not necessary for an understanding of the invention under the first sentence of 35 U.S.C. §113. A review of the record reveals that a portion of the claims are 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 June 20, 2003.

Accordingly, the petition is **GRANTED.**

The Notice, mailed on August 25, 2003, was sent in error, and is hereby **VACATED.** As such, no petition fee is necessary, and the petition fee will not be 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 June 20, 2003, using the application papers filed on that date. **The Office of Initial Patent Examination will also process the**

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concurrently filed petition requesting that the instant nonprovisional application be converted to a provisional application. It is noted that the fee associated with this latter petition has been charged to Petitioner's Deposit Account, as authorized in the petition.

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

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/600,189	06/20/2003	Edward D. Daugs	016325-008500US

CONFIRMATION NO.

OC000000014122604

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

Date Mailed: 10/19/2004

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 **11/18/2003,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

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

The provisional application number is **60/608,927.** 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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OCT 20 2004

BANNER & WITCOFF
1001 G STREET N W
SUITE 1100
WASHINGTON DC 20001

In re Application of	:
Robert E. Briggs et al	:
Serial No.: 10/611,685	: CONVERSION TO PROVISIONAL
Filed: July 2, 2003	:
Attorney Docket No.: 000295.00015	:

This is in response to applicants' request, filed June 25, 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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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
~~10/914,767~~ 60608932	08/09/2004	Thomas W. Hudyma	10210 PSP

CONFIRMATION NO.

OC000000014843928

23914
STEPHEN B. DAVIS
BRISTOL-MYERS SQUIBB COMPANY
PATENT DEPARTMENT
P O BOX 4000
PRINCETON, NJ 08543-4000

Date Mailed: 12/29/2004

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on , 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 **60/608,932.** 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.
10/632,146	07/31/2003	Shiow-Ching Lin	03639-061

CONFIRMATION NO.

OC000000014622858

23526
NORRIS MCLAUGHLIN & MARCUS, P.A.
P O BOX 1018
SOMERVILLE, NJ 08876

Date Mailed: 11/29/2004

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **07/29/2004,** 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 **60/608,933.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/661,093	09/12/2003	Herwig R. Haas	130109.506

CONFIRMATION NO.

OC000000014622612

00500
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 6300
SEATTLE, WA 98104-7092

Date Mailed: 11/29/2004

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **09/10/2004,** 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 **60/608,934.** 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.
10/656,056	09/05/2003	Cheryl C. Miller	11450-00004-US

CONFIRMATION NO.

OC000000014622427

Colgate-Palmolive Company
909 River Road
Piscataway, NJ 08855-1343

Date Mailed: 11/29/2004

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **09/02/2004,** 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 **60/608,935.** 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.
10/658,033	09/09/2003	David Moskowitz	40353.10US01

CONFIRMATION NO.

OC000000014623000

23552
MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

Date Mailed: 11/29/2004

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **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 **60/608,936.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/661,318	09/11/2003	Dan Minnick	40353.12US01

CONFIRMATION NO.

OC000000014626743

23552
MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

Date Mailed: 11/29/2004

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **03/08/2004,** 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 **60/608,937.** 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.
10/730,255	12/09/2003	Frits Jurgen Van Hout	081468-0307119

CONFIRMATION NO.

OC000000014627805

00909
PILLSBURY WINTHROP, LLP
P.O. BOX 10500
MCLEAN, VA 22102

Date Mailed: 11/30/2004

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 **09/17/2004,** 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 **60/608,938.** 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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Copied from 10730255 on 12/06/2004

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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.
10/655,636	09/05/2003	Rudolph Dan	40353.0003US01

CONFIRMATION NO.

OC000000014627165

23552
MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

Date Mailed: 11/29/2004

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **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 **60/608,939.** 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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Copied from 10655636 on 12/06/2004

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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/836,093	04/30/2004	David S. Cohen	KCX-826 (19942)

CONFIRMATION NO.

OC000000014711416

Dority & Manning, P.A.
P.O. Box 1449
Greenville, SC 29601

Date Mailed: 12/09/2004

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 **11/08/2004,** 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 **60/608,941.** 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.
10/693,256	10/24/2003	William F. Leek	SIMP-51007US0

CONFIRMATION NO.

OC000000014711108

28554
VIERRA MAGEN MARCUS HARMON & DENIRO LLP
685 MARKET STREET, SUITE 540
SAN FRANCISCO, CA 94105

Date Mailed: 12/09/2004

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 **06/01/2004,** 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 **60/608,942.** 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.
10/660,171	09/11/2003	John F. Magnuson	073897.0154

CONFIRMATION NO.

OC000000014711273

05073
BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS, TX 75201-2980

Date Mailed: 12/09/2004

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 **07/12/2004,** 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 **60/608,943.** 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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SEP 24 2004

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 3600

Baker Botts, LLP
2001 Ross Avenue
Suite 600
Dallas, TX 75201-2980

In re application of
John F. Magnuson et al.
Application No. 10/660,171
Filed: September 11, 2003
For: METHOD AND SYSTEM FOR A STORED-VALUE CARD

DECISION ON PETITION TO CONVERT TO A PROVISIONAL APPLICATION

This is a decision on the petition under 37 CFR 1.53(c)(2) filed July 12, 2004, to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c)(2).

The requirements for the granting of such a petition are: (A) a petition requesting conversion and the petition fee set forth in 37 CFR 1.17(q), and (B) the petition must be filed prior to the abandonment of the 37 CFR 1.53(b) application, the payment of the issue fee, the expiration of 12 months after the applications filing date, or the filing of a request for a statutory invention registration under 37 CFR 1.293, whichever event is earlier. Upon the grant of such a petition no fees properly paid in the 37 CFR 1.53(b) application are entitled to be refunded.

Since all of the requirements for conversion to a provisional application under 37 CFR 1.53(c)(2) have been met, the petition is **GRANTED**.

The application will be assigned a new provisional application number and will be further processed by the Office of Initial Patent Examination (OIPE) as a **PROVISIONAL** application under 35 U.S.C. 111(b) and 37 CFR 1.53(c)(2). The new provisional application number will be communicated to applicant by OIPE in due course.

Steven N. Meyers, Special Programs Examiner
Patent Technology Center 3600
(703) 308-3868

SM/SM: 9/23/04

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
~~10/756,490~~ 60608945	01/13/2004	Jeffery L. Southard	VGP004

CONFIRMATION NO.
OC000000014830666

25226
MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

Date Mailed: 12/27/2004

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **07/30/2004,** 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 **60/608,945.** 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.
~~10/929,883~~ 60608946	08/30/2004	Geoffrey N. Drummond	AJGC121824

CONFIRMATION NO.
OC000000014830300

26389
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE, WA 98101-2347

Date Mailed: 12/27/2004

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **12/07/2004,** 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 **60/608,946.** 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.
~~10/716,086~~ 60608948	11/18/2003	Roy Leban	06576.105124 (MS 301801.0

CONFIRMATION NO.

OC000000014844631

25096
PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE, WA 98111-1247

Date Mailed: 12/29/2004

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **07/02/2004,** 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 **60/608,948.** 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.
~~10/718,002~~ 60608949	11/19/2003	Floyd Romesberg	91-00100US

CONFIRMATION NO.

OC000000014844831

22798
QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.
P O BOX 458
ALAMEDA, CA 94501

Date Mailed: 12/29/2004

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **11/18/2004,** 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 **60/608,949.** 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.
~~10/918,655~~ 60608950	08/12/2004	Lori Blackner	23642

CONFIRMATION NO.

OC000000014859238

M. Wayne Western
THORPE NORTH & WESTERN, LLP
P.O. Box 1219
Sandy, UT 84091-1219

Date Mailed: 01/03/2005

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 **11/18/2004,** 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 **60/608,950.** 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.
10/856,348	05/28/2004	Doug Bettenhausen	61198 (47381)

CONFIRMATION NO.

OC000000014874212

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

Date Mailed: 01/04/2005

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 **10/26/2004,** 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 **60/608,951.** 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.
~~10/700,362~~ 60608952	11/03/2003	Scott R. Warren	ABIOS.032A

CONFIRMATION NO.
OC000000014844389

20995
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Date Mailed: 12/29/2004

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **10/05/2004,** 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 **60/608,952.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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www.uspto.gov

NOV 24 2004

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

In re Application of	:
Scott R. Warren	:
Serial No.: 10/700,362	: CONVERSION TO PROVISIONAL
Filed: November 3, 2003	:
Attorney Docket No.: ABIOS.032A	:

This is in response to applicant's request, filed October 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 Marianne C. Seidel by letter addressed to the Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0584 or by facsimile transmission at Office facsimile number, 703-872-9306.

Marianne C. Seidel
Special Program Examiner
Technology Center 1600

Copied from 10700362 on 01/04/2005

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
~~10/700,360~~ 60608953	11/03/2003	Scott R. Warren	ABIOS.031A

CONFIRMATION NO.

OC000000014844450

20995
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Date Mailed: 12/29/2004

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **10/05/2004,** 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 **60/608,953.** 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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DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

In Re Application of
Scott WARREN
Application Serial No. 10/700,360
Filed: November 3, 2003
For: **SYSTEMS AND METHODS FOR CENTERING A TARGET DURING GENETIC ANALYSIS**

DECISION ON PETITION

This is a decision on the petition for conversion to a provisional application under 37 CFR 1.53(c)(2).

The petition filed on October 5, 2004 requests conversion to a provisional application under 37 CFR 1.53(c)(2) and includes the requires fee

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

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications

Copied from 10700360 on 01/04/2005

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/384,120	03/07/2003	Suanne Nakajima	ENP054

CONFIRMATION NO.

OC000000014979759

36078
ENANTA PHARMACEUTICALS, INC.
ATTN: PATENT DEPT.
500 ARSENAL STREET
WATERTOWN, MA 02472

Date Mailed: 01/18/2005

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 **60/608,955.** 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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DEC 13 2004

ENANTA PHARMACEUTICALS, INC.
ATTN: PATENT DEPT.
500 ARSENAL STREET
WATERTOWN MA 02472

In re Application of S. Nakajima et al Serial No.: 10/384,120 Filed: March 7, 2003 Attorney Docket No.: ENP054	CONVERSION TO PROVISIONAL

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 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 10384120 on 02/16/2005

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

APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/783,042	02/20/2004	Jeffrey Alan Carlisle	

CONFIRMATION NO.

OC000000015772510

43309
SILLS CUMMIS EPSTEIN & GROSS P.C.
ONE RIVERFRONT PLAZA
IP DEPARTMENT
NEWARK, NJ 07102

Date Mailed: 04/18/2005

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 **10/11/2004,** 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 **60/608,956.** 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) 308-1202

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FEB 2 2 2005

Director's Office
Group 3700

In re Application of
Jeffery A. Carlisle *et al*
Application No. 10/783,042
Filed: February 20,2004
Attorney Docket No. 01320054P001aUS

: DECISION ON PETITION

This is a decision on the petition, filed on October 11, 2004, requesting that this application be converted to a provisional application.

The petition to convert the application to a provisional application is GRANTED.

A review of the record shows that on February 20, 2004 following the filing of the nonprovisional application, an Office action setting a three month period for reply thereto was mailed on June 15, 2004. Thereafter, the instant petition was filed together with the fee therefor, and a request to charge any additional fees in connection with the petition to Deposit Account No. 03-1250. This request constitutes a petition for a one month extension of time in accordance with 37 CFR 1.136(a)(3). Therefore, the nonprovisional application was pending through October 11, 2004, the date upon which the instant petition was filed. Accordingly, the petition is deemed to satisfy all of the requirements of 37 CFR 1.53(c)(1), and is effective to convert the nonprovisional application to a provisional application. The provisional application is accorded the filing date of the original nonprovisional application (see 37 CFR 1.53(c)(2), first sentence)

In view of the fact that this application was improperly held to have become abandoned because the petition to convert the application to a provisional was not timely processed, the holding of abandonment is hereby withdrawn, so that, *nunc pro tunc*, the provisional application will run for the full statutory term provided by 35 USC § 111(b).

This application will be forwarded to the Head Supervisory Applications Examiner in Technology Center 3700 to accomplish the following:

1. Charge Deposit Account No. 03-1250 in the amount of $55.00 for a one month extension of time filed on October 11, 2004; and
2. Process the Power of Attorney powers and associated change of correspondence address filed on October 11, 2004. The address should agree with the address appearing at the bottom of this Decision.

Thereafter, the application should be forwarded to Initial Patent Examination Division (IPED) for further processing as a **PROVISIONAL** application under 35 U.S.C. 111(b) and 37 CFR 1.53(c)(2), <u>including the assignment of a new provisional application number</u>.

The Office of Initial Patent Examination (OIPE) will communicate the new provisional application number to applicant in due course.

Richard A. Bertsch

Richard A. Bertsch, Director,
Technology Center 3700

Barry J. Marenberg, Esq.
Sills Cummis Epstein & Gross, P.C.
One Riverfront Plaza
Newark, NJ 07102

Copied from 10783042 on 05/10/2005

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
~~10/783,118~~ 60608957	02/17/2004	Nikhilesh N. Singh	559142000600

CONFIRMATION NO.

OC000000015230386

Sherbonne Barnes-Anderson
(Townsend and Townsend and Crew)
Two Embarcadero Center, Eighth Floor
San Francisco, CA 94111-3834

Date Mailed: 02/22/2005

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 **09/20/2004,** 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 **60/608,957.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
~~10/734,370~~ 60608958	12/12/2003	Eric C. Leuthardt	60005161-0052

CONFIRMATION NO.
OC000000015186113

26263
SONNENSCHEIN NATH & ROSENTHAL LLP
P.O. BOX 061080
WACKER DRIVE STATION, SEARS TOWER
CHICAGO, IL 60606-1080

Date Mailed: 02/15/2005

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 **12/10/2004,** 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 **60/608,958.** 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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SONNENSCHEIN NATH & ROSENTHAL LLP
P.O. BOX 061080
WACKER DRIVE STATION, SEARS TOWER
CHICAGO, IL 60606-1080

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FEB 02 2005

OFFICE OF PETITIONS

In re Application of :
Leuthardt, et al. :
Application No. 10/734,370 : ON PETITION
Filed: December 12, 2003 :
Attorney Docket No. 60005161-0052 :

This is a decision on the petition under 37 CFR 1.53(c)(2), filed December 10, 2004, to convert the above-identified application to a provisional application under 35 USC 111(b) and 37 CFR 1.53(c).

37 CFR 1.53(c)(2) states:

> "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 conversion 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

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> (iv) The filing of a request for a statutory invention registration under § 1.293 in the application filed under paragraph (b) of this section."

Accordingly, the petition is granted.

The application will be returned to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of December 12, 2003, as a **PROVISIONAL** application under 35 USC 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The new provisional application number will be communicated to applicants by OIPE *in due course*.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3228.

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

Copied from 10734370 on 02/22/2005

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
~~10/961,776~~ 60608959	10/08/2004	David John Tupman	APL1P321/P3446

CONFIRMATION NO.

OC000000015186149

022434
BEYER WEAVER & THOMAS LLP
P.O. BOX 70250
OAKLAND, CA 94612-0250

Date Mailed: 02/15/2005

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 **12/23/2004,** 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 **60/608,959.** 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.
~~10/779,868~~ 60608960	02/18/2004	Louise Edwards	085747-0320

CONFIRMATION NO.

OC000000015235501

22428
FOLEY AND LARDNER
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

Date Mailed: 02/22/2005

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 **01/14/2005,** 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 **60/608,960.** 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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FEB 10 2005

FOLEY AND LARDNER
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

In re Application of	:
Louise Edwards et al	:
Serial No.: 10/779,868	: CONVERSION TO PROVISIONAL
Filed: February 18, 2004	:
Attorney Docket No.: 085747-0320	:

This is in response to applicants' request, filed January 14, 2005, 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, 571-273-8300.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600

Copied from 10779868 on 02/22/2005

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
~~10/287,780~~ 60608961	11/05/2002	Siegfried Mayerhofer	PLOVIN-9

CONFIRMATION NO.

OC000000015307612

23599
MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON, VA 22201

Date Mailed: 03/01/2005

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 **10/28/2003,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

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

The provisional application number is **60/608,961.** 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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OCT 20 2003

MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON VA 22201

In re Application of	:
Siegfried Meyerhofer	:
Serial No.: 10/287,780	: CONVERSION TO PROVISIONAL
Filed: November 5, 2002	:
Attorney Docket No.: PPLOVIN-9	:

This is in response to applicants' request, filed October 28, 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 10287780 on 03/07/2005

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MYERS BIGEL SIBLEY & SAJOVEC
P O BOX 37428
RALEIGH, NC 27627

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OFFICE OF PETITIONS

In re Application of	:	
Michael G. German et al	:	
Application No. 60/608,962	:	DECISION GRANTING PETITION
Filed: December 6, 2004	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 9457-21	:	

This is a decision on the petition under 37 CFR 1.137(b), filed November 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 Application (Notice) mailed March 7, 2005, which required the submission of a provisional application cover sheet identifying either the city and state or city and foreign country of the residence of each inventor to avoid abandonment. 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 May 10, 2005 (May 8, 2005, the due date, is a Sunday). A Notice of Abandonment was mailed on November 8, 2005.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply required by the Notice of March 7, 2005; (2) the petition fee of $1,500; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of March 7, 2005 is accepted as having been unintentionally delayed.

Petitioner is advised that a provisional application will not be regarded as pending after twelve months from its filing date under any circumstances. *See* 37 CFR 1.137(g).

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

This matter is being referred to the Office of Initial Patent Examination for appropriate processing of the petition to convert filed January 7, 2005.

Frances Hicks
Petitions Examiner
Office of Petitions

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
~~10/989,217~~ 60608963	11/15/2004	Bruce N. Rogers	PC32517

CONFIRMATION NO.

OC000000015401012

23913
PFIZER INC
150 EAST 42ND STREET
5TH FLOOR - STOP 49
NEW YORK, NY 10017-5612

Date Mailed: 03/10/2005

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 **02/15/2005,** 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 **60/608,963.** 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.
~~10/989,234~~ 60608964	11/15/2004	Bruce N. Rogers	PC32602

CONFIRMATION NO.

OC000000015401210

23913
PFIZER INC
150 EAST 42ND STREET
5TH FLOOR - STOP 49
NEW YORK, NY 10017-5612

Date Mailed: 03/10/2005

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 **02/15/2005,** 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 **60/608,964.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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www.uspto.gov

APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
~~10/989,246~~ 60608965	11/15/2004	Bruce N. Rogers	PC32519

CONFIRMATION NO.

OC000000015418650

23913
PFIZER INC
150 EAST 42ND STREET
5TH FLOOR - STOP 49
NEW YORK, NY 10017-5612

Date Mailed: 03/10/2005

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 **02/15/2005,** 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 **60/608,965.** The filing receipt for the provisional application number will be mailed to the applicant by OIPE in due course.

JOHN S DILL
Office of Initial Patent Examination
(703) 308-0910

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www.uspto.gov

APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
~~10/955,965~~ 60608966	09/30/2004	James P. Maligeorgos	SIL.0014US

CONFIRMATION NO.

OC000000015418915

21906
TROP PRUNER & HU, PC
8554 KATY FREEWAY
SUITE 100
HOUSTON, TX 77024

Date Mailed: 03/10/2005

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 **01/24/2005,** 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 **60/608,966.** 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.
~~10/871,105~~ 60608967	06/18/2004	Martin F. Yanofsky	19452A-002700US

CONFIRMATION NO.

OC000000015463758

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

Date Mailed: 03/15/2005

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 **01/31/2005,** 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 **60/608,967.** 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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MORGAN, LEWIS & BOCKIUS LLP (SF)
2 PALO ALTO SQUARE
PALO ALTO, CA 94306

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OFFICE OF PETITIONS

In re Application of	:	
Defrees, et al.	:	
Filed: September 10, 2004	:	ON PETITION
Application No. 60/609,218	:	
Dkt. No.: 40853-01-5055P1	:	

This decision is in response to the "PETITION TO WITHDRAW NOTICE OF INCOMPLETE PROVISIONAL APPLICATION UNDER 37 C.F.R. § 1.181(f)," filed December 6, 2004.

The petition is **GRANTED**.

The application was submitted September 10, 2004. On October 4, 2004, the Office of Initial Patent Examination mailed a Notice of Incomplete Provisional Application ("Notice"). 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). The Notice indicated the filing date of the application would be date of receipt of the required items. Any assertion that the items were in fact submitted or are not necessary for a filing date must be by way of petition.

Petitioners argue that the application was submitted without drawings and that "[s]ince the novel subject matter in the instant application is not described in the drawings, the drawings are not required for the understanding of the subject matter claimed in the application. Therefore, Applicants respectfully request that the Commissioner withdraw the Notice and assign the original filing date of September 10, 2004 to this 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 USC 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 includes at least one method claim. 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 Application mailed October 4, 2004 was mailed in error and is hereby **withdrawn**.

Accordingly, the petition to accord the application a filing date of September 10, 2004 is **GRANTED**.

The application will be processed with only the papers present on filing with a filing date of September 10, 2004, without drawings as part of the original disclosure.

No fee is due in connection with this matter. A refund of $130.00 has been requested on petitioners' behalf from the Finance Office, Refund Section.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of April 19, 2004.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Senior Petitions Attorney
Office of Petitions

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

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OFFICE OF PETITIONS

In re Application of
Michael Hsu et al.
Application No. 60/609,243
Filed: September 14, 2004
Attorney Docket Number: 55071-403

ON PETITION

This is a decision on the petition under 37 CFR 1.182 filed November 15, 2005, to correct the name of three of the inventors due to error on the part of the applicant.

The petition is **DISMISSED**.

Petitioner submits that the Provisional Application Cover Sheet incorrectly identified the fourth, sixth and seventh inventors names by traversing the first, middle and or last names of the those inventors. Petitioner requests a correction of the file record and issuance of a corrected filing receipt and argues that the correct formal names of those inventors needs to be noted in order to allow the applicants to claim priority of this provisional application in countries outside of the United States.

The petition does not include any evidence to show that the way the names appear on the Provisional Application Cover Sheet and the Corrected Provisional Application Cover Sheet, that they are in fact the same person. A statement from each of those inventors attesting to that fact is required as well as a declaration that the errors made in identifying the fourth, sixth and seventh inventors was without deceptive intent, signed by the inventor using both the formal and informal names as was indicated on the application cover sheets.

Until such time as the information requested above is provided, this application cannot be granted.

Also, effective December 8, 2004 the fee for a petition under 37 CFR 1.182 was changed to $400.00 not $130.00 as indicated in the petition. Thus, deposit account no. 50-0417 has been charged in the amount of $400.00.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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

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OFFICE OF PETITIONS

In re Application of
Michael Hsu et al. :
Application No. 60/609,243 : ON PETITION
Filed: September 14, 2004 :
Attorney Docket Number: 55071-403 :

This is a decision on the renewed petition under 37 CFR 1.182 filed December 19, 2005, to correct the names of three of the inventors due to error on the part of the applicant.

The petition is **GRANTED**.

Petitioner submits that the Provisional Application Cover Sheet incorrectly identified the fourth, sixth and seventh inventors names by traversing the first, middle and or last names of the those inventors. Petitioner requests a correction of the file record and issuance of a corrected filing receipt and argues that the correct formal names of those inventors needs to be noted in order to allow the applicants to claim priority of this provisional application in countries outside of the United States. Petitioner further sumbits statements from each of the fourth, sixth an seventh inventors explaining how the errors were occasioned and that the errors were not with deceptive intent.

In view of the instant request, the following inventor name data has been changed.

Inventor 4) Duan-Fu Stephen HSU
Inventor 6) Douglas VAN DEN BROEKE
Inventor 7) Jang Fung CHEN

The application is being forwarded to the Office of Initial Patent Examination for the mailing of a corrected filing receipt.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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32ND FLOOR
CHICAGO, IL 60606

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OFFICE OF PETITIONS

In re Application of	:	
Parlati et al.	:	
Application No. 60/609,288	:	
Filing or 371(c) Date: 09/13/2004	:	
Attorney Docket Number:	:	DECISION
03-896-A	:	ON PETITION

This is a decision on the "Petition", filed October 18, 2004, requesting the above-identified application be accorded a filing date of September 13, 2004.

The petition is granted.

The application was filed on September 13, 2004. On October 13, 2004, the Office of Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application (hereinafter "Notice"), informing Applicant that the application had NOT been accorded a filing date because the application had been deposited without drawings.

Applicant responds with the instant petition and avers that the application contains composition, compound and method claims for which drawings are not required.

A review of the file reveals that the specification contains composition and method claims. As stated in MPEP § 601.01(f), it is the practice of the PTO to treat an application that contains at least one process, method or composition claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

MPEP § 601.01(f) also states that:

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

This application contains composition and 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 applications filed without all of the drawing figure(s) referred to in the specification, the MPEP § 601.01(g) states that a "Notice of Omitted Item(s)" is mailed indicating that the application has been accorded a filing date, but is lacking some of the figures of drawings described in the specification.

In view of the above, the Notice mailed October 13, 2004, was mailed in error and is hereby withdrawn.

This application is being referred to the Office of Initial Patent Examination, Customer Corrections, for further processing, with the filing date of September 13, 2004, and an indication that no drawings were present or required on filing.

No petition fee has been charged and none is due.

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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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Paper No.

MORGAN, LEWIS & BOCKIUS LLP (SF)
2 PALO ALTO SQUARE
PALO ALTO, CA 94306

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JAN 13 2005

OFFICE OF PETITIONS

In re Application of :
DeFrees et al. :
Application No. 60/609,385 :
Filed: September 13, 2004 : ON PETITION
Attorney Docket No. 40853-01-5055P1 :

This is a decision on the Petition to Withdraw a Notice of Incomplete Provisional Application Under 37 CFR § 1.181(f), filed December 20, 2004, requesting the above-identified application be accorded a filing date of September 13, 2004.

The application was filed on September 13, 2004. On November 8, 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.

The petition fee will not be refunded because the petition was not necessitated by an error on the part of this Office.

The application will be accorded the original application filing date of September 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 (571) 272-3232.

Derek L. Woods
Attorney/Advisor
Office of Petitions

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DIW Feb-06

CHIRON CORPORATION
INTELLECTUAL PROPERTY - R440
P.O. BOX 8097
EMERYVILLE CA 94662-8097

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FEB 2 2 2006

OFFICE OF PETITIONS

In re Application of	:	
Chu et al.	:	
Application No. 60/609,586	:	ON PETITION
Filed: 14 September, 2004	:	
Atty Dckt 072121-0396 23585.001	:	

This is a decision on the paper filed on 31 May, 2005, which is treated as a petition under 37 CFR 1.182, to correct the third named inventor's name.

The petition is **GRANTED**.

The inventor's name has been corrected from "Michael Wang" to "Xiojing Michael Wang"

Office PALM records have been corrected to reflect the correct inventors' names. A corrected Filing Receipt is attached.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

cc: Corrected Filing Receipt

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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
60/609,586	09/14/2004		160	072121-0396			

CONFIRMATION NO. 5585

CORRECTED FILING RECEIPT

OC000000018105635

27476
Chiron Corporation
Intellectual Property - R440
P.O. Box 8097
Emeryville, CA 94662-8097

Date Mailed: 02/22/2006

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)

Daniel Chu, Santa Clara, CA;
Xiaodong Lin, Orinda, CA;
Xiaojing Michael Wang, Livermore, CA;
Nicholas Valiante, Freemont, CA;

Power of Attorney: The patent practitioners associated with Customer Number **23524**.

If Required, Foreign Filing License Granted: 10/18/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is
US60/609,586

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Novel imidazoquinoline compounds

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-

member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

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

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

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

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

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

GRANTED

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

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

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

NOT GRANTED

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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/609,929	09/15/2004		160	12781/296238	125		

CONFIRMATION NO. 8289

CORRECTED FILING RECEIPT

OC000000014805494

J. Jason Link
Kilpatrick Stockton LLP
1001 West Fourth Street
Winston-Salem, NC 27101

Date Mailed: 12/22/2004

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)

Stanley N. Lowry, Kernersville, NC;
Garcie M. McCall, Germanton, NC;
Christopher T. Roth, Kernersville, NC;

Power of Attorney:

James Link--44874

If Required, Foreign Filing License Granted: 10/14/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/609,929

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

Non-Publication Request: No

Early Publication Request: No

Title

Methods and apparatuses for cutting dough

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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3773 HOWARD HUGHES PARKWAY
SUITE 500 NORTH
LAS VEGAS, NV 89109

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OFFICE OF PETITIONS

ON PETITION

In re Application of	:	
Nicely, Mark C.	:	
Application No. 60/610,237	:	
Filed: September 15, 2004	:	
Attorney Docket No. 7762.00005	:	

This is a decision on the petition filed October 26, 2004, requesting that the above-identified application be accorded a filing date of September 15, 2004, rather than the presently accorded date of September 16, 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 September 15, 2004 pursuant to 37 CFR 1.10. In support, applicant has submitted a copy of Express Mail label No. EV343624562US showing a handwritten "date-in" as well as a "September 15, 2004" receipt stamp. The same Express Mail receipt number appears on the original "Transmittal for Patent Application," which includes the Express Mail label number.

In view of the USPS receipt stamp of September 15, 2004, appearing on the same Express Mail label, it is concluded that the application was deposited as "Express Mail" with the USPS on September 15, 2004.

The petition is **GRANTED**.

This matter is being referred to the Office of Initial Patent Examination Division for further **processing with a filing date of September 15, 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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/610,262	09/16/2004		80	60,667-003	11		

CONFIRMATION NO. 9225

CORRECTED FILING RECEIPT

OC000000015728386

27305
HOWARD & HOWARD ATTORNEYS, P.C.
THE PINEHURST OFFICE CENTER, SUITE #101
39400 WOODWARD AVENUE
BLOOMFIELD HILLS, MI 48304-5151

Date Mailed: 04/13/2005

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)

Gehrig Henderson White, Charlotte, NC;
James T. Crawford III, Charlotte, NC;

Power of Attorney: The patent practitioners associated with Customer Number **27305**.

If Required, Foreign Filing License Granted: 10/15/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/610,262

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 providing an electronic poker game

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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3113 NORTH 3RD STREET
PHOENIX, AZ 85012

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OFFICE OF PETITIONS

In re Application of :
Perry et al. :
Application No. 60/610,486 :
Filed: September 15, 2004 : ON PETITION
Attorney Docket Number: :
PP04228 :

This is a decision on the Petition Under 37 C.F.R. 1.181, filed November 3, 2004, requesting the application be accorded a filing date of September 15, 2004, including drawing Figures 38 and 39. The petition is properly treated under 37 CFR 1.53.

The petition is **granted**.

The application was filed on September 15, 2004. However, on October 19, 2004, the Office of Initial Patent Examination mailed a Notice of Omitted Item(s) in a Provisional Application (hereinafter "Notice"), stating that a filing date had been accorded the application; however, Figures 38 and 39 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 38 and 39 were originally filed with the application on September 15, 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*, 57 pages of formal drawings on September 15, 2004.

A review of the return receipt postcard reveals that Petitioner is correct. The postcard acknowledges receipt of, *inter alia*, 57 pages of formal drawings on September 15, 2004. Petitioner has also re-submitted 57[1] sheets of drawings with the instant petition.

[1] Drawing Figure 1/57, filed with the instant petition on November 3, 2004, has been inadvertently scanned in a page 181 of the Appendix. At issue here are

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 38 and 39 supplied with the instant petition on November 3, 2004, will be made part of the application file.

A refund of the petition fee has been scheduled.

The application will be returned to the Office of Initial Patent Examination for further processing as a provisional application with a filing date of September 15, 2004, and an indication that 57 sheets of drawings were present on filing, including drawing Figures 38 and 39, using drawing Figures 38 and 39 filed November 3, 2004.

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

Derek L. Woods
Attorney/Advisor
Office of Petitions

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pages 38 and 39 and Applicant's postcard receipt. As such, the location Figure 1/57 filed with the instant petition is immaterial.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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JOHN H. SHERMAN, LEGAL DEPT.
INTERMEC TECHNOLOGIES CORPORATION
550 2ND STREET SE
CEDAR RAPIDS IA 52401

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NOV 03 2005

OFFICE OF PETITIONS

In re Application of :
Robert D. Buck et al. :
Application No. 60/610,628 :
Filed: September 15, 2004 :
Attorney Docket No. INT-CR-202-21PA :

ON PETITION

This is a decision on the petition filed June 21, 2005, to revive the above identified application under 37 CFR 1.137(b).[1]

The petition is **GRANTED**.

This application became abandoned on January 9, 2005, for failure to file a timely response to the Notice to File Missing Parts "Notice" mailed November 8, 2004, which set a two (2) month shortened statutory period for reply. No extensions of the time for reply under 37 CFR 1.136(a) were obtained. The instant petition and this decision precede the mailing of a Notice of Abandonment.

This matter is being forwarded to the Office of Initial Patent Examination for further processing.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

[1] A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

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

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

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

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

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FEB 17 2005

OFFICE OF PETITIONS

PERKINS COIE LLP
P.O. BOX 2168
MENLO PARK, CA 94026

In re Application of
Swager et al.
Application No. 60/610,743
Filed: September 17, 2004
Attorney Docket No.M0925.70149US00
Title of Invention: POLYMERS FOR ANALYTE DETECTION

DECISION GRANTING PETITION

This is a decision on the petition filed January 13, 2005, requesting in effect, that a Notice of Omitted Items in a Provisional Application ("Notice") mailed November 24, 2004, be withdrawn.

The petition is GRANTED.

The application was filed on September 17, 2004. However, on November 24, 2004, the Office of Initial Patent Examination (OIPE) mailed a Notice stating that the application had been accorded a filing date of September 17, 2004 but figures 3A-3I, 4A-4B, 5A-5E, 6, 7, 8A-8D described in the specification appeared to have been omitted.

In response, the present petition was filed wherein Petitioner contends 9 sheets of drawings which included figures 3A-3I, 4A-4B, 5A-5E, 6, 7, 8A-8D as described in the specification were filed on September 17, 2004. In support, the petition is accompanied by a copy of applicant's return postcard which lists 9 sheets of drawings (Figs.1-8D) The petition is further accompanied by figures 3A-3I, 4A-4B, 5A-5E, 6, 7, 8A-8D.

Applicants' postcard receipt is prima facie evidence that 9 sheets of drawings were received on September 17, 2004, but 7 pages including figures 3A-3I, 4A-4B, 5A-5E, 6, 7, 8A-8D are 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 9 sheets of drawings including 3A-3I, 4A-4B, 5A-5E, 6, 7, 8A-8D were received on September 17, 2004, as shown in counsel's file, and later misplaced in the office.

Since original figures 3A-3I, 4A-4B, 5A-5E, 6, 7, 8A-8D cannot be located in the Office, figures 3A-3I, 4A-4B, 5A-5E, 6, 7, 8A-8D supplied on January 13, 2005, will be used for processing and examination purposes.

Deposit account no. 23-2825 will be credited with the $400.00 petition fee.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of September 17, 2004, using the drawings submitted on September 17, 2004 and

the substitute figures 3A-3I, 4A-4B, 5A-5E, 6, 7, 8A-8D 5 supplied on January 13, 2005.

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

Charlema R. Grant
Petitions Attorney
Office of Petitions

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Chernoff, Vilhauer, McClung & Stenzel, L.L.P.
1600 ODS Tower
601 S.W. Second Avenue
Portland, OR 97204

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OFFICE OF PETITIONS

In re Application of

McGann, et al.

Application No. 60/611,391

Filed: September 18, 2004

Attorney Docket No.: CDM/8618.9999

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.10 filed, March 21, 2005.

The petition is **dismissed.**

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 September 17, 2004, not the currently accorded date of September 18, 2004. In support thereof, petitioner filed a copy of copy of the United Postal Service (USPS) Express Mail Service receipt EV307271451US reflecting a "date-in" of September 18, 2004, a statement offered by Christie March, and a statement from a United States Postal Service representative, James Shinn.

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" conflicts with the date petitioner alleges the package was actually deposited. 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 that 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 one 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 petition does not satisfy item (1).

As to item (1) above, a successful petition under 37 CFR 1.10(d) requires that the petition be filed promptly after the applicant becomes aware that the Office has accorded, or will accord, an incorrect filing date. Petitioner did not detail when petitioner discovered that the filing date accorded was allegedly incorrect so that it can be determined whether the petition was promptly filed. Any renewed petition filed must detail when petitioner became aware that an incorrect filing date was accorded the application.

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
P.O. Box 1450
Alexandria, VA 22313-1450
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McCarthy Tetrault LLP
Box 48
Suite #4700 Toronto Dominion Bank Tower
TORONTO ON M5K 1E6 CA CANADA

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OFFICE OF PETITIONS

In re Application of	:	
McGann, et al.	:	
Application No. 60/611,391	:	
Filing or 371(c) Date: September 18, 2004	:	DECISION
Attorney Docket Number:144406-360227	:	ON PETITION

This is a decision on the "Renewed Petition to the Director," filed December 22, 2005, requesting that the above-identified application be accorded a filing date of September 17, 2004, rather than the presently accorded filing date of September 18, 2004. The petition is properly treated under 37 CFR 1.10(d).

The petition is **dismissed**.

Applicant alleges that the application was deposited in Express Mail service September 17, 2004. In support of this assertion, Applicant files copies of an affidavit of Charles McClung; a letter from James Shinn, Manager of Distribution Operations fro the United States Postal Service, Portland Oregon , and a copy of Express Mail Mailing Label No. EV307271451US.

Applicable Law

Public Law 97-247, 96 Stat. 317 (1982), amended 35 U.S.C. § 21 permitting, but not requiring, the Office to prescribe that any paper or fee required to be filed in the Office be considered filed in the Office on the date on which it was deposited with the U.S. Postal Service. The Office promulgated 37 CFR § 1.10 pursuant to the authority provided in 35 U.S.C. § 21.

37 CFR § 1.8 provides a procedure by which the timely filing of papers and fees deposited with the U.S. Postal Service may be established without independent corroboration by an employee of the U.S. Postal Service (*i.e.*, established solely by the statement(s) from applicant or his or her counsel). The suggestion that 37 CFR § 1.8 be applicable to application papers deposited with the U.S. Postal Service for purposes of obtaining a filing date was considered and expressly rejected. The criticality of an application filing date was considered adequate to justify independent verification by an employee of the U.S. Postal Service of the date of deposit of the application papers with

the U.S. Postal Service. See rulemaking entitled "Revision of Patent Procedure," published in the *Federal Register* at 48 *Fed. Reg.* 2696, 2702 (January 20, 1983), and in the Patent and Trademark Office *Official Gazette* at 1027 *Off. Gaz. Pat. Office* 9, 25 (February 1, 1983). (Emphasis supplied). Put simply, the insertion by a disinterested employee of the U.S. Postal Service of the date of deposit in the U.S. Postal Service by Express Mail on the Express Mail label of the envelop containing application papers is the *raison d'être* of 37 CFR § 1.10.[1]

37 CFR 1.10(d) provides that

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

The MPEP 513 further explains that

> The showing under 37 CFR 1.10(d) must be corroborated by (1) evidence from the USPS, or (2) evidence that came into being after deposit and within one business day of the deposit of the correspondence as "Express Mail." Evidence from the USPS may be the "Express Mail" Corporate

---

[1] In promulgating 37 CFR § 1.10, the Office also considered other types of mail service (*e.g.*, registered mail and certified mail), but chose the "Express Mail" service since this service provides, *inter alia*, a legible mailing date on the "Express Mail" label for the records of both the applicant and the Office. See "Revision of Patent Procedure," 48 *Fed. Reg.* at 2697, 1027 *Off. Gaz. Pat. Office* 12-13.

Account Mailing Statement. Evidence that came into being within one day after the deposit of the correspondence as "Express Mail" may be in the form of a log book which contains information such as the "Express Mail" number; the application number, attorney docket number or other such file identification number; the place, date and time of deposit; the time of the last scheduled pick-up for that date and place of deposit; the depositor's initials or signature; and the date and time of entry in the log. (Emphasis supplied).

The reason the Office considers correspondence to have been filed as of the date of deposit as "Express Mail" is that this date has been verified by a disinterested USPS employee, through the insertion of a "date-in," or other official USPS notation, on the "Express Mail" mailing label. Due to the questionable reliability of evidence from a party other than the USPS that did not come into being contemporaneously with the deposit of the correspondence with the USPS, 37 CFR 1.10(d) specifically requires that any petition under 37 CFR 1.10(d) be corroborated either by evidence from the USPS, or by evidence that came into being after deposit and within one business day after the deposit of the correspondence as "Express Mail."

A petition alleging that the USPS erred in entering the "date-in" will be denied if it is supported only by evidence (other than from the USPS) which was:
(A) created prior to the deposit of the correspondence as "Express Mail " with the USPS (e.g., an application transmittal cover letter, or a client letter prepared prior to the deposit of the correspondence); or
(B) created more than one business day after the deposit of the correspondence as "Express Mail " (e.g., an affidavit or declaration prepared more than one business day after the correspondence was deposited with the USPS as "Express Mail ").

On the other hand, a notation in a log book, entered after deposit by the person who deposited the correspondence as "Express Mail" within one business day of such deposit, setting forth the items indicated above, would be deemed on petition to be an adequate showing of the date of deposit under 37 CFR 1.10(d)(3).

37 CFR 1.10(d)(3) further provides that a party must show that correspondence was deposited as "Express Mail" before the last scheduled pickup on the requested filing date in order to obtain a filing date as of that date.

Conclusion

The petition states that the application was deposited in an Express Mail receptecale prior to the last scheduled pick-up on September 17, 2004. Further, the affidavit of Mr. McClung and declaration of Mr. Shinn are "an affidavit(s) or declaration prepared more than one business day after the correspondence was deposited with the USPS as 'Express Mail' ". MPEP 513.

Applicant has also not provided any evidence that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

The MPEP cautions that

> correspondence should be deposited directly with an employee of the USPS to ensure that the person depositing the correspondence receives a legible copy of the "Express Mail" mailing label with the "date-in" clearly marked, and that persons dealing indirectly with the employees of the USPS (such as by depositing correspondence in an "Express Mail" drop box) do so at the risk of not receiving a copy of the "Express Mail" mailing label with the desired "date-in" clearly marked. On petition, the failure to obtain an "Express Mail" receipt with the "date-in" clearly marked may be considered an omission that could have been avoided by the exercise of due care, as discussed below. While the Office strongly urges direct deposit of "Express Mail" correspondence in order to obtain a legible copy of the "Express Mail" mailing label, parties are not precluded from using "Express Mail" drop boxes, but do so at their own risk. (Emphasis supplied).

Here, Applicant bore the risk of not receiving a copy of the "Express Mail" mailing label with the desired "date-in" clearly marked[2].

The petition is dismissed without prejudice. Applicant should provide evidence from the USPS or that or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

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

---

[2] Parties who do use drop boxes can protect themselves from uncertainty due to illegible mailing labels by routinely maintaining a log of "Express Mail" deposits in which notations are entered by the person who deposited the correspondence as "Express Mail" within one business day after deposit with the USPS. Such evidence could be useful to later support a petition filed under 37 CFR 1.10(c), (d) (e), or (g). MPEP 513.

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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) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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SUITE 300
WASHINGTON, DC 20001-5303

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OFFICE OF PETITIONS

In re Application of :
Abraham Shahar et al :
Application No. 60/611,566 : ON PETITION
Filed: September 21, 2004 :
Attorney Docket No. SHAHAR3 :

This is a decision on the petition under 37 CFR 1.137(b), filed June 22, 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 (Notice) mailed October 19, 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 December 20, 2004.

In accordance with 35 U.S.C. § 111 (b)(5), a provisional application for patent is regarded as abandoned 12 months after the filing date of such application and is not be subject to revival after such 12-month period. The instant application therefore is statutorily abandoned.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (703) 306-5685.

This matter is being referred to Files Repository.

Wan Laymon

Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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SUITE 200
3160 CHESTNUT STREET
PHILADELPHIA PA 19104-6283

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OFFICE OF PETITIONS

In re Application of :
Haim H. Bau et al. :
Application No. 60/611,624 : ON PETITION
Filed: September 21, 2004 :
Attorney Docket No. Q3470 :

This is a decision on the petition filed September 19, 2005, to revive the above identified application under 37 CFR 1.137(b).[1]

The petition is **GRANTED**.

This application became abandoned on March 1, 2005, for failure to file a timely response to the Notice to File Missing Parts "Notice" mailed December 30, 2004, which set a two (2) month shortened statutory period for reply. No extensions of the time for reply under 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed September 12, 2005.

The Provisional Application Cover Sheet has been provided and thus, this matter is being forwarded to the Office of Initial Patent Examination for further processing.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

[1] A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

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

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

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

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

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JODANTI ENTERPRISES LTD.
201 - 1960 SPRINGFIELD ROAD
KELOWNA BC V1Y 5V7
CANADA

In re Application of	:	
Holmes, et al.	:	
Application No. 60/611,738	:	DECISION ON PETITION
Filing Date: 22 September, 2004	:	
Attorney Docket No. (None)	:	

This is a decision on the petition filed 37 C.F.R. §1.53 on 31 March, 2005, to obtain a filing date of 22 September, 2004, for the instant application.

Notably, 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 under 37 C.F.R. §1.53 is **GRANTED in part** and **DISMISSED in part**.

BACKGROUND

This provisional application was deposited on 22 September, 2004.

On 10 February, 2005, the Office mailed a "Notice of Incomplete Provisional Application," (the Notice) and indicated that a filing date had not been granted because the application had been deposited without drawings required under 35 U.S.C. §113 (first sentence); and

The Notice also informed Petitioner that the application would receive the filing date consistent with the submission of required drawings, or that Petitioner might evidence that either drawings were not necessary for the understanding of the invention or the application as submitted otherwise satisfied the statutory requirements for a filing date.

Petitioner filed the instant petition on 31 March, 2005, and, *inter alia*, alleged therein that the instant "application does not require drawings for the understanding of the subject matter" to be patented and requested that the application be accorded a filing date of 22 September, 2004.

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])

The arguments in the petition will be construed to mean that Petitioner asserts that drawings are not necessary for a filing date in this application. Drawings will not be further considered as a part of this case.

In view of the above, the Notice mailed on 10 February, 2005, was mailed in error and is hereby withdrawn.

The petition is **granted in part** (and the petition fee is waived), to the extent that the application will be accorded the filing date of 22 September, 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 is being referred to the Office of Initial Patent Examination to be processed for correction of the filing date to 22 September, 2004, with the two (2) pages of specification deposited on 22 September, 2004, as the original disclosure.

---

[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.

* * *

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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KAPLAN & GILMAN , L.L.P.
900 ROUTE 9 NORTH
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MAR 3 1 2005

OFFICE OF PETITIONS

In re Application of :
Sol Wahba :
Application No. 60/611,784 :
Filed: September 21, 2004 : ON PETITION
Attorney Docket Number: :
PP04228 :

This is a decision on the Petition Under 37 C.F.R. 1.53(e), filed March 10, 2005, requesting the application be accorded a filing date of September 21, 2004, including drawing Figures 9 through 20 described in the specification. The petition is properly treated under 37 CFR 1.182.

The petition is **granted**.

The application was filed on September 21, 2004. However, on Janaury 10, 2005, the Office of Initial Patent Examination mailed a Notice of Omitted Item(s) in a Provisional Application (hereinafter "Notice"), stating that a filing date had been accorded the application; however, Figures 9 through 20 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 9 through 20 were originally filed with the application on September 21, 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*, 11 sheets of drawings on September 21, 2004.

A review of the return receipt postcard reveals that Petitioner is correct. The postcard acknowledges receipt of, *inter alia*, 11 sheets of drawings on September 21, 2004. Petitioner has also re-submitted 11 sheets of drawings with the instant petition.

Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self-addressed postcard properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the postcard in the outgoing mail. "A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

The copy of drawing Figures 9-20 supplied with the instant petition on March 10, 2005, will be made part of the application file.

A refund of the petition fee to deposit account 11-0223 has been scheduled 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 September 21, 2004, and an indication that 11 sheets of drawings were present on filing, including drawing Figures 9-20, using drawing Figures 9-20 supplied with the instant petition on March 10, 2005.

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

Derek L. Woods
Attorney/Advisor
Office of Petitions

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DAVID A. LEVINE
P.O. BOX 61180
PALO ALTO, CA 94306-1180

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OFFICE OF PETITIONS

In re Application of :
Greenhalgh, et al. :
Application No. 60/611,972 :
Filed: September 21, 2004 :
Attorney Docket No. SM P005 :

ON PETITION

This is a decision on the papers styled, "Response To Notice of Omitted Items In A Provisional Application," filed February 10, 2005 (Certificate of Mailing Date: February 7, 2005), which has been treated as a petition under 37 CFR 1.53 requesting that the above-identified provisional application be accorded a filing date of September 21, 2004, including pages 5, 6 and 7 of the specification.

The provisional application was submitted on September 21, 2004. However, on December 7, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Omitted Items In A Provisional Application," (Notice) that stated the application had been accorded a filing date, and that Page 5, 6, 7 of the specification appear to have been omitted.

In response, on February 10, 2005 (Certificate of Mailing Date: February 7, 2005), the instant petition was submitted.

Petitioner has submitted $130.00 for the petition fee. However, as of December 8, 2004, the required fee has increased to $400.00. An additional $270.00 is required before the petition will be reviewed on the merits.

Accordingly, the petition is 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 <u>not</u> be extended pursuant to 37 CFR 1.136.

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

By mail: Mail Stop Petition
Commissioner for Patents
Box 1450
Alexandria, VA 22313

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

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

Telephone inquiries should 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

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DAVID A. LEVINE
P.O. BOX 61180
PALO ALTO, CA 94306-1180

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OFFICE OF PETITIONS

In re Application of :
Greenhalgh, et al. :
Application No. 60/611,972 :
Filed: September 21, 2004 :
Attorney Docket No. SM P005 :

ON PETITION

This is a decision on the papers styled, "Response To Decision of Petition Dismissal Without Review on the Merits," filed May 18, 2005 (Certificate of Mailing date: May 14, 2005), which has been treated as a petition under 37 CFR 1.53, requesting that the above-identified provisional application be accorded a filing date of September 21, 2004, including pages 5, 6 and 7 of the specification.

The provisional application was submitted on September 21, 2004. However, on December 7, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Omitted Items In A Provisional Application," (Notice) that stated the application had been accorded a filing date, and that Page(s) 5, 6, 7 of the specification appear to have been omitted.

In response, on February 10, 2005, the original petition and a copy of pages 5, 6 and 7 of the specification were submitted. The petition was accompanied by a copy of applicants' postcard receipt that acknowledges receipt of "Specification, 19 pages" on September 21, 2004. A review of the application file indicates the presence of sixteen (16) pages of specification. It is assumed that pages 5, 6 and 7 of the specification were misplaced by the Office.

In view of the above, the petition is granted.

The petition fee, submitted May 18, 2005, will be refunded by treasury check.

This provisional application will be returned to OIPE for further processing with a filing date September 21, 2004, using the copy of pages 5, 6 and 7 of the specification, supplied on February 10, 2005.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3228.

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

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JAN 0 5 2005

OFFICE OF PETITIONS

In re Application of
James H. Eberwine et al.
Application No. 60/612,302
Filed: September 22, 2004
Attorney Docket No. P3091-P2

: DECISION GRANTING PETITION

This is a decision on the petition filed December 22, 2004, requesting that the above-identified provisional application be accorded a filing date of September 22, 2004, which is treated under 37 CFR 1.53.

The petition is **GRANTED**.

The application was filed on September 22, 2004, without drawings. Accordingly, on October 22, 2004, the Office of Initial Patent Examination mailed a "Notice of Incomplete Provisional Application" stating that the application had been deposited without drawings.

The present petition 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 September 22, 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 application includes at least one method claim. Therefore, this application contains disclosure relating to a process or method.

In view of the above, the "Notice" mailed October 22, 2004, was mailed in error and is hereby withdrawn. The petition fee in the amount of $400.00 will be credited back to deposit account no. 50-0310.

The application is accorded a filing date of September 22, 2004, without drawings as a part of the original disclosure.

The application is being returned to the Office of Initial Patent Examination for correction of the filing date to September 22, 2004, and correction of PTO records to show that zero (0) sheets of drawings were present on filing.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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Paper No.

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

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FEB 01 2005

OFFICE OF PETITIONS

In re Application of :
Johnson et al. :
Application No. 60/612,352 : DECISION ON PETITION
Filed: September 22, 2004 :
Attorney Docket No. 066042-9536-03 :

This is a decision on the "Petition under § 1.53(e)," filed December 27, 2004.

Application papers in the above-identified provisional application were filed on September 22, 2004. However, on November 29, 2004, the Office mailed a Notice of Omitted Item(s) in Provisional Application. Applicants were advised that the application had been accorded a filing date; however, figure 16 described in the specification appeared to have been omitted from the application.

In response, applicants timely filed the instant petition (and petition fee). Therewith, applicants provide evidence of the original submission of drawings by providing a copy of the stamped postcard received from the Patent Office. The petition also includes a copy of the drawing sheet containing Fig. 16.

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 September 22, 2004, and the items filed therewith were assigned Application No. 60/612352; 2) it specifically identifies the items being filed, including "(x)Drawings 27 Sheets" 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 27 sheets of drawings, were filed on September 22, 2004.

The sheets of drawings already considered received in the Office on September 22, 2004, were reviewed along with the drawing sheet containing figure 16 submitted on petition. These papers together constitute the item described on the postcard receipt as "(x)Drawings 27 Sheets." It is concluded that petitioner has shown that figure 16 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 subject to refund. Although authorized, the petition fee will not be 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 September 22, 2004 using the application papers received in the Office and presently accorded that date; and figure 16 re-supplied on petition filed December 27, 2004; and
- indication in Office records, as appropriate, that 27 sheets of drawings were present in this application on filing.

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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P.O. BOX 7037
ATLANTA, GA 30357-0037

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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Manojit Pal et al :
Application No. 60/612,374 :
Filed: September 23, 2004 :
Attorney Docket No. R18631 1100.P1 :
(0180) :

This is a decision on the petition under 37 CFR 1.182, filed July 14, 2005, to change the name of one of the inventors.

The petition is **GRANTED**.

The name of one of the named inventors will be changed from "Gayla R. Wilson" to Gayla W. Roberts.

This matter is being referred to Files Repository.

Telephone inquires regarding this decision may be directed to Wan Laymon at 571-272-3220.

Wan Laymon
Petitions Examiner
Office of Petitions

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CHOATE, HALL & STEWART
EXCHANGE PLACE
53 STATE STREET
BOSTON MA 02109

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DEC 27 2004

OFFICE OF PETITIONS

In re Application of :
Paolo Boccazzi et al :
Application No. 60/613,140 :
Filed: September 24, 2004 :
Attorney Docket No. 0492611-0585 (MIT 11295) :

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) 272-3208.

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
60/613,172	09/23/2004		105	02307O-154000US	1		

CONFIRMATION NO. 4986

UPDATED FILING RECEIPT

OC000000015211717

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

Date Mailed: 02/17/2005

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)

Peter J. Anderson, Davis, CA;
Stephen Ducker, Davis, CA;
Joshua Miller, Davis, CA;
Ralph Green, Elmacero, CA;
John Roth, Davis, CA;
Coleen Carkeet, Silver Spring, MD;

Power of Attorney:
Laurence Hyman–35551

If Required, Foreign Filing License Granted: 12/06/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/613,172

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Assay for vitamin B12 absorption and method of making labeled vitamin B12

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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CLEVELAND OH 44114

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JAN 17 2006

OFFICE OF PETITIONS

In re Application of:
Castany
Application No. 60/613,394
Filed: September 27,2004
Docket No.: 153454-600027

: ON PETITION

This is a decision on the petition filed September 28, 2005, under 37 CFR 1.182 asking that the USPTO prepare a certified copy of this application in color, as opposed to the current black and white copy.

The petition is **dismissed**.

Petitioner complains that the black and white images appearing on pages 4, 20, 22, and 23 in the certified copy already prepared for foreign filing purposes are insufficient to describe pertinent details that are present and discernable in the originally filed color application.

REGULATION AND USPTO PROCEDURE

37 CFR 1.52(a)(1) states that for papers that are to become a part of the permanent United States Patent and Trademark Office records in the file of a patent application or a reexamination proceeding must be:

> (iv) Plainly and legibly written either by a typewriter or machine printer in permanent dark ink or its equivalent; and
>
> (v) Presented in a form having sufficient clarity and contrast between the paper and the writing thereon to permit the direct reproduction of readily legible copies in any number by use of photographic, electrostatic, photo-offset, and microfilming processes and electronic capture by use of digital imaging and optical character recognition.

37 CFR 1.58 states in pertinent part::

> (a) The specification, including the claims, may contain chemical and mathematical formulae, but shall not contain drawings or flow diagrams.

37 CFR 1.84 sets forth standards for drawings.

> (a) Drawings. There are two acceptable categories for presenting drawings in utility and design patent applications.

(1) Black ink. Black and white drawings are normally required. India ink, or its equivalent that secures solid black lines, must be used for drawings; or

(2) Color. On rare occasions, color drawings may be necessary as the only practical medium by which to disclose the subject matter sought to be patented in a utility or design patent application or the subject matter of a statutory invention registration. **The color drawings must be of sufficient quality such that all details in the drawings are reproducible in black and white in the printed patent.** Color drawings are not permitted in international applications (see PCT Rule 11.13), or in an application, or copy thereof, submitted under the Office electronic filing system. **The Office will accept color drawings in utility or design patent applications and statutory invention registrations only after granting a petition filed under this paragraph explaining why the color drawings are necessary....**(emphasis added)

h) Views. The drawing must contain as many views as necessary to show the invention. The views may be plan, elevation, section, or perspective views. Detail views of portions of elements, on a larger scale if necessary, may also be used. All views of the drawing must be grouped together and arranged on the sheet(s) without wasting space, preferably in an upright position, clearly separated from one another, **and must not be included in the sheets containing the specifications, claims, or abstract**. Views must not be connected by projection lines and must not contain center lines. Waveforms of electrical signals may be connected by dashed lines to show the relative timing of the waveforms (emphasis added).

MPEP 608.01 states in part:

III. CERTIFIED COPIES OF AN APPLICATION-AS-FILED

If an application-as-filed does not meet the sheet size/margin and quality requirements of 37 CFR 1.52 and 1.84(f) and (g), certified copies of such application may be illegible and/or ineffective as priority documents. When an applicant requests that the USPTO provide a certified copy of an application-as-filed and pays the fee set forth in 37 CFR 1.19(b)(1), the USPTO will make a copy of the application-as-filed from the records in the IFW database (or the microfilm database). If papers submitted in the application-as-filed are not legible, certified copies of the application as originally filed will not be legible.

OPINION

It should be noted that 37 CFR 1.182 is not a mechanism for avoiding the requirements of the established rules and procedures. See Hicks v. Costello, 1903 Dec. Comm'r Pat. 123, 125 (1903).

Inspection of the specification pages in question reveals that each of the above-noted pages in question contains an imbedded copy of at least one drawing figure, and that the fact that the imbedded drawing(s) was initially colored is causing a problem resulting in deficient clarity and contrast. However, the text is adequately discernable. Here, petitioner simply failed to heed almost every applicable regulation pertaining to the submission of drawings in an application, much less colored drawings, and as such is himself the cause of his current predicament. As such, petitioner cannot reasonably expect extraordinary intervention and relief.

Nevertheless, petitioner may be able to obtain, without petition, his requested certified color priority document. Petitioner should contact the Document Services Branch of the USPTO at

either (571) 272-3150 or 1-800-972-6382 (toll free) for specific assistance in his quest for a certified color copy of this application. No assurance can be given that petitioner will be successful in this endeavor.

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

Brian Hearn

Brian Hearn
Petitions Examiner
Office of Petitions

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2801 CENTERVILLE RD
WILMINGTON DE 19808

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OFFICE OF PETITIONS

In re Application of	:	
Raymond S.P. Leung	:	
Application No. 60/613,429	:	DECISION ON PETITION
Filed: September 27, 2004	:	
Attorney Docket No. LP5680 US PRV	:	

This is in response to the "PETITION FOR MAINTAINING ORIGINAL FILING DATE AND RESPONSE TO NOTICE OF OMITTED ITEM(S) IN A PROVISIONAL APPLICATION", filed December 15, 2004, to accord the above identified application a filing date of September 27, 2004, with Figures 1 - 6 of the drawings as part of the original disclosure.

The petition is **DISMISSED**.

The application was deposited on September 27, 2004. However, on October 25, 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 1 - 6 of the drawings as described in the specification 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 of the application as-filed (i.e. without drawing Figures 1 - 6).

Applicant instead chose to file Figures 1 - 6 on December 15, 2004, together with a petition requesting a filing date of September 27, 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 September 27, 2004, using the application papers filed on that date, and an indication that Figures 1 - 6 were NOT present on filing and that Figures 1 - 6 are NOT part of the provisional application disclosure.

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

Cliff Congo
Petitions Attorney
Office of Petitions

---

[1] See 37 CFR 1.121(k).

[2] MPEP 601.01(d).

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FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

In re Application of	:	
Craig Schmitt	:	
Application No. 60/613,571	:	ON PETITION
Filed: September 27, 2004	:	
Attorney Docket No.: 00635-270P01	:	

This is a decision on the petition under 37 CFR 1.182, filed December 19, 2005.

The petition is **dismissed as moot**.

On September 27, 2004, the above-cited provisional application was filed. The record reflects that on November 2, 2004, "Express Abandonment under 37 CFR 1.138" was filed; the communication cited the correct application serial number, filing date, and invention title. The instant petition was filed on December 19, 2005, indicating that a request under 37 CFR 1.138 should have been filed in the above-cited application on, or about, October 6, 2005, but, because the request cited application serial number 60/605,572, it was not properly entered in the instant application. Petitioner seeks to remedy this and have the express abandonment entered for application serial number 60/613,571 by the instant petition.

A review of the application file reveals that a request under 37 CFR 1.138 was filed on November 2, 2004, and acknowledged and entered on November 16, 2004. Further, a review of the application serial number 60/605,572 reveals that a request under 37 CFR 1.138 was filed on October 6, 2004, and acknowledged and entered on October 19, 2004. It is also noted that the instant petition states that petitioner intended for both applications to be expressly abandoned. As a proper request under 37 CFR 1.138 has been filed, acknowledged, and entered in application serial number 60/613,571, there is no remedy that can be provided by the instant petition. The petition is, therefore, dismissed as moot.

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

Kenya A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/613,990	09/28/2004		160	1842.078PRV	6		

CONFIRMATION NO. 9013

CORRECTED FILING RECEIPT

OC000000014327844

21186
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

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)

Mark V. Page, East Chicago, IN;
Stephen A. Canterbury, Antioch, IL;
Victor Mercado, Berwyn, IL;

Power of Attorney:

Andrew DeLizio–52806

If Required, Foreign Filing License Granted: 10/21/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/613,990

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 gaming machine peripherals

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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DOUGLAS A. CHAIKIN, ESQ.
26150 BUCKS RUN
CORRAL DE TIERRA CA 93908

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NOV 0 3 2005

OFFICE OF PETITIONS

In re Application of
Thomas E. Waschura :
Application No. 60/614,024 : ON PETITION
Filed: September 27, 2004 :
Attorney Docket Number: WASC1876P :

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

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the Notice to File Missing Parts mailed October 26, 2004, which set a two (2) month shortened statutory period for reply and because no extensions of the time for reply under 37 CFR 1.136(a) were obtained. The instant petition and this decision on petition precede the mailing of a Notice of Abandonment.

The maximum period obtainable for reply was five months after the mailing of the Notice to File Missing Parts. Therein, with an extension of time, the missing fees, could have been submitted not later than May 26,2004. Although a response was filed on May 11, 2005, the fees were deficient and it was without an five month extension of time request. As a result, a Notice of Incomplete Reply was mailed May 18, 2005. Additional fees were submitted on May 21, 2005, however, it too was submitted without an extension of time

---

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

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

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

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

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

request to make the submission timely.

The record reveals that a three month extension of time was filed with the instant petition, however, pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the $510.00 extension of time fee submitted with the petition on July 1, 2005, was subsequent to the maximum period obtainable for reply, this fee is unnecessary and will be refunded in due course.

This matter is being referred to the Office of Initial Patent Examination.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ConocoPhillips Company - I.P. Legal
P.O. BOX 2443
BARTLESVILLE OK 74005

COPY MAILED

SEP 2 6 2005

OFFICE OF PETITIONS

In re Application of Doerksen, et al. Application No. 60/614,313 Deposited: September 29, 2004 Attorney Docket No. IN 34173 For: COKE DRUM UNHEADING SYSTEM AND METHOD	DECISION GRANTING PETITION

This is a decision on the petition under 37 CFR 1.53(e), filed September 9, 2005, requesting, in effect, withdrawal of the Notice of Incomplete Provisional Application, mailed August 31, 2005.

The application was deposited on September 29, 2004. On August 31, 2005, the Office of Initial Patent Examination mailed a Notice informing petitioners that no filing date had been accorded to the application papers deposited on September 29, 2004 because no drawings were present, as is required by 35 U.S.C. 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 September 29, 2004 on the basis that 6 sheets of drawing figures were received in the Patent and Trademark Office (PTO) on September 29, 2004. In support, the petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing September 29, 2004 as the date of receipt. The postcard lists, *inter alia*, that the filing includes 6 sheets of drawings.

The return postcard constitutes *prima facie* evidence that 6 sheets of drawings were filed on September 29, 2004. MPEP 503. Accordingly, the request is granted.

Pursuant to petitioners' authorization, deposit account no. 03-2769 will be credited the $50 fee charged on September 14, 2005.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **September 29, 2004**, using the copy of the 6 sheets of drawings submitted with the instant petition. Office records will be corrected to show that 6 sheets of drawings were present on filing.

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

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

cc: MARCELLA D. WATKINS
CONLEY ROSE, P.C.
P.O. BOX 3267
HOUSTON, TX 77253-3267

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/614,338	09/28/2004		80	3220-75659			

CONFIRMATION NO. 2503

CORRECTED FILING RECEIPT

OC000000014838487

23643
BARNES & THORNBURG
11 SOUTH MERIDIAN
INDIANAPOLIS, IN 46204

Date Mailed: 12/28/2004

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)

Richard Frederick Borch, Lafayette, IN;
Irene George Boutselis, Lafayette, IN;

Power of Attorney:

Kevin McLaren--48351

If Required, Foreign Filing License Granted: 12/08/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/614,338

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Prodrugs of drug-phosphate conjugates and analogs 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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PENINSULA IP GROUP
A PROFESSIONAL LAW CORPORATION
26150 BUCKS RUN
CORRAL DE TIERRA, CA 93908

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OCT 0 7 2005

OFFICE OF PETITIONS

In re Application of :
Thomas E. Waschura et al :
Application No. 60/614,366 : ON PETITION
Filed: September 27, 2004 :
Attorney Docket No. WASC1877P :

This is a decision on the petition under 37 CFR 1.137(b), filed July 1, 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 (Notice) mailed November 2, 2004. The Notice set a period for reply of two (2) months from the mail date of the Notice. A partial reply was received on May 10, 2005. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on January 3, 2005.

In accordance with 35 U.S.C. § 111 (b)(5), a provisional application for patent is regarded as abandoned 12 months after the filing date of such application and is not be subject to revival after such 12-month period. The instant application therefore is statutorily abandoned.

A review of the Finance Records indicates an overpayment of $510. Petitioner may request a refund of this fee by writing to: Mail Stop 16, Director of the US Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to Files Repository.

Wan Laymon
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

WILLIAM COLLARD
COLLARD & ROE PC
1077 NORTHERN BLVD
ROSLYN NY 11576

COPY MAILED

JAN 20 2006

OFFICE OF PETITIONS

In re Application of	:	
Paul Scharf	:	
Application No. 60/614,373	:	ON PETITION
Filed: September 29, 2004	:	
Title: Filter System For Drum Openings	:	

This is a decision on the "REQUEST FOR EXPEDITED DETERMINATION OF A PETITION UNDER 1.182" and the "PETITION TO CORRECT FILING DATE OF PROVISIONAL APPLICATION", both filed on January 12, 2006, to accord the above-identified application a filing date of September 29, 2004. The petitions were forwarded to the attention of the undersigned on January 18, 2006.

The petitions are **GRANTED**.

With the instant petition, petitioner argues that the above identified application was filed on September 29, 2004, not September 28, 2004.

37 C.F.R. §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.

The instant petition satisfies the requirements of 37 C.F.R. §1.10(d). Petitioner has supplied corroborating evidence from the USPS, in the form of an e-mail showing that the instant application bearing Express Mail Label No. EV525345540US was accepted and en-route on September 29, 2004.

In view of the above, the application is entitled to a filing date of September 29, 2004.

Given the basis for granting this petition under 37 C.F.R. § 1.10(d), no petition fee was required, and none has been charged. However, Deposit Account No. 03-2468 has been charged $400 for an expedited decision pursuant to 37 C.F.R. § 1.182.

The application file is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of **September 29, 2004, not September 28, 2004**.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/614,373	09/29/2004		80	SCHARF - 2 (PROVISIONAL)	4		

CONFIRMATION NO. 3194

CORRECTED FILING RECEIPT

OC000000017901812

25889
WILLIAM COLLARD
COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Date Mailed: 01/24/2006

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)

Paul Scharf, New York, NY;

Power of Attorney:

Allison Collard--22532
Edward Freedman--26048
Frederick Dorchak--29298
Elizabeth Richter--35103

If Required, Foreign Filing License Granted: 10/23/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/614,373

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

Filter system for drum openings

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

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

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the

national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

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

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WILLIAM COLLARD
COLLARD & ROE PC
1077 NORTHERN BLVD
ROSLYN NY 11576

COPY MAILED

JAN 20 2006

OFFICE OF PETITIONS

In re Application of	:	
Paul Scharf	:	
Application No. 60/614,404	:	ON PETITION
Filed: September 29, 2004	:	
Title: Filter System For Drum Faucets	:	

This is a decision on the "REQUEST FOR EXPEDITED DETERMINATION OF A PETITION UNDER 1.182" and the "PETITION TO CORRECT FILING DATE OF PROVISIONAL APPLICATION", both filed on January 12, 2006, to accord the above-identified application a filing date of September 29, 2004. The petitions were forwarded to the attention of the undersigned on January 18, 2006.

The petitions are **GRANTED**.

With the instant petition, petitioner argues that the above identified application was filed on September 29, 2004, not September 28, 2004.

37 C.F.R. §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.

The instant petition satisfies the requirements of 37 C.F.R. §1.10(d). Petitioner has supplied corroborating evidence from the USPS, in the form of an e-mail showing that the instant application bearing Express Mail Label No. EV525345540US was accepted and en-route on September 29, 2004.

In view of the above, the application is entitled to a filing date of September 29, 2004.

Given the basis for granting this petition under 37 C.F.R. § 1.10(d), no petition fee was required, and none has been charged. However, Deposit Account No. 03-2468 has been charged $400 for an expedited decision pursuant to 37 C.F.R. § 1.182.

The application file is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of **September 29, 2004, not September 28, 2004**.

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

Cliff Congo

Cliff Congo
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
60/614,404	09/29/2004		80	SCHARF - 1 (PROVISIONAL)	2		

CONFIRMATION NO. 3188

CORRECTED FILING RECEIPT

OC000000017961074

25889
WILLIAM COLLARD
COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Date Mailed: 02/01/2006

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)

Paul Scharf, New York, NY;

Power of Attorney:

Allison Collard--22532
Edward Freedman--26048
Frederick Dorchak--29298
Elizabeth Richter--35103

If Required, Foreign Filing License Granted: 10/23/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/614,404

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

Filter system for drum faucets

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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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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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
60/614,648	09/30/2004		80	64347.00002	2		

CONFIRMATION NO. 3926

CORRECTED FILING RECEIPT

OC000000015242419

30256
SQUIRE, SANDERS & DEMPSEY L.L.P
600 HANSEN WAY
PALO ALTO, CA 94304-1043

Date Mailed: 02/22/2005

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)

Kevin P. Graham, Fremont, CA;

Power of Attorney:

Vidya Bhakar--42323

If Required, Foreign Filing License Granted: 10/23/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/614,648

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

System, method and computer program product for implementing repository relationship programming

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

GRANTED

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

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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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
60/614,690	09/30/2004		160	CL/V-33974P1	2		

CONFIRMATION NO. 6122

CORRECTED FILING RECEIPT

OC000000014836595

31781
CIBA VISION CORPORATION
PATENT DEPARTMENT
11460 JOHNS CREEK PARKWAY
DULUTH, GA 30097-1556

Date Mailed: 12/28/2004

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)

Robert Carey Tucker, Arlington Heights, IL;
Sandra Corti, Hoffman Estates, IL;
Michael Hugh Quinn, Valparaiso, IN;
Barry L. Atkins, Chicago, IL;

Power of Attorney:

Jian Zhou–41422

If Required, Foreign Filing License Granted: 11/02/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/614,690

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

Non-Publication Request: No

Early Publication Request: No

Title

Pad printing method for making colored contact lenses

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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United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/614,897	09/29/2004		160	PA2747PRV	7		

CONFIRMATION NO. 3881

CORRECTED FILING RECEIPT

OC000000015014950

22830
CARR & FERRELL LLP
2200 GENG ROAD
PALO ALTO, CA 94303

Date Mailed: 01/24/2005

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 write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Mukund Balasubramanian, Cupertino, CA;
Patrick Vallaeys, Los Altos, CA;
Jeff Tonkel, Saratoga, CA;
Rajesh Koilpillai, Chennai, INDIA;

Power of Attorney:

Steven Colby–50250

If Required, Foreign Filing License Granted: 11/17/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/614,897

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

Non-Publication Request: No

Early Publication Request: No

Title

Service shopping system and method

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

GRANTED

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

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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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DAVID W. HIGHET, VP AND CHIEF IP COUNSEL
BECTON, DICKINSON AND COMPANY
1 BECTON DRIVE, MC 110
FRANKLIN LAKES, NJ 07417-1880

COPY MAILED

DEC 28 2005

OFFICE OF PETITIONS

In re Application of :
Prais et al. :
Application No. 60/614,914 :
Filed: September 30, 2004 : ON PETITION
Title of Invention: :
METHOD FOR REDUCING OR :
ELIMINATING RESIDUE IN A GLASS :
CONTAINER AND A GLASS CONTAINER :
MADE IN ACCORDANCE THEREWITH :

This is a decision on the petition filed October 31, 2005, requesting waiver of 37 C.F.R. §1.59(a), to expunge a portion of the above-identified application identified as proprietaty information.

Background

Applicant filed the above-identified provisional application and inadvertently included proprietary information. Applicant subsequently filed a PCT application claiming priority to the above-identified application and at that time became aware that the above-identified application inadvertently included proprietary information.

The instant petition

Applicant files the instant petition and requests waiver of 37 CFR 1.59(a), asserting that justice requires the granting of this petition.

37 C.F.R. § 1.59(a)(2) sets forth:

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.

Applicant provides that the application as originally filed includes text and figures that relate to proprietary information. As such, the information is governed under 37 CFR 1.59(a)(2). Applicant requests waiver of 37 CFR 1.59(a)(2).

Analysis

To the extent that the USPTO has any discretion in this matter, in order for grant of any petition under 37 CFR 1.183, petitioner must show (1) that this is an extraordinary situation where (2) justice requires waiver of the rule. *In re Sivertz*, 227 U.S.P.Q. 255, 256 (Comm'r Pat. 1985). Petitioner has not shown that either condition exists in this case.

Initially it is noted that equitable powers should not be invoked to excuse the performance of a condition by a party that has not acted with reasonable due care and diligence. U.S. v. Lockheed Petroleum Services, 709 F.2d 1472, 1475 (Fed. Cir. 1983). In this instance, The MPEP 724.02 provides a method for filing proprietary information. The failure to follow the procedure was a circumstance entirely within Applicant's control. The Office, where it has the power to do so, should not relax the requirements of established practice in order to save an applicant from the consequence of his inaction. *See, Ex Parte Sassin*, 1906 Dec. Comm'r. Pat. 205, 206 (Comm'r Pat. 1906) and *compare Ziegler v. Baxter v. Natta*, 159 USPQ 378, 379 (Comm'r Pat. 1968) and *Williams v. The Five Platters, Inc.*, 510 F.2d 963, 184 USPQ 744 (CCPA 1975).

Further to this, 37 CFR 1.183 should not be considered a panacea for tactical errors in prosecution. *See, Nitto Chem. Indus. Co. v. Comer*, 39 USPQ2d 1778, 1782 (D.D.C. 1994) (circumstances are not extraordinary, and do not require waiver of the rules, when a party makes an avoidable mistake in filing or not filing papers). Circumstances resulting from petitioner's, or petitioner's counsel's, failure to exercise due care, or lack of knowledge of, or failure to properly apply, the patent statutes or rules of practice are not, in any event, extraordinary circumstances where the interests of justice require the granting of relief. *See, In re Tetrafluor, Inc.*, 17 USPQ2d 1160, 1162 (Comm'r Pats. 1990); *In re Bird & Son, Inc.* 195 USPQ 586, 588 (Comm'r Pats. 1977).

Accordingly, the petition is **dismissed**.

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

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

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

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

Telephone inquiries concerning this decision 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DAVID W. HIGHET, VP AND CHIEF IP COUNSEL
BECTON, DICKINSON AND COMPANY
1 BECTON DRIVE, MC 110
FRANKLIN LAKES, NJ 07417-1880

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FEB 16 2006

OFFICE OF PETITIONS

In re Application of	:	
Prais et al.	:	
Application No. 60/614,914	:	
Filed: September 30, 2004	:	ON PETITION
Title of Invention:	:	
METHOD FOR REDUCING OR	:	
ELIMINATING RESIDUE IN A GLASS	:	
CONTAINER AND A GLASS CONTAINER	:	
MADE IN ACCORDANCE THEREWITH	:	

This is a decision on the Renewed Petition to Expunge Part of Provisional Patent Application, filed January 30, 2006, to expunge a portion of the above-identified application identified as proprietaty information. Applicant alternatively requests waiver of 37 C.F.R. §1.59(a), to expunge a portion of the above-identified application identified as proprietaty information.

Background

Applicant filed the above-identified provisional application and inadvertently included proprietary information. Applicant subsequently filed a PCT application claiming priority to the above-identified application and at that time became aware that the above-identified application inadvertently included proprietary information.

Applicant filed a petition on October 31, 2005, and provided that the application as originally filed includes text and figures that relate to proprietary information. As such, the information is governed under 37 CFR 1.59(a)(2). Applicant requests waiver of 37 CFR 1.59(a)(2), asserting that justice required the granting of the petition.

The petition on October 31, 2005 petition was dismissed in a decision mailed December 28, 2005, for failing to meet the requirements of a grantable petition under 37 CFR 1.183.

The instant petition

Applicant files the instant renewed petition and has established to the satisfaction of the Director that expungement is appropriate.

The petition is **GRANTED**.

Associate Power of Attorney

Applicant is advised that

> Effective June 25, 2004, the associate power of attorney practice has been eliminated. The Office no longer accepts a power of attorney signed by a principal to name an associate power of attorney. An appointment of an associate power of attorney filed on or after June 25, 2004 will not be accepted. MPEP § 402.

The address on the petition is different from the address of record. If Petitioner desires to receive further correspondence with respect to this application, a Power of Attorney executed by the inventor(s)/Assignee(s) is required. All future correspondence will be sent to address of record until instructions to the contrary are received.

Telephone inquiries regarding this decision 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LATHROP & GAGE
4845 PEARL EAST CIRCLE
SUITE 300
BOULDER, CO 80301

COPY MAILED

DEC 13 2005

OFFICE OF PETITIONS

In re Application of	:	
Robin Schaffer	:	
Application No. 60/614,959	:	DECISION GRANTING PETITION
Filed: September 30, 2004	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 441292	:	

This is a decision on the petition under 37 CFR 1.137(b), filed September 22, 2005, to revive the above-identified provisional application. *See* 37 CFR 1.137(g).

The petition is **GRANTED**.

This provisional application became abandoned for failure to timely reply to the Notice to File Missing Parts of Provisional Application, mailed November 2, 2004, which set a two month period for paying the filing surcharge fees.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the $100 filing fee and $25 for the surcharge fee; (2) the petition fee of $750; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of November 2, 2004 is accepted as having been unintentionally delayed.

Petitioner is advised that a provisional application will not be regarded as pending after twelve months from its filing date under any circumstances.

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

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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
60/614,997	10/01/2004		160	PC32117-02			

CONFIRMATION NO. 8620

CORRECTED FILING RECEIPT

OC000000015066834

28940
AGOURON PHARMACEUTICALS, INC.
10350 NORTH TORREY PINES ROAD
LA JOLLA, CA 92037

Date Mailed: 01/31/2005

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)

Evan Burr Smith, San Diego, CA;
Jonathan Quoc Tran, San Diego, CA;

Power of Attorney: The patent practitioners associated with Customer Number **28940**.

If Required, Foreign Filing License Granted: 12/29/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/614,997

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

Non-Publication Request: No

Early Publication Request: No

Title

Therapeutic combinations

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

MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
P.O. BOX 398
AUSTIN TX 78767-0398

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SEP 27 2005

OFFICE OF PETITIONS

In re Application of	:	
Lockwood et al.	:	
Application No. 60/615,032	:	ON PETITION
Filed: October 1, 2004	:	
Attorney Docket No. 5777-00800	:	

This is a decision on the petition under 37 C.F.R. § 1.182, filed September 2, 2005, to change the name of an inventor.

The petition is **GRANTED.**

The name will be changed from DANIEL Z. FANG to ZHIQIANG FANG.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3282.

Liana Chase
Petitions Examiner
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

Hanley, Flight & Zimmerman LLC
20 North Wacker Drive
Suite 4220
Chicago, IL 60606

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SEP 15 2005

OFFICE OF PETITIONS

In re Application of	:	
Craig Roberton, et al.	:	
Application No. 60/615,082	:	DECISION GRANTING
Filed: October 1, 2004	:	PETITION
Attorney Docket No. 20008/G080A	:	

This is a decision on the petition filed March 24, 2005, requesting that the above-identified application be accorded a filing date of October 1, 2004 rather than the presently accorded date of October 4, 2004. The petition is properly treated as a petition under 37 CFR 1.10(d).

The petition is **GRANTED**.

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited with Express Mail Service on October 1, 2004 pursuant to 37 CFR 1.10. The "date-in" on the copy of the Express Mail label receipt no. EV440113196US is incorrect. The same Express Mail number is found on the original application papers located in the official file.

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

Petitioner's evidence (namely, a copy of the results from a search of the USPS' Express Mail Track and Confirm database) shows that the package in question was accepted on October 1, 2004, not October 4, 2004. Since the results of the aforementioned search corroborate a "date-in" of October 1, 2004, the application is entitled to the requested filing date.

This application file is being returned to the Office of Initial Patent Examination (OIPE) for correction of the filing date to **October 1, 2004** and issuance of a corrected filing receipt.

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3223. Telephone inquiries related to OIPE processing should be directed to their hotline at (703) 308-1202.

Marianne E. Jenkins

Marianne E. Jenkins
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

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APR 04 2005

OFFICE OF PETITIONS

In re Application of :
Dubensky et al. :
Application No. 60/615,287 :
Filed: October 1, 2004 : ON PETITION
Attorney Docket Number: :
282173003922 :

This is in response to the Petition Pursuant to 37 CFR § 1.53(e)(2), requesting the application be accorded a filing date of October 1, 2004, including drawing Figure 32 described in the specification.

The application was filed on October 1, 2004. However, on January 1, 2005, the Office of Initial Patent Examination mailed a Notice of Omitted Item(s) in a Nonprovisional Application ("Notice"), noting, *inter alia*, that drawing Figure 32, described in the specification, appeared to have been omitted from the application.

In response, Petitioner files the instant petition wherein Petitioner avers that drawing Figure 32 was among 53 sheets of drawings originally filed with the application on October 1, 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*, 53 sheets of drawings on October 1, 2004.

A review of the application papers filed on October 1, 2004, reveal that the Office received 53 sheets of drawings with the application filed on October 1, 2004, including drawing Figures 32A, 32B and 32C; however, no drawing Figure 32 was filed.

Applicant has not provided any evidence that would demonstrate that a drawing Figure 32 was filed with this Office on October 1, 2004. If drawing Figure 32 was not present on the October 1, 2004 filing date, it cannot be considered a part of the original disclosure of the application. Petitioner has failed to satisfactorily demonstrate that drawing Figure 32 was present in the Office on October 1, 2004. Therefore, the application

cannot be accorded the October 1, 2004 filing date with drawing Figure 32 as a part of the original disclosure.

The petition is **DISMISSED**.

The petition fee will not be refunded because the petition was not necessitated by an error on the part of this Office.

The application is an Image File Wrapper ("IFW"), and as such, no forwarding of the file is necessary.

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

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SEP 24 2007

OFFICE OF PETITIONS

BARNES & THORNBURG LLP
11 SOUTH MERIDIAN
INDIANAPOLIS, IN 46204

In re Application of Carroll :
Application No. 60/615,613 : Decision on Petition
Filing Date: October 4, 2004 :
Attorney Docket No. 37817-76069 :

This is a decision on the petition filed February 13, 2006, which is being treated as a petition under 37 CFR 1.10(d) to accord the above-identified application a filing date of October 4, 2004, instead of October 5, 2004.

The petition is **granted**.

A petition under 37 CFR 1.10(c) must demonstrate the "date-in" or other USPS notation on the mailing label corresponds with the filing date requested. Petitioner has failed to provide the PTO with a copy of the express mail label Therefore, petitioner is unable to obtain relief under 37 CFR 1.10(c) and the petition will be treated as a petition under 37 CFR 1.10(d).

37 CFR 1.10(d)(3) states,

> The petition [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 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.

Petitioner has submitted an official United States Postal Service "Pickup Service Statement." The statement is signed by an USPS official and indicates the USPS picked up the application for mailing on October 4, 2004.

The showing supplied by petition is sufficient to demonstrate the application is entitled to a filng date of October 4, 2004.

The Office of Initial Patent Examination will be informed of the instant decision and will accord the application a filing date of October 4, 2004.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford CT 06103

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JUN 25 2010

OFFICE OF PETITIONS

In re Application of	:	
Morris et al.	:	
Application No. 60/615699	:	
Filing or 371(c) Date: 10/04/2004	:	
Attorney Docket Number: CPS0003US	:	ON PETITION

This is a decision on the Petition to Revive an Unintentionally Abandoned Application Under 37 CFR 1.137(b), filed March 16, 2009.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed January 25, 2005. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No response having been received, the application became abandoned March 26, 2005. A Notice of Abandonment was mailed October 4, 2005.

Applicant files the present petition and fees in response to the Notice[1]. 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 is advised that the current provisional application filing fee is $100.00. Applicant's deposit account has been charged accordingly as authorized in the petition.

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
60/615,882	10/04/2004		80	703538.4061			

CONFIRMATION NO. 3548

CORRECTED FILING RECEIPT

OC000000014370008

34313
ORRICK, HERRINGTON & SUTCLIFFE, LLP
4 PARK PLAZA
SUITE 1600
IRVINE, CA 92614-2558

Date Mailed: 11/15/2004

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)

Mark Bachman, Irvine, CA;
G.P. Li, Irvine, CA;
Nancy Allbritton, Irvine, CA;
Chris Sims, Irvine, CA;

Power of Attorney:

Kenneth Roberts–38283

If Required, Foreign Filing License Granted: 10/26/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/615,882

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Micropatterned plate with micro-pallets for addressable biochemical 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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P.O. BOX 061080
WACKER DRIVE STATION, SEARS TOWER
CHICAGO, IL 60606-1080

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OFFICE OF PETITIONS

In re Application of
Yang
Application No. 60/616,011
Filed: October 5, 2004
Attorney Docket No. 40022800-0003

Decision on Petition

This is a decision on the renewed petition filed May 11, 2005, requesting, in effect, that Figure 9 filed on May 11, 2005, be entered as part of the original disclosure.

The petition is **granted**.

The application was filed on October 5, 2004.

On November 23, 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 October 5, 2004, and advising applicants that Figure 9 appeared to have been omitted.

The petition alleges that Figure 9 was deposited on October 5, 2004.

In support of petitioner's allegation, petitioner has submitted a postcard receipt which acknowledges receipt of 6 sheets of drawings on October 5, 2004.[1] Petitioner has also submitted a copy of the missing documentation- Figure 9.

The USPTO file for this application includes only 5 sheets of drawings and does not include a drawing sheet containing Figure 9 described in the specification. Based on the evidence submitted, the Office concludes the missing page was part of the application but was later misplaced.

Petitioner submitted $130 for the petition fee on December 13, 2004. The Office charged $400 for the petition fee when the Office received the renewed petition on May 11, 2005. The sum of $530 will be credited to petitioner's deposit account.

The Notice mailed November 23, 2004, was sent in error and is hereby vacated.

The Office of Initial Patent Examination will further process the application with a filing date of October 5, 2004, using the application papers filed on October 5, 2004, and the copy of sheet 6 of the drawings containing Figure 9 filed on May 11, 2005.

---

[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 (571) 272-3203.

Charles Steven Brantley
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
60/616,166	10/04/2004		160	DEX-0460	6		

CONFIRMATION NO. 3639

Licata & Tyrrell
66 East Main Street
Marlton, NJ 08053

CORRECTED FILING RECEIPT

OC000000017807489

Date Mailed: 01/09/2006

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)

Vartanian Steffan, San Mateo, CA;
Rodriguez Maria, Minneapolis, MN;

Power of Attorney:

Nathan Letts--36581

If Required, Foreign Filing License Granted: 12/29/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/616,166

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Compositions, splice variants and methods relating to ovarian specific genes and proteins

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 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 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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Paper No: __

TUCKER, ELLIS & WEST LLP
1150 HUNTINGTON BUILDING
925 EUCLID AVENUE
CLEVELAND OH 44115-1475

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JUN 1 6 2005

OFFICE OF PETITIONS

In re Application of	:	
Qian	:	
Application No. 60/616,306	:	NOTICE
Filed: 6 October, 2004	:	
Attorney Docket No. 72255/00062	:	

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 November, 2004.

The Office regrets the delay in addressing this matter.

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

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

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

This file is released to Files Repository.

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

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

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CHICAGO, IL 60606

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OFFICE OF PETITIONS

In re Application of	:	
Zhijun Zhang	:	
Application No. 60/616,511	:	NOTICE
Filed: October 6, 2004	:	
Attorney Docket No. 2006.71428	:	

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

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
60/616,707	10/07/2004		160	AM 101861 L1			

CONFIRMATION NO. 7499

CORRECTED FILING RECEIPT

OC000000014657044

25291
WYETH
PATENT LAW GROUP
5 GIRALDA FARMS
MADISON, NJ 07940

Date Mailed: 12/02/2004

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)

Juan Plana-Duran, Santa Pau (Girona), SPAIN;
Rut Vila-Quintana, Olot (Girona), SPAIN;
Jordi Tarres-Call, Banyoles (Girona), SPAIN;
Mahesh Kumar, Fort Dodge, IA;

Power of Attorney: The patent practitioners associated with Customer Number **25291**.

If Required, Foreign Filing License Granted: 11/04/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/616,707

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

Non-Publication Request: No

Early Publication Request: No

Title

Multivalent avian influenza vaccines

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. __

MCDERMOTT,
WILL & EMERY LLP
227 WEST MONROE STREET
CHICAGO IL 60606-5096

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OFFICE OF PETITIONS

In re Application of	:	
Bishop, et al.	:	
Application No. 60/616,739	:	DECISION ON PETITION
Filed: 7 October, 2004	:	
Attorney Docket No. 37355-284	:	

This is a decision on the petition filed on 31 March, 2005, which is treated as a petition under 37 C.F.R. §1.53 seeking the original deposit date of 7 October, 2004, as the filing date of the application.

The petition is **GRANTED in part**, and **DISMISSED in part**.

BACKGROUND

The application was deposited on 7 October, 2004.

On 8 November, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice" stating that the application had not been accorded a filing date because it had been deposited without drawings as required under 35 U.S.C. 113 (first sentence). OIPE set a two- (2-) month period for reply.

Petitioner submitted drawings on 2 December, 2004, and Petitioners allege that they then received a corrected filing receipt on 13 December, 2004, specifying a filing date of 2 December, 2004, for the instant application–i.e., the date of submission of the drawings.

Petitioners then filed the instant petition on 31 March, 2005, requesting their original filing date and further alleging that the drawings "are merely superfluous to the disclosure as filed, and are

not necessary for an understanding of the subject matter of the invention."[1]

Thus, Petitioner does not assert that the missing drawings were deposited on 7 October, 2004. Instead, on 2 December, 2004, Applicants sought to amend the 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).)

As noted above, Petitioner has alleged, *inter alia*, that the instant application does not require drawings for the understanding of the subject matter to be patented and requested that the application be accorded a filing date of 7 October, 2004.

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[2])

---

[1] Petition, at page 2.

[2] 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

The arguments in the petition will be construed to mean that Petitioner, a registered practitioner before the Office, asserts that drawings are not necessary for a filing date in this application. Drawings will not be further considered as a part of this case.

In view of the above, the Notice mailed on 8 November, 2004, hereby is withdrawn to the extent that it indicates no filing date will be granted.

The petition is **granted in part**, to the extent that the application will be accorded the filing date of 7 October, 2004, without the drawings containing Figures 1, 2, 3, 4A and 4B as part of the original disclosure of the application; in all other respects the petition **is dismissed**.

The petition fee is not waived because the omission of the drawings and attempt to amend the provisional application were not errors of the Office.

The application is being referred to the Office of Initial Patent Examination to be processed for correction of the filing date to 7 October, 2004, with the seventeen (17) pages of specification plus one (1) page of abstract deposited on 7 October, 2004, and no drawings as the original disclosure.

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

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

---

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.

* * *

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P.O. Box 1450
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JOHN D. ZELE
MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, DC 20004

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DEC 0 2 2004

OFFICE OF PETITIONS

In re Application of :
Michael Tokeskov Mikkelsen et al :
Application No. 60/616,850 :
Filed: October 8, 2004 :
Attorney Docket No. 036249-5005-PR

NOTICE

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

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

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

Inquiries related to this communication should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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MAR 18 2005

OFFICE OF PETITIONS

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

In re Application of	:
Dean Kamen et al	:DECISION GRANTING FILING
Application No. 60/617,244	:DATE OF October 8, 2004
Filed: October 8, 2004	:
Attorney Docket No. 1062/E22	:

This is a decision on the petition under 37 CFR 1.10, filed November 5, 2004, requesting that the above-identified application be accorded a filing date of October 8, 2004, rather than the presently accorded date of October 7, 2004.

Petitioner alleges that the date indicated in the Date-In field of the Express Mail label is incorrect. In support, petitioner has submitted a copy of the Express Mail Label No. EV401280492US showing a date stamp of October 8, 2004 by the USPS at the Lafayette Station in Boston MA. The same Express Mail receipt number appears on the original "Provisional Application Transmittal."

In view of the above, it is concluded that the application was deposited as "Express Mail" with the USPS on October 8, 2004.

The petition is **granted**.

Petitioner may request a refund of the petition fee ($130), by writing to the Office of Finance, Refund Section. A copy of this decision should accompany petitioner's request.

This matter is being referred to the Office of Initial Patent Examination for processing with a filing date of **October 8, 2004,** and for the mailing of a corrected Filing Receipt.

Telephone inquiries specific to this decision on petition should 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

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
60/617,261	10/11/2004		160	38-21(53403)E			

CONFIRMATION NO. 7785

CORRECTED FILING RECEIPT

OC000000014434874

27161
MONSANTO COMPANY
800 N. LINDBERGH BLVD.
ATTENTION: G.P. WUELLNER, IP PARALEGAL, (E2NA)
ST. LOUIS, MO 63167

Date Mailed: 11/23/2004

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)

James A. Baum, Webster Groves, MO;
David K. Kovalic, University City, MO;
Thomas J. La Rosa, Fenton, MO;
Maolong Lu, San Diego, CA;
Tichafa R. I. Munyikwa, Ballwin, MO;
James K. Roberts, Chesterfield, MO;
Wei Wu, St. Louis, MO;
Bei Zhang, Ballwin, MO;

Power of Attorney:
Timothy Ball--42287

If Required, Foreign Filing License Granted: 11/08/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/617,261

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

Non-Publication Request: No

Early Publication Request: No

Title

Methods for genetic control of insect infestations in plants and compositions thereof

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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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SHUMAKER & SIEFFERT, P. A.
8425 SEASONS PARKWAY
SUITE 105
ST. PAUL MN 55125

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JAN 18 2005

OFFICE OF PETITIONS

In re Application of moon et al. Application No. 60/617,307 Filed: October 8, 2004 Attorney Docket Number: 1008-032USP1	: NOTICE

This is a notice regarding your request filed on December 10, 2004, for acceptance of a fee deficiency submission under 37 CFR 1.28 (c).

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 in status to a large entity has been entered and made of record.

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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OGILVY RENAULT
SUITE 1600
1981MCGILL COLLEGE AVENUE
MONTREAL, QUEBEC H3A 2Y3
CANADA

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NOV 1 2 2004

OFFICE OF PETITIONS

In re Application of :
Shahrokh Motallebi et al :
Application No. 60/617,644 : NOTICE
Filed: October 13, 2004 :
Attorney Docket No. 16842-1USPR :

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

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FEB 22 2005

OFFICE OF PETITIONS

In re Application of
Fleet
Application No. 60/617,692
Filed: October 12, 2004
Attorney Docket No. 081276-9189-00
For: APPARATUS AND METHOD OF COMPENSATING A SEAT OFFSET FOR A LOAD APPLIED TO THE SEAT

: DECISION DISMISSING
: PETITION

This is a decision on the petition filed January 7, 2005 (certificate of mailing date January 4, 2005), requesting that the above-identified application be accorded a filing date of October 11, 2004, instead of the presently accorded filing date of October 12, 2004. The petition will be treated under 37 CFR 1.10(d).

The petition under 37 CFR 1.10(d) is **DISMISSED**.

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

Petitioner alleges that the application was deposited in Express Mail service on October 11, 2004.

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 does <u>not</u> include the corroborating evidence required by the rule. The declarations submitted with the petition were made months after the alleged deposit. The newspaper article submitted with the petition mentions a power outage that occurred on October 9, 2004 in the vicinity of the post office in question. The attempted mailing allegedly took place on October 11, 2004. The Office would like a statement from a postal service employee describing the effect the October 9, 2004 power outage had on service. How long was service effected? When was service resumed? If possible, the Office would like a statement from the clerk who allegedly refused to fill in the "date-in" portion of the Express Mail label on October 11, 2004.

Petitioner is also encouraged to submit a business record that came into being after deposit and within one business day of the deposit of the correspondence in Express Mail that supports petitioner's contention that petitioner is entitled to an October 11, 2004 filing date.

The petition to accord an October 11, 2004 filing date to the above-identified application is <u>dismissed</u>.

The application is being returned to the Office of Initial Patent Examination with the presently

accorded filing date of October 12, 2004.

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: (703) 872-9306 – ATTN: Office of Petitions

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

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

STEPHEN B. DAVIS
BRISTOL-MYERS SQUIBB COMPANY
PATENT DEPARTMENT
P O BOX 4000
PRINCETON NJ 08543-4000

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SEP 2 6 2005

OFFICE OF PETITIONS

In re Application of
Albert J. Delmonte et al.
Application No. 60/617,905
Filed: October 12, 2004
Attorney Docket No: 10254 PSP2

: DECISION GRANTING PETITION

This is a decision on the "PETITION UNDER 37 C.F.R. § 1.53(e)" filed November 12, 2004, requesting that the above-identified provisional application be accorded a filing date of October 12, 2004[1].

The petition is **GRANTED**.

Application papers in the above-identified application were deposited on October 12, 2004. However, on November 8, 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 and twelve sheets of drawings, however without argument that the drawings had or had not been filed with the application papers deposited on October 12, 2004, or with an argument that the drawings are or aren't necessary for an understanding of the patent.

Nonetheless, the application as filed is entitled to a filing date. Petitioner's attention is directed to MPEP 601.01(f), which provides that:

> 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).

[1]The petition was silent as to whether it was the earlier filing date that was sought or the date the drawings were submitted. Per telephone call between the undersigned and Attorney Gary Greenblatt on September 23, 2005, it was learned that petitioner sought to have October 12, 2004 accorded as the filing date.

A review of the application as filed reveals that it contains at least one process and one method claim. In view of the presence of the process and method claims, it is concluded that this provisional application is entitled to a filing date. The "Notice of Incomplete Provisional Application" mailed November 8, 2004, was mailed in error and is hereby **withdrawn**.

Given the basis for granting this petition, the fee charged for the petition in the amount of $130 is being refunded to Deposit Account No. 19-3880.

The Office of Initial Patent Examination (OIPE) has been advised of this decision. OIPE will **correct the filing date to October 12, 2004**, with "0" drawings present in the application.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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David Gillespie Leamer
321 Heavenly Place
Martinez, CA 94553

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JUN 0 8 2006
OFFICE OF PETITIONS

In re Application of	:	
David Gillespie Leamer	:	
Application No. 60/618,170	:	ON PETITION
Filed: October 12, 2004	:	
Title of Invention:	:	
LIGHT REFRACTION	:	

This is in response to the correspondence filed May 13, 2005. The correspondence is properly treated as a petition under 37 CFR 1.182.

Application papers in the above-identified application were filed on October 12, 2004. On March 11, 2005, the Office of Initial Patent Examination mailed a Notice to File Missing Parts of Provisional Application ("Notice"), indicating, *inter alia*, that Figures 6, 7, 8, 10, 11, and 12 described in the specification appeared to have been omitted from the application. The Notice set a two-month period for reply, with extensions of time available under 37 CFR § 1.136(a).

In response, Applicant files the instant correspondence wherein Applicant avers that Figure 7 was present.

Applicant is advised that the fee for a petition under 37 CFR 1.182 is $400.00. Office records indicate that Applicant has submitted $200.00 for the instant petition. As such, a deficiency of $200.00 must be presented before the petition may be considered on its merits. Applicant is also advised that the correspondence was filed on May 13, 2005, the day after the period for reply set forth in the Notice expired. As such, Applicant's reply was not timely and required a one-month extension of time request <u>and fee</u>.

Applicant is further advised that assistance in prosecuting his application may be obtained from the Patent Assistance Center, at 1-800-786-9199, or by contacting the Office of Independent

Inventors, at 703-306-5568, or by obtaining retaining the services of a registered practitioner for assistance in prosecuting his patent application. A list of available practitioners is available on our website at www.uspto.gov.

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

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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
60/618,201	10/12/2004		80		63		

Wendy W. Yeng
3182 Campus Dr. #331
San Mateo, CA 94403

CONFIRMATION NO. 2608
CORRECTED FILING RECEIPT
OC000000017094652

Date Mailed: 09/23/2005

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)

Wendy Wan-Lin Yang, San Mateo, CA;
Stan Joseph Simon, Mountain View, CA;

Power of Attorney: None

If Required, Foreign Filing License Granted: 11/17/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/618,201

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 managing and presenting entity information

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

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

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

NOT GRANTED

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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/618,376	10/13/2004		80	MKM-001P1	2		

CONFIRMATION NO. 3133

CORRECTED FILING RECEIPT

OC000000014778963

25962
SLATER & MATSIL, L.L.P.
17950 PRESTON RD, SUITE 1000
DALLAS, TX 75252-5793

Date Mailed: 12/16/2004

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)

Roger Winter, Dallas, TX;
Jeff Samson, Dallas, TX;

Power of Attorney:

Steven Slater–35361

If Required, Foreign Filing License Granted: 11/18/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/618,376

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Integrated ice maker, beverage holder, and display stand

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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VENABLE, BAETJER, HOWARD AND CIVILETTI, LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

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FEB 16 2005

OFFICE OF PETITIONS

In re Application of
Roger Turberville
Application No. 60/618,601
Filed: October 15, 2004
Attorney Docket No. 43914-208339

ON PETITION

This is a decision on the petition filed January 14, 2004, under 37 CFR 1.182, in response to the Notice of Omitted Items mailed November 16, 2004.

The petition is **DISMISSED**.

On October 15, 2004, the application was filed.

On November 16, 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 October 15, 2004, but that Figures 4 and 5 described in the specification appeared to have been omitted.

In response, petitioner submits two sheets of drawings, purportedly Figures 4 and 5, and requests that those drawings being included. However, petitioner neither admits nor denies that the drawings filed with the application included Figures 4 and 5 and as such it appears that petitioner is seeking to have Figures 4 and 5 added to the drawings filed upon application.

As Figures 4 and 5 have not been located among the drawings filed with the application, and since this was all due to applicant's filing error, the Notice of Omitted Items correctly stated that Figures 4 and 5 appeared to have been omitted.

Petitioners are 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]

---

[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.

As such, if petitioners desire to have Figures 4 and 5 considered as part of the application, petitioners should simply file a new completed provisional application, including Figures 4 and 5.

In view of the above, the petition fee is non-refundable.

The application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of October 15, 2004, using the application papers filed on that date. The drawings filed with the petition will not be used and will not be added to the drawings filed with the application on October 15, 2004.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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ST. ONGE STEWARD
JOHNSTON & REENS LLC
986 BEDFORD STREET
STAMFORD, CT 06905-5619

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JAN 27 2005

OFFICE OF PETITIONS

In re Application of :
Wayne V. Tenner :
Application No. 60/618,699 :
Filed: October 14, 2004 : ON PETITION
Attorney Docket No. 04079-P0001B :

This is a decision on the Petition to Accord Filing Date to Items Alleged Omitted, filed November 15, 2004, requesting the above-identified application be accorded a filing date of October 14, 2004, including 7 pages of specification.

The application was filed on October 14, 2004. On November 4, 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 specification was missing.

Applicant responds with the instant petition wherein Applicant avers that 7 pages of specification were originally filed with the application on October 14, 2004, 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*, 7 pages of specification in the above-identified application by this Office on October 14, 2004.

A review of the return-receipt postcard reveals that Applicant is correct. The postcard acknowledges receipt of, *inter alia*, 7 pages of specification in the above-identified application by this Office on October 14, 2004.

"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 7 pages of specification, filed with the instant petition on November 15, 2004, will be used for examination purposes.

A refund of the petition fee has been credited to deposit account 19-4516, as authorized in the instant petition.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of October 14, 2004, and an indication that 15 sheets of drawings were present on filing, using the 15 sheets of drawings filed with the instant petition on October 25, 2004.

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
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
60/618,736	10/13/2004		160	23982-09561	1		

CONFIRMATION NO. 3944

CORRECTED FILING RECEIPT

OC000000014989520

00758
FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

Date Mailed: 01/21/2005

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)

Jeffery A. J. Sumner, Oakville, CANADA;
Morgan W. Jones, Mississauga, CANADA;
Peter G. Stachowski, Mississauga, CANADA;

Power of Attorney:

Sabra-Anne Truesdale–55687

If Required, Foreign Filing License Granted: 11/14/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/618,736

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

Non-Publication Request: No

Early Publication Request: No

Title

Synchronization horizon determination with an independent distributed database 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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P.O. BOX 5257
NEW YORK, NY 10150-5257

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AUG 2 2 2006

OFFICE OF PETITIONS

In re Application of Robert Eisler :
Application No. 60/618,889 :
Filing Date: October 14, 2004 :
Attorney Docket No. 00885/020023-US0 :

Decision on Petition

This is a decision in response to the petition under 37 CFR 1.182 filed October 13, 2005.

The petition is **dismissed as moot**.

The petition appears to be the equivalent of a request to expressly abandon the provisional application.

<u>The request cannot be granted because the application is already abandoned.</u>

The application was filed October 14, 2004.

The application became abandoned as of midnight on Friday, October 14, 2005.

MPEP 711.01 states,

> A letter of abandonment properly signed becomes effective when an appropriate official of the Office takes action thereon. When so recognized, the date of abandonment may be the date of recognition or a later date if so specified in the letter itself.

Since the date the Office is taking action on the request is after the application has already become abandoned, the Office is unable at this time to abandon the application.

<u>The request cannot be granted because the request is not signed by an attorney of record.</u>

37 CFR 1.138(b) states,

> A written declaration of abandonment must be signed by a party authorized under § 1.33(b)(1), (b)(3), or (b)(4) to sign a paper in the application, except as otherwise provided in this paragraph. A registered attorney or agent, not of record, who acts in a representative capacity under the provisions of § 1.34(a) when filing a continuing application, may expressly abandon the prior application as of the filing date granted to the continuing application.

MPEP 402 states,

> A person acting in a representative capacity may not sign ... a request for an express abandonment without filing a continuing application (37 CFR 1.138(b).

Marie Collazo signed the petition on behalf of Robert Schaffer. The application papers do not include any paper giving Ms. Collazo or Mr. Schaffer a power or attorney. Therefore, neither individual is a party authorized to expressly abandon the application.

Provisional application no. 60/727,182:

The Office notes provisional application no. 60/727,182 was filed October 14, 2005. As a courtesy, the Office reminds petitioner, *if* petitioner chooses to pursue conversion of the provisional application to a non-provisional application, **the petition to convert must be filed prior to the abandonment of the provisional application**. *See* 37 CFR 1.53(c)(3) and MPEP 201.04(b). In other words, a petition to convert provisional application no. 60/727,182 to a non-provisional application would need to be filed by October 14, 2006.

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 1.182." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

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

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

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

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. None

NEEDLE & ROSENBERG, P.C.
SUITE 1000
999 PEACHTREE STREET
ATLANTA GA 30309-3915

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MAR 1 4 2005
OFFICE OF PETITIONS

In re Application of :
Prasad V. Shastri :
Application No. 60/618,962 : DECISION ON PETITION
Filed: October 14, 2004 :
Attorney Docket No.: :
22000.0135U1 :
Title: FUNCTIONALIZED SOLID :
LIPID NANOPARTICLES FOR CENTRAL :
NERVOUS SYSTEM DELIVERY AND
IMAGING

This is a decision on the petition filed December 10, 2004, requesting that Figures 10 and 11 be accorded a filing date of October 14, 2004, as part of the original disclosure.

The application was deposited on October 14, 2004. However, on November 18, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice to File Missing Parts of 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 10 and 11. The notice set a two-month period for response, and further indicated that the late filing fee and the provisional application cover sheet would be required.

In response, on December 10, 2004, applicants filed the present petition. The petition is further accompanied by the late filing fee, the provisional application cover sheet, copies of Figures 10 and 11, and a copy of applicants' postcard receipt acknowledging receipt of "Sheets of Drawings (7 pgs.)" in the

United States Patent and Trademark Office (Office) on October 14, 2004. Applicants request that Figures 10 and 11 be accorded a filing date of October 14, 2004 as part of the original disclosure.

It is noted that 6 sheets of drawings have been located in the electronic file, containing Figures 1-9.

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 October 14, 2004 included Figures 10 and 11, and the sheet containing these figures was subsequently misplaced in the Office.

Therefore, the application, including Figures 10 and 11, was complete on filing and these figures are entitled to a filing date of October 14, 2004 as part of the original disclosure.

Accordingly, the petition is **GRANTED**.

The notice mailed October 13, 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 credit card.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of October 14, 2004, using the original application papers filed on that date, as well as Figures 10 and 11 submitted on December 10, 2004 with the instant petition and for indication in Office records that these figures were present on filing.

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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ALEXANDRIA, VA 22313-1450
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c/o ANTHONY CASTORINA
SUITE 207
2001 JEFFERSON DAVIS HIGHWAY
ARLINGTON, VA 22202

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FEB 28 2005
OFFICE OF PETITIONS

In re Application of :
Ehud Zohary :
Application No. 60/618,986 :
Filed: October 18, 2004 : ON PETITION
Attorney Docket Number: :
28683 :

This is a decision on the Petition, filed November 26, 2004, requesting the application be accorded a filing date of October 18, 2004, including page 6 of the specification.

The petition is **granted**.

The application was filed on October 18, 2004. However, on November 10, 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 page 6 of the specification appeared to have been omitted from the application.

In response, Applicant files the instant petition wherein Applicant avers that page 6 of the specification was included among 12 pages of Specification filed with the application on October 18, 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, *intern alia*, 12 pages of Specification filed on October 18, 2004.

A review of the return receipt postcard reveals that Applicant is correct. The postcard acknowledges receipt of 12 pages of Specification by this Office on October 18, 2004. Applicant has also re-submitted page 6 of the specification 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.

Accordingly, the petition is granted. The copy of page 6 of the specification, supplied with the instant petition on November 26, 2004, will be used for examination purposes.

No petition fee is required, and none has been charged.

The application will be returned to the Office of Initial Patent Examination for further processing as a nonprovisional application with a filing date of October 18, 2004, and an indication that page 6 of the Specification was included among 12 pages of Specification that were present on filing on October 18, 2004.

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

Derek L. Woods
Attorney/Advisor
Office of Petitions

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

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APR 14 2006

OFFICE OF PETITIONS

In re Application of :
Fasssett :
Application No. 60/619,299 : ON PETITION
Filed: October 14, 2004 :
Attorney Docket No. 7175-69563-01 :
For: CELL PHONE ACCESSORY

This is a decision on the petition filed April 22, 2005 (certificate of mailing date April 20, 2005) under 37 CFR 1.10(d), requesting that the above-identified application be accorded a filing date of October 15, 2004, rather than the presently accorded filing date of October 14, 2004.

The petition under 37 CFR 1.10(d) is **GRANTED**.

Petitioner requests the later filing date on the basis that the application was deposited in Express Mail service on October 15, 2004, pursuant to the requirements of 37 CFR 1.10. The petition is accompanied by a printout of the United States Postal Service Track/Confirm for the package associated with EV331579923US that shows the package was accepted by the USPS on October 15, 2004. The same Express Mail label number is found on the original application papers.

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 April 22, 2005, (certificate of mailing date April 20, 2005), is accompanied by the corroborating evidence required by the rule. Accordingly, the petition is granted.

The application is being returned to the Office of Initial Patent Examination for correction of the filing date to October 15, 2004 and the mailing of a corrected filing receipt.

Any inquiries related to this decision should 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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/619,299	10/15/2004		80	7175-69563-01	2		

CONFIRMATION NO. 7129

CORRECTED FILING RECEIPT

OC000000018574118

24197
KLARQUIST SPARKMAN, LLP
121 SW SALMON STREET
SUITE 1600
PORTLAND, OR 97204

Date Mailed: 04/19/2006

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)

Juliette Fassett, Portland, OR;

Power of Attorney:

Jeffrey Haendler--43652

If Required, Foreign Filing License Granted: 11/07/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/619,299

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

Cell phone accessory

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

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

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

Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/619,300	10/15/2004		160	6491P083Z	3		

CONFIRMATION NO. 7128

CORRECTED FILING RECEIPT

OC000000014778412

08791
BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

Date Mailed: 12/16/2004

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)

Philip DesJardins, Nevada City, CA;
Hossein Sedarat, San Jose, CA;

Power of Attorney:

Thomas Ferrill–42532

If Required, Foreign Filing License Granted: 11/16/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/619,300

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 detecting transmission errors for very high speed digital subscriber lines

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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JEFFREY C. HOOD
MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL
P.O BOX 398
AUSTIN TX 78767

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DEC 2 3 2004

OFFICE OF PETITIONS

In re Application of
William V. Oxford et al.
Application No. 60/619,303
Filed: October 15, 2004
Attorney Docket Number: 5896-00600

: DECISION GRANTING
: PETITION

This is a decision on the petition filed December 13, 2004, under 37 CFR 1.53, in response to the Notice of Incomplete Nonprovisional Application mailed November 23, 2004, requesting that the above identified application be accorded a filing date of October 15, 2004.

On October 15, 2004, the application was filed. On November 23, 2004, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application" stating that the application had not been accorded a filing date because the application was deposited without drawings and that the filing date of the application would be the date of receipt of the drawings.

The instant petition claims that 22 sheets of drawings which contained Figures 1-15 was filed with the other application papers on October 15, 2004 and proffers as proof of submission of drawings with the application papers filed October 15, 2004 a postcard receipt which shows an official USPTO date-stamp of October 15, 2004, and the above-identified application number, and acknowledges receipt of, *inter alia*, 22 sheets of drawings having been supplied with the application papers filed October 15, 2004.

Upon review of the record, no sheets of drawings deposited on October 15, 2004, have been located among the application papers. However, the evidence is convincing that the application papers deposited on October 15, 2004, included 22 sheets of drawings, which were subsequently misplaced in the USPTO. Therefore, the application, including the 22 sheets of drawings, was complete on filing and entitled to a filing date of October 15, 2004.

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

The Notice of Incomplete Nonprovisional Application mailed November 23, 2004, is withdrawn. Therefore, the petition fee in the amount of $400 will be credited back to deposit account 50-1505.[1]

The application is being returned to the Office of Initial Patent Examination for reprocessing with a filing date of October 15, 2004, using the application papers filed on October 15, 2004 and the 22 sheets of drawings supplied with a copy of the complete application and petition on December 13, 2004.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

[1]Effective November 22, 2004, the petition fee has been increased from $130.00 to $400.00. Therein, deposit account no. 50-1505 had been charged in the amount of $400.00. See the Notice published in the Federal Register on September 21, 2004 and in the Official Gazette of the United States Patent and Trademark Office on October 12, 2004.

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Ivor R. Elrifi, Ph.D.
Mintz, Levin, Cohn, Ferris,
Glovsky & Popeo, P.C.
One Financial Center
Boston, MA 02111

COPY MAILED

MAR 1 4 2005

OFFICE OF PETITIONS

In re Application of	:	
Jan Holgersson, et al.	:	
Application No. 60/619,379	:	DECISION GRANTING
Filed: October 14, 2004	:	PETITION
Attorney Docket No. 28457-505	:	

This is a decision on the petition filed November 22, 2004, requesting that the above-identified application be accorded a filing date of October 14, 2004, rather than the presently accorded date of October 16, 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 Express Mail Service on October 14, 2004 pursuant to 37 CFR 1.10. While the copy of the Express Mail label receipt no. EV392128216US bears a handwritten "date-in" of October 16, 2004, it also includes a USPS receipt date stamp of October 14, 2004. Applicants are alleging that the date of mailing shown in the "date-in" is a U. S. Postal Service (USPS) error and the correct date of mailing pursuant to 37 CFR 1.10 is October 14,2004.

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. However, in view of the conflicting dates on the label, a search of the USPS' Express Mail Track and Confirm database was made and confirms that the package bearing Express Mail label No. EV392128216US was accepted on October 14, 2004. A copy of the results is attached herewith.

This application file is being returned to the Office of Initial Patent Examination Division for **correction of the filing date to October 14, 2004.**

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3223.

Marianne E. Jenkins
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
60/619,381	10/14/2004		80	022180-000300US			

CONFIRMATION NO. 6881

CORRECTED FILING RECEIPT

OC000000015575534

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

Date Mailed: 03/28/2005

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)

Stefano Fiorucci, Perugia, ITALY;
Roberto Pelicciari, Perugia, ITALY;
Mark Pruzanski, New York, NY;

Power of Attorney:
Kenneth Weber--31677

If Required, Foreign Filing License Granted: 11/16/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/619,381

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 reducing drug-induced adverse side effects in a patient

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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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/619,392	10/15/2004		160	4239-67982-01	10		

CONFIRMATION NO. 6878

CORRECTED FILING RECEIPT

OC000000015122930

36218
KLARQUIST SPARKMAN, LLP
121 S.W. SALMON STREET, SUITE #1600
ONE WORLD TRADE CENTER
PORTLAND, OR 97204-2988

Date Mailed: 02/07/2005

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 write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Alan T. Remaley, Bethesda, MD;
Stephen J. Demosky, Damascus, MD;
John A. Stonik, Gaithersburg, MD;
Marcelo J.A. Amar, Rockville, MD;
Edward B. Neufeld, Washington, DC;
H. Bryan Brewer, Potomac, MD;
Fairwell Thomas, Gaithersburg, MD;

Power of Attorney:
David Cash–52706

If Required, Foreign Filing License Granted: 11/22/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/619,392

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

Non-Publication Request: No

Early Publication Request: No

Title

Multi-domain amphipathic helical peptides and methods of 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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GENERAL MILLS, INC.
P.O. BOX 1113
MINNEAPOLIS MN 55440

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FEB 0 9 2005

OFFICE OF PETITIONS

In re Application of	:	
Teoh et al.	:	
Application No. 60/619,442	:	DECISION GRANTING PETITION
Deposited: October 15, 2004	:	
Attorney Docket No.6600USPRV	:	
Title of Invention: Microwave	:	
Popcorn with Thaumatin and Method	:	
of Preparation	:	

This is a decision on the petition filed December 6, 2004, requesting in effect, that a Notice of Incomplete Provisional Application ("Notice") mailed November 18, 2004, be withdrawn.

On October 15, 2004, applicant deposited the above-identified application. On November 18, 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 December 6, 2004, applicant filed the present petition and a copy of applicants' postcard receipt acknowledging receipt of 1 sheet of drawings on October 15, 2004. Additionally, applicant submitted a copy of the one sheet of drawing which contains figure 1.

Upon review of the record, Figure 1, deposited on October 15, 2004, has not been located among the application papers. However, the evidence is convincing that the application papers deposited on October 15, 2004, included 1 sheet of drawings, which was subsequently misplaced in the United States Patent and Trademark Office. Therefore, the application, including one drawing sheet was complete on filing and will be granted a filing date of October 15, 2004.

Accordingly, the petition is granted. No petition fee has been charged and none is due.

Since original one sheet of drawings including figure 1 cannot be located in the Office, the one sheet of drawings supplied on December 6, 2004, will be used for processing and examination purposes.

The Office acknowledges receipt of the cover sheet which provides the city and state residence of Jessica Raby supplied with the instant petition.

The application will be returned to the Office of Initial Patent Examination for further processing with a **filing date of October 15, 2004**, using the substitute one sheet of drawings supplied on December 6, 2004.

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

Charlema R. Grant

Charlema R. Grant
Petition Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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DAVID H. WALDMAN
APRILIS, INC.
5 CLOCK TOWER PLACE, SUITE 200
MAYNARD, MA 01754

COPY MAILED

DEC 14 2005

OFFICE OF PETITIONS

In re Application of	:
Daniel H. Raguin et al	:
Application No. 60/619,459	: DECISION ON PETITION
Filed: October 16, 2004	: UNDER 37 CFR 1.10(d)
Attorney Docket No. APR-D-2004-4	:

This is a decision on the petition filed on October 14, 2005, requesting that the above-identified application be accorded a filing date of October 15, 2004, rather than the presently accorded filing date of October 16, 2004. The petition is treated as a petition under 37 CFR 1.10(d). This also a decision on the petition under 37 CFR 1.182 for expedited consideration of the petition to accord this provisional application a filing date of October 15, 2004.

The petition under 37 CFR 1.10(d) is **dismissed**.

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

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS), Express Mail Post Office to Addressee on October 15, 2004, pursuant to the requirements of 37 CFR 1.10. In support of the showing that the application is entitled to a filing date of October 15, 2004, petitioner has submitted a copy of the following:

> Exhibit 1: A true copy of a Finance Copy of the Express Mail paper label for the correspondence which was deposited with the USPS on October 15, 2004 with the bar code indication of Express Mail Label No. EF319346157US.

Exhibit 2: A true copy of the 'Provisional Application Cover Sheet' dated October 15, 2004 and with Express Mail Label No. EF319346157US written thereon.
Exhibit 3: A true copy of a USPS self-service kiosk receipt dated October 15, 2004 with Express Mail Label No. EW092615590US printed thereon.

Additionally, the petition is accompanied by a declaration from David A. Waldman stating that he deposited with the USPS at the Fort Point Station in Boston, Massachusetts the package containing the application papers for this file, having affixed thereto Express Mail Label No. EF319346157US, which Express Mail label number he also placed on the correspondence prior to the original mailing by Express Mail. Mr. Waldman further states that, since there was a long line of customers at the Fort Point Station post office, he used a USPS self-serve kiosk to process the transaction for Express Mail service. Lastly, Mr. Waldman states that an Express Mail label with a receipt(bearing Express Mail Label No. EW092615590US) was printed by the self-serve kiosk, and the Express Mail label was affixed to the package containing the correspondence for this application and deposited on October 15, 2004.

Paragraph (a) of 37 CFR 1.10 states that:

> (a)(1) Any correspondence received by the U.S. 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 with the USPTO on the date of deposit with the USPS.
> (a)(2) <u>The date of deposit with the USPS is shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation</u>. If the USPS deposit date cannot be determined, the correspondence will be accorded the USPTO receipt date as the filing date. See §1.6(a)(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 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 establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS (emphasis supplied).

A grantable petition under 37 CFR 1.10(d) must include "a showing which establishes, to the satisfaction of the Director, 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." Evidence from the USPS may be, for example, the Express Mail Corporate Account Mailing Statement or a statement by an appropriate official of the USPS that, according to a USPS record, the "date-in" on petitioners' Express Mail receipt is erroneous and accompanied by a copy of the relevant USPS record. Evidence that came into being within one day after the deposit of the correspondence as Express Mail may be, for example, a log book which contains information such as the Express Mail label number; the application number, attorney docket number or other such file identification number; the place, date and time of deposit; the time of the last

scheduled pickup for that date and place of deposit; the depositor's initials or signature; and the date and time of the log book entry.

The petition filed October 14, 2005 is not accompanied by the corroborating evidence required by 37 CFR 1.10(d). More specifically, the evidence submitted fails to show that the number of the Express Mail label number appearing on the receipt from the USPS self-serve kiosk is the same Express Mail label number placed on the correspondence prior to mailing, as specifically required by 37 CFR 1.10(d)(2). *See* MPEP 513(III). Further, the copy of the Express Mail label bearing No. EF319346157US, the number appearing on the transmittal letter for the provisional application, does not show a "date-in" or any other USPS official notation to show the date of deposit with the USPS of the Express Mail package. Therefore, since the petition lacks the corroborating evidence required by 37 CFR 1.10(d), this provisional application was properly given the filing date of receipt in the Office; i.e., October 16, 2004. Accordingly, the petition must be dismissed.

Any request for reconsideration should be filed within TWO MONTHS of the mail date of this decision in order to be considered timely. See 37 CFR 1.181(f).

There is no indication that the person signing the instant petition was ever given a power of attorney to prosecute this application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney documentation 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.

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

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

By hand: Customer Service Window
Mail Stop Petitions

Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3218.

Frances Hicks
Petitions Examiner
Office of Petitions

cc:

Timothy J. Meagher
Hamilton Brook Smith & Reynolds PC
530 Virginia Road
P O Box 9133
Concord, MA 01742-9133

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

David A. Waldman Ph.D
Aprilis, Inc.
Suite 200
5 Clock Tower Place
Maynard MA 01754

In re Provisional Application of	:	
Raguin et al.	:	
Application No. 60/619,459	:	DECISION ON PETITION
Filed: October 16, 2004	:	
Attorney Docket No. N/a	:	

This is a decision on the petition filed February 17, 2006, requesting (1) reconsideration of the dismissal mailed December 14, 2005, of the previous petition under 37 CFR 1.10(d) to accord the above-captioned a filing date of October 15, 2004, instead of the currently accorded filing date of October 16, 2004, or, in the alternative, (2) under 37 CFR 1.183, waiver of the requirements of 37 CFR 1.10 with the same result.

The petition considered under 37 CFR 1.10(d) is **DISMISSED**.

The petition considered under 37 CFR 1.183 is **DISMISSED**.

Petitioner contends that, contrary to the previous opinion, the records of the USPS provide corroborating evidence, including "other official USPS notation" to support the requested filing date. In the alternative, waiver of the rules is requested.

As to the petition considered under 37 CFR 1.10(d).:

Petitioner contends that the records of the USPS attached to the petition (e.g., USPS Track and Confirm, a self service receipt from a USPS kiosk), as well as his supplemental declaration, confirm that the instant application papers were entrusted to the USPTO on October 15, 2004.

However, the mere fact that the instant papers were allegedly deposited with the USPS on October 15, 2006, does not necessarily entitle those papers to the date of deposit as the filing date. The procedures set forth in 37 CFR 1.10 must be correctly followed in order to obtain the requested filing date. The rule requires, *inter alia*, that (1) the correspondence must be deposited prior to the last scheduled Express Mail pickup for the day, and (2) the Express Mail label number must be placed on the correspondence. The rule further provides that where a party deals, as here, indirectly with the USPS, such as an Express Mail drop box, he assumes the risk of not obtaining the desired "date-in." See 37 CFR 1.10(b).

While the time of the last scheduled Express Mail to Addressee pick up for October 15, 2004, has not been supplied by petitioner, the kiosk receipt indicates that the cash transaction for

Express Mail label number EW092615590US was performed at 11:47 p.m. The USPS track and confirm correspondence indicates that the USPS apparently applied a "date-in" of October 16, 2004 to the correspondence. There is simply no evidence that the USPS erred in according a "date-in" of October 16, 2004, to Express Mail correspondence entrusted to it no earlier than 11:47 p.m. on the 15th of October, 2004. Indeed, the petition is silent as to exactly when and the manner in which petitioner actually deposited the correspondence with the USPS.

Notwithstanding the foregoing, 37 CFR 1.10 also requires that the Express Mail Label no. must be affixed to the correspondence, in order to obtain the remedial benefit of the rule. The USPS records on which petitioner relies are all for Express Mail label No. EW092615590US. That number, however, does not appear on the instant correspondence. Rather, the Express Mail Label number affixed to the instant correspondence (via the transmittal letter) is EP319346157US. The petition is conspicuously devoid of any USPS records for Express Mail label no. EP319346157US that would corroborate the requested filing date. Accordingly, petitioner has failed to show he is entitled to relief under 37 CFR 1.10.

As to the petition considered under 37 CFR 1.183:

In order for grant of any petition under 37 CFR 1.183, petitioner must show (1) that this is an extraordinary situation where (2) justice requires waiver of the rule. In re Sivertz, 227 U.S.P.Q. 255, 256 (Comm'r Pat. 1985). Petitioner has not shown that either condition exists in this case. Because the USPTO regulations are published in the Federal Register as required by the Federal Register Act, 44 U.S.C. §1505 (formerly 44 U.S.C. §§5, 7), they are binding, even in the absence of actual knowledge.[1] See, *e.g.*,Timber Access Industries Co. v. United States, 213 Ct. Cl. 648, 553 F.2d 1250, 1255 (1977); Andrews v. Knowlton, 509 F.2d 898, 905 (2d Cir.), cert. denied, 423 U.S. 873 (1975); United States v. Aarons, 310 F.2d 341, 345-48 (2d Cir. 1962); In re Pacific Far East Line, Inc., 314 F.Supp. 1339, 1348 (N.D. Cal. 1970), aff'd, 472 F.2d 1382 (9th Cir. 1973). It is noted that according to USPTO records, petitioner has filed at least 7 other applications using the Express Mail procedure, so petitioner was familiar with the procedure.

Unfortunately, it is also well settled that a party's inadvertent failure to comply with the requirements of the rules or procedures before the USPTO is not deemed to be an extraordinary situation that would warrant waiver of the rules or procedures under 37 CFR 1.183. Circumstances resulting from petitioner's, or petitioner's counsel's, failure to exercise due care, or lack of knowledge of, or failure to properly apply, the patent statutes or rules of practice are not, in any event, extraordinary circumstances where the interests of justice require

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[1] The final rulemaking was published on January 20, 1983, at 48 Fed. Reg. 2696-2714 and on February 1, 1983, at 1027 Off. Gaz. Pat. & TM Office 9. The following comment appeared therein:

> Comment: One person questioned what treatment will be accorded a paper placed in an 'Express Mail' box receptacle after the box has been cleared for the last time on a given day.
>
> Reply: The paper will be considered to be deposited as of the date of receipt indicated on the 'Express Mail' mailing label by the Postal Service clerk.

the granting of relief. See In re Tetrafluor, Inc., 17 USPQ2d 1160, 1162 (Comm'r Pats. 1990); In re Bird & Son, Inc., 195 USPQ 586, 588 (Comm'r Pats. 1977). This is particularly so given the explanation in MPEP 513:

> 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 omis–sion considered "unavoidable," within the meaning of 15 U.S.C. 1062(b), 35 U.S.C. 133, 37 CFR 1.137(a) or 37 CFR 2.66(a). See Honigsbaum v. Lehman, 903 F. Supp. 8, 37 USPQ2d 1799 (D.D.C. 1995) (Commissioner did not abuse his discretion in refusing to waive requirements of 37 CFR 1.10(c) in order to grant filing date to patent application, where applicant failed to produce "Express Mail" customer receipt or any other evidence that application was actually deposited with USPS as "Express Mail."), aff'd without opinion, 95 F.3d 1166 (Fed. Cir. 1996); Nitto Chemical Industry. Co., Ltd. v. Comer, 39 USPQ2d 1778, 1782 (D.D.C. 1994) (Commissioner's refusal to waive requirements of 37 CFR 1.10 in order to grant priority filing date to patent application not arbitrary and capricious, because failure to comply with the requirements of 37 CFR 1.10 is an "avoidable" oversight that could have been prevented by the exercise of ordinary care or diligence, and thus not an extraordinary situation under 37 CFR 1.183.); Vincent v. Mossinghoff, 230 USPQ 621 (D.D.C. 1985) (misunderstanding of 37 CFR 1.8 not unavoidable delay in responding to Office Action); Gustafson v. Strange, 227 USPQ 174 (Comm'r Pat. 1985) (counsel's unawareness of 37 CFR 1.8 not extraordinary situation warranting waiver of a rule); In re Chicago Historical Antique Automobile Museum, Inc., 197 USPQ 289 (Comm'r Pat. 1978) (since certificate of mailing procedure under 37 CFR 1.8 was available to petitioner, lateness due to mail delay not deemed to be extraordinary situation).

Accordingly, the request for waiver of the requirements of 37 CFR 1.10 is refused. The filing date remains October 16, 2004.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3217.

Brian Hearn
Petitions Examiner
Office of Petitions

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THOMSON LICENSING INC.
PATENT OPERATIONS
PO BOX 5312
PRINCETON NJ 08543-5312

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OFFICE OF PETITIONS

In re Application of	:	
Cooper, et al.	:	
Application No. 60/619,632	:	DECISION GRANTING PETITION
Filed: October 18, 2004	:	
Attorney Docket No. PU040285	:	

This is a decision on the petition filed January 24, 2005 (certificate of mailing January 20, 2005), requesting that the above-identified application be accorded a filing date of October 18, 2004, with page 15 of the specification described in the specification as part of the original disclosure.

On January 24, 2005 (certificate of mailing January 20, 2005), applicants filed the above-identified application. On November 22, 2004, the Office mailed a Notice of Omitted Item(s) in a Nonprovisional Application, stating that the application had been accorded a filing date of October 18, 2004, and advising applicants that page 15 of the specification appeared to have been omitted.

In response, on January 24, 2005 (certificate of mailing January 20, 2005), applicants filed the present petition and a copy of applicants' postcard receipt acknowledging receipt of 48 pages of specification on October 18, 2004. Additionally, applicants submitted page 15 of the specification with the present petition.

Upon review of the record, page 15 of the specification, deposited on October 18, 2004, has not been located among the application papers. However, the evidence is convincing that the application papers deposited on October 18, 2004, included page 15 of the specification, which was subsequently misplaced in the United States Patent and Trademark Office. Therefore, the application, including page 15 of the specification, was complete on filing and will be granted a filing date of October 18, 2004.

Accordingly, the petition is granted.

The Notice of Omitted Item(s) was sent in error and is hereby vacated. Accordingly, the $130.00 petition fee is unnecessary and will be credited to Deposit Account No. 07-0832.

The Office of Initial Patent Examination is directed to accorded the above-identified application a **filing date of October 18, 2004**, using page 15 of the specification supplied on January 24, 2005, and the 47 pages of specification supplied on October 18, 2004.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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VOLENTINE FRANCOS & WHITT, PLLC
ONE FREEDOM SQUARE
SUITE 1260
11951 FREEDOM DRIVE
RESTON VA 20190

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OFFICE OF PETITIONS

In re Application of	:
Ford, et al.	:
Application No. 60/619,712	: DECISION ON
Filed: October 19, 2004	: PETITION
Attorney Docket No. WLJ.141P	:
For: METHODS AND APPARATUS FOR SPUTTERING	:

This is a decision on the petition filed December 6, 2004 requesting, in effect, withdrawal of a Notice of Omitted Item(s) in a Provisional Application (Notice), dated November 19, 2004. The petition will be treated under 37 CFR 1.53(e).

The application was filed on October 19, 2004. On November 19, 2004, the Office of Initial Patent Examination mailed a Notice informing petitioners that Figures 6, 9, and 10, as described in the specification, appeared to have been omitted.

Petitioners request that Figures 6, 9, and 10 be accorded a filing date of October 19, 2004 on the basis that 6 sheets of drawing figures, including Figures 6, 9, and 10, were received in the Patent and Trademark Office (PTO) on October 19, 2004. In support, the instant petition is accompanied by a copy of 2 itemized postcard receipts showing an Office of Initial Patent Examination generated barcode and date stamp, respectively, citing October 19, 2004 as the date of receipt. The postcard lists, *inter alia*, that the filing included 6 sheets of drawings.

The return postcard constitutes *prima facie* evidence that 6 sheets of drawing figures were filed on October 19, 2004. MPEP 503. A review of the application file reveals that there are only 4 sheets of drawing figures present.

Accordingly, the petition under 37 CFR 1.53(e) is **GRANTED**.

The $200.00 petition fee charged to petitioners will be credited to deposit account no. 50-0238.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **October 19, 2004**, using the copy of Figures 6, 9, and 10 submitted with the instant petition. Office records will be corrected to show that 6 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

E. Shirene Willis
Petitions Attorney
Office of Petitions

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FEB 1 0 2005

OFFICE OF PETITION:

BAKER & BOTTS
30 ROCKEFELLER PLAZA
NEW YORK NY 10112

In re Application of Emillio Ambasz Application No. 60/619,742 Deposited: October 18, 2004 Attorney Docket No. P36402-70170.0639 Title of Invention: Writing Tablet	DECISION GRANTING PETITION

This is a decision on the petition filed December 27, 2004, requesting that the above-identified application be accorded a filing date of October 18, 2004.

On October 18, 2004, applicant deposited the above-identified application. On December 9, 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. Accordingly, the filing date would be the date of receipt of the items.

The present petition was filed wherein Petitioner contends 12 pages of specification (including 9 sheets of drawings) and 18 pages of drawings (also referred to as photographs) were present upon filing on October 18, 2004. A copy of the application papers and 18 sheets of drawings accompanies the petition. In support, the petition is accompanied by a copy of applicant's return postcard which lists "provisional patent application papers comprising 12 pages; 18 sheets of drawings".

Applicant's postcard receipt is prima facie evidence that at minimum 12 pages of provisional application papers and 18 sheets of drawings were received on October 18, 2004, but the 18 sheets of drawings are not present in the file.[1] Hence, it is clear that the papers for this application were mishandled by the Office. Therefore, it is concluded that 18 sheets of drawings were received on October 18, 2004, as shown in counsel's file, and later

[1]It should be noted a review of the provisional application papers filed on October 18, 2004, show nine(9) sheets of drawings were part of the application papers.

misplaced in the office.

Since original drawings cannot be located in the Office, the drawings supplied on December 27, 2004 will be used for processing purposes.

Applicant is advised that his postcard receipt should identify the number of pages of specification, drawings and oath/declaration being filed. Failure to do so may result in the loss of a filing date. Pursuant to section 503 of the MPEP, each separate component should be specifically and properly itemized on the postcard.

Deposit account no. 02-4377 will be credited with the $130.00 submitted towards the petition fee which as of November 22, 2004 is $400.00.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of October 18, 2004, using the substitute 18 sheets of drawings supplied on December 27, 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

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WILMER CUTLER PICKERING HALE AND DORR LLP
399 PARK AVENUE
NEW YORK NY 10022

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DEC 23 2005

OFFICE OF PETITIONS

In re Application of	:	
Griffin et al.	:	
Application No. 60/619,997	:	DECISION ON PETITION
Filed: 19 October, 2004	:	
Atty Docket No. 290289.124US1	:	

This is a decision on the petition filed on 8 August, 2005, which is treated as a petition under 37 CFR 1.53 requesting that the above-identified application be accorded a filing date of 19 October, 2004, with one (1) sheet of drawings containing Figure 22 described in the specification as a part of the original disclosure.

The petition is granted.

The application was filed on 19 October, 2004.

Accordingly, on 8 June, 2005, Initial Patent Examination Division mailed a Notice of Omitted Items in a Provisional Application, stating that the application had been accorded a filing date of 19 October, 2004, but that Figure 22 described in the specification appeared to have been omitted.

In response, on 8 August, 2005, the present petition and a copy of 23 sheets of drawings containing Figures 1-23 were filed. Petitioners argue that Figure 22 was filed with the other application papers on 19 October, 2004, but was subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioners' postcard receipt was supplied with the present petition. The postcard receipt shows an "Office date" stamp of "101904" and the above-identified application number, and identifies the application by the attorney docket number and invention title, and acknowledges receipt of, *inter alia*, 23 sheets of drawings. Petitioners request that the application, including one (1) sheet of drawings containing Figure 22 be accorded a filing date of 19 October, 2004.

A review of the record reveals that 22 sheet of drawings containing Figures 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 23 were received on 19 October, 2004. No Figure 22 is located among the drawing figures received on that date. However, the evidence is convincing that the application papers deposited on 19 October, 2004, included one (1) sheet of drawings containing Figure 22, which was subsequently misplaced in the Office. Therefore, the application, including one (1) sheet of drawings containing Figure 22, is entitled to a filing date of 19 October, 2004.

The "Notice" mailed on 8 June, 2005, 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 22 supplied on 8 August, 2005, as a part of the original disclosure. The copies of other application papers supplied with the present petition will not be used for processing or examination, but will be retained in the application file.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 19 October, 2004, using the application papers filed on that date and the copy of one (1) sheet of drawings containing Figure 22 supplied with the present petition, and for an indication in Office records that 23 sheets of drawings were present on filing.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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
60/620,056	10/19/2004		160	63895C	2		

CONFIRMATION NO. 1718

CORRECTED FILING RECEIPT

OC000000014805280

THE DOW CHEMICAL COMPANY
Intellectual Property
P. O. Box 1967
Midland, MI 48641-1967

Date Mailed: 12/22/2004

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)

Douglas E. Beyer, Midland, MI;
Steven R. Jenkins, Clare, MI;
Eric K.C. Lee, Midland, MI;

Power of Attorney:

Michael Glenn–28849

If Required, Foreign Filing License Granted: 11/26/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/620,056

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

Non-Publication Request: No

Early Publication Request: No

Title

Plasticizer in alkyl acrylate vinylidene chloride polymer

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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THE DOW CHEMICAL COMPANY
INTELLECTUAL PROPERTY
P O BOX 1967
MIDLAND, MI 48641-1967

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DEC 14 2006

OFFICE OF PETITIONS

In re Application of	:	
Douglas E. Beyer et al	:	
Application No. 60/620,057	:	DECISION DISMISSING
Filed: October 18, 2004	:	PETITION
Attorney Docket No. 63895D	:	

This is a decision on the petition, filed April 26, 2006 requesting that the above-identified application be accorded a filing date of October 19, 2004, rather than the presently accorded date of October 18, 2004. The petition is properly treated as a petition under 37 CFR 1.10(c).

The petition is dismissed. Any request for reconsideration must be filed within TWO MONTHS of this mailing. Extensions of time under 37 CFR 1.136(a) or (b) are not available.

Petitioner alleges that the application was deposited in Express Mail Service on October 19, 2004. In support, the petition is accompanied by a copy of Express Mail receipt No. EV331477155US bearing a "date-in" of October 19. The year is absent or illegible on the mail receipt. As such, the requested relief cannot be granted based on the Express Mail label alone as the requested "date-in" is simply not given.

In any event, the petition cannot be granted over the submitted evidence because the Express Mail label on the USPS receipt does not match the Express Mail label No. which was affixed to the instant application papers. In order to obtain the remedial benefits of 37 CFR 1.10, petitioner had to comply with the requirements of 37 CFR 1.10 for the correspondence in question. In this instance, petitioner also did not comply with the requirements of 37 CFR 1.10(c)(2), which requires that the number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence. Here, the USPS Express Mail Label number supplied with the petition is EV331477155US,

which is **not** that placed on the application papers: viz, EV31477155US.

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

Brian Hearn
Petitions Examiner
Office of Petitions

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/620,058	10/19/2004		160	63895E	2		

THE DOW CHEMICAL COMPANY
Intellectual Property
P. O. Box 1967
Midland, MI 48641-1967

CONFIRMATION NO. 1680

CORRECTED FILING RECEIPT

OC000000014805111

Date Mailed: 12/21/2004

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)

Douglas E. Beyer, Midland, MI;
Steven R. Jenkins, Clare, MI;
Eric K.C. Lee, Midland, MI;

Power of Attorney:

Michael Glenn–28849

If Required, Foreign Filing License Granted: 11/19/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/620,058

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

Non-Publication Request: No

Early Publication Request: No

Title

Plasticizer in alkyl acrylate vinylidene chloride polymer

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

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

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

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

NOT GRANTED

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

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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
60/620,090	10/19/2004		160	069341-019	13		

CONFIRMATION NO. 2065

CORRECTED FILING RECEIPT

OC000000014729563

31824
MCDERMOTT WILL & EMERY LLP
18191 VON KARMAN AVE.
IRVINE, CA 92612-7107

Date Mailed: 12/13/2004

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)

Allen Takatsuka, Costa Mesa, CA;

Power of Attorney: The patent practitioners associated with Customer Number 31824.

If Required, Foreign Filing License Granted: 11/19/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/620,090

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

Non-Publication Request: No

Early Publication Request: No

Title

Team collaboration system with business process management records management

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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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P.O. BOX 80278
SAN DIEGO, CA 92138-0278

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OCT 21 2005

OFFICE OF PETITIONS

In re Application of	:	
Angela M. Christiano	:	
Application No. 60/620,272	:	ON PETITION
Filed: October 18, 2004	:	
Attorney Docket No. 043457-0401	:	

This is a decision on the petition under 37 CFR 1.137(b), filed September 21, 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 (Notice) mailed January 31, 2005. 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 April 1, 2005.

In accordance with 35 U.S.C. § 111 (b)(5), a provisional application for patent is regarded as abandoned 12 months after the filing date of such application and is not be subject to revival after such 12-month period. The instant application therefore is statutorily abandoned.

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 of currently of record until such time as appropriate instructions are received to the contrary.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to Files Repository.

Wan Laymon
Petitions Examiner
Office of Petitions

cc: BAKER BOTTS
30 ROCKEFELLER PLAZA
45TH FLOOR
NEW YORK, NY 10112-4498

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JAN 21 2005

OFFICE OF PETITIONS

MERCK AND CO., INC
P O BOX 2000
RAHWAY NJ 07065-0907

In re Application of
Macross et al.
Application No. 60/620,743
Filed: October 21, 2004
Attorney Docket No. 21817PV

: DECISION GRANTING PETITION

This is a decision on the petition filed December 27, 2004, requesting that a Notice of Omitted Items in a Provisional Application ("Notice") mailed November 22, 2004, be withdrawn.

The petition is GRANTED.

The application was filed on October 21, 2004. However, on November 22, 2004, the Office of Initial Patent Examination (OIPE) mailed a Notice stating that the application had been accorded a filing date of October 21, 2004 but pages 33-36 of the specification appeared to have been omitted.

In response, the present petition was filed wherein Petitioner contends pages 33-36 of the specification were filed on October 21, 2004. In support, the petition is accompanied by a copy of applicants' return postcard which states that 36 pages were filed. The petition is further accompanied by pages 33-36 of the specification.

Applicants' postcard receipt is prima facie evidence that 36 pages of specification were received on October 21, 2004, but pages 33-36 are 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 36 pages of specification and claims were received on October 21, 2004, as shown in counsel's file, and later misplaced in the office.

Since original pages 33-36 of the specification cannot be located in the Office, pages 33-36 supplied on December 27, 2004, will be used for processing and examination purposes.

No Petition fee is due. Deposit account 13-2755 will be credited with the $130.00

submitted toward the petition fee.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of October 21, 2004, using the substitute pages 33-36 of the specification supplied on December 27, 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

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FULBRIGHT & JAWORSKI LLP (ANS)
2200 ROSS AVENUE
SUITE 2800
DALLAS TX 75201

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APR 15 2005

OFFICE OF PETITIONS

In re Application of Dirk De Ridder Application No. 60/620,827 Filed: October 21, 2004 Attorney Docket No. 04-042 PRO	: : : : :	DECISION ON PETITION

This is a decision on the "PETITION FOR CORRECTED FILING RECEIPT AND RESPONSE TO NOTICE OF OMITTED ITEM(S) IN A PROVISIONAL APPLICATION", filed January 19, 2005, which is being treated as a petition under 37 CFR 1.53 to accord the above-identified application a filing date of October 21, 2004, with Figures 5A - 5I of the drawings as a part of the original disclosure.

The petition is **GRANTED**.

Application papers in the above-identified application were filed on October 21, 2004. However, on November 22, 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, Figures 5A - 5I of the drawings appeared to have been omitted.

In response, applicant filed the instant petition. Accompanying the petition was a drawing sheet containing a copy of Figures 5A - 5I of the drawings. Applicant maintains that the application as originally filed included this drawing sheet. In support thereof, applicant submitted a postcard receipt identifying this application, itemizing "Drawings (8 sheets)" as enclosed, bearing a United States Patent and Trademark Office date-stamp of October 21, 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, no petition fee was required, and none has been charged.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of October 21, 2004, using the application papers received in the Office on that date and Figures 5A - 5I of the drawings as re-supplied on petition filed January 19, 2005.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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PERKINS COIE LLP
PATENT-SEA
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SEATTLE WA 98111-1247

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JUN 0 6 2005

OFFICE OF PETITIONS

In re Application of :
Hart, et al. :
Application No. 60/620,895 : DECISION DISMISSING
Filed: October 20, 2004 : PETITION
Attorney Docket No. 539038001US :
For: PRODUCT INQUIRY AND DISTRIBUTION SYSTEM, SUCH AS FOR FACILITATING SALES, AND USER-INTERFACE FOR SAME

This is a decision on the petition filed April18, 2005, requesting review of a determination that page 13 of the specification was omitted from the original application papers filed on October 20, 2004. The petition will be treated under 37 CFR 1.53(e).

The application was filed on October 20, 2004. However, on February 16, 2005, the Office of Initial Patent Examination mailed Notice of Omitted Item(s) in a Provisional Application stating, *inter alia*, that the application had been accorded a filing date of October 20, 2004, but advising applicants that page 13 of the specification, appeared to have been omitted.

In response, on April 18, 2005 a copy of page 13 and the present petition were filed. Petitioners argue that page 13 was filed on October 20, 2004. In support, the petition is accompanied by a copy of applicants' itemized return postcard receipt showing 534 pages of specification were received in the Office on October 20, 2004.

The best evidence of what was filed on October 20, 2004, is applicants' postcard receipt. In this case, applicants' postcard receipt identifies 534 pages of specification as papers being filed on October 20, 2004. A review of the contents of the official file shows that 540 pages of specification were, in fact, filed on October 20, 2004, and are presently in the application file.

The Office received more pages of specification than what the postcard states was filed. A review of the 540 pages of specification present reveals that page 13, as submitted with the instant petition, was not filed on October 20, 2004. Because the postcard proves 534 pages of specification were filed on October 20, 2004, 540 pages of specification are present, and page 13 is not among those 540 pages of specification, the petition is **dismissed**.

The application is being returned to the Office of Initial Patent Examination with a filing date of **October 20, 2004.** The application has already been processed using the 540 pages of specification filed on October 20, 2004. Page 13, filed with the instant petition, will not be considered part of the original application papers.

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

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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DORSEY & WHITNEY, LLP
INTELLECTUAL PROPERTY DEPARTMENT
370 SEVENTEENTH STREET
SUITE 4700
DENVER CO 80202-5647

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JAN 2 6 2005

OFFICE OF PETITIONS

In re Application of :
Jarman, et al. :
Application No. 60/620,902 : NOTICE
Filed: October 20, 2004 :
Attorney Docket No. 185910/US :

This is a notice regarding your December 14, 2004 request for acceptance of a fee deficiency submission under 37 CFR 1.28(c).

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

The Office no longer investigates or rejects original or reissue applications under 37 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(c) is hereby **ACCEPTED**. Office records have been altered to show that you are no longer a small entity.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3230.

This file is being forwarded to the Office of Initial Patent Examination.

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

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FEB 25 2005

OFFICE OF PETITIONS

In re Application of	:	
Lifton et al.	:	
Application No. 60/620,984	:	
Filed: October 20, 2004	:	DECISION ON PETITION
Attorney Docket No.:	:	
PCT-3003	:	

This is a decision on the Petition in Response to Notice of Omitted Item(s) in a Provisional Application, filed January 6, 2005.

The above-identified application was filed on October 20, 2004. On November 22, 2004, this Office mailed a Notice of Omitted Item(s) in a Provisional Application, informing Applicant that a filing date had been accorded the application; however, page 27 of the specification appeared to have been omitted from the application.

Applicant files the instant petition and asserts that page 27 of the specification was not omitted, but that page 28 was misnumbered. Applicant requests acknowledgment of receipt of page 27 by this Office and a refund of the petition fee.

A review of the November 22, 2004 Notice reveals that the Notice presented Applicant with two options. The first option was based upon a contention that the omitted page was present on filing, and in that instance Applicant was allowed to promptly file proof that omitted page was 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.

Regarding Applicant's assertion, that page 27 was included among the application papers as originally filed, applicant is advised that no paper numbered page 27 was filed in this Office on October 20, 2004. As such, the Notice was correct in stating that page 27 of the specification appeared to have been omitted from the application, and will not be withdrawn.

Accordingly, 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. Applicant is further advised that the fee for filing a petition regarding a filing date (under 37 CFR 1.182 and 1.53) has increased to $400.00 effective December 8, 2004. Accordingly, Applicant's deposit account has been charged an additional $270.00 as authorized in the instant Transmittal.

The application will be accorded the original application filing date of October 20, 2004, 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/Advisor
Office of Petitions

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P.O. BOX 061080
WACKER DRIVE STATION, SEARS TOWER
CHICAGO, IL 60606-1080

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APR 1 8 2005

OFFICE OF PETITIONS

In re Application of
Yang
Application No. 60/616,011
Filed: October 5, 2004
Attorney Docket No. 40022800-0003

Decision on Petition

This is a decision on the petition filed December 13, 2004, requesting, in effect, that Figure 9 filed on December 13, 2004, be entered as part of the original disclosure.

The petition is **dismissed**.

The application was filed on October 5, 2004.

On November 23, 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 October 5, 2004, and advising applicants that Figure 9 appeared to have been omitted.

In response, the present petition was filed alleging that Figure 9 was deposited on October 5, 2004.

In support of petitioner's allegation, petitioner has submitted a postcard receipt which allegedly acknowledges receipt of 6 sheets of drawings on October 5, 2004.[1] Petitioner has also submitted a copy of the missing documentation- Figure 9.

Unfortunately, the copy of the postcard as scanned into the Office's electronic file wrapper is totally illegible. The Office requests petitioner submit another copy of the postcard.

Effective November 1, 2004, the petition fee for a petition under 37 CFR 1.53 increased from $130 to $400. If the renewed petition is granted based on the postcard receipt, the $130 which has been submitted will be refunded.

Granting the instant petition based on the incorporation by reference, would require the Office to retain the $130 and to charge an additional $270 to petitioner's deposit account. At this time, as a courtesy, the Office will abstain from considering the merits of the portion of the petition discussing incorporation by reference. However, if the renewed petition cannot be granted based on the postcard, the incorporation by reference arguments will be fully considered.

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

[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.

37 CFR 1.136(a) are NOT permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.53."

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.

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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/621,033	10/21/2004		125	OPTIS.115PR	22		

CONFIRMATION NO. 5287

UPDATED FILING RECEIPT

OC000000016019336

Mark J. Kertz
Knobbe, Martens, Olson & Bear, LLP
14th Floor
2040 Main Street
Irvine, CA 92614

Date Mailed: 05/13/2005

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)

Igor Nemchuk, San Francisco, CA;
Mark Wechsler, San Mateo, CA;
Ken Li, Piedmont, CA;

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

If Required, Foreign Filing License Granted: 03/14/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/621,033

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Optical configurations for an analyte detection system

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

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NOT GRANTED

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JAN 13 2005

OFFICE OF PETITIONS

In re Application of	:	
Benen et al.	:	
Application No. 60/621,081	:	DECISION GRANTING PETITION
Filed: 25 October, 2004	:	
Atty Docket No. 2001-1358	:	

This is a decision on the paper filed on 7 December, 2004, which is treated as a petition under 37 CFR 1.53 requesting that the above-identified provisional application be accorded a filing date of 25 October, 2004.

The petition is **GRANTED**.

The application was filed on 25 October, 2004, without drawings. Accordingly, on 22 November, 2004, Initial Patent Examination Division mailed a "Notice of Incomplete Provisional Application" stating that the application had been deposited without drawings.

On 7 December, 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 so request that the application be accorded a filing date of 25 October, 2004, without 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 names of all the inventors.

As a review of the official file reveals that the application includes 11 method claims. Therefore, this application contains disclosure relating to a process or method.

In view of the above, the "Notice" mailed 22 November, 2004, was mailed in error and is hereby withdrawn.

The application will be processed using the application papers present on filing on 25 October, 2004.

The application is accorded a filing date of 25 October, 2004, without drawings as a part of the original disclosure. No petition fee is due and none has been paid.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of 25 October, 2004, using only the application papers filed on that date.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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Paper No. None

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OFFICE OF PETITIONS

Michael B. McMurry
1210 Astor Street
Chicago IL 60610

In re Application of :
William F. Behm et al. :
Application No. 60/621,164 : DECISION ON PETITION
Filed: October 21, 2004 :
Attorney Docket No.: :
SG-20620 :
Title: MONITOR GAME SYSTEM :

This is a decision on the petition filed February 10, 2005, requesting that Figures 1-20 be accorded a filing date of October 21, 2004, as part of the original disclosure.

The application was deposited on October 21, 2004. However, on December 14, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice on 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 deposit of drawings.

In response, on February 10, 2005, applicants filed the present petition. The petition is further accompanied by 12 pages of drawings containing Figures 1-20 and a copy of applicants' postcard receipt acknowledging receipt of "Drawings (12 Sheets) (Figs. 1-20)" in the United States Patent and Trademark Office (Office) on October 21, 2004. Applicants request that Figures 1-20 be accorded a filing date of October 21, 2004 as part of the original disclosure.

It is noted 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 October 21, 2004 included Figures 1-20, and the sheets containing these figures were subsequently misplaced in the Office.

Therefore, the application, including Figures 1-20, was complete on filing and this figure is entitled to a filing date of October 21, 2004 as part of the original disclosure.

Accordingly, the petition is **GRANTED**.

The notice mailed December 14, 2004 was sent in error, and is hereby **VACATED**. Therefore, no petition fee is necessary. The petition fee has been refunded to Petitioner's credit card.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of October 21, 2004, using the original application papers filed on that date, as well as Figures 1-20 submitted on February 10, 2005 with the instant petition and for indication in Office records that these figures were present on filing.

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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SUITE 1000
999 PEACHTREE STREET
ATLANTA, GA 30309-3915

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OFFICE OF PETITIONS

In re Application of
Greig et al.
Application No. 60/621,287
Filed: October 22, 2004
Attorney Docket No.
14014.0425U1

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.**

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

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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OFFICE OF PETITIONS

In re Application of	:
Ahmed, et al.	:
Application No. 60/621,470	: DECISION GRANTING PETITION
Deposited: October 25, 2004	:
Attorney Docket No. 2710.0220000/JMC/JSL	:
FOR: TRIMEGESTONE DOSAGE FORM WITH COATING	:

This is a decision on the petition filed December 7, 2004 to accord a filing date of October 25, 2004 to the above-identified application.

The application was deposited on October 25, 2004. However, on November 22, 2004, the Office of Initial Patent Examination mailed a "Notice of Incomplete Provisional Application" requiring a drawing of applicant's invention and stating that the filing date would be the date of receipt of the omitted drawing. It is noted that the specification filed on October 25, 2004 refers to a drawing figure.

As stated in MPEP 601.01(f), it is the practice of the United States Patent and Trademark Office (PTO) to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 USC 113 (first sentence.)

MPEP 601.01(f) also states that:

> ... [A] provisional application having at least some disclosure ...for which a drawing is usually not considered essential for a filing date, describing drawing figures in the specification, 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 method claims and a detailed written description. Therefore, the Office should have accorded the application a filing date without drawings.

In view of the above, the "Notice" mailed November 22, 2004 was mailed in error and is hereby withdrawn. The application is entitled to a filing date of October 25, 2004 without drawing figures. The petition is **granted**.

The $130.00 petition fee will be refunded to petitioners' credit card.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of **October 25, 2004** and the mailing of a filing receipt reflecting the October 25, 2004 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

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Paper No.

AKERMAN SENTERFITT
P.O. BOX 3188
WEST PALM BEACH, FL 33402-3188

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OFFICE OF PETITIONS

In re Application of :
Yim et al. :
Application No. 60/621,550 : DECISION ON PETITION
Filed: October 22, 2004 :
Attorney Docket No. 5853-521 :

This is a decision on the "PETITION REGARDING NOTICE OF OMITTED ITEM(S) IN A PROVISIONAL APPLICATION," filed January 3, 2005.

Application papers in the above-identified provisional application were filed on October 22, 2004. However, on November 23, 2004, the Office mailed a Notice of Omitted Item(s) in Provisional Application. Applicants were advised that the application had been accorded a filing date; however, figures 8a-b described in the specification appeared to have been omitted from the application.

In response, applicants timely filed the instant petition (and petition fee). Therewith, applicants provide evidence of the original submission of drawings by providing a copy of the stamped received postcard received from the Patent Office and corresponding transmittal letter, both of which applicants state indicate that 8 sheets of drawings were submitted to the Patent Office. The petition includes a copy of the drawing sheet containing Fig. 8a-b.

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 October 22, 2004, and the items filed therewith were assigned Application No. 60/621550; 2) it specifically identifies the items being filed, including "✓Sheets of Drawings 8" 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 8 sheets of drawings, were filed on October 22, 2004.

The sheets of drawings already considered received in the Office on October 22, 2004, were reviewed along with the drawing sheet containing figures 8a-b submitted on petition. These papers together constitute the item described on the postcard receipt as "Sheets of Drawings 8." It is concluded that petitioner has

shown that figures 8a-b 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 being refunded to Deposit Account No. 50-0951, as authorized.

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

- reprocessing with a filing date of October 22, 2004 using the application papers received in the Office and presently accorded that date; and figures 8a-b re-supplied on petition filed January 3, 2005; and
- indication in Office records, as appropriate, that 8 sheets of drawings were present in this application on filing.

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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999 PEACHTREE STREET
ATLANTA, GA 30309-3915

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OFFICE OF PETITIONS

In re Application of
Alon Goren et al. :
Application No. 60/621,600 : ON PETITION
Filed: October 22, 2004 :
Attorney Docket Number: 19109.0027U1 :

This is a decision on the petition under 37 CFR 1.182 filed October 21, 2005, to change the name of the inventor due to error on the part of the applicant.

The petition is **GRANTED**.

Petitioner has requested that the inventor listed on the application as Chuck Howard Mallory, a nickname, be correctly listed as Charles Howard Mallory using his full legal name. A declaration by the inventor explains how the error occurred and that it was without deceptive intent.

In view of the instant request, the following inventor name data will be changed.

Inventor 3) Charles Howard Mallory

Effective December 8, 2004 the fee for a petition under 37 CFR 1.182 was changed to $400.00. Therefore, while petitioner's credit card has been charged in the amount of $130.00, deposit account no. 14-0629 has been charged in the amount of $270.00 to make up the difference.

The application is being forwarded to the Office of Initial Patent Examination for the mailing of a corrected filing receipt.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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FREDRIKSON & BYRON, P.A.
200 SOUTH SIXTH STREET
SUITE 4000
MINNEAPOLIS MN 55402

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OFFICE OF PETITIONS

In re Application of
E. Ted Yoch
Application No. 60/621,715
Filed: October 22, 2004
Attorney Docket No. 49273.0001

: DECISION GRANTING PETITION

This is a decision on the petition filed November 8, 2004 under 37 CFR 1.10(d), requesting that the above-identified application be accorded a filing date of October 22, 2004 rather than the presently accorded filing date of October 25, 2004.

Petitioner alleges that the application was deposited in Express Mail service on October 22, 2004. Although petitioners have not submitted a copy of the Express Mail customer label, they have provided a copy of a the tracking report printed from the USPS Internet Track & Confirm and database which shows that a mailing bearing Express Mail Label No. EV317160778US (the same Express Mail number found on the itemized transmittal sheet accompanying the original application papers located in the official file) was "Enroute" on October 22, 2004.

In view of the evidence present in the file, it is concluded that the correct date of deposit in Express Mail service is October 22, 2004.

In view of the above, the application is entitled to a filing date of October 22, 2004.

The petition is GRANTED. No petition fee is due and none has been charged.

The application is being returned to Office of Initial Patent Examination for reprocessing with a filing date of October 22, 2004, not October 25, 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
60/621,715	10/22/2004		160	49273.0001	6		

CONFIRMATION NO. 7756

CORRECTED FILING RECEIPT

OC000000015007242

022859
INTELLECTUAL PROPERTY GROUP
FREDRIKSON & BYRON, P.A.
200 SOUTH SIXTH STREET
SUITE 4000
MINNEAPOLIS, MN 55402

Date Mailed: 01/21/2005

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)

E. Ted Yoch, Edina, MN;

Power of Attorney:

Robert Day–54059

If Required, Foreign Filing License Granted: 11/23/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/621,715

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

Non-Publication Request: No

Early Publication Request: No

Title

System for syndication of website content

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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500 GRANT STREET
PITTSBURGH PA 15219

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OFFICE OF PETITIONS

In re Application of	:	
Sheptovitsky et al.	:	
Application No. 60/621,882	:	DECISION GRANTING PETITION
Filed: 25 October, 2004	:	
Attorney Docket No. 127304.02800	:	

This is a decision on the petition filed on 8 December, 2004, requesting that the above-identified provisional application, including 22 sheets if drawings, be accorded a filing date of 25 October, 2004.

The petition is **GRANTED**.

On 25 October, 2004, the application was filed.

On 22 November, 2004, Initial Patent Examination Division mailed a Notice of Incomplete Provisional Application, stating that the application had been deposited without drawings, and that application should reconsider whether drawings were necessary under 35 U.S.C. § 113 (first sentence). The Notice stated that the filing date would be the date of receipt of the missing drawings.

In response, on 8 December, 2004, the present petition and a copy of 22 sheets of drawings, were filed. Petitioners argue that 22 drawing sheets was filed with the other application papers on 25 October, 2004, but were subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioners' postcard receipt was supplied with the present petition. The postcard receipt shows an Office stamp dated 25 October, 2004, and showing the above-identified application number, and identifies the application by the first named inventor's name, invention title, and attorney docket number, and acknowledges receipt of, *inter alia*, 22 sheets of drawings.

Petitioners request that the application, including the 22 sheets of drawings, be accorded a filing date of 25 October, 2004.

A review of the record reveals that no sheets of drawings received on 25 October, 2004, are located among the application papers received on that date. However, the evidence is convincing that the application papers deposited on 25 October, 2004, included 22 sheets of drawings, which were subsequently misplaced in the Office. Therefore, the application, including 22 sheets of drawings, is entitled to a filing date of 25 October, 2004.

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

The application will be processed with the copy of the 22 sheets of drawings supplied on 8 December, 2004, as a part of the original disclosure.

The application is being referred to Initial Patent Examination Division for further processing with a filing date of 25 October, 2004, using the application papers filed on that date, and the copy of 22 sheets of drawings supplied with the present petition, and for an indication in Office records that 22 sheets of drawings were present on filing.

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

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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SUITE 2500
ORLANDO, FL 32801

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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Sugaya et al. :
Application No. 60/621,901 :
Filed: October 22, 2004 :
Attorney Docket No. 10669-005 :

This is a decision on the petition filed December 2, 2004, to accord the above-identified application a filing date of October 22, 2004, instead of October 26, 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 October 22, 2004.

A fee is unnecessary for a petition under 37 CFR 1.10. The Office incorrectly charged $50 to petitioner's credit card for the petition. The $50 will be credited back to the credit card.

The file is now being forwarded to the Office of Initial Patent Examination to accord the application a filing date of October 22, 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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/621,901	10/22/2004		80	10669-005	10		

CONFIRMATION NO. 8289

CORRECTED FILING RECEIPT

OC000000015571054

29847
BEUSSE BROWNLEE WOLTER MORA & MAIRE
390 N. ORANGE AVENUE
SUITE 2500
ORLANDO, FL 32801

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)

Kiminobu Sugaya, Orlando, FL;
Angel Alvarez, Orlando, FL;

Power of Attorney:

Timothy Van Dyke--43218

If Required, Foreign Filing License Granted: 11/20/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/621,901

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 materials for increasing potency 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

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

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

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

NOT GRANTED

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

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OFFICE OF PETITIONS

In re Application of
Sugaya, et al.
Application No. 60/621,902
Filed: October 26, 2004
Attorney Docket No. 10669-004
For: METHODS AND SYSTEM FOR BIASING CELLULAR DEVELOPMENT

: DECISION GRANTING
: PETITION

This is a decision on the petition under 37 CFR 1.10(c), filed December 2, 2004 (certificate of mailing date November 30, 2004), requesting that the above-identified application be accorded a filing date of October 22, 2004 rather than the presently accorded filing date of October 26, 2004.

Petitioners request the earlier filing date on the basis that the application was deposited in Express Mail service of the United States Postal Service (USPS) on October 22, 2004, pursuant to the requirements of 37 CFR 1.10. The petition is accompanied by a copy of Express Mail label no. EO002910446US showing a blank "date-in" **and** a USPS date stamp of OCT 22 2004. The same Express Mail label number is listed on the original Provisional Application for Patent Cover Sheet found in the application file.

The evidence presented establishes that the Express Mail package associated with Express Mail label no. EO002910446US was deposited with the USPS on October 22, 2004.

Accordingly, the petition is granted.

The $400.00 petition fee charged to petitioners' credit card will be refunded to the same credit card in due course.

The application is being returned to the Office of Initial Patent Examination for correction of the filing date to **October 22, 2004**.

Any inquiries related to this decision should 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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/621,902	10/22/2004		80	10669-004	14		

CONFIRMATION NO. 8290

CORRECTED FILING RECEIPT

OC000000018049963

29847
BEUSSE BROWNLEE WOLTER MORA & MAIRE
390 N. ORANGE AVENUE
SUITE 2500
ORLANDO, FL 32801

Date Mailed: 02/14/2006

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)

Kiminobu Sugaya, Orlando, FL;
Angel Alvarez, Orlando, FL;
Young-Don Kwak, Orlando, FL;

Power of Attorney:

Timothy Van Dyke--43218

If Required, Foreign Filing License Granted: 11/20/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/621,902

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

Method and system for biasing cellular development

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

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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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OFFICE OF PETITIONS

In re Application of :
Sugaya, et al. : DECISION ON PETITION
Application No. 60/621,903 :
Filed: October 22, 2004 :
Atty. Dkt. No.: 10669-009 :

This decision is in response to the "PETITION FOR AN EARLIER FILING DATE," filed December 2, 2004, under 37 CFR 1.10(c) to accord the above-identified application a filing date of October 22, 2004.

Petitioners allege that the application was deposited in Express Mail service October 22, 2004. As supporting evidence, petitioner has provided a copy of an Express Mail label bearing tracking number EO002910485US (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 October 22, 2004.

In view of the above, the petition under 37 CFR 1.10(c) to accord the above-identified application a filing date of October 22, 2004 is hereby **GRANTED**.

No fee is due in connection with this petition. A refund has been requested from the Finance Office, Refund Section on petitioners' behalf.

This application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of October 22, 2004.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Senior Petitions Attorney
Office of Petitions

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STITES & HARBISON PLLC
1199 NORTH FAIRFAX STREET
SUITE 900
ALEXANDRIA VA 22314

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In re Application of	:	
Wang, et al.	:	
Application No. 60/622,014	:	DECISION DISMISSING
Filed: October 27, 2004	:	PETITION
Attorney Docket No. P08089US01/BAS	:	

For: CRYSTALS OF HUMAN AGP FOR THE IMPROVEMENT OF DRUG BINDING/EFFICACY IN BLOOD PLASMA AND FOR RATIONAL DRUG DESIGN

This is a decision on the petition filed December 8, 2004, requesting withdrawal of the Notice of Omitted Items in a Provisional Application (Notice), mailed November 30, 2004, that alleges Figures 1, 7, and 8 were omitted from the application papers filed on October 27, 2004. The petition will be treated under 37 CFR 1.53(e).

The application was filed on October 27, 2004. However, on November 30, 2004, the Office of Initial Patent Examination mailed a notice stating, *inter alia*, that the application had been accorded a filing date of October 27, 2004, but advising applicants that Figure 1, 7, and 8, as described in the specification, appeared to have been omitted.

In response, on December 8, 2004, a copy of Figures 1, 7 and 8 and the present petition were filed. Petitioners argue that Figures 1, 7, and 8 were filed on October 27, 2004. In support, the petition is accompanied by a copy of applicants' itemized return postcard receipt showing 8 sheets of drawings were received in the Office on October 27, 2004.

The best evidence of what was filed on May 7, 2004, is applicants' postcard receipt. In this case, applicants' postcard receipt identifies 8 sheets of drawings as papers being filed. A review of the contents of the official file shows that 8 sheets of drawings were, in fact, filed on October 27, 2004, and are presently in the file. It appears that drawings ***to a different application*** were filed along with the application papers on October 27, 2004. Petitioners are encouraged to review the drawing figures filed on October 27, 2004 by accessing PAIR.

Because the postcard proves 8 sheets of drawings were filed on October 27, 2004 and 8 sheets of

drawings are present, the petition is **dismissed**.

Regarding finances, the current petition fee for filing a petition under 37 CFR 1.53(e) is $400.00. Petitioners have submitted only $130.00. Pursuant to petitioners' authorization, deposit account no. 12-0555 will be charged an additional $270.00.

The application is being returned to the Office of Initial Patent Examination with a filing date of **October 27, 2004.** The application has already been processed using the 8 sheets of drawings filed on October 27, 2004. The figures filed with the instant petition, will not be entered.

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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ALEXANDRIA VA 22314

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MAR 2 2 2005

OFFICE OF PETITIONS

In re Application of
Wang, et al.
Application No. 60/622,014
Filed: October 27, 2004
Attorney Docket No. P08089US01/BAS

For: CRYSTALS OF HUMAN AGP FOR THE IMPROVEMENT OF DRUG BINDING/EFFICACY IN BLOOD PLASMA AND FOR RATIONAL DRUG DESIGN

DECISION GRANTING PETITION

This is a decision on the reconsideration petition under 37 CFR 1.53(e), filed February 14, 2005. Petitioners assert that the Office erred in scanning drawings to a completely different invention into the above-identified invention's electronic application file. Petitioners request that the correct drawings be matched with the application file.

The application was filed on October 27, 2004. However, on November 30, 2004, the Office of Initial Patent Examination mailed a notice stating, *inter alia*, that the application had been accorded a filing date of October 27, 2004, but advising applicants that Figure 1, 7, and 8, as described in the specification, appeared to have been omitted.

In response, on December 8, 2004, a copy of Figures 1, 7 and 8 and the present petition were filed. Petitioners argue that Figures 1, 7, and 8 were filed on October 27, 2004. In support, the petition is accompanied by a copy of applicants' itemized return postcard receipt showing 8 sheets of drawings were received in the Office on October 27, 2004.

As discussed in the January 14, 2005 decision on petition, 8 drawings were already present and it appeared that all of the drawings corresponded to a completely different invention.

Until petitioners went on record stating that the drawings did not belong to them – i.e. not a situation where the firm filed one client's drawings with another client's specification –, the Office would not investigate a possible scanning problem. The instant reconsideration contained the necessary statement.

A review of the paper copy of the application revealed that the correct drawings to the above-identified invention were present in the application file, but not processed as drawings. These correct drawings have been scanned as an active entry in the application file. The unrelated mechanical invention drawings have been closed out of this application's file.

The reconsideration petition is **granted**.

Regarding finances, pursuant to petitioners' authorization, the two petition fees paid in connection with this matter – $800.00 – will be refunded.

The application is being returned to the Office of Initial Patent Examination with a filing date of **October 27, 2004.** The correct drawings have already been scanned into this application's electronic file and the incorrect drawings have been closed.

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

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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MATHEWS, COLLINS, SHEPHERD & MCKAY, P.A.
100 THANET CIRCLE, SUITE 306
PRINCETON NJ 08540-3674

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OFFICE OF PETITIONS

In re Application of	:
Lacour, et al.	:
Application No. 60/622,070	: DECISION GRANTING PETITION
Deposited: October 26, 2004	:
Attorney Docket No. 4555-131P US	:
FOR: ELASTOMERIC MICRO-ELECTRODE ARRAYS FOR ELECTROPHYSIOLOGY RECORDINGS	:

This is a decision on the petition filed December 15, 2004 (certificate of mailing date December 13, 2004) to accord a filing date of October 26, 2004 to the above-identified application.

The application was deposited on October 26, 2004. However, on December 1, 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 October 26, 2004 refers to numerous 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, 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 method claims and a detailed written description. Therefore, the Office should have accorded the application a filing date without drawings.

In view of the above, the "Notice" mailed December 1, 2004 was mailed in error and is hereby withdrawn. The application is entitled to a filing date of October 26, 2004 without drawing figures. The petition is **granted**.

Pursuant to petitioners' authorization, the $130.00 petition fee submitted with the instant petition will be credited to deposit account no. 13-2165.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of **October 26, 2004** and the mailing of a filing receipt reflecting the October 26, 2004 filing date.

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

E. Shirene Willis

E. Shirene Willis
Petitions Attorney
Office of Petitions

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2040 MAIN STREET
IRVINE CA 92614

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OFFICE OF PETITIONS

NOTICE

In re Application of :
Olli V. Kilpera :
Application No. 60/622,141 :
Filed: October 26, 2004 :
Attorney Docket No. ASMJP.159PRF :

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.

Further, the spelling of the inventor's name has been corrected as requested on November 12, 2004.

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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/622,163	10/26/2004		210	4126-4018	1		

CONFIRMATION NO. 1992

UPDATED FILING RECEIPT

OC000000015761004

27123
MORGAN & FINNEGAN, L.L.P.
3 WORLD FINANCIAL CENTER
NEW YORK, NY 10281-2101

Date Mailed: 04/18/2005

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please 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)

Erard Gilles, Bridgewater, NJ;
Lars-Axel Sternas, Verona, NJ;
Ovid Trifan, Bridgewater, NJ;
April Teitelbaum, Doylestown, PA;
Helgi van de Velde, Beerse, BELGIUM;

Power of Attorney:

Kenneth Sonnenfeld--33285
Michael Willis--53913

If Required, Foreign Filing License Granted: 02/05/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/622,163

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

Non-Publication Request: No

Early Publication Request: No

Title

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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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OFFICE OF PETITIONS

WALKER DIGITAL
FIVE HIGH RIDGE PARK
STAMFORD CT 06905

In re Application of	:	
Walker et al.	:	DECISION GRANTING
Application No. 60/622,345	:	PETITION
Deposited: October 25,2004	:	
Attorney Docket No. 04-055	:	
Title of Invention: Method and	:	
Apparatus for Providing Insurance	:	
Policies for Gambling Losses	:	

This is a decision on the petition filed August 25, 2005, requesting that the above-identified provisional application be accorded a filing date of October 25, 2004.

The application was deposited on October 25, 2004. However, on November 22, 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 August 25, 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 October 25, 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 <u>not</u> necessary for an understanding of the invention under 35 USC 113 (first sentence).

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.

Petitioner has submitted evidence that a response to the Notice of Incomplete Provisional Application which contained a Certificate of Transmission pursuant to 37 CFR 1.8 was filed on December 2, 2004. The response included a properly executed authorization to charge the provisional filing fee.

The petition is granted. Deposit account 50-0271 will be refunded the $400.00 petition fee.

The application will be processed with only the papers present on filing and is hereby accorded a filing date of **October 25, 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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OFFICE OF PETITIONS

In re Application of	:	
Christopher J. Diorio, et al.	:	
Application No. 60/622,397	:	DECISION GRANTING
Filed: October 26, 2004	:	PETITION
Attorney Docket No. 50133.01USP1	:	

This is a decision on the petition filed February 25, 2005.

The petition is **GRANTED**.

The application was filed on October 26, 2004. However, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s) in a Provisional Application" on January 26, 2005 stating that "page 102 of the specification" appear(s) to have been omitted.

In response, applicant filed the present petition and a copy of the applicant's postcard receipt acknowledging receipt of 102 pages of specification on October 26, 2004 in the United States Patent and Trademark Office (USPTO). Additionally, applicants resubmitted 102 pages of specification.

MPEP 503 in pertinent part states:

> "A post card receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO."

Upon review of the record, page 102 of the specification, deposited on October 26, 2004, have not been located among the application papers. However, the evidence is convincing that the application papers deposited on October 26, 2004, which were subsequently misplaced in the USPTO. Therefore, the application, including page 102, was complete on filing and will be granted a filing date of October 26, 2004.

Since the Office erred by not according a filing date, the petition fee of $400 will be credited to petitioner's deposit account in due course.

This application file is being referred to the Office of Initial Patent Examination Division for further **processing with a filing date of October 26, 2004, with an indication on the filing receipt that 102 pages of specification were present on filing and using the 102 pages of specification supplied with the instant petition.**

Telephone inquiries concerning this matter may 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

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OFFICE OF PETITIONS

In re Application of Higashihara et al Application No. 60/622,547 Deposited: October 27, 2004 Attorney Docket No. SMX 3174.1 (2003-067P2) Title of Invention: PRESSURIZED REACTOR APPARATUS WITH MAGNETIC STIRRING	DECISION GRANTING PETITION

This is a decision on the petition filed March 9, 2005, requesting that the above-identified application be accorded a filing date of October 27, 2004.

On October 27, 2004, applicant deposited the above-identified application. On February 22, 2005, 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. Accordingly, the filing date would be the date of receipt of the drawings.

The present petition was filed wherein Petitioner contends 26 sheets of drawings were present upon filing on October 27, 2004. In support, the petition is accompanied by a copy of applicants' return postcard receipt which lists twenty six (26) sheets of drawings, a copy of the twenty six (26) sheets of drawings, an Express Mail Label and an internal mail log.

Applicant's postcard receipt is prima facie evidence that twenty six (26) sheets of drawings were received on October 27, 2004, but the twenty six sheets of drawings are 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 twenty six sheets of drawings were received on October 27, 2004, as shown in counsel's file, and later misplaced in the office.

Since original drawings cannot be located in the Office, the drawings supplied on March 9, 2005 will be used for processing purposes.

The petition is **granted**. Deposit account 19-1345 will be refunded the $400.00 petition fee.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of October 27, 2004, using the sheets of drawings supplied on March 9, 2005.

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

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RALEIGH NC 27627

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JUL 0 7 2005

OFFICE OF PETITIONS

In re Application of Klaenhammer, et al. Application No. 60/622,712 Deposited: October 27, 2004 Attorney Docket No. 5051.604PR10 FOR: LACTOBACILLUS ACIDOPHILUS NUCLEIC ACIDS AND USES THEREOF	DECISION GRANTING PETITION

This is a decision on the petition filed June 8, 2005 to accord a filing date of October 27, 2004 to the above-identified application that was filed without drawings. The petition will be treated under 37 CFR 1.53(e).

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

The application was deposited on October 27, 2004. However, on April 8, 2005, the Office of Initial Patent Examination mailed a "Notice of Incomplete Provisional Application" requiring, *inter alia*, drawings of applicants' invention and stating that the filing date would be the date of receipt of the omitted drawing(s). It is noted that the specification filed on October 27, 2004 refers to 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 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 without drawings.

The application is entitled to a filing date of October 27, 2004. The petition is **granted**. The $130.00 petition fee charged on June 15, 2005 will be credited to deposit account no. 50-0220.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of **October 27, 2004** and the mailing of a filing receipt reflecting the October 27, 2004 filing date.

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

E. Shirene Willis

E. Shirene Willis
Petitions Attorney
Office of Petitions

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STEPHEN B. DAVIS
BRISTOL-MYERS SQUIBB COMPANY
PATENT DEPARTMENT
P O BOX 4000
PRINCETON NJ 08543-4000

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DEC 3 0 2004

OFFICE OF PETITIONS

In re Application of Liu, et al. Application No. 60/622,812 Filed: October 28, 2004 Attorney Docket No. 10162 PSP FOR: ANALGESIC/ANTIPYRETIC COMPOSITIONS FOR ENHANCED ABSORPTION	DECISION GRANTING PETITION

This is a decision on the petition filed December 3, 2004, which is being treated as a petition under 37 CFR 1.53(e) requesting that the Office accord a filing date of October 28, 2004 to the above-identified application.

The application was deposited on October 28, 2004. However, on November 30, 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 drawing(s). It is noted that the specification filed on October 28, 2004 refers to 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, 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 method and composition 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 November 30, 2004 was mailed in error and is hereby withdrawn. The petition is **granted**. The application is entitled to a filing date of October 28, 2004. The $50.00 fee submitted with the instant petition will be credited to deposit account no.19-3880.

The Office should have mailed a "Notice of Omitted Items in a Provisional Application", which 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 figures were actually filed on November 30, 2004 with the original application papers, nor accepted the application as filed without the missing figures.

Instead, applicants seek to add the figures to the present application. However, <u>it is not permissible to amend a provisional application</u>. 37 CFR 1.53(c). Therefore, the 2 sheets of drawings supplied with the instant petition will **not** be processed.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of **October 28, 2004** and the mailing of a filing receipt reflecting the October 28, 2004 filing date. No drawing figures were filed on October 28, 2004.

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

E. Shirene Willis

E. Shirene Willis
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
60/622,824	10/27/2004		160	200207109-1	1		

CONFIRMATION NO. 7061

CORRECTED FILING RECEIPT

OC000000015024207

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. BOX 272400
Fort Collins, CO 80527-2400

Date Mailed: 01/25/2005

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)

Paul M. Haines, Lebanon, OR;
Joseph E. Scheffelin, Poway, CA;

Power of Attorney:

Thomas Jolly--39241

If Required, Foreign Filing License Granted: 11/23/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/622,824

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

Non-Publication Request: No

Early Publication Request: No

Title

Vent seal

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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MCCORMICK PAULDING & HUBER, LLP
CITYPLACE II, 185 ASYLUM STREET
HARTFORD, CT 06103-4102

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FEB 09 2005

OFFICE OF PETITIONS

In re Application of	:	
Kurt Kauder et al	:	
Application No. 60/622,956	:	NOTICE
Filed: October 28, 2004	:	
Attorney Docket No. 7542-0004		

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

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

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

Inquiries related to this communication should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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CHICAGO, IL 60610

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OFFICE OF PETITIONS

In re Application of	:	
Tim Lee	:	
Application No. 60/623,090	:	DECISION GRANTING PETITION
Filed: October 27, 2004	:	
Attorney Docket No. -12701-03	:	

This is a decision on the petition filed April 4, 2005, under 37 CFR 1.10 requesting that the above-cited application be accorded a filing date of October 27, 2004, rather than the presently accorded filing date of October 29, 2004.

Petitioner alleges that the application was deposited with the Express Mail Service on October 27, 2004. In support of the allegation, the petition is accompanied by a copy of the Express Mail postcard with a tracking number EV327107794US showing a "date-in" of October 27, 2004. The tracking number cited is the same number found on the application transmittal sheet that accompanied the original application papers. The evidence is convincing that the application papers were deposited on October 27, 2004.

In view of the above, the petition is granted. The new filing date for the above-cited application is October 27, 2004.

The Office of Initial Patent Examination will further process the application with a filing date of October 27, 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

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FRANK BENINSIG
C/O VARATOUCH TECHNOLOGY, INC.
STE A
4980 HILLSDALE CIRCLE
EL DORADO HILLS, CA 95762

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MAR 16 2005

OFFICE OF PETITIONS

In re Application of :
Brian, et al. :
Filed: October 27, 2004 : ON PETITION
Application No. 60/623,121 :
Atty. Dkt. No.: VTI-20041027-A :

This decision is in response to the "PETITION," filed January 25, 2005 in response to the Notice of Omitted Items in a Provisional Application ("Notice") mailed December 16, 2004.

The petition is hereby **DISMISSED WITHOUT PREJUDICE**.

The instant petition has not been considered on the merits. The petition has been executed by Frank Beninsig, a joint inventor in the instant application. As Mr. Beninsig is not an attorney authorized to practice before the Office, the petition fails to comply with 37 CFR 1.33(b)(4) wherein it requires in pertinent part that all amendments and other papers filed in an application must be executed by all of the applicants in the application.

Any renewed petition must be submitted within TWO months of the mail date of the above-referenced mail date and must be properly executed in accordance with 37 CFR 1.33[1]. Any renewed petition should be entitled "Renewed Petition."

Further correspondence regarding this matter should be addressed as follows:

By mail: **Mail Stop Petition**

[1] 37 CFR 1.33 Correspondence respecting patent applications, reexamination proceedings, and other proceedings. -- (b) Amendments and other papers . Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by: (1) A registered attorney or agent of record appointed in compliance with § 1.34(b); (2) . A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a); (3) An assignee as provided for under § 3.71(b) of this chapter; or (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

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

By facsimile: (703) 872-9306

By hand delivery or: U.S. Patent and Trademark Office
Customer Window, **Mail Stop Petition**
Randolph Building
401 Dulaney Street
Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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FRANK BENINSIG
C/O VARATOUCH TECHNOLOGY, INC.
STE A
4980 HILLSDALE CIRCLE
EL DORADO HILLS, CA 95762

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AUG 1 1 2005

OFFICE OF PETITIONS

In re Application of :
Brian, et al. :
Filed: October 27, 2004 : ON PETITION
Application No. 60/623,121 :
Atty. Dkt. No.: VTI-20041027-A :

This decision is in response to the "RENEWED PETITION," filed May 16, 2005 in response to the Notice of Omitted Items in a Provisional Application ("Notice") mailed December 16, 2004.

The petition is hereby **GRANTED**.

The application was filed October 27, 2004. The Notice indicated that the application had been accorded a filing date but that page 21 of the specification appeared to have been omitted from the application as filed.

In response, petitioners argue that the application as deposited included 67 pages of specification, including page 21. Petitioners have included as proof of mailing and proof of receipt of page 67 of the specification a return postcard date stamped by the Office on October 27, 2004. A copy of page 21 of the specification purportedly filed with the application on October 27, 2004 was also supplied.

The original page 21 of the specification submitted with the application papers has not been located. However, in view of the evidence presented, the Notice mailed December 16, 2004 is hereby WITHDRAWN and the petition to accord the application a filing date of October 27, 2004 is GRANTED.

Since the original page 21 of the specification cannot be located in the Office, the copy supplied with the instant petition will be used for examination purposes.

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FRANK BENINSIG
C/O VARATOUCH TECHNOLOGY, INC.
STE A
4980 HILLSDALE CIRCLE
EL DORADO HILLS, CA 95762

In re Application of	:
Brian, et al.	:
Filed: October 27, 2004	: ON PETITION
Application No. 60/623,121	:
Atty. Dkt. No.: VTI-20041027-A	:

This decision is in response to the "RENEWED PETITION," filed May 16, 2005 in response to the Notice of Omitted Items in a Provisional Application ("Notice") mailed December 16, 2004.

The petition is hereby **GRANTED**.

The application was filed October 27, 2004. The Notice indicated that the application had been accorded a filing date but that page 21 of the specification appeared to have been omitted from the application as filed.

In response, petitioners argue that the application as deposited included 67 pages of specification, including page 21. Petitioners have included as proof of mailing and proof of receipt of page 67 of the specification a return postcard date stamped by the Office on October 27, 2004. A copy of page 21 of the specification purportedly filed with the application on October 27, 2004 was also supplied.

The original page 21 of the specification submitted with the application papers has not been located. However, in view of the evidence presented, the Notice mailed December 16, 2004 is hereby WITHDRAWN and the petition to accord the application a filing date of October 27, 2004 is GRANTED.

Since the original page 21 of the specification 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. Petitioners may request are fund of the previously submitted

petition fees 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 October 27, 2004 with page 21 as part of the disclosure.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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Alexandria, VA 22313-1450
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JAMES PARSONS
FOUNDRY NETWORKS
2100 GOLD ST
ALVISO, CA 95002

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SEP 2 9 2005

OFFICE OF PETITIONS

In re Application of :
Chris Xie :
Application No.60/623,268 :
Filed: October 29, 2004 :
Attorney Docket No. FDRY-0103-PROV :

ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed September 2, 2005, to change the name of the inventor for the above-identified application.

The petition is **DISMISSED**.

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

Petitioner indicates the change is being made to correct the named inventor's first name. However on petition, petitioner has supplied two completely different names. The name currently of record is "Chris Xie". Petitioner now request that the named inventor's name be changed to "Lirong Xie". Petitioner has failed to provide any evidence that such a change is warranted. To the extent the name change is not due to a court order, petitioner should provide a statement from Mr. Xie.

Pursuant to MPEP 605.04(c) to effectuate a name change of an inventor petitioner must submit an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a certified copy of the court order must be provided.

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

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

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 and change in correspondence address documentation must be submitted. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this matter may be directed to the undersigned at 571.272-3220.

Wan Laymon
Petitions Examiner
Office of Petitions

cc: THELEN REID & PRIEST
P.O. BOX 640640
SAN JOSE, CA 95164-0640

UNITED STATES PATENT AND TRADEMARK OFFICE

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JAMES PARSONS
FOUNDRY NETWORKS
2100 GOLD ST
ALVISO, CA 95002

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JAN 27 2006

OFFICE OF PETITIONS

In re Application of	:	
Lirong Xie	:	
Application No. 60/623,268	:	ON PETITION
Filed: October 29, 2004	:	
Attorney Docket No. FDRY-0103-PROV	:	

This is a decision on the renewed petition under 37 CFR 1.182, filed november 1, 2005, to change the inventor's name of the above-identified application.

The petition is **GRANTED**.

The inventor's has been changed from Chris Xie to **Lirong Xie**. A corrected filing receipt is enclosed.

This matter is being referred to Files Repository.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

Wan Laymon
Petitions Examiner
Office of Petitions

Enclosure: Corrected Filing Receipt

cc: THELEN REID & PRIEST
P.O. BOX 640640
SAN JOSE, CA 95164-0640

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

DUNIESQUI RODRIGUEZ
8910 COVERED BRIDGE CT
TAMPA FL 33634

In re Provisional Application of	:	
Duniesqui Rodriguez	:	
Application No. 60/623,324	:	ON PETITION
Filed: October 30, 2004	:	
Title: Champ Bungee Toy	:	

This is a decision on the petition under 37 CFR 1.137(a), filed July 5, 2006.

The petition is **DISMISSED** as inappropriate.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)". No additional petition fee is due for a renewed petition. Extensions of time under 37 CFR 1.136(a) are permitted.

The above-identified provisional application was filed on October 30, 2004. Accordingly, applicant had until October 30, 2005 in which to file a nonprovisional application claiming priority to the provisional application. No nonprovisional application having been filed, the instant provisional application expired on October 31, 2005.

RELEVANT STATUTES, RULES AND REGULATIONS

37 CFR 1.137(a) provides, in pertinent part, that:

> A grantable petition pursuant to this paragraph must be accompanied by:
>
> (1) the reply required to the outstanding Office action or notice, unless previously filed;
>
> (2) the petition fee required by 37 CFR 1.17(l);
>
> (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and
>
> (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) as required pursuant to 37 CFR 1.137(d).

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

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

Moreover, delay resulting from the lack of knowledge or improper application of the patent statutes, rules of practice or the Manual of Patent Examining Procedure, however, does not

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[1] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913).

constitute "unavoidable" delay.[2]

OPINION

Here, petitioner states that the cause for the unavoidable delay (in not filing the nonprovisional application by October 30, 2005) was due to being "not aware of requirement". As set forth above, this does not constitute "unavoidable delay". Moreover, this instant application is not one subject to being revived. The application did not become abandoned for failure to respond to an Office action. Rather, the provisional application is simply one that is no longer pending. As set forth in 37 CFR 1.137(g), "a provisional application will not be regarded as pending after twelve months from its filing date under any circumstances."

CONCLUSION

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

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

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

Telephone inquiries specific to this decision may be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

---

[2] See Haines, 673 F. Supp. at 317, 5 U.S.P.Q. 2d at 1132; Vincent v. Mossinghoff, 230 U.S.P.Q. 621, 624 (D.D.C. 1985); Smith v. Diamond, 209 U.S.P.Q. 1091 (D.D.C. 1981); Potter v. Dann, 201 U.S.P.Q. 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (1891).

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CURAGEN CORPORATION
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BRANFORD, CT 06405

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SEP 28 2005

OFFICE OF PETITIONS

In re Application of	:	
John Alsobrook et al	:	
Application No. 60/623,551	:	ON PETITION
Filed: October 29, 2004	:	
Attorney Docket No. Cura-57 OM4	:	

This is a decision on the petition under 37 CFR 1.137(b), filed August 31, 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 (Notice) mailed November 24, 2004. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on January 25, 2005.

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

This matter is being referred to the Initial Patent Examination Unit.

Irvin Dingle
Petitions Examiner
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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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
60/623,568	10/27/2004		160	200402829-1	7		

CONFIRMATION NO. 1025

CORRECTED FILING RECEIPT

OC000000015024740

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. BOX 272400
Fort Collins, CO 80527-2400

Date Mailed: 01/26/2005

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)

Debbie A. Balch, Boise, ID;
Santiago I. Rodriguez, Boise, ID;

Power of Attorney:

Thomas Jolly--39241

If Required, Foreign Filing License Granted: 11/23/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/623,568

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

Non-Publication Request: No

Early Publication Request: No

Title

Imaging cartridge status indicator

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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FEB 18 2005

OFFICE OF PETITIONS

In re Application of Debra Ann Rocker Application No. 60/623,770 Deposited: November 1, 2004 Attorney Docket No. DARE-0014-V01 Title of Invention: Strength Training Treadmill	DECISION GRANTING PETITION

This is a decision on the petition filed January 18, 2005, requesting that the above-identified application be accorded a filing date of November 1, 2004.

On November 1, 2004, applicant deposited the above-identified application. On November 17, 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. Accordingly, the filing date would be the date of receipt of the drawings.

The present petition was filed wherein Petitioner contends 4 sheets of drawings were present upon filing on November 1, 2004. In support, the petition is accompanied by a copy of applicant's return postcard receipt which lists four (4) sheets of drawings and a copy of the four sheets of drawings.

Applicant's postcard receipt is prima facie evidence that four sheets of drawings were received on November 1, 2004, but the four sheets of drawings are 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 four sheets of drawings were received on November 1, 2004, as shown in counsel's file, and later misplaced in the office.

Since original drawings cannot be located in the Office, the drawings supplied on January 18, 2005 will be used for processing purposes.

The petition is **granted**. No petition fee is due and none has been charged.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of November 1, 2004, using the substitute 4 sheets of drawings supplied on January 18, 2005.

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

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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
60/623,848	10/29/2004		250	ISIL.004PR	7		

CONFIRMATION NO. 9024

CORRECTED FILING RECEIPT

OC000000016144242

Amy C. Christensen
Knobbe, Martens, Olson & Bear, LLP
14th Floor
2040 Main Street
Irvine, CA 92614

Date Mailed: 05/27/2005

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)

Peter J. Godman, Seattle, WA;
Skye M. Poier, Seattle, WA;
Aaron Passey, Seattle, WA;
Neal T. Fachan, Seattle, WA;

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

If Required, Foreign Filing License Granted: 11/29/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/623,848

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

Non-Publication Request: No

Early Publication Request: No

Title

Message batching with checkpoints systems and methods

BEST AVAILABLE COPY

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

GRANTED

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

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

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

NOT GRANTED

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

UNITED STATES 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

Deborah A. Somerville
KENYON & KENYON
One Broadway
New York NY 10004

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JUN 0 8 2005

OFFICE OF PETITIONS

In re Application of
Name(s) of Inventor(s) not given
Application No. 60/624,264
Filing Date: November 2, 2004
Attorney Docket No. 11245/51002
Title: HUMAN ANTI-EPIDERMAL GROWTH FACTOR RECEPTOR ANTIBODY

DECISION ON TWO PETITIONS UNDER 37 C.F.R. §1.182

The petition under 37 C.F.R. §1.182 for expedited handling

Petitioner has requested that this petition receive expedited handling, and has included $130 for the petition fee[1].

The petition is **GRANTED**. The petition will receive expedited handling.

The petition under 37 C.F.R §1.182 concerning Figures 11-12

This is a decision on the petition filed March 16, 2005, requesting that the above-identified application be accorded a filing date of November 2, 2004, with Figures 11 and 12 as part of the original disclosure of the application.

The application was deposited on November 2, 2004. However, on February 15, 2005, the Office of Initial Patent Examination (OIPE) mailed a notice stating that the application had been accorded a filing date of November 2, 2004, and that the application appeared to have been deposited without Figures 11 and 12. The notice further indicated that an oath or declaration, the fee associated with the late submission of the same, and a provisional application cover sheet were required.

1 The fee associated with the filing of a petition under this section is $400. The appropriate fee has been charged to Petitioner's Deposit Account, as authorized in the petition.

With the present petition, Petitioner has failed to supply an oath or declaration, the fee associated with the late submission of the same, and a provisional application cover sheet. Petitioner has submitted a copy of Figures 1-12, along with an assertion that the figures originally submitted were mis-numbered.

ANALYSIS

It is noted that the electronic file contains 10 pages of drawings containing figures 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, each on one sheet of paper. The drawings Petitioner has submitted with the instant petition consist of 12 pages. Furthermore, it is noted that the drawings submitted on filing contain Figure 1, whereas the drawings submitted with the present petition contain Figures 1A – 1C.

It does not appear that the drawings submitted with the present petition are the same as those which were submitted on filing.

The electronic PTO file is the official record of all papers filed in this application. A review of the official file reveals that only 10 pages of drawings were received on filing. Petitioner does not appear to be alleging that Figures 11 and 12 were filed in the Office and later misplaced, but rather he appears to be requesting that these newly submitted drawings be substituted for those which were provided on filing.

The petition is **DISMISSED**.

The replacement drawings consisting of Figures 1-12, submitted with the instant petition, will not be entered. Should petitioner wish for these pages to be entered, an amendment must be filed. A preliminary amendment requesting the entry of these substitute drawings should be filed before first action on the merits. 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.

Figures 1-12, submitted with the instant petition, will not be entered.

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

Paul Shanoski

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

2 See MPEP 608.02(h) and 608.04.

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

CHING-FANG LIN
888 EASY STREET
SIMI VALLEY CA 93065

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MAR 0 1 2005

OFFICE OF PETITIONS

In re Application of	:	
Ching-Fang Lin	:	
Application No. 60/624,281	:	COMMUNICATION
Filed: 29 January, 2005	:	
For: USP11010401	:	
	:	

This letter is in reference to the communication filed on 29 January, 2005, styled as a petition.

The Office can neither grant nor dismiss the petition for the reasons stated below.

The paper was not signed by the inventor or by a registered attorney. The individual who signed the correspondence, Tasso Politopoulous, is neither the inventor nor a registered practitioner.

37 CFR 1.31 states:

> Applicants may be represented by a registered attorney or agent. An applicant for patent may file and prosecute his or her own case, or he or she may be represented by a registered attorney, registered agent, or other individual authorized to practice before the Patent and Trademark Office in patent cases. See § § 10.6 and 10.9 of this subchapter. The Patent and Trademark Office cannot aid in the selection of a registered attorney or agent.

Additionally, it is noted that as of 8 December, 2004, the fee for filing a petition for a filing date is $400.00. Should a petition be filed, the $130.00 received on 29 January, 2005, may be applied towards the $400.00 petition fee. Alternatively, applicants may request a refund of the $130.00 by writing to the Office of Finance, ATTN: Refund Section. A copy of this letter should be included.

A review of the record reveals that the present provisional application was deposited without drawings on 1 November, 2004. As drawings were filed on 29 January, 2005, the application will be accorded a filing date of 29 January, 2005.

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: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The application will be forwarded to Initial Patent Examination Division for further processing with a filing date of **29 January, 2005**, using the application papers present on filing and the drawings filed on that date.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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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
60/624,536	11/03/2004		160	CIBT-P60-194			

CONFIRMATION NO. 5417

CORRECTED FILING RECEIPT

OC000000015507921

28120
FISH & NEAVE IP GROUP
ROPES & GRAY LLP
ONE INTERNATIONAL PLACE
BOSTON, MA 02110-2624

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)

Oivin Guicherit, Belmont, MA;

Power of Attorney:

David Halstead–44735

If Required, Foreign Filing License Granted: 02/16/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/624,536

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

Non-Publication Request: No

Early Publication Request: No

Title

Mediators of hedgehog signaling pathways compositions and uses related thereto

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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COZEN O'CONNOR, P.C.
1900 MARKET STREET
PHILADELPHIA PA 19103-3508

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FEB 28 2005

OFFICE OF PETITIONS

In re Application of	:	
Geary et al.	:	DECISION GRANTING
Application No. 60/624,643	:	PETITION
Deposited: November 2,2004	:	
Attorney Docket No. FMDL0006US.L	:	
Title of Invention: Oral Delivery	:	
of Active Shortmers	:	
	:	

This is a decision on the petition filed January 21, 2005, requesting that the above-identified provisional application be accorded a filing date of November 2, 2004.

The application was deposited on November 2, 2004. However, on November 26, 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 January 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 November 2, 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 <u>not</u> necessary for an understanding of the invention under 35 USC 113 (first sentence). The same practice has been followed in composition applications.

Since the petition contains a statement that drawings are not necessary for an understanding of the invention and the petition

is signed by a registered practitioner, on petition, the application will be accorded the requested filing date without any drawings.

The correspondence address on the petition differs from the correspondence address of record. 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 petition is granted. No petition fee is due.

The application will be processed with only the papers present on filing and is hereby accorded a filing date of **November 2, 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

cc: Colleen J. McKiernan
Isis Pharmaceuticals
2922 Faraday Avenue
Carlsbad, CA 92008

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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BARNES & THORNBURG
P.O. BOX 2786
CHICAGO IL 60690-2786

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FEB 09 2005

OFFICE OF PETITIONS

In re Application of
Marusaik
Application No. 60/624,698
Filed: November 4, 2004
Attorney Docket No. 920554-95640
FOR: AUTO-ADVANCE BAR CLAMP

: DECISION GRANTING
: PETITION

This is a decision on the petition, filed December 7, 2004 and supplemented on January 6, 2005, requesting that the above-identified application be accorded a filing date of November 3, 2004, instead of the presently accorded date of November 4, 2004. The petition will be treated under 37 CFR 1.10(c)

Petitioner alleges that the application was deposited in "Express Mail" service with the U. S. Postal Service (USPS), on November 3, 2004. In support, petitioner provided a copy of Express Mail label no. EV27 2186061US showing a "date-in"of November 4, 2004. In addition, petitioner has provided a printout of the USPS Shipping Center Track and Confirm information for the package associated with Express Mail label no. EV27 2186061US . The USPS printout states that the package was accepted and en route on November 3, 2004. The Provisional Application for Patent Cover Sheet submitted with the original filing lists Express Mail label no. EV27 2186061US thereon. Petitioner requests that the application be accorded a filing date of November 3, 2004.

The evidence is convincing that the application was deposited as "Express Mail" with the U.S. Postal Service on November 3, 2004

The petition is **GRANTED**. As this is a feeless petition, no petition fee has been or will be charged.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of **November 3, 2004.**

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

E. Shirene Willis
Petitions Attorney
Office of Petitions

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34/8 MERON ST.
P.O. BOX 85624
MEVASERET ZION, 90805
ISRAEL AIRMAIL

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JUN 0 9 2005

OFFICE OF PETITIONS

In re Application of	:
Shmuel Peleg et al	:
Application No. 60/624,896	: DECISION DISMISSING
Filed: November 4, 2004	: PETITION
Attorney Docket No. PELEG2	:

This is a decision on the paper filed February 10, 2005, which is treated as a petition under 37 CFR 1.10, requesting that the above-identified application be accorded a filing date of November 2, 2004, rather than the presently accorded filing date of November 5, 2004.

The petition is dismissed

Petitioner alleges that the application was deposited with the Israel Postal Authority on November 2, 2004. In support, petitioner provided a copy of Israel Postal Authority Express Mail Service Customer Label No. EE036129106IL (the same Express Mail number listed on the provisional application for patent cover sheet). Petitioner has also provided a copy of a USPS Track & Confirm Internet printout showing that the application was dispatched from Jerusalem, Israel on November 2, 2004, and was received in the United States on November 4, 2004.

37 CFR 1.10 states, in pertinent part,

(a) (1) Any correspondence received by the U.S. Patent and Trademark Office (USPTO) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) will be considered filed with the USPTO **on the date of deposit with the USPS.** (2) The date of deposit with USPS is shown by the "date in" on the "Express Mail" label or other official USPS notation. If the USPS deposit date cannot be determined, the correspondence will be accorded the USPTO receipt date as the filing date. See § 1.6(a).

(Emphasis added)

The petition must be dismissed because the application was not deposited in USPS Express Mail

on November 2, 2004. Rather, the showing of record is that the application papers were deposited with the Israel Postal Authority, and dispatched from Israel to the United States on November 2, 2004. As the present application was not deposited with the USPS on November 2, 2004, it cannot be accorded a filing date of November 2, 2004. Therefore, this application is entitled to the filing date received in the USPTO; namely November 5, 2004.

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

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

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

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

This matter is being referred to the Office of Initial Patent Examination for further processing with the originally assigned filing date of November 5, 2004.

Telephone inquiries specific to this matter should be directed to Wan Laymon at (571) 272-3220.

Frances Hicks

Frances Hicks
Lead 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
60/624,969	11/03/2004		80	PSS 214 PROV	1		

CONFIRMATION NO. 6335

CORRECTED FILING RECEIPT

OC000000017449991

024972
FULBRIGHT & JAWORSKI, LLP
666 FIFTH AVE
NEW YORK, NY 10103-3198

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)

Jonathan Berger, Stanford, CA;
Andreas Coppi, Groton, CT;

Power of Attorney:

Chai Im--40657

If Required, Foreign Filing License Granted: 11/30/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/624,969

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Musical personal trainer

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
www.uspto.gov
DIW Dec-05

MARTIN & HENSON, P.C.
9250 W 5TH AVENUE
SUITE 200
LAKEWOOD CO 80226

COPY MAILED

DEC 23 2005

OFFICE OF PETITIONS

In re Application of	:	
Philip Wyers	:	
Application No. 60/625,177	:	DECISION ON PETITION
Filed: 2 November, 2004	:	
For: MULTI USE CABLE LOCK	:	

This is a decision on the petition filed on 2 November, 2005, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on 19 March, 2005, for failure to timely respond to the Notice to File Missing Parts of Provisional Application mailed on 18 January, 2005, which set a two (2) month shortened period for reply. No extensions of time

---

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

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

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

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

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

under 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on 22 September, 2005.

This application is being referred 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

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
60/625,267	11/04/2004		160	584-40267-USP	11		

CONFIRMATION NO. 7794

CORRECTED FILING RECEIPT

OC000000014804055

44871
MADAN, MOSSMAN & SRIRAM, P.C.
2603 AUGUSTA
SUITE 700
HOUSTON, TX 77057

Date Mailed: 12/21/2004

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)

Michael A. Frenkel, Houston, TX;

Power of Attorney:

Kaushik Sriram–43150

If Required, Foreign Filing License Granted: 12/02/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/625,267

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

Non-Publication Request: No

Early Publication Request: No

Title

Multiscale multidimensional well log data inversion and deep formation imaging 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).

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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COZEN O' CONNOR, P. C.
1900 MARKET STREET
PHILADELPHIA PA 19103-3508

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SEP 3 0 2005

OFFICE OF PETITIONS

In re Application of	:	
Lin et al.	:	
Application No. 60/625,280	:	ON PETITION
Filed: November 5, 2004	:	
Attorney Docket No. WYTH0123-001	:	
(AM101888L1)	:	

This is a decision on the petition under 37 CFR 1.182, filed June 27, 2005, to change the name of the first named inventor.

The petition is **granted**.

The name of the first inventor will be changed from "Angela Lin" to - - Yanning Lin- -.

The Office records have been corrected to reflect the change of the first inventor's name as noted above. The Office previously mailed a corrected filing receipt indicating this change on September 12, 2005.

Inquiries regarding this decision may be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KOLISCH HARTWELL, P.C.
520 S.W. YAMHILL STREET
SUITE 200
PORTLAND, OR 97204

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OCT 0 7 2005

OFFICE OF PETITIONS

ON PETITION

In re Application of	:
Sheldon	:
Application No. 60/625,310	:
Filed: November 4, 2004	:
Attorney Docket No. SLN 301P	:

This is a decision on the petition filed July 12, 2005, to accord the above-identified application a filing date of November 5, 2004, instead of November 4, 2004.

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** 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, 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.

As to item (3) above, petitioner's arguments are not corroborated by evidence from the USPS or evidence that came into being within one business day after the deposit of the application.

The Office will consider 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. Evidence from the USPS may be an Express Mail Corporate Account Mailing Statement. Evidence that came into being within one business day after the deposit of the correspondence as Express Mail may be in the form of a log book which contains information such as the Express Mail number; the application number, attorney docket number or other such file identification number; the place of deposit; date and time of deposit; the time of the last scheduled pick-up for that date and place of deposit; the depositor's initials or signature; and the date and time of entry in the log. The instant petition is not accompanied by the evidence from the USPS or that came into being within one business day of deposit.

The instant petition is not accompanied by the corroborating evidence required by the rule. Therefore, the Office will use the date-in entered by the Postal Employee for the filing date.

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

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

By facsimile: (571) 272-3203
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.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Petitions Attorney
Office of Petitions

OIPE IAP77 DEC 09 2005 PATENT & TRADEMARK OFFICE

DAE

PTO/SB/21 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission	3

Application Number	60/625,310
Filing Date	November 5, 2004
First Named Inventor	Dan M. Sheldon
Art Unit	N/A
Examiner Name	N/A
Attorney Docket Number	SLN.301P

ENCLOSURES *(Check all that apply)*

- [ ] 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)
- [ ] Reply to Missing Parts/ Incomplete Application
  - [ ] Reply 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) _____
  - [ ] Landscape Table on CD
- [ ] After Allowance Communication to TC
- [ ] Appeal Communication to Board of Appeals and Interferences
- [ ] Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- [ ] Proprietary Information
- [ ] Status Letter
- [x] Other Enclosure(s) (please Identify below):

Response to Decision on Petition Dated October 7, 2005

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Kolisch Hartwell, P.C.		
Signature			
Printed name	David P. Cooper		
Date	December 7, 2005	Reg. No.	33,372

CERTIFICATE OF TRANSMISSION/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:

Signature	Mandi M. Leighty		
Typed or printed name	Mandi M. Leighty	Date	December 7, 2005

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 1.11 and1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: 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.

DEC 09 2005
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

DAN M. SHELDON

Serial No.	:	60/625,310	Dated: December 7, 2005
Filing Date	:	November 5, 2004	Our File: SLN 301P
For	:	WHEELED VEHICLE ENCLOSURE	

MAIL STOP: PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO DECISION
ON PETITION DATED OCTOBER 7, 2005

Applicant received a Decision on Petition dated October 7, 2005 dismissing applicant's previously filed Petition requesting accordance of a filing date of November 5, 2004 instead of the November 4, 2004 filing date given by the U.S. Patent and Trademark Office (USPTO). Applicant believes the November 4, 2004 filing date was a mistake made by the United States Postal Service (USPS).

The USPTO has indicated that applicant's arguments made in his petition were "not corroborated by evidence from the USPS or evidence that came into being within one business day after the deposit of the application". Applicant does not have access to USPS records. Applicant understands that the USPTO has accorded the above application a filing date of

November 4, 2004. However, applicant remains certain that he filed the application on November 5, 2004.

If there are any questions regarding this matter, please telephone the undersigned.

Respectfully submitted,

KOLISCH HARTWELL, P.C.

David P. Cooper
Registration No. 33,372
PTO Customer No. 23581
Of Attorneys for Applicant
520 S.W. Yamhill Street, Suite 200
Portland, Oregon 97204

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MAIL STOP: PETITIONS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 7, 2005.

Mandi M. Leighty

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Guerry L. Grune
ePatent Manager
784 Villier Ct.
Virginia Beach, VA 23452

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APR 15 2005

OFFICE OF PETITIONS

In re Application of	:	
Charles A. Glew	:	
Application No. 60/625,354	:	ON PETITION
Filed: November 6, 2004	:	
Attorney Docket No.:	:	

This is a decision on the petition under 37 CFR 1.182, filed January 12, 2005, requesting that the above-identified application retain the presently accorded filing date with specific replacements made to the application papers filed on November 6, 2004.

The petition is **dismissed**.

On November 6, 2004, the above-identified application was filed. However, on December 3, 2004, the Office of Initial Patent Examination mailed a "Notice of Omitted Items of Provisional Application", stating that application had been accorded a filing date of November 6, 2004, and advising applicant that Figures 4d, 9b, and 13c as described in the specification appeared to have been omitted.

In response, on January 12, 2005, applicant filed the present petition. Applicant concedes that the subject figures were omitted, but appears to request that the application retain a filing date of November 6, 2004, with the "Brief Description of Drawings", "detailed Description of Drawings" and Figures 1a-33(b) filed on January 12, 2004, replacing their counterpart part papers and figures filed originally on November 6, 2004.

Petitioner's attention is directed to section 601.01(b) of the *Manual of Patent Examining Procedure* (MPEP) which states, in pertinent part:

> [a] provisional application will be given a filing date in accordance with 37 CFR 1.53(c) as of the sate the written description and any necessary drawings are filed in the Office. The filing date requirements for a provisional application sent forth the 37 CFR 1.53(c) parallel the requirements of a nonprovisional application set forth in 37 CFR 1.53(b), except that no claim is required. Amendments, other than those required to make the provisional application comply with applicable regulations, are not permitted after the filing date of the provisional application.

Further, section 601.01(d) of the MPEP provides that:

> . . . in view of the relatively low filing fee for provisional applications, and the USPTO's desire to minimize the processing of provisional application, the USPTO will not grant petition 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.

Although the instant petition does not expressly state that the provisional application should be amended to include the papers filed on January 12, 2005, it is evident that the petitioner's intention is to amend the application to include a new and consistent specification and drawings and retain the original filing date. The above-cited sections of the MPEP indicate that this is not possible. The amendment proposed by petitioner is not necessary to obtain a filing date as one has already been accorded and, as indicated by section 601.01(d) of the MPEP, where a petition under 37 CFR 1.182 is not grantable, a new and completed provisional application should be filed.

The petition is dismissed, accordingly. The instant provisional application will retain the filing date of November 6, 2004, with only those papers filed on that date.

Telephone inquiries concerning this matter may 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
www.uspto.gov

JJGJr: 02-05

Paper No: __

THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, LLP
100 GALLERIA PARKWAY, NW
STE 1750
ATLANTA GA 30339-5948

COPY MAILED
FEB 25 2005
OFFICE OF PETITIONS

In re Application of	:	
Comas	:	
Application No. 60/625,390	:	DECISION ON PETITION
Filed: 5 November, 2004	:	
Attorney Docket No.: 81017-8010	:	

This is a decision on the petition filed on 31 January, 2005, and (styled "Petition to Secure Filing Date . . .") and considered under 37 C.F.R. §1.10, seeking for the above-identified application a filing date of 5 November, 2004, instead of the presently accorded filing date of 4 November, 2004.

The petition is **GRANTED**.

BACKGROUND AND ANALYSIS

The record reflects that:

- the instant application was received and given a filing date of 8 November, 2004;
- the instant petition was submitted on 31 January, 2005;
- the materials submitted by Petitioner include copies of a USPS Express Mail Label No. EV505167125US appears to have a "date in" indicated as "11/5/04," the Application Transmittal bearing the correlating USPS Express Mail Label No. EV505167125US and

with a Certificate of Express Mail dated "11/5/04"), and Petitioner Christopher D. Guinn's (Reg. No. 54,142) statement of events–however, the copy is a poor copy and the information somewhat unclear;

- an electronic request to the USPS Track & Confirm website evidences a printout (a copy of which is being sent for scanning into the record) stating that the USPS acknowledged "ACCEPTANCE" [of parcel bearing USPS Label No. EV505167125US at] ATLANTA GA [on] 11/05/04 [at] 4:26 p.m."

Accordingly the petition hereby is **granted**.

Petitioner is reminded that–given that the burden is on a petitioner to make a satisfactory showing in matters such as this–it is a good practice to obtain from the USPS website (within days of the shipment in order to ensure that information is available) and retain in Petitioner's file a printout/copy of the Track & Confirm data.

The petition fee is waived, and it appears that none has been charged.

The instant file is released to OIPE to correct the filing date so as to accord to the instant application a filing date of 5 November, 2004, and to mail to Petitioner a corrected filing receipt reflecting a filing date of 5 November, 2004.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3214.

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

Gillon, John

From: USPS_Track_&_Confirm_ [USPS_Track_Confirm@usps.com]
Sent: Thursday, February 24, 2005 11:59 AM
To: Gillon, John
Subject: U.S. Postal Service Track & Confirm email Restoration - EV50 5167 125U S

This is a post-only message. Please do not respond.

John Gillon has requested that you receive this restoration information for Track & Confirm as listed below.

Current Track & Confirm Info provided by the U.S. Postal Service, 02/24/05

Label Number: EV50 5167 125U S

Service Type: Express Mail - Post Office to Addressee

Shipment Activity	Location	Date & Time
DELIVERED 9:03am TO: M BOSTON	ALEXANDRIA VA 22313	11/08/04
ARRIVAL AT 7:17am PICK-UP-POINT	ALEXANDRIA VA 22313	11/07/04
ARRIVAL AT 9:30am PICK-UP-POINT	ALEXANDRIA VA 22313	11/06/04
ARRIVAL AT UNIT 8:46am	DULLES VA 20102	11/06/04
ACCEPTANCE 4:26pm	ATLANTA GA 30339	11/05/04

USPS has not verified the validity of any email addresses submitted via its online Track & Confirm tool.

For more information, or if you have additional questions on Track & Confirm
services and features, please visit the Frequently Asked Questions (FAQs) section of our Track & Confirm site at
http://www.usps.com/shipping/trackandconfirmfaqs.htm

UNITED STATES POSTAL SERVICE

Track & Confirm

Current Status

You entered EV50 5167 125U S

Your item was delivered on November 08, 2004 at 9:03am in ALEXANDRIA, VA 22313. The item was signed for by M BOSTON. Additional information for this item is stored in files offline.

Notification Options

Request Proof of Delivery What is this? Go>

Restoration Options

Restore Offline Item What is this? Go>

Track & Confirm

Enter label number:

Track & Confirm FAQs

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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
60/625,391	11/05/2004		80	3089.07US01	7		

CONFIRMATION NO. 8079

CORRECTED FILING RECEIPT

OC000000014812341

24113
PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS, MN 55402-2100

Date Mailed: 12/22/2004

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)

Mark Steele, New Prague, MN;

Power of Attorney:

Matthew Macari--50291

If Required, Foreign Filing License Granted: 12/06/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/625,391

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Package having a fluid actuated closure

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

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

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

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

NOT GRANTED

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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/625,392	11/05/2004		80	1640.002PV2	4		

CONFIRMATION NO. 8074

CORRECTED FILING RECEIPT

OC000000015031232

21186
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

Date Mailed: 01/26/2005

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)

Jennifer Amys, Bloomington, MN;
Chung Crowley, Redondo Beach, CA;

Power of Attorney:

Ann McCrackin--42858

If Required, Foreign Filing License Granted: 12/03/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/625,392

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Transaction network

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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KOLISCH HARTWELL, P.C.
520 S.W. YAMHILL STREET
SUITE 200
PORTLAND OR 97204

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NOV 0 3 2005

OFFICE OF PETITIONS

In re Application of
Jeff Rehkemper et al.
Application No. 60/625,425
Filed: November 5, 2004
Attorney Docket No. MAT 3Q9P

: DECISION DISMISSING PETITION

This is a decision on the petition filed September 6, 2005, requesting a corrected filing date under 37 CFR 1.10 of November 5, 2004, instead of the presently accorded filing date of November 4, 2004.

Petitioners request the later filing date on the basis that the application was deposited in Express Mail service on November 5, 2004, pursuant to the requirements of 37 CFR 1.10(d).

Petitioners acknowledge that the date of the deposit in Express Mail shown on petitioners' Express Mail receipt is November 4, 2004, but argue that the application was actually deposited with the USPS on November 5, 2004.

In support, petitioners have provided a copy of Express Mail Customer label No. EV613133903US (the same Express Mail number appearing on the itemized transmittal sheet accompanying the original application papers located in the Official file) showing a "date-in" of November 4, 2004. However, a review of the USPS Internet Track & Confirm Database also corroborates that the item bearing Express Mail Label No. EV613133903US was "accepted" and "enroute" on November 5, 2004 and not on November 4 , 2004. In view thereof, it is concluded that the correct date of deposit in Express Mail service is November 5, 2004. Therefore, the application is entitled to a filing date of November 5, 2004.

The petition is **GRANTED**. In view thereof, no petition fee is due and none has been charged.

This matter is being referred to the Office of Initial Patent Examination for correction of the filing date to November 5, 2004 and not November 4, 2004 , 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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/625,969	11/09/2004	Ruchit Kumar Regmi	

CONFIRMATION NO.

RUCHIT KUMAR REGMI
JAMUNGACHHI, BIRATNAGAR WARD NO: 5
BIRATNAGAR,
NEPAL

Date Mailed: 12/21/2005

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 **11/10/2005,** 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).

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, or 1-800-972-6382.

A copy of this notice MUST be returned with the reply.

JANICE L. TIPPETT
Office of Initial Patent Examination

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY DOCKET NO
60/625,969	11/09/2004	Ruchit Kumar Regmi	

CONFIRMATION NO.

RUCHIT KUMAR REGMI
JAMUNGACHHI, BIRATNAGAR WARD NO: 5
BIRATNAGAR,
NEPAL

Date Mailed: 07/26/2006

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 , 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).

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, or 1-800-972-6382.

A copy of this notice MUST be returned with the reply.

JANICE A. TIPPETT
Office of Initial Patent Examination

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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
60/625,969	11/09/2004	Ruchit Kumar Regmi	

CONFIRMATION NO. 7029

RUCHIT KUMAR REGMI
JAMUNGACHHI, BIRATNAGAR WARD NO: 5
BIRATNAGAR,
NEPAL

Date Mailed: 07/26/2006

Mr. Regmi,

In further response to the May 19, 2006 request for reconsideration, a request to convert a provisional application to a non-provisional application is required by United States patent law to be filed within 12 months of the provisional application filing date. As provided at 35 U.S.C. 111(b)(5), "if no such request to convert is made, the provisional application shall be regarded as abandoned 12 months after the filing date of such application and shall not be subject to revival after such 12-month period." The filing date of provisional application number 60/625,969 is November 9, 2004. Accordingly, the last day a grantable request could be filed to convert provisional application number 60/625,969 to a non-provisional application was November 9, 2005 - the expiration of the twelve month time period. No request to convert was filed in provisional application number 60/625,969, however, until November 10, 2005. Because the November 10, 2005 request to convert was not filed within 12 months of the provisional application filing date as required by U.S. patent law, the request must be dismissed.

With regard to the assertion that the request was filed via the United States Postal Service, the applicant asserts that he mailed the request to convert on November 6, 2005 "via USPS express mail service." Accompanying the May 19, 2006 request for reconsideration is a copy of a "Track and Confirm" data page showing that the request to convert was was deposited on November 6, 2005 with "Foreign International Dispatch" in Kathmandu, Nepal. Clearly the "Foreign International Dispatch" in Kathmandu, Nepal is not a post office under the domain of the United States Postal Service (USPS). 35 U.S.C. § 21(a) of the United States patent law requires that correspondence be deposited with the USPS in order to be considered filed on the date of deposit in the mail. In addition, 37 CFR § 1.10 of the United States Code of Federal Regulations requires that the deposit in the USPS must be for delivery by the "Express Mail Post Office to Addressee" service of the USPS. Because applicant's request to convert was not deposited and delivered in accordance with 35 U.S.C. § 21(a) and 37 CFR § 1.10, the request to convert must be considered filed in the USPTO on the date of receipt - November 10, 2005.

BEST AVAILABLE COPY

Based on his recollection, applicant says he attempted to fax a copy of the request to convert to 571-273-0464 on November 9, 2005, and that he received no fax receipt for the attempted facsimile transmission. The number 571-273-0464 is not (and never was) a fax number for official application related correspondence to the USPTO. Nevertheless, the USPTO has attempted to locate, but could not find any correspondence faxed by applicant on November 9, 2005. Official correspondence permitted to be faxed to the USPTO (such as a request to convert a provisional application to a non-provisional application) should be faxed to the Central Fax Number (571-273-8300). It is noted that the instant request for reconsideration was properly faxed to the USPTO on May 19, 2006 via the Central Fax Number.

Lastly, applicant requests that his application be made special under 37 CFR 1.102. However, provisional applications do not undergo examination, and only non-provisional applications can be made special pursuant to 37 CFR 1.102. As applicant's application number 60/625,969 remains a provisional application, applicant's request under 37 CFR 1.102 is moot.

Any inquiries related to this decision should be directed to the undersigned at (703) 308-9210 x 109.

Janice Tippett, Program Analyst
Office of Initial Patent Examination
(703) 308-9210 x 109

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RUCHIT KUMAR REGMI
JAMUNGACHHI BIRATNAGAR WARD NO: 5
BIRATNAGAR
NEPAL

MAY 13 2008

In re Application of	:
Ruchit Regmi	:
Application No. 60/625,969	:DECISION DENYING PETITION
Filed: November 9, 2004	:
Title: Computer Operated by Thoughts and Emotions	:

This is in response to the following items of correspondence, and all accompanying exhibits, directed to abandoned provisional application No. 60/625,969:

1. "Request to add the following details in my responses dated 9/15/2006" received September 19, 2006;
2. "Customer Number & status of my application for Patents requested (attn: Mail Stop L & R)" received November 28, 2006;
3. "Customer Number & status of my applications for Patents requested (attn: Mail Stop L & R)" received December 5, 2006;
4. Letter received via facsimile December 10, 2006;
5. Letter received January 18, 2007;
6. Letter received January 22, 2007;
7. Paper copy of an email sent July 28, 2007 and a copy of a "Nepal Post Express Mail Service" receipt dated November 6, 2005, both received via facsimile on August 27, 2007;
8. "Request on the title of my inventions" received October 4, 2007;
9. "Request on my title of invention" received November 30, 2007;
10. "Request on the title of my inventions" received February 8, 2008.

These items of correspondence have been construed collectively as a petition under 37 CFR 1.181, requesting supervisory review of the "Decision Dismissing Request under 37 CFR 1.53(c) to Convert to Nonprovisional" mailed July 26, 2006. The petition is being treated by the Office of Patent Legal Administration.

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

BACKGROUND

On November 9, 2004, petitioner filed provisional application No. 60/625,969.

On September 10, 2005, petitioner filed an improper request for a continued prosecution application (CPA). The September 10, 2005 request was improper because design patent applications are prohibited from being filed as provisional applications,[1] and because a CPA can only be filed in a design application.

A provisional application is abandoned leaving no rights outstanding unless the applicant does one of two things within the 12 month pendency period. Those two things are: (1) file a request to convert the provisional application to a nonprovisional application[2]; and (2) file a nonprovisional application claiming the benefit under 35 U.S.C. § 119(e) of the provisional application. Petitioner's September 10, 2005 correspondence does not qualify as either one of those two things.

On November 10, 2005, petitioner filed two items of correspondence. One of the two items was a letter referring to provisional application No. 60/625,969 as well as another provisional application filed by petitioner, and requesting that two referenced provisional applications be considered "for the conversions into non-Provisional patents." The other item was a second improper request for a CPA.

On December 21, 2005 a "Decision Dismissing Request under 37 CFR 1.53(c)(3) to Convert to Nonprovisional" was mailed treating petitioner's November 10, 2005 letter as a request to convert provisional application No. 60/625,969 to a nonprovisional application. Petitioner's November 10, 2005 request was dismissed for several reasons, namely: (1) the request was not accompanied by the fee set forth in 37 CFR 1.17(i); (2) the request was not accompanied by an 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); and (3) the request was received after the expiration of twelve months after the filing date of the provisional application.

On May 19, 2006, a response to the December 21, 2005 decision was filed alleging that

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[1] 35 U.S.C. § 172 prohibits any design application from receiving the benefit under 35 U.S.C. 119(e) of a prior-filed provisional application.

[2] 35 U.S.C. § 111(b)(5) provides that if no request to treat a provisional application as a nonprovisional application is filed:

> "the provisional application shall be regarded as abandoned 12 months after the filing date of such application and shall not be subject to revival after such 12-month period."

petitioner "mailed the conversion request on 11/06/005 via USPS express mail service from kathmandu, Nepal." On that basis, petitioner argues that petitioner's November 10, 2005 letter should be accorded a filing date of November 6, 2005 - the date petitioner deposited the letter with the Nepal Post in Kathmandu, Nepal.

On July 26, 2006, a second "Decision Dismissing Request under 37 CFR 1.53(c)(3) to Convert to Nonprovisional" was mailed. The decision again dismissed the request to convert for the same reasons set forth in the previous decision mailed December 21, 2005. The decision explained that the request was untimely since the last day a grantable request to convert could have been filed was November 9, 2005, and petitioner's request was received November 10, 2005. The decision also explained that because the request was delivered to the U. S. Patent and Trademark Office (Office) using "Foreign International Dispatch" (*i.e.*, Nepal Post Express Mail Service) that originated in Kathmandu, Nepal, the correspondence would not receive the benefit of the "date in" accorded correspondence that is deposited with the United States Postal Service (USPS) to be delivered by "Express Mail Post Office to Addressee Service." (See 35 U.S.C. § 21(a) and 37 CFR 1.10.)

Petitioner, in the correspondence enumerated in items 1-10 above, has continued to assert that the correspondence delivered November 10, 2005, to the Office using "Foreign International Dispatch" that originated in Kathmandu, Nepal, should receive the benefit of the "date in" and be accorded a filing date of November 6, 2005. Additionally, petitioner has requested that the application be made special in accordance with 37 CFR 1.102, and has inquired as to whether his application is subject to secrecy order pursuant to 35 U.S.C. § 181.

STATUTE, REGULATION AND EXAMINING PROCEDURE[3]:

35 U.S.C. § 2(b)(2) states: The Office may establish regulations, not inconsistent with law, which-

(A) shall govern the conduct of proceedings in the Office...

35 U.S.C. § 21(a) states:

> The Director may by rule prescribe that any paper or fee required to be filed in the Patent and Trademark Office will be considered filed in the Office on the date on which it was deposited with the United States Postal Service or would have been deposited with the United States Postal Service but for postal service

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[3]Manual of Patent Examining Procedure ("MPEP"), 8th Ed., Rev. 4 (Oct. 2005) in effect on the requested filing date.

interruptions or emergencies designated by the Director.

On November 6, 2005, 37 CFR 1.6(a)(2) stated:

> Correspondence received in the Patent and Trademark Office is stamped with the date of receipt except as follows:
>
> Correspondence filed in accordance with § 1.10 will be stamped with the date of deposit as "Express Mail" with the United States Postal Service.

On November 6, 2005, 37 CFR 1.10(a) stated:

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

37 CFR 1.181(a)(3) states in pertinent part:

> Petition may be taken to the Director: To invoke the supervisory authority of the Director in appropriate circumstances...

MPEP § 513 states in pertinent part:

> 35 U.S.C. 21(a) is limited to correspondence deposited with the United States Postal Service (USPS). The procedure in 37 CFR 1.10 is limited to correspondence deposited in the "Express Mail Post Office to Addressee" service of the USPS. There are no similar provisions and no similar benefit can be obtained for correspondence deposited in International Express Mail.

OPINION

Petition under 37 CFR 1.181

Petitioner requests supervisory review of the decision dismissing the request under 37 CFR 1.53(c) to convert to non-provisional mailed July 26, 2006. All of the evidence presented in the correspondence enumerated in items 1-10 above, has been carefully considered, however, it is not persuasive that the request to convert the application from a provisional to a nonprovisional was filed before the expiration of twelve months after the filing date of the provisional application.

Petitioner cites 37 CFR 1.10(a)(1) as evidence of receiving the benefit of the date the correspondence was deposited with the local postal service in Kathmandu, Nepal. As stated previously in the decision mailed July 26, 2006, 35 U.S.C. § 21(a) of the United States patent law requires that correspondence be deposited with the USPS in order to be considered filed on the date of deposit in the mail. Furthermore, 37 CFR 1.10 of the United States Code of Federal Regulations (CFR) requires that the deposit in the USPS must be for delivery by the "Express Mail Post Office to Addressee" service of the USPS. Because applicant's request to convert was not deposited and delivered in accordance with 35 U.S.C. § 21(a) and 37 CFR 1.10, the request to convert must be considered filed in the USPTO on the date of receipt - November 10, 2005.

Since applicant has not complied with 35 U.S.C. § 21(a) or 37 CFR 1.10, the request to convert was properly considered as filed on November 10, 2005. Accordingly, the request to convert was not filed within the expiration of twelve months after the filing date of the provisional application.

Petition to Make Special under 37 CFR 1.102

Petitioner requests that his application be made special in accordance with 37 CFR 1.102. Petitioner further requests that fees be waived, but it is unclear whether petitioner is requesting waiver of the fee set forth in 37 CFR 1.102(d), or all application fees. Petitioner states that his invention may be used for countering terrorism as the basis for such requests.

As stated previously in the decision mailed July 26, 2006, provisional applications do not undergo examination, and only nonprovisional applications can be made special pursuant to 37 CFR 1.102. Because no request to convert the application from a provisional to a nonprovisional was filed before the expiration of twelve months after the filing date of the provisional application, the application was and remains a provisional application. Provisional applications do not undergo examination, and only nonprovisional application can be made special pursuant to 37 CFR 1.102. As applicant's application number 60/625,969 remains a provisional application, applicant's request under 37 CFR 1.102 is moot.

With respect to the request to waive fees, if petitioner is requesting waiver of the fee set forth in 37 CFR 1.102(d), such request is moot in view of the application remaining a provisional application. If petitioner is requesting waiver of application fees, such request cannot be granted since 35 U.S.C. § 41(a) of the United States patent law requires payment of general fees in all applications. The USPTO does not have the authority to waive United States law.

Request for Status Information under 35 U.S.C. § 181

Petitioner further requests information about the status of his application, purportedly

pursuant to 35 U.S.C. § 181. Applicants for patent are notified if an application will be subject to a secrecy order. If the USPTO determines that an application is not subject to licensing and review, a foreign filing license is granted. This information is reflected in the application filing receipt, a copy of which is enclosed.

On December 7, 2004, the USPTO mailed an application filing receipt in this application which indicated that a foreign filing license was granted December 7, 2004. Therefore, the application is not subject to secrecy order pursuant to 35 U.S.C. § 181. The status of the application is abandoned.

CONCLUSION

The previous decision dismissing request under 37 CFR1.53(c) to convert to nonprovisional mailed July 26, 2006, has received supervisory review as requested. However, the evidence is not convincing that the request to convert the application from a provisional to a nonprovisional was filed before the expiration of twelve months after the filing date of the provisional application.

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

This final agency action represents the conclusion of the consideration by the USPTO of petitioner's request to convert provisional application 60/625,969 to a nonprovisional application. No further response to the items of correspondence which have been treated on petition in this decision is deemed necessary, and none will be forthcoming. Additionally, no response to any kind is deemed necessary, nor will any response be forthcoming, to any other item of correspondence received after November 9, 2005, the abandonment date of the provisional application. Henceforth, no attempt will be made to enter into the application any other item of correspondence repetitive or similar to any item of correspondence already received in the USPTO for this application after its November 9, 2005 abandonment date. Furthermore, the USPTO may not make any attempt to respond to future email inquiries related to this abandoned application.

Robert A. Clarke

Robert A. Clarke
Director, Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure: Filing Receipt mailed 12/07/2004

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
60/625,970	11/09/2004		160				

CONFIRMATION NO. 7031

FILING RECEIPT

OC000000015019712

RUCHIT KUMAR REGMI
BIRATNAGAR - 5, JAMUNGACHHI
BIRATNAGAR
MORANG,
NEPAL

Date Mailed: 01/25/2005

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)

Ruchit Kumar Regmi, Biratnagar, NEPAL;

Power of Attorney: None

If Required, Foreign Filing License Granted: 01/21/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/625,970

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

Non-Publication Request: No

Early Publication Request: No

Title

Aircraft without pilot (for commercial and military 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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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/625,970	11/09/2004	Ruchit Kumar Regmi	

CONFIRMATION NO.

RUCHIT KUMAR REGMI
JAMUNGACHHI, Biratnagar Ward No. 5
Biratnagar,
NEPAL

Date Mailed: 12/21/2005

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 **11/10/2005,** 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 (571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382.

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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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY DOCKET NO
60/625,970	11/09/2004	Ruchit Kumar Regmi	

CONFIRMATION NO.

RUCHIT KUMAR REGMI
JAMUNGACHHI, Biratnagar Ward No. 5
Biratnagar,
NEPAL

Date Mailed: 07/26/2006

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 , 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 (571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382.

A copy of this notice MUST be returned with the reply.

JANICE L TIPPETT
Office of Initial Patent Examination

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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
60/625,970	11/09/2004	Ruchit Kumar Regmi	

CONFIRMATION NO. 7029

RUCHIT KUMAR REGMI
JAMUNGACHHI, BIRATNAGAR WARD NO: 5
BIRATNAGAR,
NEPAL

Date Mailed: 07/26/2006

Mr. Regmi,

In further response to the May 19, 2006 request for reconsideration, a request to convert a provisional application to a non-provisional application is required by United States patent law to be filed within 12 months of the provisional application filing date. As provided at 35 U.S.C. 111(b)(5), "if no such request to convert is made, the provisional application shall be regarded as abandoned 12 months after the filing date of such application and shall not be subject to revival after such 12-month period." The filing date of provisional application number 60/625,969 is November 9, 2004. Accordingly, the last day a grantable request could be filed to convert provisional application number 60/625,969 to a non-provisional application was November 9, 2005 - the expiration of the twelve month time period. No request to convert was filed in provisional application number 60/625,969, however, until November 10, 2005. Because the November 10, 2005 request to convert was not filed within 12 months of the provisional application filing date as required by U.S. patent law, the request must be dismissed.

With regard to the assertion that the request was filed via the United States Postal Service, the applicant asserts that he mailed the request to convert on November 6, 2005 "via USPS express mail service." Accompanying the May 19, 2006 request for reconsideration is a copy of a "Track and Confirm" data page showing that the request to convert was was deposited on November 6, 2005 with "Foreign International Dispatch" in Kathmandu, Nepal. Clearly the "Foreign International Dispatch" in Kathmandu, Nepal is not a post office under the domain of the United States Postal Service (USPS). 35 U.S.C. § 21(a) of the United States patent law requires that correspondence be deposited with the USPS in order to be considered filed on the date of deposit in the mail. In addition, 37 CFR § 1.10 of the United States Code of Federal Regulations requires that the deposit in the USPS must be for delivery by the "Express Mail Post Office to Addressee" service of the USPS. Because applicant's request to convert was not deposited and delivered in accordance with 35 U.S.C. § 21(a) and 37 CFR § 1.10, the request to convert must be considered filed in the USPTO on the date of receipt - November 10, 2005.

BEST AVAILABLE COPY

Based on his recollection, applicant says he attempted to fax a copy of the request to convert to 571-273-0464 on November 9, 2005, and that he received no fax receipt for the attempted facsimile transmission. The number 571-273-0464 is not (and never was) a fax number for official application related correspondence to the USPTO. Nevertheless, the USPTO has attempted to locate, but could not find any correspondence faxed by applicant on November 9, 2005. Official correspondence permitted to be faxed to the USPTO (such as a request to convert a provisional application to a non-provisional application) should be faxed to the Central Fax Number (571-273-8300). It is noted that the instant request for reconsideration was properly faxed to the USPTO on May 19, 2006 via the Central Fax Number.

Lastly, applicant requests that his application be made special under 37 CFR 1.102. However, provisional applications do not undergo examination, and only non-provisional applications can be made special pursuant to 37 CFR 1.102. As applicant's application number 60/625,969 remains a provisional application, applicant's request under 37 CFR 1.102 is moot.

Any inquiries related to this decision should be directed to the undersigned at (703) 308-9210 x 109.

Janice Tippett, Program Analyst
Office of Initial Patent Examination
(703) 308-9210 x 109

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RUCHIT KUMAR REGMI
JAMUNGACHHI BIRATNAGAR WARD NO: 5
BIRATNAGAR
NEPAL

MAY 13 2008

In re Application of	:
Ruchit Regmi	:
Application No. 60/625,970	:DECISION DENYING PETITION
Filed: November 9, 2004	:
Title: Aircraft Without Pilot (For Commercial and Military Use)	:

This is in response to the following items of correspondence, and all accompanying exhibits, directed to abandoned provisional application No. 60/625,970:

1. "Request to add the following details in my responses dated 9/15/2006" received May 19, 2006;
2. "Customer Number & status of my applications for Patents requested (attn: Mail Stop L & R)" received December 5, 2006;
3. Letter received via facsimile December 10, 2006;
4. Letter received December 18, 2006;
5. Letter received January 18, 2007;
6. Letter received January 22, 2007;
7. Paper copy of an email sent July 28, 2007 and a copy of a "Nepal Post Express Mail Service" receipt dated November 6, 2005, both received via facsimile on August 27, 2007;
8. "Request on the title of my inventions" received February 8, 2008.

These items of correspondence have been construed collectively as a petition under 37 CFR 1.181, requesting supervisory review of the "Decision Dismissing Request under 37 CFR 1.53(c) to Convert to Nonprovisional" mailed July 26, 2006. The petition is being treated by the Office of Patent Legal Administration.

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

BACKGROUND

On November 9, 2004, petitioner filed provisional application No. 60/625,970.

On September 10, 2005, petitioner filed an improper request for a continued prosecution application (CPA). The September 10, 2005 request was improper because design patent applications are prohibited from being filed as provisional applications,[1] and because a CPA can only be filed in a design application.

A provisional application is abandoned leaving no rights outstanding unless the applicant does one of two things within the 12 month pendency period. Those two things are: (1) file a request to convert the provisional application to a nonprovisional application[2]; and (2) file a nonprovisional application claiming the benefit under 35 U.S.C. § 119(e) of the provisional application. The September 10, 2005 correspondence does not qualify as either one of those two things.

On November 10, 2005, petitioner filed two items of correspondence. One of the two items was a letter referring to provisional application No. 60/625,970 as well as another provisional application filed by petitioner, and requesting that two referenced provisional applications be considered "for the conversions into non-Provisional patents." The other item was a second improper request for a CPA.

On December 21, 2005 a "Decision Dismissing Request under 37 CFR 1.53(c)(3) to Convert to Nonprovisional" was mailed treating the November 10, 2005 letter as a request to convert provisional application No. 60/625,970 to a nonprovisional application. Petitioner's November 10, 2005 request was dismissed for several reasons, namely: (1) the request was not accompanied by the fee set forth in 37 CFR 1.17(i); (2) the request was not accompanied by an 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); and (3) the request was received after the expiration of twelve months after the filing date of the provisional application.

On May 19, 2006, a response to the December 21, 2005 decision was filed alleging that petitioner "mailed the conversion request on 11/06/005 via USPS express mail service from kathmandu, Nepal." On that basis, petitioner argues that petitioner's November 10, 2005 letter should be accorded a filing date of November 6, 2005 - the date

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[1] 35 U.S.C. § 172 prohibits any design application from receiving the benefit under 35 U.S.C. 119(e) of a prior-filed provisional application.

[2] 35 U.S.C. § 111(b)(5) provides that if no request to treat a provisional application as a nonprovisional application is filed:

> "the provisional application shall be regarded as abandoned 12 months after the filing date of such application and shall not be subject to revival after such 12-month period."

petitioner deposited the letter with the Nepal Post in Kathmandu, Nepal.

On July 26, 2006, a second "Decision Dismissing Request under 37 CFR 1.53(c)(3) to Convert to Non-Provisional" was mailed. The decision again dismissed the request to convert for the same reasons set forth in the previous decision mailed December 21, 2005. The decision explained that the request was untimely since the last day a grantable request to convert could have been filed was November 9, 2005, and petitioner's request was received November 10, 2005. The decision also explained that because the request was delivered to the Office using "Foreign International Dispatch" (*i.e.*, Nepal Post Express Mail Service) that originated in Kathmandu, Nepal, the correspondence would not receive the benefit of the "date in" accorded correspondence that is deposited with the United States Postal Service (USPS) to be delivered by "Express Mail Post Office to Addressee Service." (See 35 U.S.C. § 21(a) and 37 CFR 1.10.)

Petitioner, in the correspondence enumerated in items 1-8 above, has continued to assert that the correspondence delivered November 10, 2005, to the Office using "Foreign International Dispatch" that originated in Kathmandu, Nepal, should receive the benefit of the "date in" and be accorded a filing date of November 6, 2005. Additionally, petitioner has requested that the application be made special in accordance with 37 CFR 1.102, and has inquired as to whether his application is subject to secrecy order pursuant to 35 U.S.C. § 181.

STATUTE, REGULATION AND EXAMINING PROCEDURE[3]:

35 U.S.C. § 2(b)(2) states: The Office may establish regulations, not inconsistent with law, which-

(A) shall govern the conduct of proceedings in the Office...

35 U.S.C. § 21(a) states:

> The Director may by rule prescribe that any paper or fee required to be filed in the Patent and Trademark Office will be considered filed in the Office on the date on which it was deposited with the United States Postal Service or would have been deposited with the United States Postal Service but for postal service interruptions or emergencies designated by the Director.

On November 6, 2005, 37 CFR 1.6(a)(2) stated:

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[3]Manual of Patent Examining Procedure ("MPEP"), 8th Ed., Rev. 4 (Oct. 2005) in effect on the requested filing date.

> Correspondence received in the Patent and Trademark Office is stamped with the date of receipt except as follows:
>
> Correspondence filed in accordance with § 1.10 will be stamped with the date of deposit as "Express Mail" with the United States Postal Service.

On November 6, 2005, 37 CFR 1.10(a) stated:

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

37 CFR 1.181(a)(3) states in pertinent part:

> Petition may be taken to the Director: To invoke the supervisory authority of the Director in appropriate circumstances...

MPEP § 513 states in pertinent part:

> 35 U.S.C. 21(a) is limited to correspondence deposited with the United States Postal Service (USPS). The procedure in 37 CFR 1.10 is limited to correspondence deposited in the "Express Mail Post Office to Addressee" service of the USPS. There are no similar provisions and no similar benefit can be obtained for correspondence deposited in International Express Mail.

OPINION

Petition under 37 CFR 1.181

Petitioner requests supervisory review of the decision dismissing the request under 37 CFR 1.53(c) to convert to nonprovisional mailed July 26, 2006. All of the evidence presented in the correspondence enumerated in items 1-8 above, has been carefully considered, however, it is not persuasive that the request to convert the application from a provisional to a nonprovisional was filed before the expiration of twelve months after the filing date of the provisional application.

Petitioner cites 37 CFR 1.10(a)(1) as evidence of receiving the benefit of the date the correspondence was deposited with the local postal service in Kathmandu, Nepal. As stated previously in the decision mailed July 26, 2006, 35 U.S.C. § 21(a) of the United

States patent law requires that correspondence be deposited with the USPS in order to be considered filed on the date of deposit in the mail. Furthermore, 37 CFR 1.10 of the United States Code of Federal Regulations (CFR) requires that the deposit in the USPS must be for delivery by the "Express Mail Post Office to Addressee" service of the USPS. Because applicant's request to convert was not deposited and delivered in accordance with 35 U.S.C. § 21(a) and 37 CFR 1.10, the request to convert must be considered filed in the USPTO on the date of receipt - November 10, 2005.

Since applicant has not complied with 35 U.S.C. § 21(a) or 37 CFR 1.10, the request to convert was properly considered as filed on November 10, 2005. Accordingly, the request to convert was not filed within the expiration of twelve months after the filing date of the provisional application.

Petition to Make Special under 37 CFR 1.102

Petitioner requests that his application be made special in accordance with 37 CFR 1.102. Petitioner further requests that fees be waived, but it is unclear whether petitioner is requesting waiver of the fee set forth in 37 CFR 1.102(d), or all application fees. Petitioner states that his invention may be used for countering terrorism as the basis for such requests.

As stated previously in the decision mailed July 26, 2006, provisional applications do not undergo examination, and only nonprovisional applications can be made special pursuant to 37 CFR 1.102. Because no request to convert the application from a provisional to a nonprovisional was filed before the expiration of twelve months after the filing date of the provisional application, the application was and remains a provisional application. Provisional applications do not undergo examination, and only non-provisional application can be made special pursuant to 37 CFR 1.102. As applicant's application number 60/625,970 remains a provisional application, applicant's request under 37 CFR 1.102 is moot.

With respect to the request to waive fees, if petitioner is requesting waiver of the fee set forth in 37 CFR 1.102(d), such request is moot in view of the application remaining a provisional application. If petitioner is requesting waiver of application fees, such request cannot be granted since 35 U.S.C. § 41(a) of the United States patent law requires payment of general fees in all applications. The USPTO does not have the authority to waive United States law.

Request for Status Information under 35 U.S.C. § 181

Petitioner further requests information about the status of his application, purportedly pursuant to 35 U.S.C. § 181. Applicants for patent are notified if an application will be subject to a secrecy order. If the USPTO determines that an application is not subject to licensing and review, a foreign filing license is granted. This information is reflected

in the application filing receipt, a copy of which is enclosed.

On January 25, 2005, the USPTO mailed an application filing receipt in this application which indicated that a foreign filing license was granted January 21, 2005. Therefore, the application is not subject to secrecy order pursuant to 35 U.S.C. § 181. The status of the application is abandoned.

CONCLUSION

The previous decision dismissing request under 37 CFR1.53(c) to convert to nonprovisional mailed July 26, 2006, has received supervisory review as requested. However, the evidence is not convincing that the request to convert the application from a provisional to a non-provisional was filed before the expiration of twelve months after the filing date of the provisional application.

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

This final agency action represents the conclusion of the consideration by the USPTO of petitioner's request to convert provisional application 60/625,969 to a non-provisional application. No further response to the items of correspondence which have been treated on petition in this decision is deemed necessary, and none will be forthcoming. Additionally, no response to any kind is deemed necessary, nor will any response be forthcoming, to any other item of correspondence received after November 9, 2005, the abandonment date of the provisional application. Henceforth, no attempt will be made to enter into the application any other item of correspondence repetitive or similar to any item of correspondence already received in the USPTO for this application after its November 9, 2005 abandonment date. Furthermore, the USPTO may not make any attempt to respond to future email inquiries related to this abandoned application.

Robert A. Clarke

Robert A. Clarke
Director, Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure: Filing Receipt mailed 01/25/2005

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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
60/625,969	11/09/2004		160				

CONFIRMATION NO. 7029

RUCHIT KUMAR REGMI
JAMUNGACHHI, BIRATNAGAR WARD NO: 5
BIRATNAGAR, MORANG, 12073440
NEPAL

FILING RECEIPT

OC000000014686857

Date Mailed: 12/07/2004

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)

Ruchit Kumar Regmi, Biratnagar, NEPAL;

Power of Attorney: None

If Required, Foreign Filing License Granted: 12/07/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/625,969

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

Non-Publication Request: No

Early Publication Request: No

Title

Computer operated by though and emotions

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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SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 6300
SEATTLE, WA 98104-7092

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FEB 28 2005

OFFICE OF PETITIONS

In re Application of	:	
Gregory N. Beatch	:	
Application No. 60/626,328	:	NOTICE
Filed: November 8, 2004	:	
Attorney Docket No. 480102.413P1	:	

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

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PLANO TX 75025

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APR 15 2005

OFFICE OF PETITIONS

In re Application of
Dave A. Miller et al.
Application No. 60/626,400
Filed: November 9, 2004
Attorney Docket No. UT-5

ON PETITION

This is a decision on the response to the Notice of Omitted Items and Petition to Correct Provisional Application filed February 4, 2005. The response is treated as a petition under 37 CFR 1.182.

The petition is **DISMISSED**.

Effective November 22, 2004, the petition fee was increased from $130.00 to $400.00. It appears though that $130.00 was submitted with the response and $50.00 was misapplied to the provisional application fee and $80.00 was refunded. Therefore, since the fees ($130.00) were deficient and since no deposit account has been authorized, this petition cannot be treated on the merits and will not receive any consideration until such time as $350.00 has been submitted. The $50.00 on account will be properly credited for the petition fee. See the Notice published in the Federal Register on September 21, 2004 and in the Official Gazette of the United States Patent and Trademark Office on October 12, 2004.

The application will be retained in the Office of Petitions for two months after which time if the fees have not been submitted, the application will be forwarded to the Office of Initial Patent Examination and the proceedings terminated. A request for reconsideration with the appropriate fees should be addressed as follows:

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

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

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of
Dave A. Miller et al.
Application No. 60/626,400
Filed: November 9, 2004
Attorney Docket No. UT-5

ON PETITION

This is a decision on the response to the Notice of Omitted Items and Petition to Correct Provisional Application filed April 25, 2005. The response is treated as a petition under 37 CFR 1.182.[1]

The petition is **DISMISSED**.

On November 9, 2004, the application was filed. On December 7, 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 9, 2004, but that Figure 1b described in the specification appeared to have been omitted.

In response, petitioner explains that no figures were missing on November 9, 2004. Instead, the petition argues that figures 1a and 1b were on page 1/13 but that an item was inadvertently placed thereon and thus covered up figure 1b. Petitioners submit a substitute sheet "1/13" with the item removed and requests that the substitute sheet replace sheet 1/13 filed upon application.

Petitioner, however, is reminded that no amendment/corrections, 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. See 37 CFR 1.53(c); 37 CFR 1.121(j).

As well, the option to take the later filing date, *i.e.*, the date of submission of the omitted

[1] A petition filed February 4, 2005 was dismissed in a decision mailed April 15, 2005 because the petition fees were deficient.

page(s) or drawing(s), is not available.[2] As such, if petitioners desire to have page 1/13 as corrected included, petitioners should simply file a new completed provisional application.

The application will be processed and examined using the application papers filed on November 10, 2004.

The present petition was not necessitated by any error on the part of the upon filing of Office therefore, a petition fee in the amount of $400.00 is required. Thus, $50 previously credited for the petition and $350.00 authorized in the instant petition to be charged to deposit account no. 50-1527, will not be refunded.

This application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing, using the application papers received in the Office on November 9, 2004. The corrected page of drawings filed with the petition will not be used and will not be added to the drawings filed with the application on November 9, 2004.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

[2]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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RESTON, VA 20190

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OFFICE OF PETITIONS

In re Application of :
Joseph F. Slade :
Application No. 60/626,478 :
Filed: November 10, 2004 :
Attorney Docket No. 01440131PR :

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

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WESTON FL 33326

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OFFICE OF PETITIONS

In re Application of
Tushar Shankar Kale
Application No. 60/626,602
Filed: November 10, 2004
Title of Invention: SYSTEM FOR MARKETING REAL ESTATE ON CELL PHONE

: DECISION DISMISSING PETITION

This is a decision on the communication filed January 12, 2005, to correct the application as filed. The communication is treated as a petition under 37 CFR 1.182.

The petition is **DISMISSED**.

The application was filed November 10, 2004. However, on December 8, 2004, the Office of Initial Patent Examination mailed a Notice of Omitted Items stating that the application had been accorded a filing date of November 10, 2004 but advised that Figures 7l-7n, described in the specification appeared to have been omitted.

In response, the present petition was filed. Petitioner explains that no figures were missing on November 10, 2004. Instead, the petition argues that page 7 (of 26) of the specification incorrectly referred to Figures 7l-7n, that the instant provisional application in fact does not contain any such drawing figures and that the drawing figures should be 7a-7k. Petitioners submit a corrected page 7 (of 26) which refers to the drawing figures as 7a-7k and not 7a-7n.

It is obvious from the petition that no drawing was actually missing on November 10, 2004. Rather, the specification incorrectly referred to Figures 7a-7n, as a result of the applicants' filing error. However, the "Notice" mailed on December 8, 2004, was correct in stating that Figures 7l-7n 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.

Petitioners submitted with the present petition a corrected page 7 of 26 of the specification, correcting the references to the drawing figures. However, petitioner is reminded that no amendment/corrections, 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. See 37 CFR 1.53(c); 37 CFR 1.121(j).

As well, 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 page 7 of 26 corrected, petitioners should simply file a new completed provisional application, including the corrected page 7 of 26 of the specification.

The application will be processed and examined using the application papers filed on November 10, 2004.

This application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing, using the application papers received in the Office on November 10, 2004. The corrected page of the specification filed with the petition will not be used and will not be added to the specification filed with the application on November 10, 2004.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

[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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OFFICE OF PETITIONS

In re Application of
Earl O. Bergersen
Application No. 60/626,604
Filed: November 10, 2004
Attorney Docket No. BER-P-04-001

: DECISION ON PETITION

This is a decision on the petition filed March 7, 2005 in response to the Notice of Omitted Items mailed January 26, 2005, which is treated under 37 CFR 1.182.

On November 10, 2004, the application was filed. On January 26, 2005, 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 10, 2004, but that Figures 47-54 described in the specification appeared to have been omitted.

In response, petitioners assert that the application as filed included twelve (12) sheets of drawings, that the drawings included Figures 1-56 and that the postcard receipt is proof that twelve sheets were filed on November 10, 2004.

At the outset, 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) the records of the Office (e.g. the file of the application) is the official record of the Office and will be relied upon as to what was filed. While the petition claims that the total number of drawings figures should be 56, the specification at pages 14-19, in the "Brief Description of The Drawings" only lists 54 drawing Figures.

The argument and evidence supplied with the petition have been carefully considered, but are not totally 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).

As to the postcard receipt as proof of filing and the contents of the application, 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]

Unfortunately, in this instance, the postcard receipt does not show an Office date stamp and is not properly itemized. The postcard identifies the number of drawing sheets not the number of Figures. Thus it cannot be determined whether the application as filed included ten or twelve sheets of drawings and it cannot be determined if the application as filed included Figures 1-46, 1-54 or 1-56.

The petition is therefore **DISMISSED**.

Petitioners are 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.[2]

As was indicated in the Notice mailed January 26, 2005, a fee in the amount of $130.00 was due with the petition if it was contended that the omitted items had been submitted upon application. No such fee appears to have been included with the petition. Additionally, however, effective December 8, 2004, the petition fee pursuant to 37 CFR 1.17(f) has been increased to $400.00 so as per the authorization, deposit account no. 50-0595 has been charged $400.00. Likewise, since proof of prior receipt of the omitted items has not been established, no refund is due.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of November 10, 2004, using only the application papers filed on November 10, 2004 and not the twelve (12) sheets of drawings submitted on petition.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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[1] MPEP 503.

[2] 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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OFFICE OF PETITIONS

In re Application of
Earl O. Bergersen
Application No. 60/626,604
Filed: November 10, 2004
Attorney Docket No. BER-P-04-001

: DECISION ON PETITION

This is a decision on the request for reconsideration petition filed April 25, 2005 in response to the Notice of Omitted Items mailed January 26, 2005, and the decision mailed March 16, 2005, dismissing the petition, treated under 37 CFR 1.182 and filed March 7, 2005.

The Notice of Omitted Items in a Provisional Application mailed January 26, 2005 indicated that Figures 47-54 described in the specification appeared to have been omitted. In response, petitioners asserted that the application as filed included twelve (12) sheets of drawings, that the drawings included Figures 1-56 and that the postcard receipt is proof that twelve sheets were filed on November 10, 2004. However, the postcard receipt submitted was not corroborative since it did not bear a USPTO date stamp.

Additionally, the postcard receipt was itemized to indicate that there should have been twelve sheets of drawings, however, the number of drawing figures was not included on the postcard. The official file contains ten sheets of drawings to include Figures 1-46 and as indicated in the Notice mailed January 26, 2005, Figures 47-54 were omitted.

While proof of mailing twelve sheets of drawings has been clarified with a copy of the postcard receipt, there still remains a discrepancy as to the number of drawings submitted upon filing. Certainly, twelve sheets of drawings containing Figures 1-54 could have been submitted upon filing but since the specification indicates that there was to be 54 Figures and not 56 Figures and since there was no notation on the date stamped post card receipt, we are accepting, on your word, that 56 Figures were filed on twelve sheets of drawings.

In view of the above, the petition is **GRANTED**. The petition fee in the amount of $400.00 will be refunded to deposit account no. 50-0595.

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

processing with a filing date of November 10, 2004, using the application papers filed on November 10, 2004 and on petition April 25, 2005.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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PILLSBURY WINTHROP SHAW PITTMAN LLP
1650 TYSONS BOULEVARD
MCLEAN, VA 22102

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OFFICE OF PETITIONS

In re Application of	:	
Randolph J. Gladish et al	:	
Application No. 60/627,050	:	DECISION GRANTING
Filed: November 11, 2004	:	PETITION
Attorney Docket No. SSY0001-PRO	:	

This is a decision on the petition filed May 24, 2005, requesting that the above-identified application be accorded a filing date of November 11, 2004, rather than the presently accorded date of November 12, 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 Express Mail Service on November 11, 2004 pursuant to 37 CFR 1.10. Petitioner has provided a copy of the Express Mail label receipt no. EV225526858US, which shows that the date-in was not entered. In view thereof, petitioner has provided a copy of the results from the USPS Track / Confirm – Intranet Item Inquiry – Domestic that shows the package was enroute November 11, 2004 to the USPTO. Applicants are alleging that while the date-in is blank, the correct date of mailing pursuant to 37 CFR 1.10 is November 11, 2004. The same Express Mail number appears on the originally filed application papers.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "date-in" on the Express Mail label, MPEP 513. However, in view of the results from the USPS Track / Confirm – Intranet Item Inquiry - Domestic, it is confirmed that the package bearing Express Mail label No. EV225526858US was in the possession of the USPS on November 11, 2004.

This matter is being referred to the Office of Initial Patent Examination Division for **correction of the filing date to November 11, 2004.**

Telephone inquiries concerning this matter may be directed Irvin Dingle at (571) 272-3210.

Frances Hicks
Petitions Examiner
Office of Petitions

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/627,081	11/10/2004		160	L0632.70071US00	3		

CONFIRMATION NO. 7044

CORRECTED FILING RECEIPT

OC000000018278738

23628
WOLF GREENFIELD & SACKS, PC
FEDERAL RESERVE PLAZA
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

Date Mailed: 03/14/2006

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)

Richard F. Eilbert, Lincoln, MA;
Kristoph Krug, Framingham, MA;
John Tortora, Westford, MA;

Power of Attorney:

Edmund Walsh--32950

If Required, Foreign Filing License Granted: 12/08/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/627,081

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

Non-Publication Request: Not applicable

Early-Publication Request: Not applicable

Title

Reconstruction of X-ray images into basis function components using multiple-energy sources

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
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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 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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OFFICE OF PETITIONS

In re Application of	:
John H. Harberts	:
Application No. 60/627,294	: DECISION DISMISSING
Filed: 12 November, 2004	: PETITION
Attorney Docket No. 65042-0471	:

This is a decision on the petition filed on 27 January, 2005, requesting that the above-identified application be accorded a filing date of 12 November, 2004, with Figures 4, 5, 6, 7, and 8 described in the specification as a part of the original disclosure.

On 12 November, 2004, the application was filed.

On 8 December, 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 12 November, 2004, but that Figures 4, 5, 6, 7, and 8 described in the specification appeared to have been omitted from the application.

In response, on 27 January, 2005, the present petition was filed, accompanied by a copy of five (5) sheets of drawings containing Figures 4, 5, 6, 7, and 8. Petitioner asserts that eight (8) sheets of drawings were filed on 27 January, 2005. A copy of a postcard receipt itemizing the filing of eight (8) sheets of drawings is included with the petition.

The petition must be dismissed, however, because the copy of petitioner's return receipt postcard purporting to show that eight (8) sheets of drawings were filed on 12 November, 2004, has not been stamped 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. 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.[1]

As the postcard submitted by applicants has not been stamped by the USPTO, it cannot serve as evidence of receipt of the items listed thereon in the USPTO.

The petition is therefore dismissed without prejudice to reconsideration pending submission of a copy of petitioner's itemized postcard receipt showing receipt of the items listed thereon in the USPTO.

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 <u>not</u> be extended pursuant to 37 CFR 1.136.

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

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

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

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

---

[1] <u>Id</u>.

As petitioner has 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. 18-0013. Petitioner should note that the fee for a filing date petition is now $400.00.[2]

The application is being referred to the Office of Initial Patent Examination for further processing with a filing date of 12 November, 2004, using the application papers filed on that date.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

[2] See 69 Fed. Reg. 56482, 56536, 56537 (Sep. 21, 2004).

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Douglas N. Larson, Esq.
Squire, Sanders & Dempsey, LLP
14th Floor
801 S. Figueroa Street
Los Angeles CA 90017

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DEC 3 0 2004

OFFICE OF PETITIONS

In re Application of	:	
Thomas D. Hauk	:	DECISION DISMISSING
Application No. 60/627,434	:	PETITION
Filed: November 12, 2004	:	
Attorney Docket No. 63949-00002	:	

This is a decision on the petition filed December 22, 2004, which is being treated as a request to withdraw that the Notice of Omitted Item(s) in a Provisional Application mailed December 15, 2004.

On November 12, 2004, applicant filed the above-identified application. However, on December 15, 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, 2004, and advising applicant that Figure 40 described in the specification appeared to have been omitted.

In response, on December 22, 2004, applicant filed the present petition, one sheet of drawings, and authorized payment of the petition fee. Applicant explains that Figure 40 was included in the drawings filed in the above-identified application on November 12, 2004; however, it was inadvertently mislabeled as "FIG. 44". Applicant explains that this clerical error would have been readily apparent to those skilled in the art. The petition is accompanied by a copy of the relevant drawing (sheet 16/56) with the error corrected.

It is obvious from the petition that no drawing was actually missing on November 12, 2004. Rather, the drawing of Figure 40 was simply mislabeled as a result of applicant's filing error. However, the "Notice of Omitted Item(s)" mailed December 15, 2004, was correct in stating that Figure 40 described in the specification <u>appeared</u> to have been omitted. Therefore, the "Notice of Omitted Item(s)" was properly mailed and will not be withdrawn.

Accordingly, the petition is dismissed.

The $400.00 petition fee will be charged to Deposit Account No. 07-1853 because the present petition was not necessitated by any error on the part of the United States Patent and Trademark Office.

As stated above, applicant submitted a drawing sheet correcting the error and labeling Figure 44 as Figure 40. The Office notes that amendments, other than those required to make the provisional application comply with applicable regulations, are not permitted after the filing date of the provisional application. MPEP 601.01(b).

Likewise, in view of the relatively low filing fee for provisional applications, and the desire of the USPTO 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).

The Office of Initial Patent Examination is directed to process the application with a filing date of November 12, 2004, using ONLY the drawing sheets filed on that date.

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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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WARNER-LAMBERT COMPANY
2800 PLYMOUTH ROAD
ANN ARBOR, MI 48105

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MAR 17 2005

OFFICE OF PETITIONS

ON PETITION

In re Application of :
John Randall Slemmon :
Application No. 60/627,454 :
Filed: November 12, 2004 :
Attorney Docket No. PC32422 :

This is a decision on the petition under 37 CFR 1.182, filed February 25, 2005, to change the name of Inventor Randy J. Slommon to John Randall Slemmon.

The petition is **GRANTED.**

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

Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Attachment: 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

HICKMAN PALERMO TRUONG & BECKER, LLP
2055 GATEWAY PLACE
SUITE 550
SAN JOSE, CA 95110

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SEP 2 6 2005

OFFICE OF PETITIONS

In re Application of	:	
Eric Sven-Johan Swildens, et. al.	:	
Application No. 60/627,798	:	ON PETITION
Filed: October 29, 2004	:	
Attorney Docket No. 60095-0063	:	

This is a decision on the petition under 37 CFR 1.53 filed May 23, 2005, requesting that the above-identified application be accorded a filing date of October 29, 2004.

A review of the record shows that the Notice of Incomplete Provisional Application mailed January 18, 2005, required petitioner to file drawings in accordance with 35 U.S.C. 113 and that the filing date would be the date of receipt of the omitted drawings. However, petitioner argues that drawings are not necessary for an understanding of the subject matter to be patented and that this application should be accorded the earlier filing date of October 29, 2004. Accordingly, the petition is **Granted**.

In view of the above, no further consideration of the drawings will be undertaken, since they were not present on filing.

Since the instant petition requires a $400 petition fee, the difference of $270 ($400-$130 previously submitted) has been charged to petitioner's deposit account.

This application is being referred to the Office of Initial Patent Examination (OIPE) for correction of the filing date to October 29, 2004 and for issuance of a corrected filing receipt

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

Andrea Smith
Petitions Examiner
Office of Petitions

Brian Hearn
Petitions Examiner

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
OIW 03-05

EVELYN M. SOMMER
SUITE 825
250 PARK AVE.
NEW YORK NY 10022

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MAR 29 2005

OFFICE OF PETITIONS

In re Application of	:
Albert R. Kelly	:
Application No. 60/628,171	: LETTER GRANTING
Filed: 17 November, 2004	: FILING DATE
Atty Docket No. NORDICO	:

This is a communication in reference to the papers filed on 25 February, 2005.

On 17 November, 2004, the above-identified application was filed, without drawings.

On 21 December, 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 was deposited without drawings, and that the filing date would be the date that drawings were received.

On 7 January, 2005, six (6) sheets of drawings were filed, along with a request that the application be accorded a filing date as of the date of receipt of the drawings.

On 25 February, 2005, six (6) sheets of drawings were filed, along with the above-referenced communication.

A request to change the filing date of, or accord a filing date to, an application must be made by way of a petition under 37 CFR 1.53 accompanied by the petition fee set forth in 37 CFR 1.17(h) (currently $400.00).[1] Patent and trademark fees and charges payable to the Patent and Trademark Office are required to be paid in advance, that is, at the time of requesting any action by the Office for which a fee or charge is payable.[2] As such, the petition fee is a prerequisite to the filing of the present

[1] MPEP 506.02 and 37 CFR 1.53(e).

[2] 37 CFR 1.22(a).

petition, and the Office will not reach the merits of the petition unless and until the petition fee is submitted.

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

MPEP § 601.01(f) also states that:

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

As a review of the official file reveals that the application as filed includes two (2) method claims. Therefore, this application contains disclosure relating to a process or method.

In view of the above, the "Notice" mailed 17 November, 2004, was mailed in error and is hereby withdrawn.

With regard to petitioner's request that the application be accorded a filing date of the date that the drawings were received, MPEP 601.01(d) states, in pertinent part:

> 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 CFR 1.182 (with the petition fee under 37 CFR 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 CFR 1.182 to accept omitted page(s) or drawing(s) and accord an application filing date as of the date of such submission

in provisional applications. The applicant should simply file a new completed provisional application.

The application is accorded a filing date of 17 November, 2004, without drawings as a part of the original disclosure.

The application will be processed using only the application papers present on filing on 17 November, 2004. The drawings filed on 25 February, 2004, will not be processed or considered part of the original disclosure.

The application is being returned to the Office of Initial Patent Examination for reprocessing with a filing date of 17 November, 2004, using only the application papers filed on that date.

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

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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FOLEY AND LARDNER
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

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MAR 0 9 2005

OFFICE OF PETITIONS

In re Application of Troy D. Hammond et al. Application No. 60/628,202 Filed: November 17, 2004 Attorney Docket No. 043419-0106	DECISION ON PETITION

This is a decision on the petition filed February 18, 2005 in response to the Notice of Omitted Items mailed December 20, 2004, which is treated under 37 CFR 1.182. requesting that the Notice be withdrawn.

On November 17, 2004, the application was filed. On December 20, 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 17, 2004, but that Figure 9 described in the specification appeared to have been omitted.

In response, on June 4, 2003, six (6) sheets of drawings including a sheet containing Figure 9 and the present petition were submitted. Petitioners assert that six (6) sheets containing Figures 1-9 were filed with the other application papers on November 17, 2004. In support, a copy of petitioners' postcard receipt has been supplied. The postcard receipt shows an Office date stamp of November 17, 2004, and identifies the application by the name of the inventor and the title of the invention, and acknowledges receipt, *inter alia*, of six (6) sheets of drawings. Petitioners request that the application be considered complete with Figure 9 as of the date of filing, November 17, 2004.

A review of the record reveals that five (5) sheets of drawings are located among the application papers deposited on November 17, 2004 and there is no page of drawings containing Figure 9. However, from the evidence presented it is obvious that there should have been six sheets of drawings. Since the postcard receipt lacks any notation of non-receipt of any item listed, the application, including the one (1) sheet of drawings s containing Figures 9 as described in the specification, is entitled to a filing date of November 17, 2004.

The "Notice" mailed on December 20, 2004, is **VACATED**.

In view of the above, the petition is **GRANTED**. The $130.00 petition fee paid on February 18, 2005, will be refunded to deposit account 19-0741.

The application will be processed, using the application papers filed on November 17, 2004, and the page of drawings containing Figure 9 supplied on February 18, 2005.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of November 17, 2004, using the application papers filed on November 17, 2004, and the one (1) drawing sheet containing Figure 9 supplied on February 18, 2005.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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National Research Council of Canada
Intellectual Property Services Office
EG-10, Bldg. M-58
Montreal Road
Ottawa ON K1A 0R6 CA
CANADA

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JUL 2 5 2005

OFFICE OF PETITIONS

In re Application of :
Gao et al. :
Application No. 60/628,910 :
Filed: November 19, 2004 :
Attorney Docket No. 11659-1 :

ON PETITION

This is a decision on the petition filed April 28, 2005, requesting, in effect, that the "Notice Of Omitted Item(s)" mailed March 10, 2005 be withdrawn.

The petition is **dismissed**.

Facts:

The application was filed with a transmittal sheet indicating petitioner was filing 47 pages of specification and 16 sheets of drawings.

The application as filed contains 45 pages of specification including 1 page of abstract.

The application as filed contains 15 sheets of drawings.

The drawing sheet which includes Figure 15 contains another Figure which is not labeled. Petitioner intended to have the other Figure labeled Figure 14.

On March 10, 2005, the Office mailed a Notice stating that pages 46 and 47 of the specification appeared to be missing. The Notice also stated Figure 14B was missing. The "14B" was the result of a typographical error and the Notice should have stated that Figure 14 was missing.

The instant petition was filed on April 28, 2005. The petition states that the application only includes 45 pages of specification and the number "47" on the transmittal sheet was incorrect.

The petition states that petition assumes the "14B" listed on the Notice was intended to be Figure 14. Petitioner states that Figure 14 is not missing but is merely not labeled.

Petitioner has supplied a new copy of Figure 14 with the Figure properly labeled.

Analysis:

When items are listed by applicant which do not appear as part of the specification, the Office sends a Notice stating that the items appear to be have been omitted.

Upon receipt of the Notice of Omitted Items, petitioner had three options:
(1) File a petition and proof that the items were actually filed with the application,
(2) File a petition and the items and ask for a later filing date,
(3) Do not file a petition and accept the application as filed.

As for the "missing" pages of specification, petitioner does not assert the pages were filed with the application and a petitioner was not necessary to establish that the transmittal paper was in error. Petitioner could have simply taken no action.

As for "missing" Figure 14, a drawing Figure labeled Figure 14 is not present in the file and the Office acted correctly in mailing a Notice with the intent to notify petitioner that a drawing labeled Figure 14 was not present in the application as filed.[1]

The petition fee will not be refunded since the petition was not necessitated by any error on the part of the Office. The Notice was correct as to pages 46 and 47 being omitted. The Notice should have said Figure 14, rather than Figure 14B, appeared to have been omitted. However, a review of the application allows one to determine that the Notice was referring to a Figure 14. A Figure labeled Figure 14 was not filed with the application.

The amended drawing can not be entered since this is a provisional application. One can not amend a provisional application.

The Office of Initial Patent Examination will process the application with a filing date of November 19, 2004, using only the application papers filed on November 19, 2004.

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 1.53."

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

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

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[1] Attention is directed to MPEP 601.01(g) which reads in part:
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 the drawing figure(s) referred to in the specification, and the application [is entitled to a filing date], OIPE will mail a "Notice of Omitted Item(s)" indicating that the application papers . . . are lacking some of the figures of drawings described in the specification.

Each application received by OIPE must be individually reviewed for compliance with both the statutory requirements for according an application a filing date and for compliance with various requirements of the rules. Many of the applications concern complex technology. Accordingly, the employees of OIPE, who are not trained engineers or scientists, are not expected to make a detailed comparison of the written description and drawings. To do so would require a greater expenditure of time and resources, with a resulting increased cost, than are currently allocated. In the past, applicants and practitioners have indicated to the PTO that such increases are undesired. Therefore, if a Figure listed in the specification is not present, OIPE sends a Notice of Missing Parts and does not examine the content of the drawings and specification to determine whether the Figure may have been unlabeled or mislabeled.

By facsimile: (571) 273-8300
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.

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

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
60/628,939	11/16/2004		160	24180-09192			

CONFIRMATION NO. 7626

CORRECTED FILING RECEIPT

OC000000015077692

00758
FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

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)

Anthony Gallo, Toronto, CANADA;
Todd Finch, Toronto, CANADA;

Power of Attorney:

Amir Raubvogel–37070

If Required, Foreign Filing License Granted: 12/22/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/628,939

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

Non-Publication Request: No

Early Publication Request: No

Title

Interactive content development, management, and presentation

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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FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

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OCT 1 9 2005
OFFICE OF PETITIONS

In re Application of
Tain-Nang Huang
Application No. 60/629,000
Filed: November 18, 2004
Attorney Docket No: 12251-047P01

ON PETITION

This is a decision on the petition under 37 CFR 1.181, in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

The petition is **GRANTED**.

This application became abandoned on February 21, 2005, for failure to file a timely response to the Notice to File Missing Parts, mailed December 20, 2004, which set a two (2) month statutory period for reply. Accordingly, a Notice of Abandonment was mailed September 14, 2005. Petitioner asserts that the Notice to File Missing Parts was never received.

The file record discloses that the Notice to File Missing Parts was mailed to the address of record which is the same address used on all correspondences from the USPTO including the Notice of Abandonment. Petitioner has provided a copy of the mail log and docket report, wherein receipt of the Notice to File Missing Parts mailed December 20, 2005 would have been filed, had it been received. To show that the Notice mailed December 20, 2004 was not received, petitioner also explains that after searching the file jacket it was concluded that no correspondence was received for this matter from the USPTO,

In that the statement from the petitioner and the exhibit from the docket record for the instant matter show no entry indicating receipt of the Notice to File Missing Parts mailed December 20, 2004, it is apparent that the Notice was not received. The evidence submitted corroborates non-receipt of the Notice.

In view of the facts set forth in the petition, it is concluded that the Notice to File Missing Parts was never received at the address of record. Accordingly, the holding of abandonment is withdrawn and no petition fee is due.

This application is being forwarded to the Office of Initial Patent Examination for a re-mailing of the Notice to File Missing Parts.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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
60/629,136	11/18/2004		80	25670-PA	28		

CONFIRMATION NO. 9200

CORRECTED FILING RECEIPT

OC000000014873603

30184
MYERS & KAPLAN, INTELLECTUAL PROPERTY LAW, L.L.C.
1899 POWERS FERRY ROAD
SUITE 310
ATLANTA, GA 30339

Date Mailed: 01/04/2005

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)

Sue Ellen Reager, Atlanta, GA;

Power of Attorney:

Ashish Patel--50177

If Required, Foreign Filing License Granted: 12/08/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/629,136

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Global localization and customization system and process

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
60/629,185	11/18/2004		160	470223.00043	1		

CONFIRMATION NO. 8305

CORRECTED FILING RECEIPT

OC000000014940534

26710
QUARLES & BRADY LLP
411 E. WISCONSIN AVENUE
SUITE 2040
MILWAUKEE, WI 53202-4497

Date Mailed: 01/13/2005

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 write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Xiaolong Yang, Germantown, WI;
Dwight B. Stephenson, Delafield, WI;

Power of Attorney:

George Haas--27642

If Required, Foreign Filing License Granted: 12/20/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/629,185

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

Non-Publication Request: No

Early Publication Request: No

Title

Predicting hydraulic valve flow forces using CFD

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
60/629,198	11/18/2004		160	630666.00057	7		

CONFIRMATION NO. 9190

CORRECTED FILING RECEIPT

OC000000015606088

26710
QUARLES & BRADY LLP
411 E. WISCONSIN AVENUE
SUITE 2040
MILWAUKEE, WI 53202-4497

Date Mailed: 03/30/2005

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)

Shanfeng Wang, Rochester, MN;
Michael J. Yaszemski, Rochester, MN;
Lichun Lu, Rochester, MN;
Bradford L. Currier, Rochester, MN;

Power of Attorney:
Richard Roche–38599

If Required, Foreign Filing License Granted: 03/10/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/629,198

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

Non-Publication Request: No

Early Publication Request: No

Title

Block copolymers of polycaprolactone and poly(propylene fumarate)

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

GRANTED

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

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

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

NOT GRANTED

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

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OFFICE OF PETITIONS

ON PETITION

In re Application of
Ringsred, et al.
Application No. 60/629,215
Filed: November 18, 2004
Attorney Docket No. 60348US002
For: LOW-PROFILE MICRONEEDLE ARRAY APPLICATOR

This is a decision on the petition filed January 27, 2005, requesting, in effect, that omitted Figures 4a and 4b be accorded a filing date of November 18, 2004.

The application was filed on November 18, 2004. However, on December 20, 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 18, 2004, and advising applicants that Figures 4a and 4b, as described in the specification, appeared to have been omitted.

In response, the present petition was filed, in which petitioners submit Figures 4a and 4b, and a copy of the December 20, 2004 Notice.

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 figures were actually filed on November 18, 2004 with the original application papers, nor accepted the application as filed

without the missing figures. It is obvious from a review of the application file that petitioners mislabeled Figures 4a and 4b as Figures 4.

Despite that fact that no drawing figures labeled Figures 4a and 4b were filed on November 18, 2004, applicants seek to add the figures 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 current petition fee due is $400.00. Petitioners have been charged only $130.00. Deposit account no. 13-3723 will be charged the balance due, or $270.00. The petition fee will not be refunded, since the petition was not necessitated by any error on the part of the Office.

The application is being returned to the Office of Initial Patent Examination with a filing date of **November 18, 2004**. Figures 4a and 4b are not considered part of the original application papers and will not be processed.

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

E. Shirene Willis

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

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Meyertons, Hood, Kivlin, Kowert & Goetzel, P. C.
P. O. Box 398
Austin, TX 78767-0398

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OFFICE OF PETITIONS

In re Application of	:	
Tony Y. Eng	:	
Application No. 60/629,282	:	DECISION GRANTING
Filed: November 18, 2004	:	PETITION
Attorney Docket No. 5660-03102	:	

This is a decision on the petition filed May 25, 2005, requesting that the above-identified application be accorded a filing date of November 18, 2004, rather than the presently accorded date of November 17, 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 November 18, 2004. In support, the petition is accompanied by a copy of Express Mail receipt No. EV325443881US (the same Express Mail number found on the original application papers located in the official file) showing a "date in" of November 18, 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 November 18, 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 **November 18, 2004** and for issuance of a corrected filing receipt.

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3223. Telephone inquiries related to OIPE processing should be directed to their hotline at (703) 308-1202.

Marianne E. Jenkins

Marianne E. Jenkins
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of
Narinder Singh et al. :
Application No. 60/629,801 : ON PETITION
Filed: November 19, 2004 :
Attorney Docket No: 11884/422300 :

This is a decision on the petition under 37 CFR 1.137(a)[1], filed November 7, 2005, to revive the above identified application.

The petition is **GRANTED**.

This application became abandoned March 1, 2005 for failure to file a timely response to the Notice to File Missing Parts mailed December 29, 2004. Accordingly, a Notice of Abandonment was mailed September 14, 2005.

The instant petition is filed with an oath or declaration in response to the Notice to File Missing Parts mailed December 29, 2004 in addition to an argument that the delay in timely filing the response was unavoidable.

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and

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

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

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

(3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and

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

> observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[2]

Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure or mail, telegraph, telefacsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office.[3]

A review of the file record discloses that the Notice to File Missing Parts was mailed to the address of record. However, petitioner contends that it was not received. In support of this contention, copies of pages from the mail log and the file jacket wherein receipt of the December 29, 2004 Notice would have been entered, had it been received, accompany the petition. The submissions provided, corroborate non-receipt of the Notice to File Missing Parts.

In view of the facts set forth in the petition, it is concluded that the Notice to File Missing Parts was never received. Accordingly, this matter is being referred to the Office of Initial Patent Examination.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

[2] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

[3] Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

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NEW YORK NY 10004

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NOV 17 2005

OFFICE OF PETITIONS

In re Application of
Zhong Zhang et al. :
Application No. 60/629,802 : ON PETITION
Filed: November 19, 2004 :
Attorney Docket No: 11884/422400 :

This is a decision on the petition under 37 CFR 1.137(a)[1], filed November 7, 2005, to revive the above identified application.

The petition is **GRANTED**.

This application became abandoned March 1, 2005 for failure to file a timely response to the Notice to File Missing Parts mailed December 29, 2004. Accordingly, a Notice of Abandonment was mailed September 14, 2005.

The instant petition is filed with an oath or declaration in response to the Notice to File Missing Parts mailed December 29, 2004 in addition to an argument that the delay in timely filing the response was unavoidable.

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

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

(3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and

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

> observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[2]

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In view of the facts set forth in the petition, it is concluded that the Notice to File Missing Parts was never received. Accordingly, this matter is being referred to the Office of Initial Patent Examination.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

[2] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

[3] Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

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ANDRUS, SCEALES, STARKE & SAWALL, LLP
100 EAST WISCONSIN AVENUE, SUITE 1100
MILWAUKEE WI 53202

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JUN 14 2005

OFFICE OF PETITIONS

In re Application of
Deluca et al.
Application No. 60/630,007
Filed: November 22, 2004
Attorney Docket No. 1256-01052

DECISION GRANTING PETITION

This is a decision on the petition filed April 11, 2005, requesting that the above-identified application be accorded a filing date of November 22, 2004, instead of the presently accorded filing date of November 23, 2004.

Petitioners request the earlier filing date on the basis that the application was purportedly deposited in Express Mail service on November 22, 2004, pursuant to the requirements of 37 CFR 1.10. In support, petitioners supplied a copy of Express Mail label EV485079720US which bears a "date in" of November 23, 2004. The petition is also accompanied by a copy of the Utility Patent Application Transmittal form with the above-mentioned Express Mail number, and a copy of a Express Mail Corporate Account Mailing Statement .

Paragraph (a) of 37 CFR 1.10 states that:

> Any correspondence received by the Patent and Trademark Office (Office) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) will be considered filed in the Office on the date of deposit with the USPS. The date of deposit with the USPS is shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation. If the USPS deposit date cannot be determined, the correspondence will be accorded the Office receipt date as the filing date.[1] (emphasis added)

Paragraph (d) of 37 CFR 1.10 states that:

> Any person filing correspondence under this section that was received by the

[1] See 37 CFR 1.6(a).

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 Director, that the requested filing date was the date the correspondence was deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS. Any statement submitted in support of such a showing pursuant to this paragraph must be a verified statement if made by a person other than an employee of the USPS or a practitioner as defined in § 10.1 (r) of this chapter.

A review of the copy of the Express Mail receipt EV485079720US indicates a "date in" of November 23, 2004; the Official U. S. Postal Stamp shows the date received as November 22, 2004. Review of the U.S. Postal Service's tracking system shows Express Mail package bearing label EV485079720US was accepted and enroute on November 22, 2004.

In view thereof, the petition is GRANTED.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for **correction of the filing date to November 22, 2004.**

This application is being forwarded to the Office of Initial Patent Examination for further processing including a corrected filing receipt.

Telephone inquiries may be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

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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
60/630,182	11/22/2004		160	1256-01053	5		

CONFIRMATION NO. 3439

CORRECTED FILING RECEIPT

OC000000015140420

26753
ANDRUS, SCEALES, STARKE & SAWALL, LLP
100 EAST WISCONSIN AVENUE, SUITE 1100
MILWAUKEE, WI 53202

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)

Hector F. DeLuca, Deerfield, WI;
Rafal Barycki, Madison, WI;
Lori A. Plum, Arena, WI;

Power of Attorney:

Thomas Wozny–28922

If Required, Foreign Filing License Granted: 12/23/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/630,182

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

Non-Publication Request: No

Early Publication Request: No

Title

2-Methylene-18,19-dinor-1- alpha-hydroxy-homopregnacalciferol and its uses

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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Andrus, Sceales, Starke & Sawall, LLP
100 East Wisconsin Avenue, Suite 1100
Milwaukee,WI 53202

COPY MAILED

FEB 23 2005

OFFICE OF PETITIONS

In re Application of	:	
Hector F. DeLuca, et al.	:	
Application No. 60/630,182	:	DECISION GRANTING
Filed: November 22, 2004	:	PETITION
Attorney Docket No. 1256-01053	:	

This is a decision on the petition filed January 28, 2005, requesting that the above-identified application be accorded a filing date of November 22, 2004, rather than the presently accorded date of November 23, 2004. The petition is properly treated as a petition under 37 CFR 1.10(d).

The petition is **DISMISSED AS MOOT**.

A corrected filing receipt reflecting the correct filing date of November 22, 2004, was mailed to applicant on February 9, 2005. While the Office of Initial Patent Examination has no authority to render a decision on this petition, the correction is deemed appropriate. The relief requested has been effectuated by the mailing of the corrected filing receipt. In view thereof, the petition is considered unnecessary.

The application file is being referred to the Office of Initial Patent Examination Division for further processing, **with a correct filing date of November 22, 2004**.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3223.

Marianne E. Jenkins
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/630,183	11/22/2004		160	1256-01051	4		

CONFIRMATION NO. 3474

CORRECTED FILING RECEIPT

OC000000015140157

26753
ANDRUS, SCEALES, STARKE & SAWALL, LLP
100 EAST WISCONSIN AVENUE, SUITE 1100
MILWAUKEE, WI 53202

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)

Hector F. DeLuca, Deerfield, WI;
Lori A. Plum, Arena, WI;
Pawel K. Grzywacz, Madison, WI;

Power of Attorney:

Thomas Wozny–28922

If Required, Foreign Filing License Granted: 12/23/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/630,183

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

Non-Publication Request: No

Early Publication Request: No

Title

2-Alpha-methyl and 2-beta-methyl analogs of 19,26,27-trinor-(20S)1-alpha-hydroxyvitamin D3 and their uses

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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FEB 22 2005

OFFICE OF PETITIONS

In re Application of	:	
Hector F. DeLuca, et al.	:	
Application No. 60/630,183	:	DECISION GRANTING
Filed: November 22, 2004	:	PETITION
Attorney Docket No. 1256-01051	:	

This is a decision on the petition filed January 28, 2005, requesting that the above-identified application be accorded a filing date of November 22, 2004, rather than the presently accorded date of November 23, 2004. The petition is properly treated as a petition under 37 CFR 1.10(d).

The petition is **DISMISSED AS MOOT**.

A corrected filing receipt reflecting the correct filing date of November 22, 2004, was mailed to applicant on February 9, 2005. While the Office of Initial Patent Examination has no authority to render a decision on this petition, the correction is deemed appropriate. Since the filing date has been corrected, the petition is considered unnecessary.

The application file is being referred to the Office of Initial Patent Examination Division for further processing, **with a correct filing date of November 22, 2004**.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3223.

Marianne E. Jenkins

Marianne E. Jenkins
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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100 East Wisconsin Avenue, Suite 1100
Milwaukee, WI 53202

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FEB 23 2005

OFFICE OF PETITIONS

In re Application of	:	
Hector F. DeLuca, et al.	:	
Application No. 60/630,183	:	DECISION GRANTING
Filed: November 22, 2004	:	PETITION
Attorney Docket No. 1256-01051	:	

This is a decision on the petition filed January 28, 2005, requesting that the above-identified application be accorded a filing date of November 22, 2004, rather than the presently accorded date of November 23, 2004. The petition is properly treated as a petition under 37 CFR 1.10(d).

The petition is **DISMISSED AS MOOT**.

A corrected filing receipt reflecting the correct filing date of November 22, 2004, was mailed to applicant on February 9, 2005. While the Office of Initial Patent Examination has no authority to render a decision on this petition, the correction is deemed appropriate. The relief requested has been effectuated by the mailing of the corrected filing receipt. In view thereof, the petition is considered unnecessary.

The application file is being referred to the Office of Initial Patent Examination Division for further processing, **with a correct filing date of November 22, 2004**.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3223.

Marianne E. Jenkins

Marianne E. Jenkins
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
60/630,184	11/22/2004		160	1256-01055	5		

CONFIRMATION NO. 3473

CORRECTED FILING RECEIPT

OC000000015140196

26753
ANDRUS, SCEALES, STARKE & SAWALL, LLP
100 EAST WISCONSIN AVENUE, SUITE 1100
MILWAUKEE, WI 53202

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)

Hector F. DeLuca, Deerfield, WI;
Rafal R. Sicinski, Madison, WI;
Lori A. Plum, Arena, WI;

Power of Attorney:

Thomas Wozny–28922

If Required, Foreign Filing License Granted: 12/23/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/630,184

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

Non-Publication Request: No

Early Publication Request: No

Title

2-Alpha-methyl-19-nor-(20S)-1alpha-hydroxy-bishomopregnacalciferol and its uses

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.

ANDRUS, SCEALES, STARKE & SAWALL LLP
100 EAST WISCONSON AVE, STE. 1100
MILWAUKEE, WI 53202

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FEB 23 2005

OFFICE OF PETITIONS

In re Application of	:	
DeLuca et al.	:	
Application No. 60/630,184	:	
Filed: November 22, 2004	:	
Attorney Docket No.	:	
1256-01055	:	ON PETITION

This is a decision in response to the Petition Under 37 CFR 1.10(d) to Correct Incorrectly Entered Date-In and Request to Correct Filing Receipt, filed January 28, 2005, requesting the application be accorded a filing date of November 22, 2004, instead of the originally accorded filing date of November 23, 2004.

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

A review of Office records reveal that a Corrected Filing Receipt, indicating the filing date of the above-identified provisional application as November 22, 2004, was mailed to Applicant at the correspondence address indicated above on February 9, 2005.

In view of the above, the petition is dismissed as moot. No fee is necessary.

Telephone inquiries concerning this matter should be directed to Petitions Attorney Derek L. Woods at (571) 272-3232.

Derek L. Woods
Attorney/Advisor
Office of Petitions

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10363-A Democracy Lane
Fairfax, VA 22030

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DEC 19 2005

OFFICE OF PETITIONS

In re Application of:	:	
SPENCER, Benjamin, R.	:	DECISION ON PETITION FOR
Application No.: 60/630,247	:	REVIVAL OF ABANDONED
Filing Date: November 24, 2004	:	APPLICATION UNDER
Attorney's Docket No.: DARD-0001-PR1	:	37 CFR 1.137(b) AND
For: LAYERED BLINDS	:	REFUND REQUEST

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-entitled application and the refund request filed September 29, 2005. See 37 CFR 1.137(g).

1. Refund Request:

The present application became abandoned based on applicant's failure to respond to the Notice To File Missing Parts Of Provisional Application mailed December 27, 2004. This Notice required applicant to pay the $100 filing fee and a $25 surcharge for filing the fee late. In the present refund request, applicant asserts that the original application papers filed November 24, 2004 included payment of the required filing fee (in the form of an authorization to charge Deposit Account No. 10-0233 for such filing fee). Applicant therefore argues that the Notice To File Missing Parts Of Provisional Application (which required payment of the filing fee) should never have been mailed. Accordingly, the application should never have been considered abandoned for failure to respond to the inappropriately issued Notice, and applicant should be granted a refund of the petition fee submitted with the unnecessary petition to revive and the unnecessary late payment surcharge.

However, as noted in a letter from the USPTO mailed November 28, 2005, Deposit Account No. 10-0233 did not contain the amount required for the filing fee at the time the application was filed. Accordingly, the authorization filed November 24, 2004 was not an effective payment of the required filing fee, and the mailing of the Notice To File Missing Parts Of Provisional Application requiring payment of such fees was appropriate. It follows that applicant's failure to timely respond to the Notice To File Missing Parts resulted in the proper abandonment of the present application.

Based on the above, a refund of the petition fee for the petition for revival and for the late payment surcharge is not appropriate. The refund request is therefore **DISMISSED** without prejudice.

2. Petition For Revival:

As discussed above, the present provisional application became abandoned for failure to file a proper reply in a timely manner to the Notice To File Missing Parts Of Provisional Application mailed December 27, 2004, which set a period for reply of two (2) months. A response was not filed and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned at midnight on February 27, 2005.

The present petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a response to the Notice To File Missing Parts Of Provisional Application mailed December 27, 2004 (i.e., the $100 filing fee and the $25 surcharge fee); (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice To File Missing Parts Of Provisional Application action of December 27, 2004 is accepted as having been unintentionally delayed.

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

Petitioner is advised that a provisional application will not be regarded as pending after twelve months from its filing date under any circumstances.

The application file is being referred to the Office Of Initial Patent Examination.

Telephone inquiries concerning this decision should be directed to Richard M. Ross at (571) 272-3296 or, in his absence, the undersigned at (571) 272-3217.

Frances Hicks for
Brian Hearn
Petitions Examiner
Office Of Petitions

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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
60/630,399	11/19/2004		80	17075-027P01 / P0131	57		

CONFIRMATION NO. 4697

CORRECTED FILING RECEIPT

OC000000015371347

20985
FISH & RICHARDSON, PC
12390 EL CAMINO REAL
SAN DIEGO, CA 92130-2081

Date Mailed: 03/08/2005

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)

Antony J. Fields, San Francisco, CA;

Power of Attorney:

Fred Hernandez–41832

If Required, Foreign Filing License Granted: 12/22/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/630,399

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Bronchial flow control devices 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.

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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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SCHERING-PLOUGH CORPORATION
PATENT DEPARTMENT (K-6-1, 1990)
2000 GALLOPING HILL ROAD
KENILWORTH NJ 07033-0530

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SEP 3 0 2005

OFFICE OF PETITIONS

In re Application of :
Zong et al. :
Application No. 60/630,581 : ON PETITION
Filed: November 24, 2004 :
Attorney Docket No. OC06256L01US :

This is a decision on the petition under 37 CFR 1.182, filed May 9, 2005, to change the name of the first named inventor.

The petition is **granted**.

The name of the first inventor will be changed from "Adam Zong" to - - Chen Zong- -.

The Office records have been corrected to reflect the change of the first inventor's name as noted above. A corrected filing receipt accompanies this decision.

Inquiries regarding this decision may be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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

GIFFORD, KRASS, GROH, SPRINKLE & CITKOWSKI, P.C
P.O. BOX 7021
TROY, MI 48007-7021

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MAR 08 2005

OFFICE OF PETITIONS

In re Application of :
Naluai, et al. :
Application No. 60/630,676 :
Submitted: November 23, 2004 :
Attorney Docket No. PST-16718/36 :

ON PETITION

This is a decision on the papers styled, "Petition For Granting of Original Filing Date of Provisional Application," filed February 7, 2005, which has been treated as a petition under 37 CFR 1.53 requesting that the above-identified provisional application be accorded a filing date of November 23, 2004, including four (4) sheets of drawings.

The provisional application was submitted on November 23, 2004. However, on January 31, 2005, 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 February 7, 2005, the instant petition was submitted.

Petitioner has submitted $130.00 for the petition fee. However, as of December 8, 2004, the required fee has increased to $400.00. An additional $270.00 is required before the petition will be reviewed on the merits.

Accordingly, the petition is 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 <u>not</u> be extended pursuant to 37 CFR 1.136.

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

By mail: Mail Stop Petition
Commissioner for Patents
Box 1450
Alexandria, VA 22313

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

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

Telephone inquiries should 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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GIFFORD, KRASS, GROH, SPRINKLE & CITKOWSKI, P.C
P.O. BOX 7021
TROY, MI 48007-7021

COPY MAILED

APR 13 2005

OFFICE OF PETITIONS
ON PETITION

In re Application of :
Naluai, et al. :
Application No. 60/630,676 :
Filing Date: November 23, 2004 :
Attorney Docket No. PST-16718/36 :

This is a decision on the papers styled, "Request For Reconsideration of Petition For Granting of Original Filing Date of Provisional Application," filed March 21, 2005, which has been treated as a petition under 37 CFR 1.53 requesting that the above-identified provisional application be accorded a filing date of November 23, 2004, including four (4) sheets of drawings.

The provisional application was submitted on November 23, 2004. However, on January 31, 2005, 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 February 7, 2005, the original petition was submitted. Petitioner argues that four (4) sheets of drawings were filed on November 23, 2004. In support, the original petition is accompanied by a copy of applicant's postcard receipt that acknowledges receipt of "4 Sheets of Drawings" on November 23, 2004. A review of the application file indicates the presence of zero (0) sheets of drawings. It is assumed that missing sheets of drawings were misplaced by the Office.

In view of the above, the petition is granted.

The $400.00 petition fee will be refunded to deposit account no. 07-1180.

This application will be returned to OIPE for further processing with a filing date of November 23, 2004, using the four (4) sheets of drawings, supplied on February 7, 2005.

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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Daniel L. Dawes
MYERS DAWES ANDRAS & SHERMAN LLP
Suite 1150
19900 MacArthur Boulevard
Irvine CA 92612

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AUG 16 2005

OFFICE OF PETITIONS

In re Application of	:	
Douglas Kiester	:	
Application No. 60/630,944	:	DECISION DISMISSING
Filed: November 23, 2004	:	PETITION
Attorney Docket No. UC1.PAP.59	:	

This is in response to the petition filed under 37 CFR 1.182 on May 16, 2005, requesting that the Office accept an amendment to withdraw all references to a compact disc.

Application papers in the above-identified provisional application were filed on November 23, 2004. However, on March 15, 2005, 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, 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 indicating they would like to amend the application to withdraw all references to the compact disc.

Amendments in provisional applications are not usually made. If an amendment is made to a provisional application, however, it must comply with the provisions of this section. Any amendments to a provisional application shall be placed in the provisional application file but may not be entered. 37 CFR 1.121(k).

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, it is concluded that applicants do not have the option of amending this provisional application.

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.

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 **November 23, 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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TOM STEWART
c/o UNIT 33
2280 MUNN'S AVENUE EAST
OAKVILLE ON L6H 3L1 CA CANADA

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MAY 0 2 2006
OFFICE OF PETITIONS

In re Application of :
Stewart :
Application No. 60/631,297 :
Filed: November 29, 2004 :
Attorney Docket No. 111 TS-01-US :
For: ROBUST PORTABLE SPORTS GOAL
AND PORTABLE SPORTS GOAL KIT

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed November 29, 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 December 29, 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 March 1, 2005. A Notice of Abandonment was mailed on September 14, 2005.

Applicant has submitted a proper reply to the December 29, 2004 Notice in the form of the basic filing fee and late filing fee surcharge, an acceptable statement of the unintentional nature of the delay in responding to the December 29, 2004 Notice, and the petition fee.[1] 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.

[1] The statement of unintentional delay presented in the petition does not comply with the current rule. 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional" be submitted. However, the statement presented will be accepted and construed as meaning that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

Telephone inquiries concerning 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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/631,452	11/29/2004		80	N1841	6		

CONFIRMATION NO. 1458

CORRECTED FILING RECEIPT

OC000000015143256

23456
WADDEY & PATTERSON
414 UNION STREET, SUITE 2020
BANK OF AMERICA PLAZA
NASHVILLE, TN 37219

Date Mailed: 02/10/2005

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)

B. Ryland Wiggs, Franklin, TN;

Power of Attorney:

Mark Patterson--30412

If Required, Foreign Filing License Granted: 01/05/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/631,452

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Direct exchange heating mode only heating means for vapor and/or liquid and/or fluid and/or solid and/or engine jacket water and/or pavement, with optional heat and/or waste heat supplement

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

COPY MAILED

MAY 05 2005

OFFICE OF PETITIONS

In re application of :
Youngsheng ZHAO, et al. :
Application No. 60/631,727 : ON PETITION
Filed: November 29, 2004 :
Attorney Docket No. :

This is a decision on the "Petition to Correct Filing Date 37 CFR 1.10(d)" filed January 24, 2005, requesting that the above-identified application be accorded a filing date of November 29, 2004, rather than the presently accorded filing date of November 30, 2004.

The petition is **GRANTED**.

Petitioners request the earlier filing date on the basis that the application was purportedly deposited in Express Mail service on November 29, 2004. The petition is accompanied by, inter alia, a copy of a page from an Express Mail log maintained by the petitioner entitled "Express Mail Receipt and Billing Dates," showing that a package identified as Express Mail No. EV531026871US was picked up by an U.S. Postal Service (USPS) representative at 4:30 on November 29, 2004. The same Express Mail receipt number appears on the Provisional Application Data Sheet found in the file.

Preliminarily, it is concluded that the petition was filed promptly within the meaning of §1.10(d)(1). The evidence of record further shows that the number of the "Express Mail" mailing label, EV531026871US, is on the correspondence of record presently accorded a filing date of November 30, 2004, and thus, was placed on the correspondence prior to the original mailing.

Finally, the page from the log shows, by signature of an USPS employee, that the "Express Mail" package bearing mailing label No. EV531026871US was picked up at 4:30 on November 29, 2004. Accordingly, petitioner has made 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.

Having considered the evidence, it is concluded that petitioner has shown that the requested filing date, November 29, 2004, is the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup of the day. The proper date to be accorded this application is November 29, 2004, not November 30, 2004.

The application is being returned to the Office of Initial Patent Examination (OIPE) for further processing including correction of the filing date to November 29, 2004, and mailing of a corrected filing receipt.

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

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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
60/631,727	11/29/2004		160	53888/DMC/X11	9		

CONFIRMATION NO. 2288

CORRECTED FILING RECEIPT

OC000000015983722

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

Date Mailed: 05/10/2005

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)

Yongsheng Zhao, Monterey Park, CA;
Jin-Joo Song, Brea, CA;
Thomas K. Choo, Brea, CA;

Power of Attorney:

Daniel Cavanagh–41661

If Required, Foreign Filing License Granted: 12/28/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/631,727

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

Non-Publication Request: No

Early Publication Request: No

Title

GaN-based and ZnO-based LED

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
60/631,813	11/30/2004		210	14846-68	6		

CONFIRMATION NO. 3305

CORRECTED FILING RECEIPT

OC000000015147552

28221
DOCKET ADMINISTRATOR
LOWENSTEIN SANDLER PC
65 LIVINGSTON AVENUE
ROSELAND, NJ 07068

Date Mailed: 02/10/2005

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)

Anne Whitaker, London, UNITED KINGDOM;
Richard Montgomery, London, UNITED KINGDOM;
Timothy Storms, New Canaan, CT;
Donna Dellosso, New York, NY;
Andrew Cox, London, UNITED KINGDOM;
George Brash, Wayne, NJ;
John Yarmick, New York, NY;
Mark Petrinovic, Brooklyn, NY;
Ian Greeham, Rye, NY;
Bradley Miller, New York, NY;
Jean-Christopher Chandumont, New York, NY;
Robert Sieber, Mahopac, NY;
Alison Balding, Cirencester, UNITED KINGDOM;
Anil Karunaratne, White Plains, NY;
Mark Cisz, Northport, NY;
Ela Bekker, Staten Island, NY;
Joseph Dafni, Hastings-on-Huson, NY;
Dianne Bainbridge, London, UNITED KINGDOM;
Lauren Hass, New York, NY;

Power of Attorney:

Lock Yu-Jahnes–38667
Justin Petruzzelli–52118

If Required, Foreign Filing License Granted: 12/20/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/631,813

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 evaluating financial transactions

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
60/632,105	12/01/2004		160	A 7657	2		

CONFIRMATION NO. 2402

CORRECTED FILING RECEIPT

OC000000014975089

43749
CHRISTOPHER PARADIES, PH.D.
FOWLER WHITE BOGGS BANKER, P.A.
501 E KENNEDY BLVD, STE. 1900
TAMPA, FL 33602

Date Mailed: 01/18/2005

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

Applicant(s)

Eckart Frankenberger, Hamburg, GERMANY;

Power of Attorney: The patent practitioners associated with Customer Number **43749**.

If Required, Foreign Filing License Granted: 12/16/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/632,105

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

Non-Publication Request: No

Early Publication Request: No

Title

Method of manufacturing a profile and application of such a method for manufacturing a profile as a supporting frame structure in a aircraft

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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WALTER IWACHIW
48-35 41ST.
SUNNYSIDE, NY 11104

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SEP 2 3 2005

OFFICE OF PETITIONS

In re Application of :
Walter Nicholas Iwachiw :
Application No. 60/632,172 :
Submitted: December 1, 2004 :
Title: FIBER INTRASEWER NETWORK :
(FIN) :

ON PETITION

This is in response to the papers, submitted on August 11, 2005, which have been treated as a petition under 37 CFR 1.53, requesting that the above-identified provisional application be accorded a filing date of September 4, 2004 and stating that drawings are not necessary under 35 USC 113.

The $400.00 petition fee under 37 CFR 1.17(f) is required.[1] This fee must be submitted before the petition can be reviewed on the merits.

Accordingly, the petition must be dismissed.

Please note, this is not a final action. 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.

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

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

[1] The fee increase to $400.00 became effective on November 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
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
60/632,390	12/02/2004	Ted Maloy	1485

CONFIRMATION NO.
9599

Law Offices of John D. Gugliotta, PE, Esq.
202 Delaware Building
137 South Main Street
Akron OH 44308

Date Mailed: December 15, 2005

Decision Dismissing Petition under 37 CFR 1.138(c)
The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(c) for express abandonment to avoid publication of the above-identified application.

The American Inventors Protection Act (AIPA) of 1999 does not provide for the publication of provisional applications.

The petition is dismissed.

Telephone inquiries should be directed to the Office of Patent Publication, Pre-Grant Publication Division, 703-605-4283.

Barbara J. Debnam
Office of Patent Publication
Pre-Grant Publication Division

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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OSI Pharmaceuticals, Inc.
Patent Department
Suite 110
58 South Service Road
Melville, NY 11747

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SEP 15 2006

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Crew, et al. :
Application No. 60/632,432 :
Filed: December 1, 2004 :
Attorney Docket No. OS-10025PV :

This is a decision on the petition under 37 CFR 1.137(b), filed November 3, 2005, to revive the above-identified application.

The petition is **GRANTED.**

This application became abandoned for failure to timely reply to the Notice to File Missing Parts of Provisional Application mailed January 3, 2005, which set a shortened period for reply of two (2) months from its mailing date. Extensions were available pursuant to 37 CFR 1.136. No response was received within the allowable period. The application became abandoned on March 4, 2005. A Notice of Abandonment was mailed on September 14, 2005.

The response to the Notice to File Missing Parts of Provisional Application filed November 3, 2005, in the form of payment of the filing fee and surcharge is noted and made of record.

The application file is being directed to the Office of Initial Patent Examination.

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

Kenya A. McLaughlin

Kenya A. McLaughlin
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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Sofer & Haroun, LLP
Suite 910
317 Madison Avenue
New York NY 10017

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FEB 15 2005

OFFICE OF PETITIONS

In re Application of	:
Ghassabian	:
Application No. 60/632,434	:
Filed: November 30, 2004	: DECISION ON PETITION
Attorney Docket No. 676-031c8	:
	:

This is a decision on the petition filed January 31, 2005, which is being treated as a request to withdraw the requirement to submit Figure 22 as stated in the Notice to File Missing Parts of Provisional Application dated January 3, 2005.

On November 30, 2004, applicant filed the above-identified application. The "Brief Description of the Drawings" submitted on filing described, inter alia, Figures 22, 22a and 22b. On January 3, 2005, the Office of Initial Patent Examination mailed a Notice to File Missing Parts of Provisional Application, stating that the application had been accorded a filing date of November 30, 2004, and indicating, inter alia, that Figure 22 described in the specification appeared to have been omitted.

On January 31, 2005, applicant submitted the present petition, a $130.00 petition fee, a date-stamped postcard receipt, and one drawing sheet of Figures 22a and 22b. The date-stamped postcard receipt acknowledged receipt of 122 sheets of drawings on November 30, 2004.

In the present petition, applicant stated he submitted all 122 sheets of drawings, including sheet 24/122, which consisted of Figures 22a and 22b, as evidenced by his date-stamped postcard receipt.

Initially, the Office notes that all 122 sheets of drawings, including Figures 22a and 22b, were located in the official file. However, in the "Brief Description of the Drawings" submitted on

filing, applicant refers to Figure 22. Figure 22 has not been located in the file.

It is obvious from the petition that Figure 22 was not actually missing on November 30, 2004. It appears that there is no Figure 22 but rather Figures 22a and 22b. Applicant erroneously listed Figure 22 in the "Brief Description of the Drawings."

According to Office records, the Notice of January 3, 2005, was correct in stating that Figure 22 described in the specification appeared to have been omitted. Therefore, the requirement to submit omitted Figure 22 set forth in the Notice was proper and will not be withdrawn.

Accordingly, the petition is dismissed.

The Office finance records indicate that applicant submitted a petition fee of $130.00. The current petition fee is $400.00. Applicant's Deposit Account will be charged the difference of $270.00. The $400.00 petition fee will not be refunded because the present petition was not necessitated by any error on the part of the United States Patent and Trademark Office.

The Office of Initial Patent Examination is directed to process the application with a filing date of November 30, 2004, using the drawings filed on that date.

Any inquiries related to this decision should be directed to the undersigned at (570) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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KENYON & KENYON
1500 K STREET, N.W., SUITE 700
WASHINGTON DC 20005

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OFFICE OF PETITIONS

In re Application of
Thompson
Application No. 60/632,514
Filed: December 3, 2004
Attorney Docket No. 10799/136

ON PETITION

This is a decision on the petition filed April 21, 2005, requesting withdrawal of the April 7, 2005 Notice of Omitted Items in a Provisional Application.

The application was filed on December 3, 2004. However, on April 7, 2005, 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 December 3, 2004, and advising applicant that Figures 116-118 described in the specification appeared to have been omitted.

In response, the present petition was filed. The petition does not allege and is not accompanied by any evidence that any sheets of drawings containing the labels "FIG. 116", "FIG. 117", and "FIG. 118" were present in the Office on December 3, 2004. The date stamped postcard receipt that accompanies the petition establishes that 308 sheets of drawings were received in the Office on December 3, 2004. A review of the application file reveals that 308 sheets of drawings are present. Pages 1-131 of the drawings depict Figs. 1-115. Pages 132-308 of the drawings are not labeled. Thus, it is apparent that no sheets of drawings labeled Figs. 116-118 were among the 308 sheets filed on December 3, 2004.

The Notice mailed April 7, 2005 was correct in advising applicant that drawings of Figures 116-118 appeared to have been omitted. The Notice was properly mailed and will not be withdrawn. The petition fee is required, since the petition was not necessary to correct any PTO error.

The petition is dismissed.

The application is being returned the Office of Initial Patent Examination for further processing with the presently accorded filing date of December 3, 2004.

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

E. Shirene Willis

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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GATES & COOPER LLP
HOWARD HUGHES CENTER
6701 CENTER DRIVE WEST, SUITE 1050
LOS ANGELES CA 90045

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MAR 1 1 2005

OFFICE OF PETITIONS

In re Application of
Mishra, et al.
Application No. 60/632,594
Deposited: December 2, 2004
Attorney Docket No. 30794.125-US-P1
For: SEMICONDUCTOR DEVICES BASED ON COALESCED NANO-ROD ARRAYS

DECISION GRANTING PETITION

This is a decision on the petition under 37 CFR 1.53(e), filed February 15, 2005, requesting that the above-identified application be accorded a filing date of December 2, 2004.

The application was deposited on December 2, 2004. On February 9, 2005, the Office of Initial Patent Examination mailed a Notice informing petitioners that no filing date had been accorded to the application papers deposited on December 2, 2004 because no drawings were present, as is required by 35 U.S.C. 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 December 2, 2004 on the basis that 2 sheets of drawing figures were received in the Patent and Trademark Office (PTO) on December 2, 2004. In support, the petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing December 2, 2004 as the date of receipt. The postcard lists, *inter alia*, that the filing includes 2 sheets of drawings.

The return postcard constitutes *prima facie* evidence that 2 sheets of drawings were filed on December 2, 2004. MPEP 503. Accordingly, the request is granted.

Pursuant to petitioners' authorization, deposit account no. 50-0494 will be credited the $130 fee submitted on February 15, 2005.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **December 2, 2004**, using the copy of the 2 sheets of drawings submitted with

the instant petition. Office records will be corrected to show that 2 sheets of drawings were present on filing.

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

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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DIW May-05

MILDE & HOFFBERG, LLP
10 BANK STREET
SUITE 460
WHITE PLAINS NY 10606

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JUN 0 1 2005

OFFICE OF PETITIONS

In re Application of	:	
Gilchrest et al.	:	
Application No. 60/632,699	:	DECISION ON PETITION
Filed: 2 December, 2004	:	
Atty Docket No. SCOTT 201	:	

This is a decision on the petition filed on 18 February, 2005, which is treated as a petition under 37 CFR 1.53 requesting that the above-identified application be accorded a filing date of 2 December, 2004, with three (3) pages containing Figures 2, 3, and 4 described in the specification as a part of the original disclosure.

The petition is granted.

The application was filed on 2 December, 2004.

Accordingly, on 4 January, 2005, Initial Patent Examination Division mailed a Notice of Omitted Items in a Provisional Application, stating that the application had been accorded a filing date of 2 December, 2004, but that Figures 2, 3, and 4 described in the specification appeared to have been omitted.

In response, on 18 February, 2005, the present petition and a copy of, *inter alia*, three (3) sheets of drawings containing Figures 2, 3, and 4 were filed. Petitioners argue that Figures 2, 3, and 4 were filed with the other application papers on 2 December, 2004, but were subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioners' postcard receipt was supplied with the present petition. The postcard receipt shows an "Office date" stamp of "120204" and the above-identified application number, and identifies the application by the attorney docket number, and acknowledges receipt of, *inter alia*, 4 sheets of drawings. Petitioners request that the application, including three (3) sheets of drawings containing Figures 2, 3, and 4, be accorded a filing date of 2 December, 2004.

A review of the record reveals that one (1) sheet of drawings containing a figure marked "Figure 1" was received on 2 December, 2004. No Figures 2, 3, and 4 are located among the drawing figures received on that date. However, the evidence is convincing that the application papers deposited on 2 December, 2004, included three (3) sheets of drawings containing Figures 2, 3, and 4, which was subsequently misplaced in the Office. Therefore, the application, including three (3) sheets of drawings containing Figures 2, 3, and 4, is entitled to a filing date of 2 December, 2004.

The "Notice" mailed on 4 January, 2005, 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 three (3) sheets of drawings containing Figures 2, 3, and 4 supplied on 18 February, 2005, as a part of the original disclosure. The copies of other application papers supplied with the present petition will not be used for processing or examination, but will be retained in the application file.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 2 December, 2004, using the application papers filed on that date and the copy of three (3) sheets of drawings containing Figures 2, 3, and 4 supplied with the present petition, and for an indication in Office records that four (4) sheets of drawings were present on filing.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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
60/632,797	12/02/2004		80	EC04004USV	19		

CONFIRMATION NO. 7973

CORRECTED FILING RECEIPT

OC000000015982334

34408
THE ECLIPSE GROUP
10453 RAINTREE LANE
NORTHRIDGE, CA 91326

Date Mailed: 05/10/2005

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)

Anton Monk, San Diego, CA;
Brett Bernath, San Diego, CA;
Itzhak Gurantz, San Diego, CA;
Ladd Wardani, La Jolla, CA;
Ron Porat, La Jolla, CA;
Yusuf Ozturk, San Diego, CA;
Ron Lee, San Diego, CA;
Wee-Peng Goh, Murrieta, CA;
Magnus Berggren, San Diego, CA;

Power of Attorney:

Francisco Rubio-Campos–45358

If Required, Foreign Filing License Granted: 01/18/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/632,797

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

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Broadband local area network

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

GRANTED

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

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

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

NOT GRANTED

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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/633,091	12/02/2004		80	EC04003USV	25		

CONFIRMATION NO. 9877

CORRECTED FILING RECEIPT

OC000000015980370

34408
THE ECLIPSE GROUP
10453 RAINTREE LANE
NORTHRIDGE, CA 91326

Date Mailed: 05/10/2005

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)

Anton Monk, San Diego, CA;
Ron Porat, La Jolla, CA;
Wee-Peng Goh, Murrieta, CA;
Magnus Berggren, San Diego, CA;
Ron Lee, San Diego, CA;
Edward Warner, San Diego, CA;
Brett Bernath, San Diego, CA;
Yusuf Ozturk, San Diego, CA;

Power of Attorney:

Francisco Rubio-Campos--45358

If Required, Foreign Filing License Granted: 01/03/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/633,091

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

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

BEST AVAILABLE COPY

Title

Physical layer transmitter for use in a broadband local area 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

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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ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON DC, 20005

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APR 29 2005

OFFICE OF PETITIONS

In re Application of :
Moviglia, et al. :
Application No. 60/633,175 :
Submitted: December 6, 2004 :
Attorney Docket No. 2697-131 :

ON PETITION

This is a decision on the papers styled, "PETITION FOR APPLICATION TO BE ACCORDED FILING DATE," filed March 18, 2005, which has been treated as a petition under 37 CFR 1.53 requesting that the above-identified provisional application be accorded a filing date of December 6, 2004.

The provisional application was submitted on December 6, 2004. However, on March 11, 2005, 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 March 18, 2005, the instant petition was submitted.

Petitioner has submitted $130.00 for the petition fee. However, as of December 8, 2004, the required fee has increased to $400.00. An additional $270.00 is required before the petition will be reviewed on the merits. *See* 37 CFR 1.53(e)(2) and 37 CFR 1.17(f).

Accordingly, the petition is 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 <u>not</u> be extended pursuant to 37 CFR 1.136.

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

By mail: Mail Stop Petition
Commissioner for Patents
Box 1450
Alexandria, VA 22313

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

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

Telephone inquiries should be directed to the undersigned at (571)272-3228.

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

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1425 K STREET, N.W.
SUITE 800
WASHINGTON, DC 20005

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AUG 2 4 2005

OFFICE OF PETITIONS

In re Application of :
Moviglia, et al. :
Application No. 60/633,175 :
Filed: December 6, 2004 :
Attorney Docket No. 2697-131 :

ON PETITION

This is a decision on the "Request For Reconsideration of Petition" filed May 5, 2005, requesting that the above identified provisional application be accorded a filing date of December 6, 2004. The petition was recently forwarded to this office for consideration.

The provisional application was submitted on December 6, 2004. However, on March 11, 2005, 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 to the Notice, on March 18, 2005, the original petition was filed.

Petitioner states: "As indicated on Provisional application coversheet, the drawing figures were contained within the specification as filed."

Under the facts of this case, this provisional application is entitled, for a filing date, to the date of receipt of the specification that also contained the drawings and figures. 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. As such, the Notice of March 11, 2005, was mailed in error and is vacated.

Accordingly, the petition is granted.

The petition fee will be refunded to deposit account No. 02-2135.

This provisional application is being forwarded to the Office of Initial Patent Examination, for further processing with a filing date of December 6, 2004.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions/Patent
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
60/633,348	12/03/2004		160	050114P1			

CONFIRMATION NO. 7854

CORRECTED FILING RECEIPT

OC000000016448266

23696
Qualcomm Incorporated
Patents Department
5775 Morehouse Drive
San Diego, CA 92121-1714

Date Mailed: 07/05/2005

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please 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)

Leslie C. Chan, San Diego, CA;

Power of Attorney:

Donald Wallace--43977

If Required, Foreign Filing License Granted: 01/03/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/633,348

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

Non-Publication Request: No

Early Publication Request: No

Title

Minor MOB_P_REV for migration of IS-2000 revision

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

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
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.
60/633,505	12/06/2004	Hugh Norton	Norton-1

CONFIRMATION NO.

Donald N. Halgren
35 Central Street
Manchester, MA 01944

Date Mailed: 07/06/2006

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 **12/06/2005,** 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 (571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382.

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
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JAN 0 3 2006

OFFICE OF PETITIONS

BAKER BOTTS
30 Rockefeller Plaza
New York, NY 10112

In re Application of: MINK, Susan, et al. :
Application No.: 60/633,946 :
Filing Date: December 07, 2004 :
Attorney's Docket No.: P36444 :
For: SYSTEM AND METHOD FOR A :
PERFORMANCE INCENTIVE PLAN :

DECISION ON PETITION FOR REVIVAL OF ABANDONED APPLICATION UNDER 37 CFR 1.137(b)

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-entitled application, filed September 26, 2005.

The petition is **GRANTED**.

The present provisional application became abandoned for failure to file a proper reply in a timely manner to the Notice To File Missing Parts Of Provisional Application mailed January 06, 2005, which set a period for reply of two (2) months. A response was not filed and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned at midnight on March 06, 2005.

The present petition satisfies the requirements of 37 CFR 1.137(b) in that it includes: (1) the reply in the form of a response to the Notice To File Missing Parts Of Provisional Application mailed January 06, 2005 (i.e., the $50 late fee and the required provisional application cover sheet); (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply to the Notice To File Missing Parts Of Provisional Application action of January 06, 2005 is accepted as having been unintentionally delayed.

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

Petitioner is advised that a provisional application will not be regarded as pending after twelve months from its filing date under any circumstances.

The application file is being referred to the Office Of Initial Patent Examination.

Telephone inquiries concerning this decision should be directed to Richard M. Ross at (571) 272-3296 or, in his absence, the undersigned at (571) 272-3217.

Frances Hicks for
Brian Hearn
Petitions Examiner
Office Of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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TAMOOZ C.S. LTD.
20 ATIR YEDA STREET
KFAR SAVA 44425
ISRAEL

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FEB 23 2006

OFFICE OF PETITIONS

In re Application of
Yigal Sivne et al. :
Application No. 60/634,118 : ON PETITION
Filed: December 8, 2004 :
Attorney Docket Number: 33-US :

This is a decision on the petition under 37 CFR 1.137(b). [1], filed October 25, 2005, to revive the above identified application.

The petition is **DISMISSED**.

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

This application became abandoned for failure to timely respond to the Notice to File Missing Parts mailed January 6, 2005. Accordingly, a Notice of Abandonment was mailed September 14, 2005, after the filing of the instant petition.

Pursuant to 37 CFR 1.137(b) however, the instant petition lacks item (2) of the regulation. Effective October 1, 2004, the petition fee was set at $1500.00 for a large entity and $750.00 for a small entity and not $130.00 as was charged to petitioner's credit card per

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

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

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

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

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

petitioner's authorization. Therefore and since no authorizations for debiting a deposit account for any deficiencies have been granted, the petition fee has not been paid.

As well, in view of petitioner's November 29, 2005 and February 14, 2006, it appears that it is petitioner's intentions not to revive the instant application.

In view of the above, the application will remain in an abandoned status until such time as the balance of the petition fee has been paid.

Also, the mere inclusion, in a paper filed in the application for another purpose, of an address differing from the previously provided correspondence address, without mentioning the fact that an address change was made, does not constitute a proper change of address notification." See MPEP sections 601.03 and 711.02(c).

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

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

By FAX: (571) 273-8300

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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AJAY R. JAIN
#8
231 ACALANES DR
SUNNYVALE, CA 94086

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JAN 2 3 2006

OFFICE OF PETITIONS

In re Application of	:	
Ajaykumar R. Jain	:	
Application No. 60/634,768	:	ON PETITION
Filed: December 10, 2004	:	
For: Novel Techniques For Making Barrier Coatings	:	

This is a decision on the petition under 37 CFR 1.137(b), filed October 31, 2005, to revive the above-identified application.

The petition is **DISMISSED**.

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

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 January 12, 2005. 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 March 13, 2005.

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by: (1) the required reply (unless previously filed), which may met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)). This petition lacks items (2) and (3) above.

As to item (2), the required petition fee is missing.

As to item (3), effective December 1, 1997, 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional" be submitted. No such statement was filed.

In addition, the petition is not signed by (1) a registered attorney or agent of record appointed in compliance with § 1.32(b); (2) a registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34; (3) an assignee as provided for under § 3.71(b); or (4) all of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71.

The petition is signed by a "George A. Powch." However, the petition nevertheless does not have the requisite "37 CFR 3.73(b) statement" establishing the ownership in this application to enable George A. Powch to file this petition.

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

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

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

By fax: (571) 273-8300

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

Wan Laymon
Petitions Examiner
Office of Petitions

Attachment: PTO/SB/64

UNITED STATES PATENT AND TRADEMARK OFFICE

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KING & SPALDING LLP
191 PEACHTREE STREET, N.E.
45TH FLOOR
ATLANTA GA 30303-1763

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DEC 23 2005

OFFICE OF PETITIONS

In re Application of	:	
Liotta et al.	:	
Application No. 60/634,875	:	DECISION ON PETITION
Filed: 10 December, 2004	:	
Atty Docket No. 18085.temp	:	

This is a decision on the petition filed on 21 November, 2005, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on 13 June, 2005, for failure to timely reply to the Notice to File Missing Parts of Provisional Application mailed on 12 April, 2005, which set a two (2) month

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

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

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

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

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

shortened period for reply. No extensions of time under 37 CFR 1.136(a) were obtained. The filing of the present petition precedes the mailing of Notice of Abandonment.

Petitioners have now provided a provisional application cover sheet identifying the names of the inventors and the city and state of residence of each inventor as well as the $25.00 surcharge.

The statement contained in the instant petition does not set forth that the entire delay from the due date of the required reply to the date of the filing of a grantable petition was unintentional as required by 37 CFR 1.137(b)(3). However, the statement contained in the instant petition is being so construed. Petitioner **must** notify the Office if this is not a correct interpretation.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply.[2] The three-month extension request filed on 21 November, 2005, was submitted more than five (5) months after the end of the period for reply to the Office communication mailed on 12 April, 2005, and therefore is unnecessary. The extension of time fee paid on 21 November, 2005, will be credited to counsel's deposit account, No. 11-0980, as authorized.

This application is being referred 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.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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[2] See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Troutman Sanders LLP
600 Peachtree Street, NE
Suite 5200
Atlanta, GA 30308-2216

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JUN 07 2006

OFFICE OF PETITIONS

In re Application of Tabaian et al. :
Application No. 60/634,910 :
Filing Date: December 10, 2004 :
Attorney Docket No. NUSEM3PRV :

Decision on Petition

This is a decision on the petition filed November 21, 2005, under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application.

The petition is **dismissed.**

Facts:

The application was filed on December 10, 2004.

The transmittal sheet indicated all correspondence should be sent to Fereydun Tabaian at 14 Via Coralle, Newport Coast, CA 92657.

Applicants attempted to pay the large entity rate. However, applicants used an outdated form and only submitted $160 of the $200 due for a large entity.

A Notice to File Missing Parts of Application (Notice) was mailed on January 11, 2005. The Notice set a period for reply of two (2) months from the mail date of the Notice. Applicants had two months to either submit $40 or assert small entity status.

Applicants did not file a reply. As a result, the application became abandoned as of March 12, 2005.

A Notice of Abandonment was mailed on September 22, 2005.

Discussion:

Petitioner asserts Tabaian did not receive the Notice of Missing Parts and the Notice of Abandonment.

An applicant or representative is responsible for notifying the Office of any change of correspondence address. MPEP 601.03 states in part, "Where an attorney or agent of record (or

applicant, if he or she is prosecuting the application pro se) changes his or her correspondence address, he or she is responsible for promptly notifying the . . . Office of the new correspondence address." A petition to withdraw the holding of abandonment will not be granted when an applicant fails to keep the Office informed of a current mailing address.

If an applicant relies on the USPS to forward mail rather than informing the Office of a new address, then applicant assumes the risk of abandonment.

Tabaian states he resided at the correspondence address of record at the time the application was filed. However, the Office has reason to believe Tabaian may not have resided at the address at the time the Notice of Missing Parts was mailed or at the time the Notice of Abandonment was mailed.

Any request for reconsideration should fully and completely address the following questions:

(1) When did Tabaian sell his home at 14 Via Coralle, Newport Coast, CA 92657?

(2) When exactly did Tabaian discontinue living at the address in (1) above?

(3) When did Tabaian purchase the home at 12 Observatory, Newport Coast, CA 92657-1639?

(4) When did Tabaian begin living at the home at the address in (3) above?

If the answers to the questions above indicate withdrawal of the holding of abandonment is improper, petitioner may wish to file a petition under 37 CFR 1.137(b) and a petition under 37 CFR 1.183 to waive the provisions of 37 CFR 1.78(a)(4).

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply (already submitted), the required petition fee ($750 for a small entity), and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. A copy of a blank petition form is enclosed for petitioner's convenience.

37 CFR 1.78(a)(4) states,

> In order for a nonprovisional application to claim the benefit of one or more prior filed provisional applications . . . [for] each prior provisional application[,] the basic filing fee set forth in § 1.16(k) must be paid within the time period set forth in § 1.53(g).

In essence, the basic filing fee set forth in § 1.16(k) was either,
(1) the fee of $200, or
(2) the fee of $100 AND an assertion of small entity status.

The basic filing fee was not paid within the time period set forth in § 1.53(g).

The Notice entitled Request for Continued Examination Practice and Changes to Provisional Application Practice, Final rule[1] stated,

> Comment 9: One comment indicated that if an applicant fails to timely reply to a Notice to File Missing Parts of Application in a provisional application, the Office should permit an applicant to revive the provisional application to file the filing fee, surcharge, translation, or whatever else is missing from the provisional application such that a nonprovisional application may claim the benefit of the provisional application under 35 U.S.C. 119(e) and § 1.78.
>
> Response: Section 1.78(a)(3) [Now § 1.78(a)(4)] requires, for a nonprovisional application to claim the benefit of a provisional application, that the provisional application filing fee be paid within the period specified in 1.53(g), and that any English language translation be filed within the period specified in § 1.52(d). Thus, the grant of a petition to revive the provisional application will still not result in compliance with 1.78(a)(3). Rather, the applicant would be required to file a petition under § 1.183 showing that circumstances of applicant's failure to pay the provisional application filing fee within the period specified in § 1.53(g), or failure to file any English language translation within the period specified in § 1.52(d), constitutes an "extraordinary situation" in which "justice requires" a waiver of this requirement of 1.78(a)(3).

Normally, a petition under 37 CFR 1.78(a)(4) will be waived upon the submission of:
(1) a showing or statement that the failure to pay the fee timely was unintentional,
(2) a grantable petition to revive the application, and
(3) a petition under 37 CFR 1.183 and the $400 fee.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed solely to the address currently of record until such time as appropriate instructions are received to the contrary.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are NOT permitted.

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

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

[1] 65 *Fed. Reg.* 50092 (August 16, 2000), 1238 *Off. Gaz. Pat. Office* 13 (September 5, 2000). The provisions of the rule package related to 37 CFR 1.78 went into effect on August 16, 2000.

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

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

Attached: PTO/SB/64

PTO/SB/64 (10-05)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)

First named inventor:

Application No.: Art Unit:

Filed: Examiner:

Title:

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____(identify type of reply):

☐ has been filed previously on _____.
☐ is enclosed herewith.

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

☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

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

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature	Date
Typed or printed name	Registration Number, if applicable
Address	Telephone Number
Address	

Enclosures: ☐ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (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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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
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Paper No. None

TROUTMAN SANDERS LLP
600 PEACHTREE STREET, NE
ATLANTA GA 30308

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DEC 18 2006

OFFICE OF PETITIONS

In re Application of Fereydun Tabaian et al. Application No. 60/634,910 Filed: December 10, 2004 Attorney Docket Number: Nupower1 Title: CHIPSET FOR ISOLATED POWER SUPPLY WITH NEW PROGRAMMABLE SYNCHRONIZATION ARCHITECTURE	DECISION ON PETITION UNDER 37 C.F.R. §1.137(b)

This is a decision on the petition filed August 9, 2006, pursuant to 37 C.F.R. §1.137(b)[1], to revive the above-identified application.

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 January 11, 2005, which set a shortened statutory period for reply of two months. No response was received, and no extensions of time under the provisions of 37 C.F.R. §1.136(a) were requested. Accordingly,

---

1 A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:
1. The reply required to the outstanding Office action or notice, unless previously filed;
2. The petition fee as set forth in § 1.17(m);
3. A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
4. Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

the above-identified application became abandoned on March 12, 2005. A notice of abandonment was mailed on September 22, 2005.

With the present petition, Petitioner has included the petition fee, the deficiency in the filing fee for this provisional application, and the surcharge associated with the late submission of the same. Petitioner has further indicated that several applications have been filed which claim priority to the present provisional application.

As such, the present petition under 37 C.F.R. §1.137(b) is **GRANTED**.

Since this application is being revived for purposes of continuity only and since continuity has been established by this decision reviving the application, the application is again abandoned in favor of the applications that claim priority to the present application.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[2]. 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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2 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

UNITED STATES PATENT AND TRADEMARK OFFICE

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DW Oct-05

INNOVATION PARTNERS
SUITE 300
540 UNIVERSITY AVENUE
PALO ALTO CA 94301

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OCT 20 2005

OFFICE OF PETITIONS

In re Application of	:	
Jacobson et al.	:	
Application No. 60/635,213	:	DECISION ON PETITION
Filed: 10 December, 2004	:	
Atty Docket No. 1398	:	

This is a decision on the petition filed on 3 October, 2005, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

---

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

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

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

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

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

The application became abandoned on 13 March, 2005, for failure to timely respond to the Notice to File Missing Parts mailed on 12 January, 2005, which set a two (2) month shortened period for reply. No extensions of time under 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on 22 September, 2005.

This application is being referred 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.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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RICHARD ACAMPORA
8991 BREINIGRUN CIRCLE
BREININGS VILLE PA 18031

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AUG 1 1 2005

OFFICE OF PETITIONS

In re Application of	:
Acampora, et al.	:
Application No. 60/635,324	: DECISION DISMISSING
Deposited: December 13, 2004	: PETITION
Title: Headband Incorporating Sound and Light	:

This is in response to the fee payment of $130 filed on July 5, 2005, which is being treated as a petition under 37 CFR 1.53 to accord the above-identified application a filing date of December 13, 2004.

The petition is **DISMISSED**.

Petitioner is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition to Accord Filing Date," and should only address the deficiencies noted below. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR 1.136(a).

The application was deposited on December 13, 2004. However, on May 11, 2005, the Office of Initial Patent Examination mailed a Notice of Incomplete Provisional Application, stating that the provisional application had not been accorded a filing date because the application was deposited without a specification.

The Notice then instructed applicants that any assertion that the specification was in fact filed on December 13, 2004, must be by way of petition, accompanied by a petition fee.

On July 5, 2005, petitioner has submitted a check in the amount of $130. However, petitioner has failed to submit an assertion that the application papers deposited on December 13, 2004, included a specification. For example, an assertion can be made by providing a USPTO date stamped postcard receipt, itemizing the receipt of a specification.

While an applicant may prosecute the application without the services of a registered patent attorney or agent, lack of skill in the field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicants are **strongly encouraged** to secure the services of a registered patent attorney or agent (i.e. registered to practice before the U.S. Patent and Trademark Office) to prosecute the application, since the value of a patent is largely dependent upon skillful preparation and prosecution.

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

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

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

Telephone inquiries specific to this decision may be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BARNES & THORNBURG
P.O. BOX 2786
CHICAGO IL 60690-2786

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OFFICE OF PETITIONS

In re Application of :
Benjamin, Stacy :
Application No. 60/635,335 : ON PETITION
Filed: December 10, 2004 :
Attorney Docket No. 38685-97761 :

This is a decision on the petition filed January 18, 2005, requesting that the above-identified application be accorded a filing date of December 10, 2004, rather than the presently accorded date of December 11, 2004. The petition is properly treated as a petition under 37 CFR 1.10.

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 December 10, 2004 pursuant to 37 CFR 1.10. In support, applicant has submitted a copy of Express Mail label No. EV 273 129 879 US showing a handwritten "date-in" of "December 11, 2004." The same Express Mail receipt number appears on the original "Transmittal for Patent Application," which includes the Express Mail label number. The Express Mail label number also appears on the Certificate of Mailing by "Express Mail" and includes a statement of express mailing dated December 10, 2004 on the cover page for the application papers. Additionally, applicant supplied a copy of the USPS Track & Confirm record showing that the package in question was accepted on December 10, 2004, at 5:00 p.m. in Chicago, IL.

In view of the above, it is concluded that the application was deposited as "Express Mail" with the USPS on December 10, 2004.

The petition is **GRANTED**.

This matter is being referred to the Office of Initial Patent Examination Division for further **processing with a filing date of December 10, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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REISING, ETHINGTON, BARNES, KISSELLE, P.C.
PO BOX 4390
TROY, MI 48099-4390

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MAR 1 6 2006
OFFICE OF PETITIONS

In re Application of Poublon et al. :
Application No. 60/635,910 : Decision on Petition
Filing Date: December 14, 2004 :
Attorney Docket No. 0859.3027.001 :

This is a decision on the petition under 37 CFR 1.59 filed February 21, 2006, requesting the Office expunge a portion of the application file. This is also a decision on the petition under 37 CFR 1.182 filed March 6, 2006, seeking expedited consideration of the Rule 59 petition.

The petition under 37 CFR 1.59 is **dismissed**.

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

Petitioner requests the removal of:
(1) one of the drawing sheets, and
(2) all the sheets of the appendices.

37 CFR 1.59(a)(2) states,

> 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.

Petitioner seeks to expunge a portion of the original disclosure. Therefore, the requested relief cannot be granted at this time.

Petitioner may wish to file a petition under 37 CFR 1.183 requesting waiver of 37 CFR 1.59(a)(2).

The Office notes the instant application is a provisional application. Any request for reconsideration should answer the following questions:

> Have any non-provisional applications been filed claiming priority based on the instant application? If yes, did the applications contain the material petitioner currently seeks to expunge or make any reference to the material?

If a petition to expedite consideration of the petition under 37 CFR 1.183 is filed, petitioner may wish to contact the undersigned in order to ensure he promptly becomes aware of the petitions.

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

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

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

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

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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
60/636,168	12/14/2004		100	33889/US/3/MSS/JJZ (46343	25		

CONFIRMATION NO. 5968

CORRECTED FILING RECEIPT

OC000000015587840

32940
DORSEY & WHITNEY LLP
INTELLECTUAL PROPERTY DEPARTMENT
4 EMBARCADERO CENTER
SUITE 3400
SAN FRANCISCO, CA 94111

Date Mailed: 03/29/2005

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

Applicant(s)

John Bellantoni, San Jose, CA;

Power of Attorney:

Jamie Zheng–51167

If Required, Foreign Filing License Granted: 01/11/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/636,168

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Highly sensitive multiprotocol RFID reader

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 1 1 2008

OFFICE OF PETITIONS

In re Application of :
David Rowan et al. : ON PETITION
Application No. 60/636,202 :
Filed: December 15, 2004 :
Attorney Docket No. 94.0105 :

This is a decision on the petition filed July 18, 2008, to withdraw the holding of abandonment of the above-identified application. The petition is being treated under 37 CFR 1.181.

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 1.181," or, as explained in more detail below, "...under 37 CFR 1.137(a)" or (b). This is not a final agency decision.

This application became abandoned for failure to file a timely response to the Notice to File Missing Parts "Notice" mailed January 13, 2005, which set a two (2) month shortened statutory period for reply. A response filed March 11, 2005 included a postcard receipt to show that the application was complete upon filing and that no filing requirements were missing. A Notice of Incomplete Reply was mailed April 12, 2005 because the reply still did not include either city and state or city and foreign country of the residence of each inventor. In fact, the information provided also never included the names of each of the inventors. Accordingly, the application became abandoned March 15, 2005 and a Notice of Abandonment was mailed May 23, 2008.

The petition argues that the stamped postcard verified the items submitted for this application on December 15, 2004 and a copy of the original Provisional Application for Patent Cover Sheet identified the residence of each inventor filed with the application on December 15, 2004, both of which were timely submitted on March 11, 2005.

Petitioners are advised that the postcard receipt which is date stamped December 15, 2004, a copy of which was filed March 11, 2005, was not properly itemized to indicate that the either city and state or city and foreign country of the residence of each inventor

was included on filing.

The postcard receipt is illegible as the number of pages submitted as the Provisional Cover Sheet appears to be marked from 4 pages to 5 pages and therein cannot serve as proof of the contents of the papers filed with the original application.

The U.S. Patent and Trademark Office (Office) file is the official record of papers filed in this application. A review thereof reveals that the Provisional Cover Sheet should have contained 4 pages, however on filing only two of the four pages were included, thus only the names of two of the inventors was provided. With the response filed March 11, 2005, only three pages of the 4 pages was provided, therein, the name of one of the inventors was still not provided and the reply therefore was incomplete.

In view thereof, the response was incomplete and the application was properly abandoned. The abandonment cannot therefore be withdrawn.

Petitioner may wish however, to file a petition to revive under 37 CFR 1.137(a) or (b). Section 1.137(b) now provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

> (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof;
>
> (2) the petition fee as set forth in 37 CFR 1.17(m) ($675.00);
>
> (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and
>
> (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned

until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

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

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

By FAX: (571) 273-8300

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of
David Rowan et al.
Application No. 60/636,202
Filed: December 15, 2004
Attorney Docket No. 94.0105

ON PETITION

This is a decision on the petition filed December 29, 2008 under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to file a timely response to the Notice to File Missing Parts "Notice" mailed January 13, 2005, which set a two (2) month shortened statutory period for reply. Accordingly, a Notice of Abandonment was mailed May 23, 2008. A petition filed July 18, 2008 under 37 CFR 1.181 was dismissed in a decision mailed December 11, 2008 because petitioner's arguments for withdrawing the holding of abandonment were not persuasive.

Comes now petitioner with the instant petition to revive and a Provisional Application Coversheet in response to the Notice to File Missing Parts mailed January 13, 2005.

Petitioner is advised also that the fee for a petition under 37 CFR 1.137(b) is set at $810 for a small entity and not $655 as indicated in the decision on petition mailed December 11, 2008. Therefore, petitioner's deposit account no. 07-1078 has been charged in the amount of $810.00

This matter is being referred to the Office of Patent Application Processing.

---

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

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

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

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

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

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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
60/636,416	12/14/2004		100	3878			

CONFIRMATION NO. 7114

CORRECTED FILING RECEIPT

OC000000016911922

27727
PEDERSEN & COMPANY, PLLC
P.O. BOX 2666
BOISE, ID 83701

Date Mailed: 09/01/2005

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 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)

Clyde Ritter, Bozeman, MT;

Power of Attorney: The patent practitioners associated with Customer Number **27727**.

If Required, Foreign Filing License Granted: 01/11/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/636,416

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Composition and methods for improved lubrication, pour point, and fuel performance

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Freedman & Associates
117 Centrepointe Drive
Suite 350
Nepean, Ontario, K2G 5X3
CANADA AIR MAIL

COPY MAILED

APR 06 2005

OFFICE OF PETITIONS

In re Application of	:
Willis et al.	: DECISION GRANTING PETITION
Application No. 60/636,530	:
Filed: December 17, 2004	:
Attorney Docket No. 165-27 US Prov	:

This is a decision on the petition under 37 CFR 1.53(e), filed March 14, 2005, requesting that the above-identified application be accorded a filing date of December 17, 2004.

On December 17, 2004, applicants deposited the above-identified application. On February 14, 2005, the Office of Initial Patent Examination mailed a "Notice Of Incomplete Nonprovisional 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 March 14, 2005, applicants filed the present petition and a copy of one sheet of drawings. Additionally, applicants submitted a copy of the date-stamped postcard receipt, acknowledging receipt of one sheet of drawings on December 17, 2004.

Upon review of the record, the one sheet of drawings deposited on December 17, 2004, has not been located among the application papers. However, the evidence is convincing that the application papers deposited on December 17, 2004, included one sheet of drawings, which was subsequently misplaced in the United States Patent and Trademark Office. Therefore, the application, including

one sheet of drawings, was complete on filing and will be granted a filing date of December 17, 2004.

Accordingly, the petition is granted. The Notice of Incomplete was sent in error and is hereby vacated. No petition fee is necessary.

The Office of Initial Patent Examination is directed to process the above-identified application with a filing date of December 17, 2004, using the one sheet of drawings submitted on petition, and to mail a corrected filing receipt.

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

Commissioner for Patents
United States Patent and Trademark Office
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THETA MICROELECTRONICS, INC.
2232 NORTH FIRST STREET
SAN JOSE, CA 95131

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DEC 16 2005
OFFICE OF PETITIONS

In re Application of :
Gerasimos Zochios :
Application No. 60/636,551 : ON PETITION
Filed: December 17, 2004 :
Attorney Docket No. :

This is a decision on the petition under 37 CFR 1.137(b), filed November 10, 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 (Notice) mailed January 12, 2005. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on March 13, 2005.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

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

This matter is being referred to the Initial Patent Examination Unit.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc:

Roger W. Blakely Jr.
12400 Wilshire Boulevard, 7th Fl.
Los Angeles, CA 90025

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

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FEB 23 2005

OFFICE OF PETITIONS

In re Application of :
Amid Hashim :
Application No. 60/636,590 :
Filed: December 16, 2004 : ON PETITION
Attorney Docket No. :
9457-29PR :

This is a decision in response to the Petition to Accord the Proper Filing Date, filed January 31, 2005, requesting the application be accorded a filing date of December 16, 2004, instead of the presently accorded filing date of December 17, 2004.

This Petition is hereby **granted**.

Petitioner alleges that the application was deposited in Express Mail service on December 16, 2004. In support of this assertion, the petition is accompanied by a copy of Express Mail label No. EV473663806US. A review of the Express Mail label, No. EV473663806US, reveals that the "Date In" indicated on the Express Mail label is December 16, 2004. Moreover, the Express Mail label contains a United States Postal Service (USPS) stamp, also dated December 16, 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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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
60/636,898	12/17/2004		200	CS8434/BCS044005			

CONFIRMATION NO. 9054

CORRECTED FILING RECEIPT

OC000000015110958

34469
BAYER CROPSCIENCE LP
Patent Department
100 BAYER ROAD
PITTSBURGH, PA 15205-9741

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)

Jean-Marie Gouot, St. Cyr Au Mont D'Or, FRANCE;
Marie-Claire Grossjean-Cournoyer, Curis Au Mont D'Or, FRANCE;

Power of Attorney:

Richard Henderson–31619

If Required, Foreign Filing License Granted: 01/12/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/636,898

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

Non-Publication Request: No

Early Publication Request: No

Title

Fungicidal composition comprising a pyridylethylbenzamide derivative and a compound capable of inhibiting the spores germination or mycelium growth by acting on different metabolic routes

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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DONALD B. HILLIARD
3050 NORTH FONTANA AVENUE
TUCSON, AZ 85705

COPY MAILED

FEB 15 2006

OFFICE OF PETITIONS

In re Application of :
Donald B. Hilliard :
Application No. 60/636,985 :
Filed: December 17, 2004 :
For: OXYGEN TRANSPORT STRUCTURE : ON PETITION

This is a decision on the Petition to Withdraw Holding of Abandonment - Office Action not Received, filed December 19, 2005.

This Petition is hereby **dismissed**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application was deposited with this Office on December 17, 2004. In response to the papers received, this Office mailed to Applicant a Notice to File Missing Parts of Provisional Application ("Notice"), on January 14, 2005, informing Applicant that a filing date had been accorded the application; however, the basic filing fee submitted was insufficient, and requiring the deficient amount of the filing fee, and a late filing fee oath or declaration surcharge. The Notice set a two (2) month period for reply. No response having been received, the application became abandoned on March 15, 2005. A Notice of Abandonment was mailed September 22, 2005.

Petition under 37 CFR 1.181

Applicant files the instant petition wherein Applicant avers that he did not receive the Notice. In support of this assertion, Applicant files a statement that the Notice was not received by the Applicant and attesting to the fact that a search of the file jacket and docket records indicate that the

Notice was not received. However, a review of the Application papers filed on December 17, 2004, reveals that the Provisional Application Coversheet included as the correspondence address:

DONALD B. HILLIARD
3050 NORTH FONTANA AVENUE
TUCSON, AZ 85705

A review of the petition filed reveals that the correspondence address listed thereon is:

DONALD B. HILLIARD
P.O. BOX 2169
EL GRANADA, CA 94018-2169

Applicant has noted in the petition that he has moved to a new physical address and mailing address in a separate state.

Applicant is advised that correspondence mailed is presumed to have been delivered at the correspondence address. Here, Applicant has failed to overcome this presumption. Applicant acknowledges that he has changed his correspondence address; however, Office records reveal that Applicant has failed to file a change of correspondence address with this Office prior to the mailing of this Decision.

Applicant must demonstrate that his correspondence address was in fact the mailing address of record with this Office at the time the Notice was mailed.

Applicant is also advised that a Correspondence Address Change must be filed as a separate paper, and not included with any other correspondence filed with this Office. Accord 37 CFR 1.4.

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

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

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

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

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

Derek L. Woods
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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Donald B. Hilliard
3050 North Fontana
Tucson, AZ 85705

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AUG 16 2006
OFFICE OF PETITIONS

In re Application of :
Donald B. Hilliard :
Application No. 60/636,985 :
Filed: December 17, 2004 :
Title of Invention: :
OXYGEN TRANSPORT STRUCTURE :

This is a decision in response to the petition under 37 CFR 1.137(b), filed June 15, 2006, to revive the above-identified application.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (hereinafter "Notice"), mailed January 14, 2005. The Notice set a period for reply of two (2) months from the mail date of the Notice. Extensions of time were available under 37 CFR 1.136(a). No reply having been received, the application became abandoned on March 15, 2005. A Notice of Abandonment was mailed on September 22, 2005.

With the instant petition Petitioner has filed the necessary documents and paid the requisite fees.

Applicant is again reminded that the address on the petition is different from the address of record. If Petitioner desires to receive further correspondence with respect to this application, a change of correspondence address must be filed. A courtesy copy of this Decision is being forwarded to Petitioner at the address appearing on the petition; however, all future correspondence will be sent to address of record until instructions to the contrary are received.

A copy of the Change of Correspondence Address Form is enclosed with this Decision.

This application is being forwarded to the Office of Initial Patent Examination for continued processing in due course.

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

Derek L. Woods
Attorney
Office of Petitions

Enclosure: Change of Correspondence Address Form

CC: Donald B. Hilliard
PO BOX 2169
EL GRANADA, CA 94018

PTO/SB/122 (01-06)
Approved for use through 12/31/2008. OMB 0651-0035
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

CHANGE OF CORRESPONDENCE ADDRESS
Application

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

Application Number	
Filing Date	
First Named Inventor	
Art Unit	
Examiner Name	
Attorney Docket Number	

Please change the Correspondence Address for the above-identified patent application to:

☐ The address associated with Customer Number:

OR

☐ Firm or Individual Name

Address

City	State	Zip

Country

Telephone	Email

This form cannot be used to change the data associated with a Customer Number. To change the data associated with an existing Customer Number use "Request for Customer Number Data Change" (PTO/SB/124).

I am the:

☐ Applicant/Inventor

☐ Assignee of record of the entire interest.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☐ Attorney or agent of record. Registration Number _____.

☐ Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number_____.

Signature

Typed or Printed Name

Date	Telephone

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____forms are submitted.

This collection of information is required by 37 CFR 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

Privacy Act Statement

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

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

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

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ALEXANDRIA, VA 22313-1450
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Dr. George Moser
EDC AUTOMOTIVE
3199 Lapeer Road
Auburn Hills, MI 48326

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JAN 19 2006

OFFICE OF PETITIONS

ON PETITION

In re Application of	:	
George G. Moser, et. al.	:	
Application No. 60/637,085	:	
Filed: December 20, 2004	:	
Attorney Docket No. N/A	:	

This is a decision on the petition under 37 CFR 1.137(b), filed on October 6, 2005, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to respond to the Notice to File Missing Parts of Provisional Application mailed January 12, 2005. Accordingly, a Notice of Abandonment was mailed on September 22, 2005.

The Office acknowledges receipt of a check in the amount of $45 for the statutory basic filing fee deficiency of $20 and $25 surcharge for the late submission of the filing fee. However, a grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by: (**1**) the required reply (unless previously filed), which may met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof; (**2**) the petition fee required by 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**) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)). This petition lacks item (2) and (3) above.

With respect to item (2), for treatment of the instant petition, the required petition fee of $750 must be submitted.

With respect to item (3), the record shows that the instant petition is signed by one (1) of three (3) inventors. However, in accordance with 37 CFR 1.33(b) this is improper. 37 CFR 1.33(b) states:

> Amendments and other papers filed in the application must be signed by:
>
> (1) An attorney or agent of record appointed in compliance with § 1.34(b);
> (2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a);
> (3) The assignee of record of the entire interest, if there is an assignee of record of the entire interest;

(4) An assignee of record of an undivided part interest, and any assignee(s) of the remaining interest and any applicant retaining an interest, if there is an assignee of record of an undivided part interest; or

(5) **All of the applicants (§§ 1.42. 1.43 and 1.47) for patent, unless there is an assignee of record of the entire interest and such assignee has taken action in the application in accordance with §§ 3.71 and 3.73.**

If the instant petition is signed or submitted on behalf of the assignee, the assignee must comply with the requirements of 37 CFR 3.73(b). 37 CFR 3.73(b) provides that: (1) when an assignee seeks to take action in a matter before the Office, the assignee must establish its ownership of the property to the satisfaction of the Commissioner; (2) ownership is established by submitting to the Office, in the Office file related to the matter in which action is sought to be taken, documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment submitted for recording) or by specifying (*e.g.*, reel and frame number) where such evidence is recorded in the Office; (3) the submission establishing ownership must be signed by a party authorized to act on behalf of the assignee; and (4) documents submitted to establish ownership may be required to be recorded as a condition to permitting the assignee to take action in a matter pending before the Office. A blank Statement under 37 CFR 3.73(b) is enclosed with this decision.

Any request for reconsideration must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." Petitioner is advised that this is **not** a final agency decision.

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

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

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

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

Enclosure: Blank Statement under 37 CFR 3.73(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

Dr. George Moser
EDC AUTOMOTIVE
3199 Lapeer Road
Auburn Hills, MI 48326

COPY MAILED

JUN 14 2007

OFFICE OF PETITIONS

In re Application of :
George G. Moser, et. al. :
Application No. 60/637,085 : ON PETITION
Filed: December 20, 2004 :
Attorney Docket No. N/A :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed March 17, 2006, to revive the above-identified application. The delay in responding is regretted.

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

Further, there is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. However, if petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. A courtesy copy of this decision is being mailed to petitioner. Nevertheless, all future correspondence will be directed solely to the address of record until otherwise instructed.

The renewed petition satisfies the requirements of 37 CFR 1.137(b), in that, petitioner has supplied (1) the reply in the form of $20 to complete the provisional application filing fee and $25 for the late filing surcharge; (2) the petition fee of $750; and (3) an adequate statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to the Office of Initial Patent Examination.

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

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Stephen T. Olson
Harness, Dickey & Pierce, P.L.C.
P.O. Box 828
Bloomfield Hills, MI 48303

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
60/637,102	11/24/2004		160	A 7629	3		

CONFIRMATION NO. 3959

CORRECTED FILING RECEIPT

OC000000015078094

43749
CHRISTOPHER PARADIES, PH.D.
FOWLER WHITE BOGGS BANKER, P.A.
501 E KENNEDY BLVD, STE. 1900
TAMPA, FL 33602

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)

Safa Kirma, Wedel, GERMANY;

Power of Attorney: The patent practitioners associated with Customer Number **43749**.

If Required, Foreign Filing License Granted: 01/06/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/637,102

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

Non-Publication Request: No

Early Publication Request: No

Title

Method for determining different lengths of electrical leads

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
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
60/637,147	12/17/2004		200	TEB-003PR			

CONFIRMATION NO. 3129

CORRECTED FILING RECEIPT

OC000000016047826

021323
TESTA, HURWITZ & THIBEAULT, LLP
HIGH STREET TOWER
125 HIGH STREET
BOSTON, MA 02110

Date Mailed: 05/18/2005

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please 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)

Christian Carrillo, Boston, MA;

Power of Attorney: The patent practitioners associated with Customer Number **021323**.

If Required, Foreign Filing License Granted: 01/11/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/637,147

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

Non-Publication Request: No

Early Publication Request: No

Title

Adding new dynamic software code to treat malicious software

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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ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE-SUITE 101
ELLICOTT CITY, MD 21043

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AUG 0 3 2005

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Ko :
Application No. 60/637,208 :
Filed: December 17, 2004 :
Attorney Docket No. 516745-2003 :

This is a decision on the petition filed May 11, 2005, requesting, in effect, that the "Notice Of Omitted Item(s)" mailed March 11, 2005, be withdrawn.

The application was filed on December 17, 2004.

Due to certain pages of the specification being misnumbered, a specification page labeled page 277 was not filed. A page labeled 276 is followed by a page labeled 278.

The Office of Initial Patent Examination mailed a "Notice of Omitted Item(s)" stating that the application had been accorded a filing date of December 17, 2004, and advising applicant page 277 of the specification appeared to have been omitted.

The Office acted correctly in stating that page 277 *appeared* to have been omitted.[1] The Notice served to inform petitioner that a review of the application indicated the page might be missing. The Notice of Omitted Items will not be withdrawn. Petitioner has not proven the page was filed and lost by the Office. Petitioner has not stated the page was missing, supplied the page, and asked for a filing date as of the date the missing page was submitted. Instead, petitioner states a page labeled page 277 was not present and seeks to amend the specification to properly label the pages.

The corrected drawings will not be entered since a provisional application may not be amended.

The filing fee of $400 will not be refunded since the petition was not necessary nor the result of Office error.

The original application papers will include only those application papers present on the date of deposit.

The Office of Initial Patent Examination will further process the applications with a December 17, 2004, using only the papers filed on that date.

---

[1] Each application received by OIPE must be individually reviewed for compliance with both the statutory requirements for according an application a filing date and for compliance with various requirements of the rules. Many of the applications concern complex technology. Accordingly, the employees of OIPE, who are not trained engineers or scientists, are not expected to make a detailed review of the written description. To do so would require a greater expenditure of time and resources, with a resulting increased cost, than are currently allocated. In the past, applicants and practitioners have indicated to the PTO that such increases are undesired. Therefore, if a page number of the specification is not present, OIPE sends a Notice of Omitted Items and does not examine the content of the specification to determine whether pages may have been unlabeled or mislabeled.

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

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK NY 10151

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AUG 0 8 2005

OFFICE OF PETITIONS

In re Application of :
Ko :
Application No. 60/637,208 :
Filed: December 17, 2004 :
Attorney Docket No. 516745-2003 :

ON PETITION

This is a decision on the petition filed May 11, 2005, requesting, in effect, that the "Notice Of Omitted Item(s)" mailed March 11, 2005, be withdrawn.

The petition is **dismissed**.

The application was filed on December 17, 2004.

Due to certain pages of the specification being misnumbered, a specification page labeled page 277 was not filed. A page labeled 276 is followed by a page labeled 278.

The Office of Initial Patent Examination mailed a "Notice of Omitted Item(s)" stating that the application had been accorded a filing date of December 17, 2004, and advising applicant page 277 of the specification appeared to have been omitted.

The Office acted correctly in stating that page 277 *appeared* to have been omitted.[1] The Notice served to inform petitioner that a review of the application indicated the page might be missing. The Notice of Omitted Items will not be withdrawn. Petitioner has not proven the page was filed and lost by the Office. Petitioner has not stated the page was missing, supplied the page, and asked for a filing date as of the date the missing page was submitted. Instead, petitioner states a page labeled page 277 was not present and seeks to amend the specification to properly label the pages.

The corrected drawings will not be entered since a provisional application may not be amended.

The filing fee of $400 will not be refunded since the petition was not necessary nor the result of Office error.

The original application papers will include only those application papers present on the date of deposit.

---

[1] Each application received by OIPE must be individually reviewed for compliance with both the statutory requirements for according an application a filing date and for compliance with various requirements of the rules. Many of the applications concern complex technology. Accordingly, the employees of OIPE, who are not trained engineers or scientists, are not expected to make a detailed review of the written description. To do so would require a greater expenditure of time and resources, with a resulting increased cost, than are currently allocated. In the past, applicants and practitioners have indicated to the PTO that such increases are undesired. Therefore, if a page number of the specification is not present, OIPE sends a Notice of Omitted Items and does not examine the content of the specification to determine whether pages may have been unlabeled or mislabeled.

The Office of Initial Patent Examination will further process the applications with a December 17, 2004, using only the papers filed on that date.

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

QUANTUM DOT CORPORATION
26118 RESEARCH ROAD
HAYWARD, CA 94545

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JAN 30 2006

OFFICE OF PETITIONS

In re Application of :
Eastman et al. :
Application No. 60/637,347 :
Filed: December 16, 2004 :
Attorney Docket No. QDC.0026 :

ON PETITION

This is a decision on the petition filed December 23, 2005, requesting that the above-identified application be accorded a filing date of December 16, 2004, rather than the presently accorded date of December 17, 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 December 16, 2004, pursuant to 37 CFR 1.10. In support, applicant has submitted the Track & Confirm record showing that the package in question was accepted on December 16, 2004, at 12:03 p.m. at the Fremont, CA USPS. The same Express Mail receipt number appears on the original "Provisional Application" transmittal. Additionally, the Express Mail label number appears on the Certificate of Mailing by "Express Mail" and includes a statement of express mailing dated December 16, 2004, on the transmittal.

In view of the evidence above, it is concluded that the application was deposited as "Express Mail" with the USPS on December 16, 2004.

The petition is **GRANTED**.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition.

This matter is being referred to the Office of Initial Patent Examination Division for further **processing with a filing date of December 16, 2004, along with a corrected filing receipt.**

Telephone inquiries concerning this matter may be directed Petitions Examiner Liana Chase at (571) 272-3206.

Frances Hicks
Petitions Examiner
Office of Petitions

Cc: MOLECULAR PROBES, INC.
29851 WILLOW CREEK ROAD
EUGENE, OR 97402

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
60/637,347	12/16/2004		100	0026P	4		

CONFIRMATION NO. 2187

CORRECTED FILING RECEIPT

OC000000017973495

QUANTUM DOT CORPORATION
26118 Research Road
Hayward, CA 94545

Date Mailed: 02/02/2006

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

Applicant(s)

P. Scott Eastman, Danville, CA;
Rachel L. Nuttall, San Jose, CA;

Power of Attorney:

Kenneth Barovsky--36442

If Required, Foreign Filing License Granted: 01/12/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/637,347

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

Quantum dot-encoded bead set for calibration and quantification of multiplexed assay of hybridization and methods of use thereof

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

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

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

Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

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

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

Paper No. None

REISING, ETHINGTON, BARNES, KISSELLE, P.C.
P O BOX 4390
TROY MI 48099-4390

COPY MAILED

APR 21 2006

OFFICE OF PETITIONS

In re Application of
Frank Edward Genewick et al.
Application No. 60/637,563
Filed: December 20, 2004
Attorney Docket Number:
0859.3028.001
Title: SEMI-SOLID PRODUCT
DISPENSING DEVICE

DECISION ON PETITION
UNDER 37 C.F.R. §1.182

This is a decision on the petition filed March 6, 2006, pursuant to 37 C.F.R. §1.182, requesting expedited handling of a petition filed on January 24, 2006, pursuant to 37 C.F.R. §1.59(b), which requests the expungement of a sheet of drawings which was submitted on filing.

The petition is **GRANTED**. The petition pursuant to 37 C.F.R. §1.59(b) will receive expedited handling, and a decision on this petition will follow in due course.

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.

It is noted in passing that the inventorship which is listed on the petition does not match that which appears on the declaration submitted on filing. The Office will presume that this is a typographical error, and Petitioner must notify the Office if the inventorship which appears on the declaration is inaccurate.

Paul Shanoski

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. None

REISING, ETHINGTON, BARNES, KISSELLE, P.C.
P O BOX 4390
TROY MI 48099-4390

COPY MAILED

APR 26 2006

OFFICE OF PETITIONS

In re Application of :
Frank Edward Genewick et al.. :
Application No. 60/637,563 :
Filed: December 20, 2004 :
Attorney Docket Number: :
0859.3028.001 :
Title: SEMI-SOLID PRODUCT :
DISPENSING DEVICE :

DECISION ON TWO PETITIONS UNDER 37 C.F.R. §§1.59(b) AND 1.183

This is a decision on two petitions. A petition was filed January 24, 2006 pursuant to 37 C.F.R. §1.59(b), requesting the expungement of a sheet of drawings. A second petition was filed March 24, 2006, pursuant to 37 C.F.R. §1.183, requesting the waiver of pursuant to 37 C.F.R. §1.59(a)(2), so that information forming part of the original disclosure may be expunged.

The petition under 37 C.F.R. §1.183 requesting waiver of 37 C.F.R. §1.59(a)(1):

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

> In an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Commissioner or the Commissioner's designee, sua sponte, or on petition of the interested party, subject to such other requirements as may be imposed. Any petition under this section must be accompanied by the petition fee set forth in § 1.17(h).
>
> [47 FR 41278, Sept. 17, 1982, effective Oct. 1, 1982]

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

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

As such, the petition is **GRANTED**.

The petition under 37 C.F.R. §1.59(b) requesting expungement:

Five sheets of drawings were provided on filing on December 20, 2004. With the present petition, Petitioner requests that the first sheet of drawings, entitled "Drawings Sheet 1," be expunged from the record.

The petition is **GRANTED**.

37 C.F.R. §1.59 sets forth:

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

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

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

effective May 1, 2003; revised, 68 FR 38611, June 30, 2003, effective July 30, 2003]

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

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

As such, the electronic document which contains this page has been closed in the Office's Image File Wrapper software viewing program. The paper document will not be removed from the physical file however, as the Office does not remove papers from paper files which have been scanned.

The 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

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

Gideon Samid
13 Tapiola Ct.
Rockville, MD 20850

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APR 2 1 2008

OFFICE OF PETITIONS

In re Application of :
Gideon Samid :
Application No. 60/637,598 : ON PETITION
Filed: December 21, 2004 :
Attorney Docket No. N/A :

This is in response to the communication, filed January 6, 2007, which is being treated as a petition to withdraw the holding of abandonment (no fee).

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be submitted within **two (2) months** from the mail date of this decision and be entitled "Renewed Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181." *See* 37 CFR 1.181(f).

The application was held abandoned for failure to timely respond to the Notice to File Missing Parts of Provisional Application mailed January 14, 2005, which set a two month period to reply. As no extensions of time, under the provisions of 37 CFR 1.136(a), was obtained the application became abandoned on March 15, 2005. A Notice of Abandonment was mailed on December 14, 2006.

In the present petition, petitioner requests that the Office reconsider its decision to hold the above application abandoned.

DISCUSSION OF PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

In the present petition, petitioner did not discuss the reason(s) why the above application should be withdrawn from abandonment. Also, petitioner states that "my letter to you dated March 12, 2005 (reattached) was not properly registered". It should be noted that the Office does not have record of a letter dated on March 12, 2005 and none was attached to the present petition.

A review of the record shows that a Notice to File Missing Parts of Provisional Application was mailed on January 14, 2005, which required petitioner to submit $20 to complete the basic filing fee and a $25 surcharge for the late filing. On April 8, 2005, petitioner responded by submitting

the deficient $20 basic filing fee, without $60 for a one month extension of time fee. On April 18, 2005, a Notice of Incomplete Reply (Provisional) was mailed requiring $25 for the late filing fee and informing petitioner that extensions of time under 37 CFR 1.136 was available and that the period for reply continued to run from the Notice mailed January 14, 2005. In response, petitioner filed the $25 surcharge on April 22, 2005 without the two months extension of time fee of $225. On May 9, 2005, a Notice of Incomplete Reply was mailed informing petitioner of the extension of time policy under 37 CFR 1.136(a) and the length and amount of extension of time fees to pay in order to avoid the application from becoming abandoned. In response, Petitioner filed a letter on July 25, 2005 stating that any late payment penalty should be waived. A Notice of Abandonment was mailed on December 14, 2006. In view of the Notice of Abandonment, the present petition was filed.

Petitioner was given two months from January 14, 2005 to March 14, 2005 to file a timely response without any extension of times under 37 CFR 1.136(a). Since petitioner failed to respond within that time frame, any correspondence that the Office received after March 14, 2005 should have been accompanied by the appropriate extension of time and fee. For example, petitioner could have timely completed the requirements of the Notice to File Missing Parts mailed April 18, 2005, by filing the $25 surcharge and $225 extension of time fee for a two months extension of time from March 15, 2005 to May 16, 2005 (May 15, 2005 was a Sunday).

Since the record is clear that petitioner failed to submit the appropriate request for extension of time and fees under 37 CFR 1.136(a) to prevent the above application from becoming abandoned, the petition to withdraw the holding of abandonment is dismissed.

ALTERNATIVE VENUE

Petitioner is strongly encouraged to consider filing a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application instead of filing a renewed petition under 37 CFR 1.181.

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

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

(2) The petition fee as set forth in 37 CFR 1.17(m), $770 for a small entity;

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

A form for filing a petition to revive an unintentionally abandoned application accompanies this decision for petitioner's convenience. If petitioner desires to file a petition under 37 CFR 1.137(b) instead of filing a request for reconsideration, petitioner must complete the enclosed petition form (PTO/SB/64) and pay the $770 petition fee.

Petitioner may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application. Additionally, petitioner is encouraged to contact the Inventors

Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

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

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

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

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

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

Andrea Smith
Petitions Examiner
Office of Petitions

Enclosures: Privacy Act Statement
Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (Form PTO/SB/64).

Privacy Act Statement

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

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

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

PTO/SB/64 (01-08)
Approved for use through 04/30/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)

First named inventor:

Application No.: Art Unit:

Filed: Examiner:

Title:

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____(identify type of reply):

☐ has been filed previously on _____.
☐ is enclosed herewith.

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

☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

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

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature	Date
Typed or printed name	Registration Number, if applicable
Address	Telephone Number
Address	

Enclosures:
- ☐ Fee Payment
- ☐ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unintentional delay
- ☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date	Signature
	Typed or printed name of person signing certificate

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

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OFFICE OF PETITIONS

In re Application of
Zeiler, et al.
Application No. 60/637,602
Filed: December 20, 2004
Attorney Docket No. 066042-9669-00
For: SMART ACCESSORIES FOR POWER TOOLS

: DECISION GRANTING
: PETITION

This is a decision on the petition under 37 CFR 1.10(c), filed January 10, 2005 (certificate of mailing date January 6, 2005), requesting that the above-identified application be accorded a filing date of December 17, 2004 rather than the presently accorded filing date of December 20, 2004.

Petitioners request the earlier filing date on the basis that the application was deposited in Express Mail service of the United States Postal Service (USPS) on December 17, 2004, pursuant to the requirements of 37 CFR 1.10. The petition is accompanied by a copy of Express Mail label no. EV270736194US showing a "date-in" of "12 17 4" **and** a USPS date stamp of DEC 17 2004. The same Express Mail label number is listed on the original Provisional Patent Application transmittal letter found in the application file.

The evidence presented establishes that the Express Mail package associated with Express Mail label no. EV270736194US was deposited with the USPS on December 17, 2004.

Accordingly, the petition is granted. No fee has been or will be charged in connection with this petition.

The application is being returned to the Office of Initial Patent Examination for correction of the filing date to **December 17, 2004**.

Any inquiries related to this decision 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
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
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PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

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OFFICE OF PETITIONS

In re Application of	:	
Gosiewska et al.	:	
Application No. 60/637,781	:	ON PETITION
Filed: 12 December, 2004	:	
Atty Docket No. ETH-5183PSP	:	

This is a decision on the paper filed on 31 August, 2005, which is treated as a petition under 37 CFR 1.53 requesting that the above-identified provisional application, including one sheet of drawings, be accorded a filing date of 12 December, 2004.

The petition is **GRANTED**.

The application was filed on 21 December, 2004. Accordingly, on 19 January, 2005, Initial Patent Examination Division mailed a Notice of Incomplete Provisional Application stating that the application had not been accorded a filing date because been deposited without drawings. On 16 August, 2005, Notice of Termination of Proceedings Under 37 CFR 1.53(e) was filed.

In response, on 31 August, 2005, the present petition and a copy of one (1) sheet of drawings, were filed. Petitioners argue that one (1) drawing sheet was filed with the other application papers on 21 December, 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 dated "122104" and containing the above-identified application number. The postcard receipt identifies the application by the first-named inventor's name, invention title, and attorney docket number, and acknowledges receipt of, *inter alia*, one (1) sheet of drawings. Petitioners request that the application, including

the (1) sheet of drawings, be accorded a filing date of 21 December, 2004.

A review of the record reveals that no sheets of drawings received on 21 December, 2004, are located among the application papers received on that date. However, the evidence is convincing that the application papers deposited on 21 December, 2004, included one (1) sheet of drawings, which was subsequently misplaced in the Office. Therefore, the application, including one (1) sheet of drawings, is entitled to a filing date of 21 December, 2004.

In view of the above, the petition is granted. The Notice of Incomplete Provisional Application and Notice of Termination of Proceedings are withdrawn. As the petition was necessitated by an error on the part of the Office, no petition fee is due.

The application will be processed with the copy of the one (1) sheets of drawings supplied on 31 August, 2005, as a part of the original disclosure.

The application is being referred to Initial Patent Examination Division for further processing with a filing date of 21 December, 2004, using the application papers filed on that date, and the copy of one (1) sheet of drawings supplied with the present petition, and for an indication in Office records that one (1) sheet of drawings was present on filing.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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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SIERRA PATENT GROUP, LTD.
1657 HWY 395, SUITE 202
MINDEN, NV 89423

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OFFICE OF PETITIONS

ON PETITION

In re Application of	:
Hines, Garold Paul	:
Application No. 60/637,838	:
Filed: December 22, 2004	:
Attorney Docket No. HINES-001P	:

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed December 27, 2005, to revive the above-identified application.

The petition is **GRANTED.**

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the fees due as set forth in the Notice mailed January 14, 2005; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the response has been accepted as having been unintentionally delayed.

Therefore, the petition is granted and the application is revived. However, a provisional application may be revived so as to be pending for a period no longer than 12 months from its filing date. This application is hereby deemed revived until December 22, 2005, when it went abandoned as a matter of law.

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

Liana Chase
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

SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 6300
SEATTLE, WA 98104-7092

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MAY 1 0 2005

OFFICE OF PETITIONS

In re Application of :
Raymond et al. :
Application No. 60/638,010 :
Filed: December 20, 2004 :
Attorney Docket No. 480117.413.P3 :

ON PETITION

This is a decision on the petition filed January 21, 2005, to accord the above-identified application a filing date of December 20, 2004, instead of December 21, 2004.

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** final agency action within the meaning of 5 U.S.C. § 704.

The electronic file wrapper has been reviewed. Unfortunately, the Express Mail Label *as scanned* is not clearly legible. The Office would appreciate petitioner submitting a new copy of the label. Petitioner may wish to make an enlarged copy of the label. The Office would appreciate petitioner sending the new copy by mail rather than facsimile transmission.

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.

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
60/638,036	12/21/2004		200	0645P	1		

CONFIRMATION NO. 7692

CORRECTED FILING RECEIPT

OC000000015201038

35327
SYNOPSYS, INC.
ATTN: LEGAL DEPARTMENT
700 E. MIDDLEFIELD ROAD
MOUNTAIN VIEW, CA 94043

Date Mailed: 02/17/2005

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)

Douglas Chang, Mountain View, CA;
Peiqing Zou, Mountain View, CA;
Lekha Dasgupta, Mountain View, CA;
Neeraj Kaul, Mountain View, CA;

Power of Attorney:
Erik Oliver--46296

If Required, Foreign Filing License Granted: 01/13/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/638,036

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

Non-Publication Request: No

Early Publication Request: No

Title

Techniques in hard macro placement

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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UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/638,324	12/22/2004		200	FL0299USPRV			

CONFIRMATION NO. 9984

CORRECTED FILING RECEIPT

OC000000015141583

23906
E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1128
4417 LANCASTER PIKE
WILMINGTON, DE 19805

Date Mailed: 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)

Steven H. Swearingen, Wilmington, DE;

Power of Attorney:

John Hendrickson--30847

If Required, Foreign Filing License Granted: 01/19/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/638,324

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

Non-Publication Request: No

Early Publication Request: No

Title

Removing fluorosurfactant from aqueous fluoropolymer dispersions using monodisperse ion exchange resin

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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UNITED STATES PATENT AND TRADEMARK OFFICE

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DUCKOR SPRADLING METZGER
401 WEST A ST
SUITE 2400
SAN DIEGO CA 92101-7915

COPY MAILED

JUN 0 9 2005

OFFICE OF PETITIONS

In re Application of Tullio DeCollibus Application No. 60/638,325 Filed: December 21, 2004 Attorney Docket No. 1556-103	: : : : :	DECISION ON PETITION

This is a decision on the paper titled "PETITION TO CORRECT FILING UNDER 37 CFR § 1.53", filed March 23, 2005, to accord the above identified application a filing date of December 21, 2004 rather than December 22, 2004.

The petition is **DISMISSED** for involving a moot issue.

A review of the application in PALM records reveals that the application has already been accorded a filing date of December 21, 2004. A corrected filing receipt is enclosed.

The petition fee of $400 has been refunded to Deposit Account No. 50-2635.

As the application file is a provisional application, the application is being forwarded to Files Repository.

Telephone inquiries related to this decision should 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

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
60/638,325	12/21/2004		100	1556-103	4		

CONFIRMATION NO. 1026

CORRECTED FILING RECEIPT

OC000000016214406

36412
DUCKOR SPRADLING METZGER
401 WEST A STREET, SUITE 2400
SAN DIEGO, CA 92101-7915

Date Mailed: 06/08/2005

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)

Tullio DeCollibus, Laguna Niguel, CA;

Power of Attorney:

Bernard Kleinke–22123

If Required, Foreign Filing License Granted: 01/13/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/638,325

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Concrete slurry capture method and 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

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Paper No.

OLDS, MAIER &
RICHARDSON, PLLC
PO BOX 20245
ALEXANDRIA, VA 22320-1245

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JUN 2 0 2005
OFFICE OF PETITIONS

In re Application of	:	
Birkenstock	:	
Application No. 60/638,351	:	DECISION
Filed: December 23, 2004	:	ON PETITION
Atty Docket No. BIRK-0001-PR	:	

This is a decision on the "PETITION UNDER 37 CFR 1.53(e) TO ACCORD A FILING DATE AND RESPONSE TO NOTICE OF INCOMPLETE PROVISIONAL APPLICATION," filed May 10, 2005.

The petition is **GRANTED**.

Application papers in the above-identified provisional application were filed on December 23, 2004. However, on April 28, 2005, the Initial Patent Examination Division (IPED) mailed a "Notice of Incomplete Provisional Application," notifying applicant that the provisional application papers had not been accorded a filing date because the application was deposited without drawings.

In reply, applicant timely filed the instant petition. Applicant's attorney indicates entitlement to a filing date of December 23, 2004. In support thereof, applicant submits a copy of a date stamped post card indicating filing of drawings consisting of 3 sheets of 4 figures on December 23, 2004, as well as, a copy of the originally filed drawings

The return postcard receipt identifies this application by docket number, itemizes: "Drawings consisting of 3 Sheets

Figs. 4 " among the enclosures, bearing a USPTO date-stamp of December 23, 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. Applicant has shown that the application as filed on December 23, 2004 included three (3) sheets of drawings, and thus, is entitled to a filing date of December 23, 2004.

Given the basis for granting the petition, the petition fee has been refunded to Deposit Account No. 50-3136, as authorized.

The Office of Initial Patent Examination (OIPE) has been advised of this decision. The application has, thereby, been forwarded to OIPE for:

- further processing with a filing date of December 23, 2004, using the application papers received in the Office on that date and the three (3) sheets of drawings resubmitted on petition filed May 10, 2005;

- indication in Office records that three (3) sheets of drawings were present 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 may be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/638,672	12/22/2004		100	64861.00002	1		

CONFIRMATION NO. 9187

CORRECTED FILING RECEIPT

OC000000015198830

30256
SQUIRE, SANDERS & DEMPSEY L.L.P
600 HANSEN WAY
PALO ALTO, CA 94304-1043

Date Mailed: 02/16/2005

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 write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. 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 C. Koo, Palo Alto, CA;

Power of Attorney:

Aaron Wininger--45229

If Required, Foreign Filing License Granted: 01/21/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/638,672

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Search navigator-search by intent

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
60/638,893	12/22/2004		200	P03544			

CONFIRMATION NO. 8432

CORRECTED FILING RECEIPT

OC000000015423684

23702
Bausch & Lomb Incorporated
One Bausch & Lomb Place
Rochester, NY 14604-2701

Date Mailed: 03/10/2005

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)

Sanjay Rastogi, Rochester, NY;
Mahendra Nandu, Pittsford, NY;
Gary Friends, Ontario, NY;

Power of Attorney:

Paul Lavoie–38681

If Required, Foreign Filing License Granted: 01/12/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/638,893

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

Non-Publication Request: No

Early Publication Request: No

Title

Pre-polymer extraction using a super-cooled fluid

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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ROSWITHA WARDA
10330 BODEGA HWY.
SEBASTOPOL CA 95472

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NOV 21 2005

OFFICE OF PETITIONS

In re Application of :
Roswitha Warda :
Application No. 60/639,007 : DECISION ON PETITION
Filed: December 23, 2004 :
Title of Invention: Espindle Learning's :
Online Tutoring Website For Memory :
Based Learning, Creating Custom :
Quizzes

This is a decision on the petition under 37 CFR §1.137(b) filed October 4, 2005 to revive the above-identified application.

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

This petition is hereby **Dismissed.**

This above-identified application became abandoned for failure to file a response to a Notice to file Missing Parts of a Provisional Application which was mailed on January 19, 2005. The Notice to File Missing Parts required submission of sufficient filing fee in the amount of $20.00, and $25.00 surcharge for the late filing fee. The Notice to File Missing Parts set an extendable two (2) month period for reply. No extensions of time were obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on March 19, 2005. A Notice of Abandonment was mailed on September 23, 2005.

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

CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03 (c)(III)(C) and (D).

Petitioner failed to supply (2). The petition fee in the amount of $750.00 is a prerequisite to treatment of the petition. Effective December 8, 2004, the unintentional petition fee for a small entity is $750.00. The merits of the petition will only be considered after the submission of the full petition fee.

Petitioner is reminded even if the petition is granted, the provisional application would not be considered pending after 12 months from the filing date.

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

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

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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SEP 15 2005

OFFICE OF PETITIONS

Milliken Research Corporation
P.O. Box 1927
Spartanburg SC 29304

In re Application of Weihua Dai Application No. 60/639,092 Filed: December 23, 2004 Attorney Docket No.5850 P Title of Invention: HPN68L Reformulation For Haze Reduction, TC Improvement and Impact Property Improvement	DECISION GRANTING PETITION

This is a decision on the petition filed December 23, 2004, requesting in effect, that a Notice of Incomplete Provisional Application ("Notice") mailed August 5, 2005, be withdrawn.

The petition is GRANTED.

On December 23, 2004, applicant deposited the above-identified application. On August 5, 2005, 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 a specification and the filing date would be the date of receipt of the item.

In response, on August 22, 2005, applicant filed the present petition and a copy of the specification originally submitted on December 23, 2004.

Upon review of the record, the document provided on filing was sufficient to meet the specification requirement for a provisional application.

Therefore, the application, including the specification was complete on filing and will be granted a filing date of December 23, 2004.

Accordingly, the petition is granted. Deposit account 04-0500 will be refunded the $400.00 petition fee.

The "Notice of Incomplete Provisional Application," mailed November 7, 2003, was sent in error and is hereby vacated.

Accordingly, a petition fee is unnecessary.

The application will be returned to the Office of Initial Patent Examination for further processing with a **filing date of December 23, 2004**, using the application papers supplied on that date.

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

Charlema R. Grant

Charlema R. Grant
Petition Attorney
Office of Petitions

Conferee Eugenia Jones

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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ONE LIBERTY PLACE, 46TH FLOOR
1650 MARKET STREET
PHILADELPHIA, PA 19103

COPY MAILED

DEC 29 2005

OFFICE OF PETITIONS

In re Application of	:	
Neville Everton Drysdale	:	DECISION DISMISSING
Application No. 60/639,171	:	PETITION
Filed: December 23, 2004	:	
Attorney Docket No. DPUC-0005	:	

This is a decision on the petition under 37 CFR 1.10(d), filed September 15, 2005, requesting that the above-identified application be accorded a filing date of December 22, 2004, rather than the presently accorded filing date of December 23, 2004.

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on December 22, 2004, pursuant to the requirements of 37 CFR 1.10.

37 CFR 1.10(a) states that:

> 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 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)

37 CFR 1.10(d) 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 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 establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

A grantable petition under 37 CFR 1.10(d) must include "a showing which establishes, to the satisfaction of the Director, 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." Evidence from the USPS may be the Express Mail Corporate Account Mailing Statement. Evidence that came into being within one day after the deposit of the correspondence as Express Mail may be in the form of a log book which contains information such as the Express Mail number; attorney docket number or other such file identification number; the place, date and time of deposit; the time of the last scheduled pick-up for that date and place of deposit; the depositor's initials or signature; and the date and time of entry in the log.

The petition filed September 15, 2005 is accompanied by a copy of the Express Mail label, receipt No. EL999283358US, but the "date-in" on the Express Mail label was left blank. The petition lists as evidence of filing "[a] True (sic, true) copy of the back side of the tear-off receipt received from the United States Post Office bearing the same Express Mail Label No. and showing a date of December 22, 2004 as the date of deposit." However, the evidence is not persuasive. There is no documented evidence or other official notation indicating that the "USPS PHILA PA" receipt stamp is connected to Express Mail receipt No. EL999283358US. A request of the USPS's restoration information for Track/Confirm Express Mail label No. EL999283358US reveals that the package in question was accepted and enroute on December 23, 2004 (copy attached).

Accordingly, the petition is dismissed The $50 ($130 - $80 already credited) petition fee submitted is unnecessary and will be credited to petitioner's deposit account in due course.

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

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

By hand: Customer Service Window

Randolph Building
401 Dulany Street
Alexandria, VA 22314
By fax: (571) 273-8300

This matter is being referred to the Office of Initial Patent Examination.

Telephone inquires specific to this matter should be directed to Wan Laymon at (571) 272-3220.

Frances Hicks
Lead Petitions Examiner
Office of Petitions

Attachment: Track/Confirm sheet

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
60/639,175	12/23/2004		450	PC32696			

CONFIRMATION NO. 3741

CORRECTED FILING RECEIPT

OC000000015494357

23913
PFIZER INC
150 EAST 42ND STREET
5TH FLOOR - STOP 49
NEW YORK, NY 10017-5612

Date Mailed: 03/17/2005

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)

Samit Kumar Bhattacharaya, Groton, CT;
Donn G. Wishka, Mystic, CT;
Gonghua Pan, Old Lyme, CT;

Power of Attorney: The patent practitioners associated with Customer Number **23913**.

If Required, Foreign Filing License Granted: 01/19/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US60/639,175

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

Non-Publication Request: No

Early Publication Request: No

Title

Heteroaromatic derivatives useful as anticancer agents

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

GRANTED

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

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

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

NOT GRANTED

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

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Alexandria, VA 22313-1450
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R. KEMP MASSENGILL
664 HYMELTNS AVENUE
LENCADIA, CA 92024

COPY MAILED

JAN 12 2006

OFFICE OF PETITIONS

In re Application of Frederick J. Jeffers Application No. 60/639,261 Filed: December 24, 2004 For: NONSATURABLE MAGNETORESISTIVE SENSOR FOR FERROMAGNETIC SCREENING	DECISION GRANTING PETITION UNDER 37 CFR 1.137(b)

This is a decision on the petition under 37 CFR 1.137(b), filed November 3, 3005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed January 24, 2005, which required submission of the balance due of $20 for the basic filing fee and a $25 surcharge fee for the late submission of the basic filing fee to avoid abandonment. 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 March 25, 2005. A Notice of Abandonment was mailed on September 23, 2005.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of submission of the items required by the Notice of January 24, 2005; (2) the petition fee of $750; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of January 24, 2005 is accepted as having been unintentionally delayed.

Petitioner is advised that a provisional application will not be regarded as pending after twelve months from its filing date under any circumstances. *See* 37 CFR 1.137(g).

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 any future correspondence regarding this provisional application solely to the address of record.

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

This matter is being referred to the Office of Initial Patent Examination.

Frances Hicks
Petitions Examiner
Office of Petitions

cc:

Frederick J. Jeffers
2247 Orange Avenue
Escondido, CA 92025

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.: 02-05

Paper No. __

SHELL OIL COMPANY
P.O. BOX 2463
HOUSTON TX 77252-2463

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OFFICE OF PETITIONS

In re Application of	:	
Ostermeier, et al.	:	
Application No. 60/639,941	:	DECISION ON PETITION
Filed: 27 January, 2004	:	
Attorney Docket No. FEC 111	:	

This is a decision on the petition filed on 10 February, 2005, which is treated as a petition requesting that the Notice of Omitted Item(s) in a Provisional Application mailed on 21 January, 2005, be withdrawn with regard to Fig. 11 as described in the specification, and otherwise to seek to amend the application.

The petition is **DISMISSED**.

The application was deposited on 29 December, 2004.

On 21 January, 2005, the Office of Initial Patent Examination (OIPE) mailed a "Notice" stating that the application had been accorded a filing date, but that Figure 11 described in the specification appeared to have been omitted from the application. A two- (2-) month period for reply was set.

In response, on 10 February, 2005, the instant petition was filed. Petitioner asserts that the reference to Figure 11 in the specification was made in error, and seeks to amend the application with regard to Figs. 11 - 16. Petitioner has filed with the present petition what might be found to be an amendment to this end.

The mailing of a "Notice of Omitted Items" permits the applicant to either: (1) promptly establish prior receipt in the Office 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 Office 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 C.F.R. §1.63 and 1.64 referring to such drawing(s) and a petition under 37 C.F.R. §1.182 (with the petition fee under 37 C.F.R. §1.17(h)) requesting the later filing date within two months of the date of the "Notice of Omitted Items" (37 C.F.R. §1.181(f)).

In this case, Petitioner does not assert that the missing Figure 11was deposited on 29 December, 2004. Instead, applicant seeks 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 21 January, 2005, was correct in stating that Figure 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 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 29 December, 2004, 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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JJGJr: 02-05

Paper No: __

WOOD, PHILLIPS,
KATZ, CLARK & MORTIMER
500 W. MADISON STREET
SUITE 3800
CHICAGO IL 60661

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MAR 02 2005
OFFICE OF PETITIONS

In re Application of	:	
Fritzsche, et al.	:	
Application No. 60/640,189	:	DECISION ON PETITION
Filed: 22 December, 2004	:	
Attorney Docket No.:ZEI10208P00010US	:	

This is a decision on the petition filed on 7 February, 2005, under 37 C.F.R. §1.10, seeking for the above-identified application a filing date of 22 December, 2004, instead of the presently accorded filing date of 29 December, 2004.

The petition is **GRANTED**.

BACKGROUND AND ANALYSIS

The record reflects that:

- the instant application was received and given a filing date of 29 December, 2004;
- the instant petition was submitted on 7 February, 2004;
- the materials submitted by Petitioner include:

--copies of a USPS Express Mail Label No. EV530053796US,

which, while it appears to have a "date in" indicated as "12/22/04," the Application Transmittal bearing the correlating USPS Express Mail Label No. EV530053796[US] and with a Certificate of Express Mail dated "June 15, 2004"), and further correlating with a USPS Track & Confirm website a printout stating that the USPS acknowledged "ACCEPTANCE" [of parcel bearing USPS Express Mail Label No. EV530053796US on] December 22, 2004 [at] 6:22 p.m. [at] CHICAGO IL"; and

–Petitioner Paul M. Odell's (Reg. No. 28,332) statement of events attesting to accuracy of the representation and the documents.

(It appears from the Track & Confirm document that the instant application was not delivered by USPS to the Office until 30 December, 2004, which may have led to the Office confusion about the filing date.)

Accordingly the petition hereby is **granted**.

The petition fee is waived, and it appears that none has been charged.

The instant file is released to OIPE to correct the filing date so as to accord to the instant application a filing date of 22 December, 2004, and to mail to Petitioner a corrected filing receipt reflecting a filing date of 22 December, 2004.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3214.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Robert R.Thornton
3264 Meadowlark Lane
Carlsbad, CA 92008-2024

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OFFICE OF PETITIONS

In re Application of

George P. Macris

Application No. 60/640,330

Filed: December 29, 2004

Attorney Docket No.

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed November 7, 2005 to revive the above-identified application.

The petition is **GRANTED.**

The above-cited application became abandoned for failure to respond in a timely manner to the "Notice to File Missing Parts in a Provisional Application" (the "Notice") mailed January 28, 2005. The Notice set forth a two-month period for reply beginning from its mailing date. No response was received within the allowable period and the application became abandoned on March 28, 2005. A Notice of Abandonment was mailed on October 4, 2005.

The "Power of Attorney and Correspondence Address Indication Form", is noted and made of record.

The filing fee (small entity) of $100.00 and surcharge of $25.00 are noted as having been received.

The file is now being forwarded to the Office of Initial Patent Examination.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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JOSEPH M. SAUER
JONES DAY REAVIS & POGUE
NORTH POINT, 901 LAKESIDE AVENUE
CLEVELAND OH 44114

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OFFICE OF PETITIONS

In re Application of	:	
Mumbru et al.	:	
Application No. 60/640,380	:	ON PETITION
Filed: 30 December, 2004	:	
Atty Docket No. 153454-600033	:	

This is a decision on the petition filed under 37 CFR 1.182 on 28 September, 2005.

The petition is dismissed as moot.

Petitioners state that they filed the application in color, and received a certified copy in black and white. Petitioners desire to receive a certified copy in color. No petition is necessary, however, to obtain a certified copy of the application in color. Rather, petitioners should contact Document Services at (571) 272-3150 or 1-800-972-6382 for specific information on requesting a certified copy of the application in color.

As no petition is necessary to obtain a certified copy of the application in color no petition is necessary. Therefore, the petition is dismissed as moot.

The petition fee will be credited to counsel's deposit account.

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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OFFICE OF PETITIONS

ORUM & ROTH
53 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3606

In re Application of :
Eden : DECISION ON PETITION
Application No. 60/640,421 :
Filed: December 30, 2004 :
For: UNIFORM LOOK TRAFFIC SIGNAL :
:

This decision is in response to the "PETITION UNDER 37 CFR § 1.183", filed May 23, 2005, and supplemented July 26, 2005. This petition is also being treated as a petition for extension of time under 37 CFR 1.136 for reply to the Notice to File Missing Parts of Provisional Application (Notice) issued January 31, 2005.

Petitioner states that the above-identified application was filed May 17, 2004, but that the provisional application cover sheet became separated from the application. Petitioner requests that the cover sheet submitted herewith be associated with the application and that the application be accorded a filing date of December 30, 2004.

The filing date of a provisional application is the date upon 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. *See*, § 1.53(c). Moreover, a provisional application must also include the cover sheet required by § 1.51(c)(1), which may be an application data sheet (§ 1.76), or a cover letter identifying the application as a provisional application. Otherwise, the application will be treated as an application filed under 37 CFR 1.53(b).

Nonetheless, the instant application was accorded a filing date of December 30, 2004 and identified as a provisional application upon filing. Enclosed please find copy of original filing receipt. The filing receipt could not be mailed to applicant as the application as filed failed to set forth a correspondence address.

DECISION UNDER 37 CFR 1.136

The Notice mailed January 31, 2005 set a two month period of time for reply and required submission of a provisional application cover sheet and a $50.00 surcharge for late submission of the same.

The instant reply was submitted May 23, 2005 and supplemented July 26, 2005 and included the provisional application cover sheet, surcharge, and requested a extension of time fee for reply, namely two months.

In view of the timely request, the petition for extension of time is hereby **GRANTED**.

DECISION UNDER 37 CFR 1.183

In accordance with 37 CFR 1.183, in an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Director or the Director's designee, sua sponte, or on petition of the interested party, subject to such other requirements as may be imposed.

Petitioner herein has not requested the suspension or waiver of any specific rule. Furthermore, in light of petitioner's timely response to the Notice, no waiver of rule would appear to be in order.

Accordingly, the petition under 37 CFR 1.183 is **DISMISSED AS MOOT**.

Petitioner may request a refund of the previously submitted $130.00 petition fee by writing to the Finance Office, Refund Section. A copy of this decision should accompany any request for refund.

This application is being forwarded to the 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
Petitions Attorney
Office of Petitions

Enclosure: Copy of original Filing Receipt
Copy of Notice to File Missing Parts

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APR 15 2005

OFFICE OF PETITIONS

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

In re Application of :
Dong Wu :
Application No. 60/640,558 : DECISION GRANTING PETITION
Filed: December 30, 2004 :
Attorney Docket No. 60445US002 :

This is a decision on the petition filed February 15, 2005, to accord the above-identified application a filing date.

On December 30, 2004, the application was deposited.

On January 24, 2005, the Office of Initial Patent Examination mailed a Notice stating that drawings were not present and that a filing date had not been accorded the application. The Notice further indicated that the filing date would be the date of receipt of the drawings.

The Office has determined that drawings are not necessary to understand at least one claim within the meaning of the first sentence of 35 USC 113. It has been PTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence). A review of the record reveals that Claim 13 is a method claim. 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 petition fee of $400.00 will be refunded, in due course.

The application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of December 30, 2004. **A filing receipt should be issued reflecting the application filing date of December 30, 2004.**

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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OFFICE OF PETITIONS

HAMILTON, BROOK, SMITH & REYNOLDS
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD MA 01742-9133

In re Application of :
Chad C. Huval et al :
Application No. 60/640,643 : ON PETITION
Filed: December 30, 2004 :
Attorney Docket No. 1932.2167-000 :

This is a decision on the petition under 37 CFR 1.182, filed December 1, 2005, to correct the spelling of inventor Stephen Randall Holmes-Farley's name.

The petition is **Granted**.

This matter is being referred to the Office of Initial Patent Examination for processing with the correct name of inventor **Stephen Randall Holmes-Farley**, and for the mailing of a corrected Filing Receipt.

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

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

KAYE SCHOLER, LLP
425 PARK AVENUE
NEW YORK, NY 10022-3598

COPY MAILED
JAN 19 2006
OFFICE OF PETITIONS

In re Application of	:	
Ifan Chang, et. al.	:	
Application No. 60/640,886	:	ON PETITION
Filed: December 30, 2004	:	
Attorney Docket No. 51568-0001	:	

This is a decision on the petition under 37 CFR 1.137(b), filed November 30, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Provisional Application mailed January 28, 2005.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Application Data Sheet along with the surcharge of $25; (2) the petition fee of $750; and (3) an adequate statement of unintentional delay.

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

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

Andrea Smith
Petitions Examiner
Office of Petitions